

UNIVERSITY OF CALGARY

“an Indian is almost as free as any other person”:

Exclusionary Liberalism, Surveillance and Indigenous Resistance
in Southern Alberta and the British Columbia Interior, 1877 to 1927

by

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Canada

ABSTRACT

Canada is regularly presented as a country where liberalism has ensured freedom and equality for all. Yet as Canada expanded westward and colonized First Nations territories, liberalism did not operate to advance freedom or equality for Indigenous people or to protect their property, but rather had a markedly debilitating effect on virtually every aspect of their lives.

This study explores the operation of exclusionary liberalism between 1877 and 1927 in southern Alberta and the southern interior of British Columbia. The exploration of the extension of liberal colonial rule in these two regions provides the opportunity to illustrate the flexibility, adaptability, plurality and multifaceted nature of Canada's liberal colonial project which incorporated an array of strategies and justifications to meet local conditions and opposition.

To facilitate, fashion, and justify liberal colonial expansion Canada relied extensively on surveillance which operated to exclude and reform Indigenous people. In this period surveillance was far more intensive and dramatic in southern Alberta than in the British Columbia interior but in both areas, in addition to inculcating Anglo-Canadian liberal capitalist values, structures, and interests as normal, natural, and beyond reproach it worked to exclude or restructure the economic, political, social, and spiritual tenets of Indigenous cultures. Further, surveillance identified which previously reserved lands, established on fragments of First Nations territory, could be further reduced by a variety of dubious means. While in both regions there was the appearance of consultation, this was limited and designed to be of little consequence. To protect the chimera of what liberalism had to offer First Nations, the general nature of Canada's colonial project, as

well as its local specifics and the textual record of its operation, were hidden from Indigenous people wherever and whenever possible. While none of this proceeded unchallenged, surveillance served as well to mitigate against, even if it could never completely neutralize, opposition. Considering Canada's efforts at controlling both information and Indigenous political, economic, and social structures, the degree and variety of the challenge to the imposition of Anglo-Canadian liberal rule is remarkable.

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CHAPTER ONE

“a net-work of machinery”

Samuel H. Blake, Toronto lawyer, chairman of the Advisory Board on Indian Education for the Anglican Church, must have been suitably impressed by his reading of the Department of Indian Affairs' (DIA) *Annual Report* for 1906.¹ In February 1907 Blake wrote to Frank Oliver, Superintendent General of Indian Affairs, and declared that Oliver indeed must have “such a net-work of machinery” at his disposal to “be able to ascertain with accuracy and despatch what it would be impossible for the ordinary individual to discover.” Certainly the department displayed for public review a vast array of data, collected by its army of employees stationed throughout Canada, in its over six hundred page report. The information presented in narrative and tabular format touched on every aspect of the administration of Indian Affairs and, it seemed, on all aspects of the lives of Indigenous people. There was more than awe though in Blake’s letter. He also offered a warning: “We cannot afford to run the risk of a rebellion or of great dissatisfaction with our dealing among our Indians. We must seek to draw them by persuasion and to educate them up to the privileges which are freely open to them.”²

These few comments seem innocuous enough, but they point to the heart of the complex and often cloaked nature of Native and newcomer relations in western Canada at

¹ S.H. Blake to Frank Oliver, Jan 27, 1907, Library and Archives Canada (LAC), Record Group 10 (RG 10), vol. 4023, file 289,032-1 and Canada. Department of Indian Affairs. *Annual Report*, 1906. The department’s *Annual Reports* were published individually and also appeared in Canada’s *Sessional Papers* in the following year. The generic moniker “DIA” is used throughout this dissertation for the sake of continuity, even though the organization has had a variety of names since its formal establishment as the Indian Department by the British imperial government in 1755. A brief history of the department follows in chapter two.

² Blake to Oliver, February 6, 1907, LAC, RG 10 vol. 4023, file 289,032-1. Oliver was also Minister of the Interior.

the end of the nineteenth and beginning of the twentieth centuries. Taken together, the network of intelligence gathering, the fear of “rebellion”, or at least the inconvenience of dissatisfaction, the rehabilitation project which was believed better accomplished by “persuasion” than by force, and the presentation of opportunities as “freely open” indicate a project that has much in common with liberal colonial intrusions in other parts of the former British Empire.

The study that follows flows from a desire to understand how these notions operated together as parts of a web, informed by liberalism and driven largely by market economics, to create structures that continue to oversee the life-threatening material conditions faced by many Indigenous peoples in Canada. It will examine the specific application of liberalism in the period between 1877 and 1927 in the parts of western Canada that became known as southern Alberta and the British Columbia interior. As elsewhere, liberalism as it was applied in western Canada was an exclusionary rather than inclusionary force that allowed for extraordinary measures to be employed to remove Indigenous peoples from the territories of their ancestors.

Since the aim here is to explore the material impact of liberalism and a market economy, and since this study begins with an understanding that juridical equality is an insufficient remedy for any resultant inequities, it would seem that Marxism should provide an obvious interrogatory framework with which to begin this study.³ While this work owes a debt to the many scholars who write with a Marxian understanding of social relations and political economy, it also recognizes the tensions identified by some Indigenous thinkers, between their ideas of a sovereign future and a liberatory theory that

³ On this point see Dipesh Chakrabarty, “Postcoloniality and the Artifice of History: Who Speaks for “Indian” Pasts?”, *Representations* 37 (Winter 1992): 4.

is arguably evolutionary, industrial based, spiritually bereft, Euro-centric, and contextually bound. As American Indigenous activist Russell Means explained:

Revolutionary Marxism, as with industrial society in other forms, seeks to “rationalize” all people in relation to industry, maximum industry, maximum production. It is a materialist doctrine which despises the American Indian spiritual tradition, our cultures, our lifeways. Marx himself called us “precapitalists” and “primitive”.... The only manner in which American Indian people could participate in a Marxist revolution would be to *join* the industrial system, to become factory workersI think there’s a problem with language here. Christians, capitalists, Marxists, all of them have been revolutionary in their own minds. But none of them really mean revolution. What they really mean is *continuation*.⁴

Clearly Indigenous thinkers are unwilling to resign spirituality to a Marxian delineated superstructure. As Taiaiake Alfred put it recently “true revolution is spiritual at its core” whereas “violent, legalist, and economic revolutions” have been successful in “rearranging only the outward face of power.”⁵

There are, of course, Native scholars who place at least some value on a Marxian class analysis and various reflections of Marxian thought are evident in what follows below.⁶ The point here, though, is not to engage in the debate concerning the extent to which Marxism offers, or at least implies, a universal program for liberation but to suggest that Marxism’s complicity with modernist thought and its acceptance of the inevitability and value of industrial progress serves to depreciate Indigenous lifeways and

⁴ Russell Means, “The Same Old Song” in *Marxism and the Native Americans*, ed. Ward Churchill (Boston: South End Press, 1983): 26. This collection remains a useful tool for understanding Marxism, its application in a contemporary North American setting, and its engagement by Indigenous thinkers.

⁵ Taiaiake Alfred, *Wasáse: Indigenous Pathways of Action and Freedom* (Peterborough, ON: Broadview Press, 2005): 22.

⁶ See for example Howard Adams, *Tortured People: The Politics of Colonization* (Penticton: Theytus Books, 1999): 5-7. Vine Deloria, while critical of Marxism’s Euro-centricity, confirms that at least it “helps to explain the crude functioning of the capitalist system and its oppressive machinery which exploits the mass of people on the planet. Vine Deloria Jr. “Circling the Same Old Rock” in *Marxism and the Native Americans*, ed. Churchill: 135.

visions for the future.⁷ Since there is a threat that modernist notions might render any Indigenous struggle to preserve time-honoured and time-proven cultural elements primitive or senseless, there is little wonder why Marxism does not seem to offer sufficient liberatory potential for many Indigenous activists.⁸ Marxism is useful in any examination of the expansion of liberalism and capitalism in western Canada but is less helpful in interrogating modernity and progress themselves or in examining the conditions which have naturalized these as self-evident objectives leading to personal and community fulfillment.

To this end, the study that follows draws on elements of the work of Michel Foucault and those scholars who have more directly applied some of Foucault's ideas to colonial encounters.⁹ My use of Foucault is suggested by Hubert Dreyfus and Paul Rabinow who, echoing Gilles Deleuze, remark that "Foucault should be seen not as a historian, but as a new kind of map-maker – maps made for use, not to mirror the

⁷ As Taiaiake Alfred put it "we are each facing modernity's attempt to conquer our souls". Alfred, *Wasáse*: 38.

⁸ See for example David Bedford and Danielle Irving, *The Tragedy of Progress: Marxism, Modernity and the Aboriginal Question* (Halifax: Fernwood Publishing, 2001): 57-63 and 98. Similar concerns have been raised in other quarters. In regard to India for example, Partha Chatterjee challenged the blunt attempts by some Marxists to explain all peasant resistance in terms of essential class interests. Partha Chatterjee, "Agrarian Relations and Communalism in Bengal, 1926-1935," in *Subaltern Studies I*, Ranajit Guha ed. (New Delhi: Oxford University Press, 1982): 12, 34-35. Dipesh Chakrabarty argues that in nationalist and Marxist models, there is a tendency to "read Indian history in terms of a lack, an absence, or an incompleteness that translates into "inadequacy"..." Chakrabarty, "Postcoloniality and the Artifice of History: 5. Chakrabarty refers to the lack of completed socialism, the incomplete transition to capitalism, and the peasants' dream of a just kingdom. While the political left in Canada and Indigenous activists may have some interest in working together, for the most part they are clearly not speaking to each other in any sustained way. For an exception to this see Peter Kulchyski, "Socialism and Native Americans", *New Socialist* 44 (Nov./Dec. 2003) <www.newsocialist.org/index.php?id=814> (20 October 2006).

⁹ This too could be seen as a tricky endeavor. Apparent shifts in Foucault's thinking across the range of his work has caused some frustration and much misunderstanding on the part of commentators. Clifford Geertz illustrates the consternation by likening Foucault's work to an Escher drawing. Clifford Geertz, "Stir Crazy," *New York Review of Books* (26 January 1978): 3. Geertz observes that the difficulty of Foucault's work stems not from a "desire to form an intellectual cult only the instructed can join, but from a powerful and genuine originality of thought."

terrain.”¹⁰ Refusing to be cornered in any “isms”, Foucault says that he prefers to use the writers he likes rather than obediently accepting their instruction.¹¹ It is in character, then, that he should say in reference to *The History of Sexuality* that “it is not up to me to say how the book should be used.”¹² In the introduction to *Archaeology of Knowledge* he is more adamant: “Do not ask who I am and do not ask me to remain the same: leave it to our bureaucrats and our police to see that our papers are in order.”¹³

Foucault offers a number of interrelated “maps” useful to the work below. At root, is his discussion of power rooted in ways of “seeing and knowing” and his examination of how discourses, “practices that systematically form the objects of which they speak”, limit alternative ways of seeing and knowing and so restrict alternative truths from emerging.¹⁴ For Foucault, “in every society the production of discourse is at once controlled, selected, organized and redistributed according to a certain number of procedures.”¹⁵ This, quite simply, is the construction of truth and this “will to truth, that prodigious machinery designed to exclude” exerts a pressure which constrains other discourses, other truths, from surfacing.¹⁶ So the spread of Western empirical science for example, and what John Ralston Saul has referred to as “the dictatorship of reason” that

¹⁰ Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1982): 127-8.

¹¹ Michel Foucault, *Power/Knowledge: Selected Interviews & Other Writings, 1972-1977*, ed. Colin Gordon (New York: Pantheon Books, 1980): 53.

¹² Foucault, *Power/Knowledge*: 192.

¹³ Michel Foucault, *The Archaeology of Knowledge* (New York: Pantheon Books, 1972): 17.

¹⁴ Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception*, trans. A.M. Sheridan Smith (New York: Vintage Books, 1975): 107-123; Foucault, *The Archaeology of Knowledge*: 48-49. Slightly earlier in *The Archaeology of Knowledge* Foucault identifies a discursive formation thusly:

“Whenever one can describe, between a number of statements, such a system of dispersion, whenever, between objects, types of statements, concepts, or thematic choices, one can define a regularity (an order, correlations, positions and functionings, transformations), we will say, for the sake of convenience, that we are dealing with a *discursive formation*....” *Archaeology of Knowledge*: 38.

¹⁵ Foucault, *The Archaeology of Knowledge*: 216.

¹⁶ Foucault, “The Order of Discourse”, in *Untying the Text: A Post-Structuralist Reader*, ed. Robert Young (New York: Routledge and Keegan Paul Ltd, 1987): 56 and Foucault, *Archaeology of Knowledge*, 219.

has taken increasing hold over the last 500 years, has rendered other forms of knowledge trivial and irrelevant.¹⁷ These are not simply matters of academic interest though. The understanding here is that discourses are not simply ideological formations disconnected from material conditions or merely representations of class relations but rather are themselves acts of power directly effecting people's lives.¹⁸

As liberal Canada expanded westward in the late nineteenth and early twentieth centuries it carried with it a discourse of reason and Western scientific truths, itself inexorably linked to modernity and its notions of progress.¹⁹ This discursive formation drew on a "schema of possible, observable, measurable and classifiable objects" which stipulated and limited the ways in which knowledge could be produced, verified, and determined useful.²⁰ All of this, including ways of knowing Indigenous peoples and their territories, was facilitated and fashioned by means of surveillance. This process of

¹⁷ John Ralston Saul, *Voltaire's Bastards: The Dictatorship of Reason in the West* (New York: Vintage Books, 1993): 15. For a fuller Indigenous presentation of this idea see Richard Atleo, *Tswalk: A Nuu-chah-nulth World View* (Vancouver: UBC Press, 2004), xi-xx. Foucault presented the limiting power of empiricism in his first book length work, published in English as *Madness and Civilization: A History of Insanity in the Age of Reason*, trans. Richard Howard (London: Tavistock Publications, 1985). This work, first published in French as *Histoire de la Folie* in 1961 was presented as Foucault's doctoral thesis in 1960. Foucault distinguishes between "*connaissance*" and "*savoir*", both of which translate to "knowledge" in English. "*Connaissance*" he uses to refer to a particular body of knowledge "the relation of the subject to the object and the particular rules that govern it." "*Savoir*" is an underlying infrastructure which he refers to as "the conditions that are necessary in a particular period for this or that type of object to be given to *connaissance* and for this or that enunciation to be formulated." Foucault, *Archeology of Knowledge*: 15 fn2. It is knowledge in the sense expressed by "*savoir*" that is used in the remainder of this dissertation.

¹⁸ On this point see Mark Poster, *Foucault, Marxism and History: Mode of Production Versus Mode of Information* (Cambridge: Polity Press, 1984): 130.

¹⁹ As is discussed below, Canadian officials regularly presented their activities as progressive, enlightened, and beneficial to all. This was, and often continued to be, viewed as liberalism in action. Yet, as will also be explored throughout this dissertation, the application of liberalism in western Canada served to exclude Indigenous people from many of its purported benefits.

²⁰ Foucault, *Archeology of Knowledge*: 218. Foucault states that by the sixteenth and seventeenth centuries there emerged "a will to knowledge which imposed upon the knowing subject—in some ways taking precedence over all experience—a certain position, a certain viewpoint, and a certain function (look rather than read, verify rather than comment), a will to knowledge which prescribed (and, more generally speaking, all instruments determined) the technological level at which knowledge could be verifiable and useful...."

surveillance leading to the construction of a particular knowledge network was not the natural selection of a superior form over an inferior one, but rather a historically contextual one that can be investigated and interrogated.²¹ An exploration of surveillance, then, its operation and its production of “Indians” that had little meaning to living Indigenous peoples but that made liberal expansion possible, looms large in this dissertation.²²

In his investigation of surveillance, Foucault drew on a particular formation promoted by liberal theorist Jeremy Bentham. In 1787, Bentham announced “a new mode of obtaining power of mind over mind, in a quantity hitherto without example: and that to a degree equally without example, secured by whoever chooses to have it so, against abuse.” This method would see “Morals reformed—health preserved—industry invigorated—instruction diffused—public burthens lightened—Economy seated, as it were, upon a rock—the gordian knot of the Poor-Laws not cut, but untied—all by a simple idea of Architecture!”²³

He called the idea “the panopticon” and stated that it was applicable to any sort of establishment, in which “a number of persons are meant to be kept under inspection. No matter how different, or even opposite the purpose: whether it be that of *punishing the*

²¹ Drawing on this line of thought in a related field of study, Joan Scott suggests that feminist research should investigate the construction of meaning and ask how is it that “some meanings emerged as normative and others have been eclipsed or disappeared? What do these processes reveal about how power is constituted and operates?”. Joan Scott, “Deconstructing Equality-versus-Difference: Or, the Uses of Post-Structuralist Theory For Feminism, in *Conflicts in Feminism*, ed. M. Hirsch and E. Fox Keller (London: Routledge, 1990): 135.

²² On this point related to Indigenous people, see Gerald Vizenor, *Fugitive Poses: Native American Indian Scenes of Absence and Presence* (Lincoln: University of Nebraska Press, 1998): 50-51.

²³ Jeremy Bentham, “Panopticon; or, the Inspection-House &C,” *The Works of Jeremy Bentham*, vol. iv, ed. John Bowring, 1838-1843 (New York: Russell & Russell, 1962): 39. This idea came to him via his brother Samuel Bentham and officer in the Russian Service apparently as a means of improving industrial productivity in Russia.

incorrigible, guarding the insane, reforming the vicious, confining the suspected, employing the idle, maintaining the helpless, curing the sick, instructing the willing in any branch of industry, or *training the rising race* in the path of education...”. In a prison situation, the building would be circular with a guard tower or “inspector’s lodge” occupying the central space. From here the inspector could see into every part of each inmate’s cell located around the building’s circumference.²⁴

Foucault explained the development of the panopticon as a coalescence of confinement and disciplinary projects like those that had previously been applied to leper colonies and plague-stricken towns respectively. In leper colonies people were stigmatized, and isolated in a “binary division between one set of people and another.”²⁵

In contrast, he presents the plague-stricken town as the:

enclosed, segmented space, observed at every point, in which the individuals are inserted in a fixed place, in which the slightest movements are supervised, in which all events are recorded, in which an uninterrupted work of writing links the centre and periphery, in which power is exercised without division, according to a continuous hierarchical figure, in which each individual is constantly located examined and distributed among the living beings, the sick and the dead – all this constitutes a compact model of the disciplinary mechanism.²⁶

For Foucault, the nineteenth century was witness to the gradual combination of the exclusion and stigmatism of the leper colony and the control of confusion and disorder associated with the plague. The panopticon is the architectural embodiment of this coming together.²⁷

²⁴ Bentham, “Panopticon”: 39-41. Emphasis in original. It should be recognized that Bentham had in mind not only a visual surveillance but an aural one. In the panopticon “a small *tin tube* might reach from each cell to the inspector’s lodge” so that “the slightest whisper of the one might be heard by the other”.

²⁵ Michel Foucault, *Discipline & Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1975): 198.

²⁶ Foucault, *Discipline & Punish*: 197.

²⁷ Foucault, *Discipline & Punish*: 199-200.

The panopticon is a disciplinary mechanism and, importantly, it was a self-disciplinary one. An individual might not be observed continuously, in fact she or he must not be aware when or if they are being viewed at any particular time “but he must be sure that he may always be so”.²⁸ This internalization of the possibility of surveillance allows for power to function automatically. “He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection.”²⁹ In broader application, panoptic disciplinary surveillance signals a shift from the absolute control of a monarch to “a synaptic regime of power” that is exercised “*within* the social body, rather than *from above* it”. As Bentham put it, “Each comrade becomes an overseer.”³⁰ For Foucault, the panopticon provides a “cruel, ingenious cage” that has spawned many adaptations even in the present.³¹

The “diabolical aspect of the idea and all the applications of it” is that no one individual is in total control. While there is a hierarchy, and not everyone occupies the same place, everyone is caught up and observed in the machine according to their position in it.³² For Bentham, the panopticon represented the opposite of monarchical power. For him its gaze was generalizable, self-regulating, and ensured democracy. As

²⁸ Foucault, *Discipline & Punish*: 201.

²⁹ Foucault, *Discipline & Punish*: 202-203. Elsewhere Foucault expands on the penetration of power: “in thinking of the mechanisms of power, I am thinking rather of its capillary form of existence, the point where power reaches into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives”. Foucault, *Power/Knowledge*: 38-39. This internalization and its significance to the specific topic at issue here is discussed more fully below.

³⁰ Foucault, *Power/Knowledge*: 39; Bentham, cited in Dreyfus and Rabinow, *Michel Foucault: Beyond Structuralism*: 192.

³¹ Foucault, *Discipline and Punish*: 205.

³² Foucault, *Power/Knowledge*: 156-158 and Foucault, *Discipline and Punish*: 217.

Bentham commented, “[s]elf devoted to the task of unremitting inspection, it would have been a reward to me, not a punishment, to be as unremittingly inspected.”³³ For Foucault, too, panoptic surveillance was designed to generate a body of knowledge rather than create the disciplinary display that might be employed by a monarch, but its primary function is to normalize individuals through increasingly rationalized means, not to democratize power relations.³⁴ As Dreyfus and Rabinow suggest, its purpose for Foucault is to reform individuals as “meaningful subjects and docile objects.”³⁵ It was fundamentally a disciplinary method designed to control bodies in space in an economically efficient manner that demonstrates a break with extravagant monarchical application of power.³⁶

Within this construction, the possibility of resistance seems bleak. Clifford Geertz claims Foucault’s analysis is “a kind of Whig history in reverse – a history, in spite of itself, of The Rise of Unfreedom.”³⁷ Edward Said argues that Foucault conceives power as “irresistible and unopposable.”³⁸ Christopher Dandeker said “Foucault’s politics is one of pessimism and inaction.”³⁹ It is, indeed, easy to view the panoptic net cast over society as debilitating to any attempt at opposition especially since everyone is subject to its

³³ Bentham, “Panopticon”: 177. Some liberal writers have come to Bentham’s defense in opposition to Foucault. Janet Semple, for example, argues that “Foucault’s claustrophobic distrust of the world” has caused him to devalue the humanitarian intent of Bentham’s creation. In her view, the “philanthropic prison... was designed to create an environment for co-operation, foreshadowing a utopia where the interests of the rulers and the ruled could be reconciled.” The panopticon was fashioned by “a realistic, kindly man looking for ways to ameliorate the lot of the poor and the outcast in his own time.” Janet Semple, *Bentham’s Prison: A Study of the Panopticon Penitentiary* (Oxford: Clarendon Press, 1993): 321-322 and 314-315.

³⁴ Foucault, *Power/Knowledge*: 71 and Foucault, *Discipline & Punish*: 220.

³⁵ Dreyfus and Rabinow, *Michel Foucault*: xxiii.

³⁶ Foucault, *Discipline and Punish*: 102.

³⁷ Geertz, “Stir Crazy”: 6.

³⁸ Edward Said, “Foucault and the Imagination of Power” in *Foucault: A Critical Reader*, ed. David Couzens Hoy (Oxford: Basil Blackwell, 1986): 151.

³⁹ Christopher Dandeker, *Surveillance, Power and Modernity: Bureaucracy and Discipline From 1700 to the Present Day* (Cambridge: Polity Press, 1990): 29.

normalizing power so that there seems no way of knowing if any act of resistance is simply a function of that power and not an independent liberatory act.

Yet especially in Foucault's later interviews and in *The History of Sexuality* there is a definite trend toward an acceptance of the possibility of resistance. In an interview with Paul Rabinow, Foucault commented "no matter how terrifying a given system may be, there always remain the possibilities of resistance, disobedience, and oppositional groupings."⁴⁰ In *The History of Sexuality* Foucault states that "neither the caste which governs, nor the groups which control the state apparatus, nor those who make the most important economic decision direct the entire network of power that functions in a society." Leaving little room for misunderstanding, he remarks "[p]ower is everywhere" and that "[w]here there is power there is resistance."⁴¹ Further, Foucault argues that there is no simple binary division between those who resist and those who seem to accept their subjugation. For him "[t]he existence of those who seem not to rebel is a warren of minute, individual autonomous tactics and strategies which counter and inflect the visible facts of overall domination, and whose purposes and calculations, desires and choices resist any simple division into the political and the apolitical." We need to take into account, he argues "resistances whose strategy is one of evasion or defence...."⁴²

Some authors emphasize this activist Foucault who envisions people continuously engaged in struggles that alter relations of power. David Hoy affirms that Foucault's critique is intended to "subvert and disrupt the growth of this [panoptic] malignancy."⁴³

⁴⁰ Paul Rabinow, "Space, Knowledge, and Power", *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon Books, 1984): 245.

⁴¹ Michel Foucault, *The History of Sexuality*, vol. 1 (New York: Vintage Books, 1990): 93-5.

⁴² Foucault, *Power/Knowledge*: 257.

⁴³ Hoy, "Introduction," *Foucault*: 13.

Geertz says Foucault is “politically committed to a continuous guerrilla war against the various islands of the carceral archipelago.”⁴⁴ But Foucault presents no utopian program for global transformation. Rather it is localized struggle that he views as effective both historically and for the present. As Michael Walzer confirms, “Foucault’s political theory is a ‘tool kit’ not for revolution but for local resistance.”⁴⁵ Freedom lies in rebelling against the ways in which we are classified and categorized, not against any particular structures, but against the operation of panoptic discipline.

It seems to me that the real political task in a society such as ours is to criticize the working of institutions, which appear to be both neutral and independent; to criticize them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight them.”⁴⁶

Foucault, at some points at least, recognizes the possibility of alliance politics among “women, prisoners, conscripted soldiers, hospital patients, and homosexuals” who are “actually involved in the revolutionary movement to the degree that they are radical, uncompromising and nonreformist, and refuse any attempt at arriving at a new disposition of the same power with, at best, a change of masters.” But he fails to recognize the heterogeneity of these categories that he would be forced to acknowledge if he would have considered more carefully disjunctures created by race, gender, and class.⁴⁷

⁴⁴ Geertz, “Stir Crazy”: 6.

⁴⁵ Michael Walzer, “The Politics of Michel Foucault”, in *Foucault: A Critical Reader*, ed. David Couzens Hoy (Oxford: Basil Blackwell, 1986): 55.

⁴⁶ Noam Chomsky and Michel Foucault, “Human Nature: Justice Versus Power, in *Reflexive Water: The Basic Concerns of Mankind*, ed. Fons Elders (London: Souvenir Press, 1974): 171.

⁴⁷ Michel Foucault and Giles Deleuze, “Intellectuals and Power”, in *Language Counter-Memory, Practice: Selected Essays and Interviews*, ed. Donald F. Bouchard (Ithaca, New York: Cornell University Press, 1977): 216. Foucault has been often criticized for various aspects of this neglect or oversight but see Gayatri Chakravorty Spivak, “Can the Subaltern Speak?” in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Larry Grossberg (Urbana: University of Illinois Press, 1988): 288-89 for her comments on this precise point. Spivak is critical of the position taken by Foucault and Giles Deleuze in their conversation cited above because they “ignore both the epistemic violence of imperialism and the

Nonetheless, the formulations Foucault presents encourage us to look beyond isolated instances of violent upheaval and to consider the mundane but arguably more important examples of what have been referred to as “everyday” forms of resistance.⁴⁸ In the case of Indigenous people they also allow us to view survival itself as a victory even if this in itself is insufficient for a just future.⁴⁹ At the same time however, while more will be said below concerning the efficacy of defiance, there is no intention here to overstate the potential of resistance on a global scale. This dissertation proceeds with the understanding that power and resistance are formed dialectically and that this permits the possibility of challenge, at least in a localized sense, but also that power is reformulated in opposition to these new challenges. The diffusion of power throughout the social fabric, and embedded in each of us, rather than its isolation in the state or in some institution, makes it more, not less, difficult to assail.

international division of labor [which] would matter less if they did not, in closing, touch on third-world issues.”

⁴⁸ See for example James Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985): 29. Scott says these forms of resistance include: “footdragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, sabotage and so forth”. Scott is similarly criticized for over emphasizing agency. For a critique see Douglas Haynes and Gyan Prakash, “Entanglement of Power and Resistance”, in *Contesting Power: Resistance and Everyday Social Relations in South Asia*, ed. Haynes and Prakash (Berkeley: University of California Press, 1991): 10-11.

⁴⁹ Bruce Stadfeld, “Manifestations of Power: Native Resistance to the Resettlement of British Columbia”, in *Beyond the City Limits: Rural History in British Columbia*, ed. Ruth Sandwell (Vancouver: UBC Press, 1999): 46. Former Neskonlith (Secwepemc) Chief George Manuel commented that despite the myriad of factors mitigating against it “the simple fact that we have *survived* the past 150 years is a great victory.” George Manuel “Manifesto for Survival,” *Maclean's* 53 (May 1973): 28. A similar point is made by Anishinaabe writer and literary critic Gerald Vizenor: “survivance is an active repudiation of dominance, tragedy, and victimry.” Vizenor, *Fugitive Poses*: 15. Vizenor makes a distinction, though, between the “Indian” which he sees as a simulation that transposed and submerged real Indigenous peoples and the survival of Indigenous *sovereignty* and Indigenous stories, an actual Indigenous presence that transcends victimization and romanticism. Nakoda (Stoney) Chief John Snow states that even after a century in which his people were “bullied and defrauded, our customs were ridiculed... [w]e have survived, but survival itself is not enough. A people must also grow and flourish.” Chief John Snow, *These Mountains are our Sacred Places: The Story of the Stoney Indians* (Toronto & Sarasota: Samuel Stevens, 1977): 152. For Taiiiake Alfred, “[s]urvival is bending and swaying but not breaking, adapting and accommodating without compromising what is core to one’s being”. Alfred, *Wasáse*: 29.

Undoubtedly, there is a degree of tension built into a project that wants to use an activist interpretation of Foucault and to recognize the possibility of localized opposition but at the same time understands the constraints on the possibility of resistance presented by the operation of power discussed above. Further, I think it important to maintain an additional tension that Florencia Mallon has referred to as “between technique and political commitment, between a more narrowly postmodern literary interest in documents as “constructed texts” and the historian’s disciplinary interest in reading documents as “windows,” however foggy and imperfect, on people’s lives.”⁵⁰ While I will investigate the conditions surrounding the construction of a massive colonial record related to Indigenous people in western Canada, I am also interested in the material impact of that record and of the ways of knowing Indigenous peoples that it represented and helped to maintain. Finally, I will explore the ways in which Indigenous people acted to subvert these understandings.

A final point raised by Foucault that is directly relevant here is his exploration of the necessity of panoptic discipline to capitalism and, by extension, the importance of liberalism to capitalist expansion. The development of the former, he argues,

would not have been possible without the controlled insertion of bodies into the machinery of production and adjustment of the phenomena of population to economic process. But this was not all it required; it also needed the growth of both these factors, their reinforcement as well as their availability and docility; it had to have methods of power capable of

⁵⁰ Florencia E. Mallon, “The Promise and Dilemma of Subaltern Studies: Perspectives from Latin American History,” *American Historical Review*, 99, 5: 1506. Mallon believes this to be the central, irresolvable, and desirable tension presented by the Subaltern Studies project. For a further exploration of the productive potential of this tension see Gyan Prakash, “Can the “Subaltern” Ride? A Reply to O’Hanlon and Washbrook.” *Comparative Studies in Society and History*, 34, 1 (January 1992). For opposition see Rosalind O’Hanlon and David Washbrook in “After Orientalism: Culture, Criticism, and Politics in the Third World,” *Comparative Studies in Society and History* 34, 1 (January 1992): 141-167. For an argument presenting the impossibility of such a project see Patrick Wolfe, “History and Imperialism: A Century of Theory, from Marx to Postcolonialism”, *AHR*, 102, 2 (April 1997): esp. 407.

optimizing forces, aptitudes, and life in general without at the same time making them more difficult to govern.

Further, the maintenance of capitalist relations of production required

techniques of power present at every level of the social body and utilized by very diverse institutions (the family and the army, schools and the police, individual medicine and the administration of collective bodies), operated in the sphere of economic processes, their development and the forces working to sustain them. They also acted as factors of segregation and social hierarchization, exerting their influence on the respective forces of both these movements, guaranteeing relations of domination and effects of hegemony.⁵¹

In western Canada, the application of liberalism, even if selectively, helped to ensure relative ease of governance as capitalist relations of production were instituted. At the same time, a constructed knowledge of Indigenous peoples, created and maintained by surveillance, allowed their exclusion from any benefits liberalism might offer as their lands and resources were alienated from their control. All the while this segregation could be justified in the eyes of the colonists.

Imperialism and Colonial Expansion in Western Canada

⁵¹ Foucault, *History of Sexuality*: 141. Certainly Foucault's politics have been challenged from both left and right. Jean-Paul Sartre apparently referred to him as "the last bulwark of the Bourgeoisie". Michel Foucault, *Remarks on Marx*, trans. R. James Goldstein and James Cascaito (New York: Semiotext(e), 1991): 85. Similarly, Michael Walzer aligns Foucault with liberal pluralists who perceive a decentered relation of power and so rob radical politics of an object. Michael Walzer, "The Politics of Michael Foucault": 54. Jürgen Habermas contends that Foucault is locked in a rigid conservatism and is unable to see the essentially progressive character of rationality and modernity. See for example Jürgen Habermas, "Taking Aim at the Heart of the Present," in *Foucault: A Critical Reader*, ed. David Couzens Hoy (Oxford: Basil Blackwell, 1986): 103-108. On those writers inspired by Foucault, Bryan Palmer is concerned that "the hedonistic descent into a plurality of discourses" is a barrier to understanding class formation and the accumulation of capital. Bryan D. Palmer, *Descent into Discourse: The Reification of Language and the Writing of Social History*, (Philadelphia: Temple University Press, 1990): 188. For an allied perspective to Palmer's see Christopher Norris, "Postmodernizing History: Right Wing Revisionism and the Uses of History," *Southern Review*, (July 1988): 123-140. For his part, Foucault is critical of Marxism for creating its own regimes of truths and the "hagiographic exultation of Marxist political economy". Foucault, *Remarks on Marx*: 103-105. By this way of thinking Marxism has lost its critical, and especially self-critical, edge. Attacking from the opposite political perspective is Gertrude Himmelfarb who argues that because of its desire to subvert reason and its rejection of liberal-humanist considerations of the individual it participates in a leftist agenda. Gertrude Himmelfarb, "Telling It as You Like It: Post-Modernist History and the Flight from Fact," *Times Literary Supplement*, no. 4672 (16 October 1992): 12-15. See also her "Some Reflections on the New History," *American Historical Review*, 94 (June 1989): 661-670.

Both the nature of imperialism and the term itself have always been difficult to establish definitively or universally.⁵² Many scholars of European and European based imperialism have shifted their focus over the last few decades from studies of territorial expansion by direct and explicit political, military, and economic control to considerations of “informal” means of empire. These scholars investigate the imposition of imperial values on colonized subjects by what might be seen as the less overt means of missionaries, businessmen, and settlers, among others, who were supported only when necessary by military intervention.⁵³

Further, a growing number of scholars have recognized that colonial occupation is concurrently based on “a complexly related variety of cultural technologies”.⁵⁴ The ways in which imperial powers came to know colonized peoples allowed the creation and maintenance of boundaries and oppositions that were formed in the process of

⁵² On this point see for example Norman Etherington, *Theories of Imperialism: War, Conquest and Capital*. (London and Caberra: Croom Helm, 1984): 2-4. For a further overview of the theories of imperialism see: Wolfe, “History and Imperialism”: 388-420. The lack of fixity of the term “imperialism” is not only due to the changing perspectives or political orientations of scholars, but also speaks to the expressive fluidity and plurality of the project itself.

⁵³ The shift is generally attributed to Ronald Robinson and John Gallagher whose ground-breaking observation in the 1950s, that while informal means were the preferred methods of British imperialism, the full force of direct intervention was applied when necessary to protect British interests, is appropriate in the Canadian context as well. While Robinson and Gallagher gave the notion of “informal empire” widespread introduction, they attribute the origin of the term to C.R. Ray in the 1940s. John Gallagher and Ronald Robinson, “The Imperialism of Free Trade”, *Economic History Review*, 2nd ser. vol. vi, 1 (1953): 13, 1. Elsewhere they more fully develop their arguments regarding the connections between material and ideological impetuses for British imperialism: “They [the Victorian British] were sure that their ability to improve the human condition everywhere was as tremendous as their capacity to produce wealth”, Gallagher and Robinson, *Africa and the Victorians: The Official Mind of Imperialism*, 1961 (London: The Macmillan Press, 1981): 1. For a more recent exploration of the issues that Robinson and Gallagher raised see: John Darwin, “Imperialism and the Victorians: The Dynamics of Territorial Expansion,” *English Historical Review* 112, 447 (Jun. 1997): 614. For an example of scholars who continued to prefer a more narrowly defined political and territorial domination definition of imperialism see Winfried Baumgart, *Imperialism: The Idea and Reality of British and French Colonial Expansion, 1880 - 1914*, (Oxford: Oxford University Press, 1989): 7.

⁵⁴ Nicholas B. Dirks, “Introduction: Colonialism and Culture”, in *Colonialism and Culture*, ed. Nicholas B. Dirks (Ann Arbor: University of Michigan Press, 1992): 3. See also Frederick Cooper and Ann Laura Stoler, “Between Metropole and Colony: Rethinking a Research Agenda”, in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. Frederick Cooper and Ann Laura Stoler (Berkeley: University of California Press, 1997): 1-56.

colonization and at the same time justified colonial encroachment. Through the knowledge and classification of colonized groups, and the representation of this knowledge textually, imperial powers were able to clarify their own position in the world and to naturalize boundaries between themselves and the objects of their knowledge.

Culture, both that of the colonizer and of the colonized, is never a static collection of identifiable traits, but is “inventive and mobile”.⁵⁵ It is a historically variable medley of naturalized values, convictions, and practices that were constantly adjusted to meet changed circumstances.⁵⁶ Since European and European based imperialisms were developed at particular economic, political and social moments in the flow of cultures, it follows that they too would, by necessity, be multifaceted, creative, and adaptable. That Europeans, and as will be shown below, Canadians, modified the stories they told themselves to meet changing historical circumstances mitigates against presenting a monolithic imperial perspective. Colonialism was a dialectic encounter in which all involved were altered by the experience. Further, since the colonial project was extended by men and women, individuals from the economic, social and political elites as well as the working class, and by those advancing economic, religious, social and political objectives, it seems certain that they would view their own involvement and purpose in different ways.⁵⁷ The study below, then, will examine the shifting, adaptable, and

⁵⁵ James Clifford, *The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art* (Cambridge: Harvard University Press, 1988): 14-16.

⁵⁶ Dirks, “Introduction”: 2-4.

⁵⁷ On these points see Frederick Cooper and Ann Laura Stoler, “Between Metropole and Colony”, especially 17 and 24 and John L. and Jean Comaroff, *Of Revelation and Revolution: The Dialectics of Modernity on a South African Frontier*, vol.2 (Chicago and London: University of Chicago Press, 1997): 5. Canadian historian Doug Owsram takes an opposing position to the one presented here. While he recognizes the possibility that women may have perceived the land itself differently, he concludes that gender alters only “differences of nuance and perspective” asserting that “work to date has not indicated that the relationship to the idea of the West was fundamentally different. Nor is it likely to.” Doug Owsram, *Promise*

variously perceived colonial project and also its limitations. Further, it will resist both essentialization—of the West, of Canada, of colonists, of “Indians”—and a presentation of colonialism as the only matter of significance to Indigenous peoples.⁵⁸

While imperialism and colonialism are never the same in any two situations, then, Euro-Canadians imposed themselves on the territory and First Nations of western Canada in many ways parallel to British interventions elsewhere. They brought with them generally British cultural understandings, legal and political structures, social and gender hierarchies and capitalist economy. They were just as prepared as Britons in Africa or India to promote and protect their economic interests and cultural values with force if necessary. While the specific contours of pre and post-Confederation policy in regard to Indigenous peoples will be discussed in detail in the following chapters, a fundamental difference in the Canadian case is the creation of isolated enclaves called Indian reserves which represent a degree of segregation and potential for surveillance unparalleled in the British empire, with the possible exception of South Africa.

These reserves created a physical geographic border in addition to the cultural and racial barriers in evidence elsewhere. As historian Noel Dyck has stated, “Indian reserves served to signify the moral boundaries and preferred values being constructed in Canada”.⁵⁹ Reserves provided closed sites where missionaries and agents of the state could indoctrinate Indigenous populations in economic behavior, political activity,

of Eden: the Canadian Expansionist Movement and the Idea of the West, 2nd ed. (Toronto: University of Toronto Press, 1992): xiii-xiv.

⁵⁸ For an examination of works, like Edward Said’s *Orientalism* for example, which might be accused of essentializing the West and others which represent colonialism as a unified endeavor see Nicholas Thomas, *Colonialism’s Culture: Anthropology, Travel and Government* (Princeton: Princeton University Press, 1994). Edward Said, *Orientalism* (New York: Vintage Books, 1979).

⁵⁹ Noel Dyck, *What is the Indian ‘Problem’: Tutelage and Resistance in Canadian Indian Administration* (St. John’s: Institute of Social and Economic Research, 1991): 30.

religious practices and social conduct acceptable to liberal Canada. In this way, Indian reserves had much in common with the institutions identified by Bentham and Foucault that might effectively employ disciplinary surveillance as a reformatory strategy. It is important to appreciate, though, that reserves, despite their inherently transformative object, also provided safe havens for Indigenous people in which community and family could help mitigate against the staggering isolation that was experienced in nearby non-Native communities. On their reserve, residents were removed, partially at least, from the disapproving eyes and discriminatory actions of Canadian citizens even as they remained under the liberal gaze of the state and the church.

This gaze was extended, beginning in the 1870s, when immigrants of British descent from Eastern Canada, Europe, and the United States, sought, with increasing fervor, to extend their economic, social, and political interests westward.⁶⁰ The response to the establishment of a Métis provisional government at Red River in 1869-70, the acquisition of Rupert's Land in 1870, the entrance of British Columbia into Confederation in 1871 and the promise of a transcontinental railway, the establishment of the North-West Mounted Police in 1873, the national policies of John A. Macdonald, the signing of Treaties 1 through 7 with the First Nations of the prairie west between 1871 and 1877, and the creation of the first of the joint dominion - provincial commissions in 1876 to settle the "Indian land question" in British Columbia are individually and collectively illustrative of particular facets of the shifting and adaptable colonizing project that would soon be felt advancing from a growing number of directions.

⁶⁰ More will be said about the movement of immigrants into western Canada in chapter five.

In both British Columbia and the prairie west “informal” imperialism was backed, when it was thought necessary, by direct military intervention and also by the ever-present and visible threat that force might be applied at any time.⁶¹ As extensions of central Canadian liberal values and interests, these initiatives inevitably and immediately intruded on the political, economic, social, and cultural systems of First Nations. Significantly, the effects of these intrusions, that were consolidated into a coherent program in the 1870s, continue to be felt in Native communities. Jean-Paul Sartre offered a global explanation:

Indeed, colonization is not a matter of mere conquest as was the German annexation of Alsace-Lorraine; it is by its very nature an act of cultural genocide. Colonization cannot take place without systematically liquidating all the characteristics of the native society – and simultaneously refusing to integrate the natives into the mother country and denying them access to its advantages.⁶²

⁶¹ The most widely known and written about applications of military force in western Canada were in response to Métis resistances in 1869-70 and 1885. After 1873, North West Mounted Police (NWMP) and their artillery pieces took over from earlier military escorts to treaty officials to provide, more often, a spectacle to convince Native peoples not only of Anglo-Canadian military superiority but to remind them that force could be applied at any time. For most of the period under discussion here the NWMP were not involved in British Columbia. There their duties fell to the British Columbia Provincial Police who were, for the most part, less able to provide the same kind of demonstration that the NWMP could summon with their scarlet uniforms and cannon. The B.C. Police were nevertheless able to exhibit a sufficient display when necessary. The interactions between Indigenous peoples and the police in British Columbia will be discussed more fully in the chapters that follow. For a popular account of this issue see Lynne Stonier-Newman, *Policing a Pioneer Province: The B.C. Provincial Police 1858-1950* (Madeira Park, BC: Harbour Publishing, 1991): 62-3. Native peoples living in coastal areas experienced shows of force by the Royal Navy for a decade at least before Confederation. If intimidation or the threat of bombardment was unsuccessful, villages could be subjected to shelling by gunships for a variety of reasons ranging from the suspected harbouring of a supposed criminal to interfering with the establishment of sawmills and forest operations. Barry M. Gough, *Gunboat frontier: British Maritime Authority and Northwest Coast Indians 1846-1890* (Vancouver: University of British Columbia Press, 1984). Native people convicted of a capital crime were often not executed in Victoria as other such offenders, but were transported to their home communities and hanged in front of their friends and families as a deterrent to the onlookers. See for example James Douglas to H. Labouchere, September 6, 1856, Great Britain, Colonial Office Correspondence With Hudson's Bay Company with Regard to Vancouver Island 1822 – 1880, British Columbia Archives (hereafter BCA), GR-0332, box 3.

⁶² Jean Paul Sartre, *On Genocide and a summary of the evidence and the judgments of the International War Crimes Tribunal by Arlette El Kalm-Sartre* (Boston: Beacon Press, 1968): 63. Also available at: <<http://www.brusseltribunal.org/GenocideSartre.htm>> (25 November 2007).

The final sentence of this statement is especially interesting when viewed with an eye to the Canadian context. Here, the efforts of colonialism were directed precisely toward integrating Indigenous people while, simultaneously, an array of forces was aligned to deny them the advantages of the “mother country”. While several other scholars have noted the persisting effects of colonialism long after “they withdraw their flags and their police forces from our territories”,⁶³ in the case of Indigenous communities in western Canada, the colonizers and their symbols remain.⁶⁴

There are no longer many scholars who would insist that vast spatial distance between imperial centre and colonial periphery is a pre-requisite of colonialism. But to some the situation in which Indigenous peoples on reserves find themselves is best described as “internal” colonialism.⁶⁵ Canadian sociologist James Frideres, for example, has identified the structurally imposed inequities that are markedly similar in “underdeveloped countries” and Canadian Indian reserves.⁶⁶ The adjective “internal” is

⁶³ Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (New York: Grove Weidenfeld, 1963): 101. See also Edward Said, “Representing the Colonized: Anthropology’s Interlocutors”, *Critical Inquiry* 15, 2 (Winter 1989): 206-7. Further differences and parallels including the perhaps more obvious ones with the United States will be discussed throughout this dissertation.

⁶⁴ While this dissertation owes a considerable debt to writers who embrace post-colonial theory, in this case the use of “post-colonial” seems, as Anne McClintock suggests, “prematurely celebratory”. Native peoples in North America share their continuing colonial condition with the peoples of Northern Ireland, Palestine, Hawaii and elsewhere. Ann McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest* (New York and London: Routledge 1995): 13. See also Taiaiake Alfred, *Wasáse*, 38.

⁶⁵ Here I am referring to physical space as opposed to what might be better described as colonization of the mind and the internalization of particular images presented by colonialism which will be discussed below.

⁶⁶ James Frideres, *Native Peoples in Canada: Contemporary Conflicts*, second ed. (Scarborough, ON: Prentice-Hall Canada, 1993): 3-15. In his most recent edition of this work Frideres continues with the theme of internal colonialism but has dropped reference to similarities with “underdeveloped countries”. Frideres, *Aboriginal Peoples in Canada*, seventh ed. (Toronto: Pearson Prentice-Hall, 2005): 2-3. Fellow sociologists Vic Satzewich and Terry Wotherspoon argue that while the internal colonial model is in many ways attractive, Frideres’ imprecision in regard to timing, and his tendency to essentialize both Indigenous peoples and “White Canadians” among other things causes him to reach unwarranted conclusions, to underestimate the interconnectedness of relations of power, and to present Indigenous peoples as passive victims in a process beyond their comprehension. Vic Satzewich and Terry Wotherspoon, *First Nations: Race, Class, and Gender Relations* (Scarborough ON: Nelson Canada, 1993): 1-14. Also in contrast to Frideres, Robert K. Thomas argues that since the administrative structures of colonialism are clearly

helpful in illustrating the socio-political and economic disparities that exist between Native and non-Native communities, but the term should be used with some caution. Indigenous peoples of today are living on fragments of their original territories, or sometimes fragments of others' territories. In British Columbia, with the exception of the fourteen Douglas Treaties made on Vancouver Island, the Treaty 8 region of the far north east of the province, and the Nisga'a Treaty at the end of the twentieth century, the lands of Indigenous peoples were never ceded.⁶⁷ In the case of the prairie west the methods used in arriving at, and subsequently the meaning and significance of, the western treaties are the subjects of continuing challenge.⁶⁸ These territories are not internal colonies then, in the same sense as working class areas of Detroit or London, but are more accurately seen simply as occupied lands similar to British colonies of the nineteenth century. Viewing these territories as "internal" to the Canadian polity could be interpreted as mitigating against claims of First Nations that their land was never surrendered and that their sovereignty over them has never been legally interrupted.

The appropriation of Indigenous land and resources under questionable circumstances is a common enough theme in the history of Native and newcomer

observable on Indian reservations in the United States, (as they are in Canada) the opposite of the relative invisibility of "internal" colonialism of the inner cities, American reservations are examples of "classic" rather than "internal" colonial situations. Robert K. Thomas, "Colonialism: Classic and Internal", *New University Thought* 4, 4 (1966-67): 38. Michael Hechter, who traces the notion of internal colonialism to Antonio Gramsci and V.I. Lenin, examines the creation of "distinctive ethnic identification", the "cultural division of labour", and the concurrent stratified access to wealth and power that uneven modernization within a nation state creates. Michael Hechter, *Internal Colonialism: The Celtic Fringe in British National Development, 1536-1966* (Berkeley: University of California Press, 1975): 8-9. John and Jean Comaroff extend the analysis of other scholars to illustrate that, in the nineteenth century, the inner cities of Britain and the United States were considered little different than the most "backward" of overseas colonies. John and Jean Comaroff, *Of Revelation and Revolution*, vol. 2: 17, 274-322.

⁶⁷ The meaning of the Douglas Treaties, made in the 1850s, continues to be challenged on the ground and in the courts.

⁶⁸ For Treaty 7, see Treaty 7 Elders and Tribal Council with Walter Hildebrandt, Dorothy First Rider, and Sarah Carter, *The True Spirit and Original Intent of Treaty 7* (Montreal & Kingston: McGill-Queen's University Press, 1996): 110-145.

relations in Canada but it should be recognized that the colonization of the west occurred unevenly in time, across geography, and in intensity. For a variety of historical reasons that will be investigated fully in the chapters that follow, colonial rule was applied and experienced differently in the Kamloops and Okanagan areas than it was in the Treaty 7 region. Even within each district there was significant disparity. Further, this empire, or these empires, of the west were never static. The versatile and multi-layered colonial project, once set in motion, here as elsewhere, was shifting and organic and served a fluid and flexible array of interests and purposes. It was never a totally rational endeavor consisting solely of the hope of rich rewards but always included ennobling and other aspects.⁶⁹ It is this multifaceted and adaptable nature of colonialism that allowed shifting strategies and justifications to emerge in concert with changed circumstances and that in turn mitigated against, though never completely neutralized, the ability to resist colonial intrusion.

Liberalism

Without doubt one of the most obvious components of the colonization of western Canada was the expansion of capitalism and its attendant structures. The most visible and rudimentary vehicle for the extension of English Canada, the Canadian Pacific Railway (C.P.R.), was itself one of the largest corporations in the world in terms of assets in the

⁶⁹ Historians of British Imperialism have made these points previously for other colonized regions. See for example C.C. Eldridge, "Sinews of Empire: Changing Perspectives", in *British Imperialism in the 19th Century*, ed. C.C. Eldridge (London: Macmillan, 1987): 168-189; John and Jean Comaroff, *Of Revelation and Revolution*, vol. 2: 18-19. These ennobling aspects were not always necessarily only altruistic. As Noel Dyck points out in regard to "tutelage" in Canada even apparently benevolent acts could serve to validate "the essential 'goodness' and 'merit' of the tutor's society" by devaluing Native societies. Dyck, *Indian 'Problem'*: 30.

late nineteenth century.⁷⁰ The C.P.R. certainly served purposes other than economic ones including bringing British Columbia into Confederation, but railway building and railway operation were primarily capitalist endeavors.⁷¹ The capacity of the C.P.R. to transport eastern manufactures and western agricultural products and to spawn or enhance other business ventures was fundamental to colonialism in western Canada. Railways, like the mining, forestry, ranching, and farming enterprises that followed, directly, immediately, and continually encroached on First Nations territory and permanently altered the physical environment Native people lived in.⁷² Further, at least some First Nations in western Canada were not inclined toward capitalism so unlikely to participate in its “advantages”. As Gerald Conaty, curator of ethnology at Glenbow Museum, argues “[i]n Blackfoot eyes, success is not necessarily expressed as possession of material goods or the means of production. Success comes through access to spiritual power that, if honored and respected, *may* result in material wealth”.⁷³ This point, and the linkage between notions of civilization and material wealth was confirmed, albeit in a somewhat backhanded way, by DIA officials. As Deputy Superintendent General of Indian Affairs (DSGIA) Frank Pedley wrote in 1909, “[t]he idea which is ingrained in our civilization

⁷⁰ John Malcolmson, “Politics and the State in the Nineteenth Century”, in *Workers, Capital, and the State in British Columbia: Selected Papers*, ed. Rennie Warburton and David Coburn (Vancouver: University of British Columbia Press, 1988): 22 n25. Malcolmson argues that in British Columbia, where land suitable for settlement was at a premium, the largest arable acreages ended up under the control of the C.P.R. and outside of provincial regulation.

⁷¹ For an example of the argument that depicts railway building as primarily a business enterprise see for example A.A. den Otter, “Nationalism and the Pacific Scandal,” *Canadian Historical Review* 69, 3 (September 1986): 339.

⁷² The understanding here diverges diametrically from that of Tom Flanagan who argues that “the free market” is effective in “inducing self-interested individuals to serve the needs of others”. Tom Flanagan, *First Nations? Second Thoughts* (McGill-Queen’s University Press, 2000): 9. Flanagan’s position is clearly an updated version of the position taken by those authors who promote an equation of political freedom and a “free” market while simultaneously paying little attention to the limiting effects and restriction on freedom of liberal-capitalist formations. See for example Milton Freedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962): especially page 9.

⁷³ Gerald Conaty, “Economic Models and Blackfoot Ideology”, *American Ethnologist* 22, 2 (1995): 405.

appears to be that a race must be thrifty and must surround itself with all manner of wealth and comforts before it is entitled to be considered civilized. The Indian has not yet reached that stage, and it is doubtful if he will - were such desirable." Pedley, though, thought that the reason was that "the Indian constitutionally dislikes work...."⁷⁴ Finally, even if they had chosen to participate, Indigenous peoples were largely excluded from the capitalist market place by a matrix of policy, regulation, and legislation.

In western Canada in the late nineteenth and early twentieth centuries, like many other locations and times, capitalism was connected to a network of inter-related economic, social, political and cultural forces most clearly related to liberalism. Where acquisitiveness and hierarchy are integral to capitalism, liberalism presents itself as a champion of freedom and equality. Further, as Thomas Holt tells us, "almost by sleight of hand, it makes market-governed social relations into *natural* phenomena, ignoring even as it does so the fact that historically such relations initially were nearly always coerced and that places and people who have been slow to conform have been harshly dealt with." In addition, "freedom, as defined by capitalist market relations inevitably produces unequal class relations, which undermine the substantive freedom of most members of society." At the same time genuine democratic and egalitarian institutions threaten capitalism as a system based on inequality.⁷⁵ Without inequality, what C.B. MacPherson referred to as a "modern competitive market society" could not function.⁷⁶

⁷⁴ Pedley to S.H. Blake, 19 April 1909, LAC, RG 10, vol. 4024, file 289,032-2.

⁷⁵ Thomas Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938* (Baltimore and London: The Johns Hopkins University Press, 1992): xix and 6.

⁷⁶ C.B. Macpherson, *The Political Theory of Possessive Individualism* (London: Oxford University Press, 1975): 60.

Liberalism permitted the expansion of Anglo-Canada and drives the nation building model in Canadian historiography. Liberalism was both the means of, and the justification for, colonialism but little attention has been given to the ways in which it and its attendant ordering strategies were able to manage such a mixed population residing over large expanses of geography. Liberalism, as it emerged and found expression in Canada, was not self-contained, monolithic, or impervious to change but rather is best seen as a matrix of flexible formations.⁷⁷ It emerged at particular nodes in the Canadian social fabric at specific times and in different ways to assuage the frictions that class, race, gender and an array of other fractures created.

In the most elementary sense, liberalism can be seen to include three primary goals: individual liberty, protection of private property, and equality, though the meaning of each of these objectives and the procedures thought best to achieve them have varied over time according to historical circumstances.⁷⁸ These aims seem to provide a clear and coherent, and even honourable program but liberalism's Canadian manifestation at the end of the nineteenth and beginning of the twentieth centuries was often a contradictory affair when put into practice. One of its most eloquent advocates, Wilfrid Laurier, referred to Canada's achievement as a "regime of tolerance". Yet, as Ian McKay reminds us:

In the twentieth century that 'belonged to Canada,' racial minorities would long be excluded from the franchise, only a minority of adults could vote in federal and provincial elections (in Quebec, This restriction would persist until 1940), and there were, until the 1940s, subjects but not citizens. The magic of nationalism has converted this 'Canada' into a country like the one

⁷⁷ Ian McKay, "The Liberal Order Framework: A Prospectus for a Reconnaissance of Canadian History", *Canadian Historical Review*, 81, 4 (December 2000): 623 and 627-28.

⁷⁸ See the development of these goals in John Locke, "The Second Treatise of Government" in Locke, *Two Treatises of Government*, ed. Peter Laslet (New York and Scarborough ON: Mentor, 1965).

we now inhabit – but it was essentially a liberal empire, not a nation, and not a democratic state.⁷⁹

Liberalism is selective about whom it bestows its benefits upon. It has a curious knack for passionately demanding freedom and the rights of individuals to diverse understandings and beliefs while seeking at the same time to efface imbalances in relations of power. It has a long history of similarly finding pride in its inclusive nature while at the same time this history is “unmistakably marked by the systematic and sustained political exclusion of various groups and “types” of people.” Political scientist Uday Mehta argues that both the seventeenth century writing of John Locke and that two centuries later by John Stuart Mill place limits on those groups and individuals considered capable of participating in the political constituency. At the same time it relegates others to government without consent based on factors “it identifies with human nature” but behind which lay “a thicker set of social credentials that constitute the real bases for political inclusion.”⁸⁰ Further, Mill, for example, presents a hierarchy of “civilization”, the elements of which for him, not surprisingly, “exist in modern Europe, and especially in Great Britain, in a more eminent degree Great Britain”.⁸¹

⁷⁹ McKay, “The Liberal Order Framework”: 641.

⁸⁰ Uday Mehta, “Liberal Strategies of Exclusion” in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. Frederick Cooper and Ann Laura Stoler (Berkeley: University of California Press, 1997): 59-61. While Mehta argues that liberalism’s commitment to freedom was not merely a ruse and raises the possibility that liberal theory and its historical application might simply be “ships passing in the night” to explain the apparent disjuncture between theory and practice, he concludes that “the exclusionary basis of liberalism does...derive from its theoretical core.” Mehta, 61.

⁸¹ J.S. Mill “Civilization”, 1836, section 1, <<http://www.la.utexas.edu/research/poltheory/jsmill/diss-disc/civilization/civilization.s00.html>> (31 October 2006). The racial components of Mill’s conceptions here are clear enough. In regard to slaves Mill contends “when a driver is not standing over him with a whip, he is found more incapable of withstanding any temptation, or restraining any inclination, than the savage himself.” Mill, “Civilization” section 2.

Liberalism presents individual autonomy as a natural and ultimate good.⁸² It assigns “a higher moral value to the individual than to society or to any collective group”, as Anthony Arblaster points out. The individual has form which allows her or him to exist in a way that nation, society, or culture cannot and so is morally entitled to have his or her demands heard and desires met before those of collectivities.⁸³ However, the supremacy of individual autonomy does not have historical roots as deep and is not as “natural” as liberal theorists would like to suggest. Over the longer course and greater breadth of human history it is rather integration into the social group and the psychological support and physical security that this provides that was more often valued as the greatest “good” not the rights of the individual.⁸⁴ While liberalism in practice tends to exclude peoples who place more emphasis on collective rights, Mill is not above emphasizing “savage” individualism to depreciate those who are not White and not European:

Consider the savage: he has bodily strength, he has courage, enterprise, and is often not without intelligence; what makes all savage communities poor and feeble? The same cause which prevented the lions and tigers from long ago extirpating the race of men—incapacity of co-operation. It is only civilized beings who can combine. All combination is compromise: it is the sacrifice of some portion of individual will, for a common purpose. The savage cannot bear to sacrifice, for any purpose, the satisfaction of his

⁸² As John Stuart Mill stated the liberal position: “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.” Yet, state intrusion in the lives of Indigenous people in Canada was justified by the same means as interference in the lives of children: if it was believed for their “own good”. John Stuart Mill “Of Individuality, as One of the Elements of Well-Being” in *On Liberty*, ed. and intro. Gertrude Himmelfarb (London: Penguin, 1985): 119-140.

⁸³ Anthony Arblaster, *The Rise and Decline of Western Liberalism* (Oxford: Basil Blackwell, 1984): 15. See also Macpherson, *Political Theory* and McKay, “The Liberal Order Framework”: 623-4. The liberal view of the individual as the bearer of absolutely discrete interests and free will has become internalized to such a degree that it remains virtually unchallenged to the present day. It is important to recognize in contrast that “one of the prime effects of power [is] that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals.” The individual then does not constitute any self-evident unity except that which power introduces. Michel Foucault, “Two Lectures”, *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, trans. Colin Gordon (New York, Pantheon, 1980): 98. Also Foucault, *Discipline and Punish*: 192-4.

⁸⁴ See for example, Holt, *The Problem of Freedom*: 5.

individual will. His social cannot even temporarily prevail over his selfish feelings, nor his impulses bend to his calculations.⁸⁵

The experience of liberalism in western Canada, as elsewhere, demonstrates that its benefits can best be seen as rewards for being granted permission and for possessing the will to comply with its mandates. Despite the outward appearance of tolerating, or even embracing, difference, liberalism ultimately seeks to homogenize and this is particularly evident in relation to Indigenous peoples.

In 1914, Duncan Campbell Scott, Canada's long-time Deputy Superintendent General of Indian Affairs, boasted that as "far as the general life of the country is concerned, an Indian is almost as free as any other person."⁸⁶ Even when the significance of "almost" is ignored, Scott's declaration is unjustifiably jubilant. While liberalism held out the dreams of freedom and equality, in the colonial theatre these notions were invoked consistently and solely to support Euro-Canadian conceptions of civilization and progress. Freedom was only permitted where its pursuit aligned with accepted cultural formations. Real freedom, in the sense of the autonomy to choose economic, political, social, and cultural systems was fundamentally denied to First Nations in Canada. Scott could state in all sincerity that Indigenous people could "engage in business", could "own property anywhere", and, "subject to certain restrictions", could "exercise the franchise."⁸⁷ Yet, not only was there a myriad of legislative, and social factors mitigating against these possibilities, but they could only be exercised within the narrow parameters

⁸⁵ J.S. Mill "Civilization", section 2. <<http://www.la.utexas.edu/research/poltheory/jsmill/diss-disc/civilization/civilization.s02.html>> (31 October 2006).

⁸⁶ Duncan Campbell Scott, "Indian Affairs, 1867-1912", *Canada and its Provinces: A History of the Canadian People and their Institutions*, gen. eds. Adam Shortt and Arthur G. Doughty, vol. 7 (Toronto: Glasgow, Brook & Company, 1914): 618.

⁸⁷ Scott, "Indian Affairs": 618.

set by the dominant culture.⁸⁸ Again, liberal notions of the supremacy of the individual are key here.

To many First Nations in Canada the interests of the individual are inseparable from those of the community.⁸⁹ Taiaiake Alfred argues that Canada continues to reject the notion of collective rights and instead “Indigeneity is legitimized and negotiated only as a set of state-derived individual rights aggregated into a community social context—a very different concept than that of collective rights pre-existing and independent of the state.”⁹⁰

Since, like most of the First Nations resident within the boundaries of Canada, the Indigenous peoples of the Treaty 7 and Kamloops-Okanagan areas followed the practice of holding land and resources collectively, they were particularly isolated from any benefits that liberalism might seem to provide. Not only were they denied formal equality or even citizenship, land ownership, or the franchise except under prohibitively onerous conditions, they could also be denied freedom of movement and the right to follow well

⁸⁸ Provisions to allow participation in the Canadian democracy have been embodied in the Indian Act and its precursors since the 1850s. By these terms, an Indigenous person “then ceases in all respects to be an Indian.” D.C. Scott admitted, however, that only by assenting to “somewhat oppressive regulations” was this possible. Scott, “Indian Affairs”: 619. In 1857 “an Act to encourage the gradual civilization of the Indians in this Province and to amend the Laws respecting Indians,” was passed by the Legislature for Upper Canada. The only slightly modified “An Act for the gradual enfranchisement of Indians and the better management of Indian Affairs,” was passed by the Parliament of Canada in 1869. See: *Statutes of the Province of Canada*, 20 Vic. (1857), c.26; *Statutes of Canada* 32-33 Vic. (1869), c.6. Indeed, as John Tobias asserts, the “‘civilized’ Indian would have to be more ‘civilized’ than the Euro-Canadian” since few White settlers would be able to meet the criteria of literacy, debt free status, and high moral character demanded of prospective Native enfranchisees. Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy”, *Western Canadian Journal of Anthropology* 6, 2 (1976): 16. The process involved in proving sufficient “civilization” was so oppressive that in the 53 years between Confederation and 1918, only 65 families, totaling 102 people, chose enfranchisement. Canada, Department of Indian Affairs, *Annual Report*, 1920: 13.

⁸⁹ Menno Boldt and J. Anthony Long, “Tribal Conditions and European-Western political Ideologies: the Dilemma of Canada’s Indians”, *Canadian Journal of Political Science* 17, 3 (Sep 1984): 541.

⁹⁰ Alfred, *Wasáse*: 112.

established economic, political, and social practices. The logic of collectivism was antithetical to liberal individualism and had to be contained if not eradicated.

When former Minister of the Interior and Superintendent General of Indian Affairs Frank Oliver rose in the House of Commons in May 1914 to oppose an amendment to the Indian Act that would restrict the sale of livestock by Indians in the four western provinces it was not because he objected to the obvious inequity or restriction of freedom that the Bill represented. Rather he said:

It does not give scope to the Indian to grow in his sense of proprietorship, of personal ownership, which is really essential to his progress and civilization. Ownership, selfishness, which is foreign to the mind of the Indian in his normal condition, is really the foundation of civilization.⁹¹

Thus, guilty of lacking the quality of selfishness and apparently restrained from individual participation in the marketplace by their belief in the efficacy of communal ownership, Indigenous people were found bereft of the kind of individual autonomy that liberalism demanded before offering equality or freedom. Additionally, Indigenous peoples, like children, were not considered part of the Canadian “civilized community” and so were not entitled to the liberal protections against state interference that were guaranteed to others.

Clearly then, the objectives of liberalism were not all of equal import but were ordered hierarchically with equality of opportunity and freedom of choice holding a position of far less stature than, since it is a prerequisite of liberty and equality in the first

⁹¹ Canada, House of Commons, *Debates*, May 8, 1914: 3482. This belief was replicated by George Stanley in his presentation of Métis resistance as “the struggle for survival on the part of a primitive community... By character and upbringing the half-breeds, no less than the Indians, were unfitted to compete with the whites in competitive individualism of white civilization, or to share with them the duties and responsibilities of citizenship.” Stanley, “Western Canada and the Frontier Thesis”, *Canadian Historical Review*, 19, 1 (1940): 110.

place, the right of the individual to privately possess property.⁹² It is private property and defense of the propertied individual that would ultimately be secured by coercive violence in Canada, not freedom or equality.⁹³ As discussed above, the potential for Indigenous people to possess real property was severely restricted and consequently the possibility that they might derive any benefits from liberalism was similarly constrained. The DIA did issue “location tickets” or individual allotments on reserve land to those deemed “advanced” or “civilized” enough and so had thereby achieved a kind of quasi-individual status but this was a rare and inconsistent practice. Where it was done, the hope was that this would not only bind them more strongly still to the interests of the colonizers but would provide a positive influence on their less “progressive” fellows and simultaneously wrest reserves from collective control. The program of enfranchisement of which encouraging individual land holdings was an integral part, though, was resisted by Indigenous people and was considerably less successful than its promoters hoped.⁹⁴

The maintenance of established lifeways or the conscious opposition to liberalism, its objectives, or its obvious contradictions, was portrayed as “backwardness” by commentators in the period and by some more recent historians as discussed elsewhere in this chapter. Liberalism insists on compliance with its values and energetic participation in its objectives. On Canadian Indian reserves, the instruction and prescription that occurred in society at large was amplified to mitigate against the occurrence or flourishing of “unprogressive” behavior, or logics that were condemned by liberalism.

⁹² McKay, “The Liberal Order Framework”: 624-62.

⁹³ McKay, “The Liberal Order Framework”: 638, 644.

⁹⁴ Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal and Kingston: McGill-Queen’s University Press, 1990): 194-209 and Tobias, “Protection, Civilization, Assimilation: 17-23. Canada retained title to reserve land whether or not it was allotted to individuals.

Among Canada's still newly expanding disciplinary institutions, Indian reserves joined prisons, asylums, and schools as instruments designed to "normalize", or to segregate and reform those who exhibited behaviour that was inimical to the maintenance of liberal order. The possibility that Indigenous cultures, in operation for millennia, might include elements that could prove beneficial to Anglo-Canadians was rejected *a priori*.⁹⁵

Ian McKay, following Fernande Roy, suggests that liberalism is "best grasped as an ideology, through which values, representations and ideas propose and legitimate a specific social arrangement."⁹⁶ He then adds that in his analysis it is more "akin to a secular religion or a totalizing philosophy than to an easily manipulated set of political ideals" that, by the end of the nineteenth century had achieved hegemony in Canada.⁹⁷ McKay recognizes the dialectic and incomplete nature of cultural hegemony as a day-to-day process and also acknowledges the contribution of the theories of Italian Marxist Antonio Gramsci to the development of the concept.⁹⁸ The notion of hegemony is a useful tool in exploring both liberalism in Canada and the situation of First Nations, even if it is sometimes used somewhat imprecisely.

Unfortunately, Gramsci's translated writings include no precise definition of hegemony, but the most widely accepted interpretation appears to be: "[t]he "spontaneous" consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group".⁹⁹ Hegemony, in

⁹⁵ From the discussion in Charles Taylor, *Multiculturalism and "The Politics of Recognition"* (Princeton: Princeton University Press, 1992): 72-3.

⁹⁶ McKay, "The Liberal Order Framework": 623.

⁹⁷ McKay, "The Liberal Order Framework": 624-625, 633-634.

⁹⁸ McKay, "The Liberal Order Framework": 628.

⁹⁹ T.J. Jackson Lears, "The Concept of Cultural Hegemony: Problems and Possibilities", *The American Historical Review*, vol. 90, 3 (June 1985): 568 and Antonio Gramsci, *Selections from the Prison*

this conception, is distinct from “rule” which is maintained by directly political means in ordinary times and by explicitly coercive means in times of crisis. “Hegemony”, on the other hand, refers to the network of interrelated economic, political, social, and cultural forces that remain mostly unnoticed but still has an impact on all of daily life.¹⁰⁰

Hegemony may seem in alignment with Alexis de Tocqueville’s views of government: “[w]hat keeps large numbers of citizens subject to the same government is much less the rational determination to remain united than the instinctive and in some sense involuntary accord that results from similarity of feeling and likeness of opinion.”¹⁰¹ The implication in this and similar consensus and/or functionalist models is that there is an independently arrived at convergence of views. Such perspectives, in contrast to the workings of hegemony, fundamentally ignore the effects of relations of power that run through the social fabric at all levels. Neither, though, is hegemony simply a static form of domination. Hegemony is always a process that is constantly being adjusted, reinvigorated and transformed. Since it is never absolute, and so is continually resisted at some level, a decisive function of the hegemonic process “is to control or transform or even incorporate alternatives and opposition which question or threaten its dominance.”¹⁰² In contrast to ideology which refers to the purposeful acts, and an “articulated system of meanings, values and beliefs”, hegemony consists of things which

Notebooks, ed. and trans. Quintin Hoare and Geoffrey Nowell Smith (London: Lawrence and Wishart, 1971): 12.

¹⁰⁰ Raymond Williams, “Selections from Marxism and Literature,” *Culture/Power/History*, ed. Nicholas B. Dirks et al. (Princeton: Princeton University Press, 1994): 595.

¹⁰¹ Alexis de Tocqueville, *Democracy in America*, vol. 1, trans. Arthur Goldhammer (New York: Library of America, 2004): 430-431.

¹⁰² Williams, “Selections from Marxism and Literature”: 598-9.

are presumed to be shared and so are not normally the subjects of widespread dispute.¹⁰³ Where ideology articulates, hegemony homogenizes. Hegemony is most effective when mute, but “all the while, ideology babbles on.”¹⁰⁴

The methods and means of the application of liberalism have always been the subject of open debate in Canada, but the meaning of its primary objectives: individual liberty, protection of private property, and equality have only at extraordinary moments of disillusionment been seriously challenged. Liberalism as an ideology won acceptance and was maintained through debate but as hegemony it was perpetuated in schools, factories, hospitals, prisons, and on Indian reserves. It was spread through language, nationalist rituals (and national history), and organized religion and its contradictions justified by census taking and other modes of measuring and comparing individuals. Electoral politics gave it the appearance of popular control well beyond the threshold of what it could actually provide. Since as hegemony it was constantly shifting and adapting in order to subdue new threats and suppress new challenges it was more insidious and, for the activist, less assailable than overt forms of subjugation.

Liberalism and Surveillance

Fundamental to the application of liberalism, and to judgments of its successes, was surveillance. While intelligence gathering modes may appear neutral, their effects caused and justified a range of discriminatory treatment. The observing apparatus, the “net-work of machinery” that S.H. Blake claimed could be brought to bear to gather information related to Native peoples, included officials employed directly by the DIA: the inspectors

¹⁰³ John and Jean Comaroff, *Of Revelation and Revolution: Christianity, Colonialism and Consciousness in South Africa*, vol. 1 (Chicago: University of Chicago Press, 1991): 23-4.

¹⁰⁴ Michel de Certeau, *The Practice of Everyday Life*, trans. S.F. Rendall (Berkeley: University of California Press, 1984): 46.

of various sorts, commissioners, superintendents, agents, clerks, farmers, stockmen, ration issuers, interpreters, part time mill and machinery operators and tradespeople, medical personnel, and teachers. Additionally it included police, justices, spies, private detectives, game wardens, fisheries inspectors, timber inspectors, cruisers and valuers, orchard inspectors, missionaries, ranchers, farmers, settlers, merchants, contractors, business owners, workers, surveyors, politicians, academics, and sometimes members of the First Nation under observance or of another Native group. The sources and values of Native income, land use, educational achievements, literacy in English and French, material possessions, extents of fencing and cultivation, quantity and types of buildings, livestock and poultry, sanitation, morality, mobility and even clothing styles of Native people living on reserves were observed, measured, judged, and compared with their neighbours. In the period between 1877 and 1927 at least, no other groups of people were subjected to similar levels of observation over the entire course of their lives for such an extended amount of time.¹⁰⁵

The hope which sustained the surveillance network was in some ways parallel to the objective of the wider Canadian census which “was more than a count of population: it was a means by which the state codified and sanctioned certain values.”¹⁰⁶ The

¹⁰⁵ The results of this surveillance was published in the department’s *Annual Report* every year and included band, agency, provincial, national and in some cases individual level data. John Lutz is correct in his assessment that, judged by level of surveillance, “Indians found themselves in a civic cell shared with felons and the insane.” The distinction that needs to be made in regard to Native people is, though, that they were subjected to surveillance for their entire lives with no possibility that parole or cure might relieve them. John Lutz, “‘Relating to the Country’: The Lekwammen and the Extension of European Settlement, 1843-1911,” in *Beyond the City Limits: Rural History in British Columbia*, ed. Ruth Sandwell (Vancouver: UBC Press, 1999): 23.

¹⁰⁶ Peter Baskerville and Eric Sager, *Unwilling Idlers: The Urban Unemployed and Their Families in Late Victorian Canada* (Toronto: University of Toronto Press, 1998): 196. As Bruce Curtis points out “[c]ensus making is not in any simple sense the *taking* of things as they are; in an important sense it is the *making* of things to be taken.” Census making has the ability to hide political motivations behind a scientific façade of “seemingly neutral numbers”. Bruce Curtis, *The Politics of Population: State Formation, Statistics, and the*

information gathered and published by the DIA, though, far exceeded that of the published censuses in breadth and depth. Where individual level data is included, the detail of the DIA's annual reports went well beyond the unpublished decennial censuses as well. However, the accuracy of the department's tabular statements is another matter. As will be discussed in chapter four, the statistical data presented by the DIA were at times subject to sloppy compilation and at others purposeful manipulation.¹⁰⁷

The underlying impetus of all this observation and intelligence gathering was to provide a portrait of the progress of colonial rule. It identified individuals and groups that were adhering to state policies and singled out those who were not for further remedial discipline. It identified the quantity of land that could be removed from reserves as "unused" or "unneeded" in addition to expenditures that appeared unwarranted.¹⁰⁸ The strategy of including tabular statements produced the further benefit of increasing the impression of scientific legitimacy in the reports and of the efficiency and rational understanding of DIA compilers. These impressions in turn ensured continued funding of the massive DIA surveillance network. Finally, and perhaps most importantly, the categorization of Native people by non-Native indices, by choosing to identify the number of "those who wear civilized clothing", for example, the tabular reports included

Census of Canada, 1840-1875 (Toronto: University of Toronto Press, 2001): 309-316. The Canadian census, like other statistical studies, presented a neutral "scientific" face. The enumerator's manual for the 1891 census, for example, stated regarding the census, "[t]he results it exhibits, like those of any other statistical inquiries, are directly connected with the science of government, which pre-supposes a general knowledge of the wants and capabilities, the defects and advantages, numerically presented, of the population and the Country." Canada, Department of Agriculture, Census Branch, *Manual containing "The Census Act," and the instructions to officers employed in the taking of the third census of Canada, (1891)*, 1891: 1. For an examination of the necessity of observation to large scale intervention by the state see James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. (New Haven, Conn.: Yale University Press, 1998): especially 183.

¹⁰⁷ Bruce Curtis argues that the manipulation of data for political ends is evident in the early Canadian censuses as well. Curtis, *The Politics of Population*.

¹⁰⁸ Reserve land was routinely, though not always successfully, sought by non-Native neighbours, speculators, and government officials among others.

in the *Annual Report*'s helped to emphasize illusionary and inaccurate images that served to maintain and fortify the boundary between "Indian" and "non-Indian".

Through observation, measurement, classification, judgment, and representation, the colonizers of western Canada created a body of "knowledge" about Native peoples, their use of land and resources, the way they provided for themselves and their families, their way of life and a myriad of less significant details. This knowledge did not represent any universal reality but was constructed in accord with culturally accepted philosophical tenants, discursive practices, Euro-Canadian categories and indices, Christian morality, capitalist values, and liberal objectives. All were cultural products that together served to normalize colonial power relations and to mitigate against the emergence of any other way of knowing Native people.¹⁰⁹

This mechanism or web of observation was not simply neutral or the impulse of wide eyed innocence hoping to gain an understanding of the "real Natives" in order to more efficiently negotiate the sharing of the resources of the continent. Even at best, as literary critic David Spurr has articulated, "[t]he sympathetic humanitarian eye is no less a product of deeply held colonialist values, and no less authoritative in the mastery of its object, than the surveying and policing eye".¹¹⁰ Constituting an individual or group as an object of knowledge is to assume power over them.¹¹¹ Surveillance is a technology of power aimed in this case exclusively at promoting non-Native interests and values. The perceived attributes of Whiteness, Protestantism, and British heritage were the reference

¹⁰⁹ For an allied perspective see Vizenor, *Fugitive Poses*: 51.

¹¹⁰ David Spurr, *The Rhetoric of Empire: Colonial Discourse in Journalism, Travel Writing and Imperial Administration* (Durham: Duke University Press, 1993): 20.

¹¹¹ Reina Lewis, *Gendering Orientalism: Race, Femininity and Representation* (London: Routledge, 1996): 16. As elaborated above, the discussion in this paragraph particularly and the notion of surveillance generally is inspired by Foucault's discussion of panopticism in *Discipline and Punish* and elsewhere.

points for normality against which all was judged.¹¹² Constant monitoring and recording of Native people's actions in all aspects of their daily lives inspired behaviour that complied with this culturally defined frame of normality. The slightest deficiency, aberration, or stubborn endurance of "Indianness" was singled out for further corrective action. As I will illustrate below, Native peoples in the Treaty 7 and Kamloops-Okanagan areas were rarely afforded the basic protection of personal and collective privacy afforded to other residents of these regions.¹¹³ With all of this said, the surveillance of Native people in western Canada was an uneven and adjustable affair. The First Nations of the prairie provinces were subjected to a far more concentrated level of scrutiny than those residing in most of BC during this period. While the level of surveillance in the Kamloops and Okanagan agencies was remarkable, at no point during the period under discussion did it reach the intensity that occurred in Treaty 7.

Knowing Indians

The methods by which Euro-Canadians came to "know" Native peoples established and maintained differences that were elaborated by prior and contemporary theories of race, gender, and class and were maintained by the observation of state officials, missionaries, and other non-Native residents. All of this was converted into a systematized array of economic, political, social, and cultural understandings that "both enabled colonial conquest and was produced by it".¹¹⁴ Knowing colonized peoples in this way allowed the construction of new oppositions between "the savage and the civilized"

¹¹² Conversely all that was considered Indigenous, "red", and/or "heathen" was declared decidedly abnormal and inferior.

¹¹³ Vizenor makes a this point in regard to the United States. Vizenor: *Fugitive Poses*: 58.

¹¹⁴ Nicholas B. Dirks, "Introduction: Colonialism and Culture", 3. See also Homi Bhabha, "The Other Question: Stereotype, Discrimination and the Discourse of Colonialism", in *The Location of Culture* ed. Homi Bhabha (London and New York: Routledge, 1995): 83.

or between progressive modern Euro-Canadians and stubbornly retrograde and tradition bound colonized peoples.¹¹⁵ If Indigenous people were dishonest, simple, lazy, prone to violence, promiscuous, and self-indulgent, then non-Indigenous Canadians were honest, intelligent, hard working, reserved, morally upright and generous.¹¹⁶

While colonial knowledge of Indigenous peoples was not universally negative, even positive depictions were disfiguring simulations that took the place of Indigenous peoples' understandings of themselves.¹¹⁷ The convictions that arose from the creation of this knowledge served to convince decent well-meaning people that they had a God-given obligation to "assist" Indigenous peoples by governing them and their lands without the necessity of consent which would otherwise be a liberal requirement.¹¹⁸ Knowing Native peoples in this way justified draconian forms of political control and scandalous appropriations of land and resources. At the same time, however, "advances" and "progress" of Native people toward "civilization" could be recognized as the result of the benevolent influence of the colonizers. The relative position of Native peoples was therefore seen as both the reason for, and the result of, colonial rule.¹¹⁹ Again, this is not to say that some, perhaps many, newcomers to western Canada did not view aspects of Indigenous cultures in positive ways or that they did not have altruistic objectives but

¹¹⁵ Nicholas B. Dirks, "Introduction: Colonialism and Culture", 3 and Howard Adams, *Tortured People*: 21. This opposition is clearly linked to the civilized/barbarous dichotomy of liberal thought presented above.

¹¹⁶ For examples of the fluid nature of the colonial relationship and the mutual construction and reforming of the colonizer and colonized in another situation see Mrinalini Sinha, *Colonial Masculinity: the 'Manly Englishman' and the 'Effeminate Bengali' in the Late Nineteenth Century* (Manchester: Manchester University Press, 1995). See also Dirks, "Introduction: Colonialism and Culture": 7.

¹¹⁷ See, for example, Gerald Vizenor, *Manifest Manners: Postindian Warriors of Survivance* (Hanover, NH: Wesleyan University Press, 1994): 14-44.

¹¹⁸ From the discussion in Edward Said, *Culture and Imperialism* (New York: Vintage Books, 1994): 10. See also Dyck, *What is the Indian 'Problem'*: 74.

¹¹⁹ Bhabha, "The Other Question": 83; Dyck, *What is the Indian 'Problem'*: 29-30.

only that they were unable or unwilling to challenge the dominant discourse of “the Indian”.

The colonial binary, thus established between “Indians” and Euro-Canadians, formed a basic premise for colonial authority: that the colonizers constituted an homogenous but discrete cultural and biological body whose interests and values could be easily distinguished, while the boundary between themselves and Indigenous peoples was visible and unmistakable.¹²⁰ Though the categories “Indian” and “White” appeared to represent a fixed and natural division, both the line of demarcation and the categories were artificial and necessarily flexible. If the boundary was threatened by the exposure of some contradiction in policy or its application, by the emergence of a successful economic or political adaptation on the part of an Indigenous person or nation, by the cultural accommodation of a particular community or by the presence of an individual or family who appeared or acted “White”, the boundary was shifted in order to maintain the exclusion of these people and so keep the White / Indian binary intact.¹²¹

“Indian” from its first appearance in reference to the Indigenous peoples of North America was a simulation that transposed and submerged real Native peoples: “the *indian* has no ancestors” no “memories, or native stories”.¹²² The “Indian” was initially the product of chance encounter resulting from a navigational error and from the very

¹²⁰ Ann Stoler “Making Empire Respectable: The Politics of Race and Sexual Morality in 20th-Century Colonial Cultures”, *American Ethnologist* 16, 4 (November 1989): 634-35.

¹²¹ As Noel Dyck argues succinctly “whatever the century and whoever the tutelage agent, the necessary gap between tutor and Indians is stubbornly maintained.” *What is the Indian ‘Problem’*: 24. For a study of an earlier period that attributes the “cultural baggage” that fur traders brought with them to the “shifting and contradictory” nature of European images of Native peoples in western Canada see Elizabeth Vibert, *Traders’ Tales: Narratives of Cultural Encounters in the Columbia Plateau, 1807-1846* (Norman: University of Oklahoma Press, 1997).

¹²² Vizenor, *Fugitive Poses*: 15-16. Vizenor notes further that: “The simulations of the *indian*, as the absence of natives, are the documents of discoveries, cultural studies, and surveillance.”

beginning was a European construction. As a result, and in a similar way to what Said has said of the “Orient”, the surveillance of Native peoples in the Canadian west was never able to produce simple innocent reflections of Indigenous reality.¹²³ What appeared as the “Indian” was a collage of images that were often contradictory but always inferior to Anglo-Canadians. The “Indian” was not mere fantasy, though, but an enduring political, economic, and social instrument.¹²⁴ It was a device that bolstered the colonizers’ images of themselves as benevolently superior while at the same time ensuring the advancement of their material interests. Yet, within the construction, not all “Indians” were the same. Whereas it was stated that the “Six Nations [were] amongst the most intelligent, if not the most intelligent, on the North American continent,”¹²⁵ some at least believed that “some of the tribes or nations of the Indians living to the West of the Rocky Mountains [were] reckoned together with the Bushmen of South Africa among the lowest types of humanity as regards civilization .”¹²⁶

There were many distinctions made between different groups and between individuals within groups. For the most part, judgments were made on the basis of the degree to which an individual or group cooperated with the venture of the person doing the judging or the extent to which the attributes held as fundamental to “civilization”, particularly individualism and the adherence to Christianity, were accepted or at least were demonstrated to the observer. As liberal Canada moved west it needed “Indians”

¹²³ Said, *Orientalism*: 5-6.

¹²⁴ The creation of the legal category “Indian” by the state has continued to allow, as Bonita Lawrence confirms, “Canada to deny and bypass Indigenous sovereignty, by replacing “the Nation” with “the Indian”. Further, while the construction of a legal “Indian” had nothing necessarily to do with self-identity, it created divisions between those awarded or denied of status. Bonita Lawrence, *“Real” Indians and Others: Mixed-Blood Urban Native Peoples and Indigenous Nationhood* (Vancouver: UBC Press, 2004): 228-229.

¹²⁵ Canada, House of Commons, *Debates*, June 8, 1920: 3279.

¹²⁶ W.H. Bleeker Ph.D., Foreign Member of the R. Bavarian Academy of Sciences, Cape Town to Governor of British Columbia, 15 Sept. 1873, LAC, RG 10, Vol. 3605, f2813.

who could be reformed in order to warrant the massive “civilizing” effort of the state and organized religion, but it also demanded a perpetually inferior “Indian” to justify the appropriation of land and resources and the economic, political, cultural, and social subjugation of Native peoples.

Frantz Fanon, social theorist and advocate of revolutionary decolonization in Algeria argued that the primary weapon of the colonizers is the manufacture of the colonized as a “deforming element, disfiguring all that has to do with beauty or morality; he is the depository of maleficent powers, the unconscious and irretrievable instrument of blind forces.”¹²⁷ For Paulo Freire, the colonized are so often subjected to the opinions of their oppressors that they come to accept what they are constantly told are their inadequacies. For him this internalization is a defining characteristic of being oppressed.¹²⁸

In western Canada, the construction of the “Indian” and the misrecognition of real Native people allowed the alienation of land and the destruction of economies but also caused additional persistent damage. The contemptible image of the “Indian” reflected back to Indigenous people was undoubtedly a form of oppression in itself that continues to mitigate against social, political, and economic equality even as some of the structural impediments to parity begin to be removed.¹²⁹ Not only was the “Indian” constructed as

¹²⁷ Frantz Fanon, *The Wretched of the Earth*: 41, 35. Elsewhere, Fanon cites Aimé Césaire to point to the ways in which colonized peoples “have been skillfully injected with fear, inferiority complexes, trepidation, servility, despair, abasement.” Fanon, *Black Skins, White Masks* (New York: Grove Press, 1967): 7.

¹²⁸ Paulo Freire, *Pedagogy of the Oppressed*, trans Myra Bergman Ramos (New York: Continuum, 1993): 45.

¹²⁹ Métis scholar Howard Adams refers to “internal colonialism” not in the way presented by James Frideres as discussed above but to explain the process in which Native people come to accept and internalize the “contrived myths” presented by the various agents of colonialism which determine both

part of the colonial project, but every person, object, and idea connected with this venture in all of its shapes, objects, and manifestations was affected, though clearly not all in the same way or to the same degree. Colonialism was a dialectic encounter that was fundamental in creating the identity of the colonizer as well.¹³⁰

Noel Dyck has pointed us in the right direction regarding the importance of examining the colonizer and the colonized within the same analytic frame with his recognition that at some levels at least notions of “Indianness” and “Whiteness” are not self-contained categories that can be considered in isolation. As Dyck suggests, for example, “to pity the ‘Indian’ is to celebrate the ‘White’”.¹³¹ Dyck’s focus, though, does not allow him to pursue this idea much beyond an exploration of the dialectic of White self-congratulation and Native pejoration that created the “Indian problem” at the same time as it justified “coercive tutelage”. Both the “Indian” and the colonizer are essentialized to some degree as the binary remains fundamentally unopposed.

As stated above the colonial project was a multifaceted, creative, and flexible one. Further, ignoring the fundamental heterogeneity of the categories colonizer and colonized only serves to continue to mask the historical significance of class, gender, and race for those of us living in the present. Not all in settler society acted simply as local agents of

ideology and self-image. As a result, a sense of inferiority “becomes an inseparable part of perceived reality”. Adams, *Tortured People*, 6 and 9.

¹³⁰ Not only in colonial encounters is self-identity forged but, as Charles Taylor says, we all define our identity in “dialogue” with others. Taylor, *Multiculturalism*: 32-5. Taylor acknowledges both the dialogue with and struggle against individuals significant in our lives that define our identity. Philosopher and critic Alessandro Pizzorno stresses the confrontational aspects in arguing that identities “emerge in a battlefield.... Without something or somebody opposing us, we would not be able to trace the boundaries of ourselves.” Alessandro Pizzorno, “Foucault and the Liberal View of the Individual”, in *Michel Foucault Philosopher*, ed. and trans. Timothy J. Armstrong (New York: Wheatsheaf, 1992): 207. On this point in relation to the colonial encounter in southern Africa see also John and Jean Comaroff, *Revelation and Revolution*, vol. 2: 5, 28.

¹³¹ Dyck, *What is the Indian ‘Problem’*: 26.

colonialism either consciously or unconsciously. Nor were they all White. East Asian labourers were perceived by labour organizations as a far greater threat to White workers' jobs than Native people for example. The DIA, the administrative bulwark of colonial expansion, was almost exclusively White and male, but the Indian agent at Kamloops for a portion of the period under discussion here was John Freemont Smith, a Black man born in Fredricksted, St. Croix. Colonialism in western Canada was far more complicated than a simple Manichean duality despite the forces that harmonized to make it appear to be an uncomplicated binary. Shifting the emphasis away from these categories as homogenous entities allows us to examine, with considerably more historical and geographical specificity, the constantly innovating colonial relationship including internal fractures, collaborations, and moments of resistance which emerge at various points in the colonial dispersion.

The Homogenizing Impact of "National" History

Exploring the expansion of Canada as a colonial encroachment on Indigenous lands and lifeways is itself a challenge to what has been described as a "national mythology" where Euro-Canadians simply occupied a mostly uninhabited and certainly undeveloped west and so were most fit and entitled to both its resources and to whatever political benefits liberalism might provide in the expanding state.¹³²

Yet this "national mythology", that has been a central unifying theme of Canadian history writing as this country's development from a colony of Britain to an independent nation and perhaps finally to colony of the United States, has been indoctrinated into

¹³² Sherene Razack, "When Place Becomes Race", in *Race, Space, and the Law: Unmapping a White Settler Society*, ed. Sherene Razack (Toronto: Between the Lines, 2002): 1-4.

generations of students of Canadian history.¹³³ Within this model the main lines of historical inquiry paid little attention to internal fractures or divergent interests created by class, gender, or race.¹³⁴ These inquires have, for the most part, perceived the expansion of English Canada's values and interests as a narrative of dauntless "nation building" not as a colonizing project.¹³⁵ As a result, treaties between European nations, like the 1763 Treaty of Paris, are awarded central position in both academic and popular accounts, while treaties with First Nations, and even more so between First Nations, are given relatively little attention.¹³⁶ Native peoples, where they were described at all, were considered mostly insignificant. Stephen Leacock summed up this position succinctly during World War II.

The continent remained, as it had been for uncounted centuries, empty. We think of prehistoric North America as inhabited by the Indians, and have based on this a sort of recognition of ownership on their part. But this attitude is hardly warranted. The Indians were too few to count. Their use of

¹³³ The suggestion that Canada moved first from colony of Great Britain, then to independent nation, and finally to a colony of the United States was presented by Harold Innis, apparently in response to the title of the earlier work by ARM Lower, *Colony to Nation*. Harold Innis, "Great Britain, the United States and Canada", in Harold Innis, *Essays in Canadian Economic History*, ed. Mary Q. Innis, 1956 (Toronto: University of Toronto Press, 1969): 403. See also Innis' "Economic trends in Canadian-American Relations" in this publication.

¹³⁴ For an analysis of the omission or problematic inclusion of Native people in Canadian history writing, particularly in regard to the Kainai of the Treaty 7 area see Keith Regular, "Trucking and Trading with Outsiders: Blood Indian Reserve Integration into the Southern Alberta Economic Environment, 1884-1939, a Case of Shared Neighbourhoods", unpublished Ph.D. Dissertation, Memorial University, 1999: 4-33.

¹³⁵ Some, like W.L. Morton, recognized the expansion of eastern Canada as imperialist and also criticized the central-Canadian bias of influential historians like Donald Creighton but was, particularly in his later works, less than generous in his treatment of Native people and the Métis. For Morton, as for his contemporaries, the primary subject of interest was Canada's nationhood. W.L. Morton "Clio in Canada: The Interpretation of Canadian History", in *Approaches to Canadian History*, ed. Ramsay Cook, Craig Brown and Carl Berger (Toronto: University of Toronto Press, 1983): 42-49. Morton and Donald Creighton had differing viewpoints but agreed that their subject was Canada as a nation state. Carl Berger, *The Writing of Canadian History: Aspects of English-Canadian Historical Writing Since 1900* (Toronto: University of Toronto Press, 1986): 260. See also D.N. Sprague, *Canada and the Métis, 1869-1885* (Waterloo, ON: Wilfrid Laurier University Press, 1988): 4-14.

¹³⁶ Brian Slattery, "Aboriginal Sovereignty and Imperial Claims" in Frank Cassidy ed., *Aboriginal Self-Determination: Proceedings of a Conference Held September 30-October 3, 1990* (Lantzville, BC: Oolichan Books, 1991): 197-198.

the resources of the continent was scarcely more than that by crows and wolves, and their development of it nothing.¹³⁷

Historians in the post-war period sometimes acknowledged the presence of Native peoples, albeit peripherally, in regard to prairie settlement, but in these accounts they remained Leacock's passive, tradition-bound, and mostly irrelevant, bystanders.¹³⁸ At best they are portrayed as the victims of fundamentally inequitable land policies.¹³⁹ At worst they are seen as primitive, uncivilized and witless casualties sacrificed in the inevitable westward march of decisively superior Euro-Canadian culture. As Simon Ryan has noted in a related context, European exploration was fabricated "as an heroic practice furthering the frontier of empire" and individual explorers "used as a focus for imperial discourses of vigorous, manly expansion and occupation of land". Against this heroic construction, Native populations, most often depicted as a singular homogenous body, are

¹³⁷ Stephen Leacock, *Canada, the Foundations of its Future* (Montreal: n.p., 1941): 19. Introductory history texts like A.R.M. Lower's, *Colony to Nation: A History of Canada*, published until at least into the 1980s promulgated the myth of Indigenous absence to generations of history students: "The country of today was not born until generations of Europeans had tramped across the surface of the New World, had fought each other in its fastnesses, had given themselves in toil against the wilderness and had debated in their new homes the great questions that lie at the base of society. These men from overseas and that northern region into which they came, thrown together through four centuries of effort, brought to birth Canada, child of European civilization and the American wilderness." A.R.M. Lower, *Colony to Nation: A History of Canada* (Toronto: McClelland and Stewart Limited, 1981): 1. Sarah Carter makes a similar comment regarding Edgar McInnis' text, *Canada: A Political and Social History*. Sarah Carter, *Aboriginal People and the Colonizers of Western Canada* (Toronto: University of Toronto Press, 1999): 5. McInnis, *Canada: A Political and Social History*, rev. ed. (New York: Holt, Reinhart and Winston, 1960): 11. Even more recently, in beginning his "settlement history" of the Okanagan, a Simon Fraser University Geographer stated "[t]o understand the role played by the British in transforming the Okanagan landscape into a habitable environment it is necessary to understand the part that they played in the early growth of British Columbia." Paul M. Koroscil, *The British Garden of Eden: Settlement History of the Okanagan Valley, British Columbia* (Burnaby, BC: Simon Fraser University, 2003): 1.

¹³⁸ James W. St. G. Walker made the point in the 1980s that the issue of earlier negative depictions of Indigenous peoples was resolved in Canadian historiography by simply removing them from the story. James W. St. G. Walker, "The Indian In Canadian Historical Writing, 1972-1982" in *As Long as the Sun Shines and Water Flows*, ed. Ian A.L. Getty and Antoine S. Lussier (Vancouver: University of British Columbia Press, 1990): 346. See also Walker's earlier "The Indian In Canadian Historical Writing," Canadian Historical Association, *Historical Papers* (1971): 38-40.

¹³⁹ Paul Phillips, "The National Policy Revisited," *Journal of Canadian Studies/Revue d'études canadiennes* 14, 3 (Fall 1979): 8-9.

“easily portrayed as being composed of lazy wastrels.”¹⁴⁰ Where they are discussed at all, First Nations people are depicted as no more than aspects of the wilderness. Since the land itself was perceived as wilder than that included in Europe the efforts of those who came to tame it were all the more heroic.¹⁴¹

Canadian historians were forced to consider the Métis resistances of 1869-70 and 1885, but the Métis got no better treatment than other western Native peoples in their analyses. Donald Creighton, for example, argued that the transference of land to the dominion would be used to satisfy Macdonald’s National Policy objectives: “to support the railway and to attract the immigration which would bring the old primitive culture of Red River to an end.”¹⁴² The resistance at Red River was depicted, not as a reasoned resistance to discriminatory federal government policies, but simply as an impediment to Macdonald’s grand vision, “one of the last episodes in the retreat of the fur trade before the advance of agricultural settlement.”¹⁴³ The Métis like other Native peoples were inconvenient but not consequential either as historical actors or as the subjects of history.

For some historians this perspective remains virtually unchanged. J.L. Granatstein, one of the most prolific historians of Canada, lamented what he perceived as the current publishing trend toward “narrow social history topics” and grade-school material choices based on “political, not historical” criteria. Granatstein preferred instead an emphasis on

¹⁴⁰ Simon Ryan, *The Cartographic Eye: How Explorers Saw Australia* (Cambridge: Cambridge University Press, 1996): 1-2.

¹⁴¹ These notions flow at least from the writings of John Locke who wrote near the end of the seventeenth century that although the land of America had the “same natural, intrinsic value” as that in England, without the benefit of cultivation by European style agriculture “[i]f all the Profit an *Indian* received from it were to be valued, and sold here; at least, I may truly say, not 1/1000 [of what it would be worth in England]. ‘Tis *Labour* then which *puts the greatest part of Value upon Land*, without which it would scarcely be worth any thing...” Locke, *Two Treatises of Government*: 340. See also Marshall and Williams, *The Great Map of Mankind*: 191-2.

¹⁴² Donald Creighton, *The Dominion of the North* (Toronto: Macmillan, 1957): 314.

¹⁴³ Creighton, *Dominion of the North*: 316.

the evolution of a successful nation based on what he referred to as the “European civilization on which our nation is founded”. The majority of Canadians, he said, “say they have no heroes, yet their past is replete with genuine heroes rather than bastardized ones like Riel”.¹⁴⁴ An organizing view for Granatstein and other like-minded historians is that any trend away from the nation-building model is in itself corrosive, if not seditious, behaviour that if allowed to continue will ultimately lead to the disintegration of Canada.¹⁴⁵

There is a marked tendency amongst those whom I will refer to as “national historians” to focus almost exclusively on the White male elite and to ignore the positive

¹⁴⁴ J.L. Granatstein, *Who Killed Canadian History?* (Toronto: Harper Collins, 1998): 41, xiii-xvi. See also Granatstein’s collaborative work with similarly situated colleagues: David Bercuson, Brian Bothwell and J.L. Granatstein, *Petrified Campus: The Crisis in Canada’s Universities* (Toronto: Random House Canada, 1997). For a critique of Granatstein’s position see A.B. McKillop, “Who Killed Canadian History? A View from the Trenches”, *Canadian Historical Review* 80, 2 (1999): 269-99 and Bryan D. Palmer “Of Silences and Trenches: A Dissident View of Granatstein’s Meaning,” *Canadian Historical Review* 80, 4 (1999): 676-86. Palmer is rightfully leery of what he refers to as “the hegemony of a progressive, liberal pluralist historiographic agenda” in which debate is stifled, except critiques railing “against the armed enemy - of Granatstein!” Palmer, “Silences and Trenches”: 681-2. Elsewhere Palmer issued a warning that “the hedonistic descent into a plurality of discourses” is a barrier to understanding class formation and the accumulation of capital. Palmer, *Descent into Discourse*: 188. I agree with Palmer that we should not deny “tangible structures of power” and that relations of class are important sites of power relations. They are, though, not the only sites. Further, while the material structures are given their due in this study, it is recognized also that there are other mechanisms of power that are less obvious but nonetheless have profound effects. Finally, as discussed above, capitalism was an important, but not the only, impetus for imperialism and colonialism. Regarding Palmer’s quip about the “armed enemy” I am critical of Granatstein here only because he is perhaps the best known representative of what I would call a “liberal homogenizing agenda”. It is the strategy of this position, its attempt to simultaneously be seen as embracing diversity while systematically denying alternative understandings that different class, race, or gender positions produce, that seems most closely aligns with the normalizing mechanisms of colonialism.

¹⁴⁵ Michael Bliss, “Privatizing the Mind: The Sundering of Canadian History, the Sundering of Canada”, *Journal of Canadian Studies* 26, 4 (Winter 1991-2): 5, 14. In 1996 historians dissatisfied with the Canadian Historical Association formed “The Organization for the Study of the National History of Canada” and in 1997 changed their name to the “Organization for the History of Canada” and began publishing *National History* whose stated aim “is to foster debate about and interest in the development of the Canadian nation.” While the O.H.C. claims to promote a broad range of interests, and the collective does include historians interested in race, the first three issues of this journal indicate that it is political development in a fairly narrow sense of parliamentary politics that they are primarily concerned with. See their website at <<http://www.orghistcanada.ca/main.php?l=en&c=h>> (10 November 2006).

role of Native peoples even within a narrowly defined project of nation building.¹⁴⁶

Their tendency to focus on “the notion of ‘two founding races’ may be handy as a way of preserving our heroic story line of progress and civilization” as historian Ian McKay argues, but, Indigenous peoples “may be forgiven for seeing in that notion a certain element of White arrogance.”¹⁴⁷ The “arrogance” of a perspective that ignores not only Native peoples but the labours of the majority of Canadians serves to mask a history of social, political, and economic disparity in Canada and helps to legitimize inequities in the present. Its service in reinforcing Canadian unity, is however, less clear. By subsuming all the “bastardized heroes”, those they represent, and all of their struggles under the all-embracing but simultaneously effacing rubric of nation building, national historians replicate the exclusion and asymmetry that was foundational to the colonial project of those historical actors they seek to glorify.¹⁴⁸

With these points in mind Granatstein’s indignant condemnation of grade school curriculum based on “political, not historical” criteria is at once contradictory and

¹⁴⁶ The position that Native people were at best irrelevant was given widespread distribution by C.F.G. Stanley in his *The Birth of Western Canada: A History Of The Riel Rebellions*, 1936 (Toronto: University of Toronto Press, 1960): 196-198, 217. Some regional historians writing more recently have adopted similar positions. J.E. Rea for example follows the early lead of W.L. Morton to a degree, but by injecting the fragment theories of Louis Hartz, in recognizing the dominance of English Canada in the prairies. Rea though does not recognize the defining role of Native peoples and their cultures in the creation of prairie society: “the Indians along with the *métis* survived as a sub-culture and have made little impact on Prairie society.” J.E. Rea, “The Roots of Prairie Society”, *Prairie Perspectives*, ed. David Cagan, (Toronto: Holt, Rinehart and Winston of Canada, 1970): 47. My work here focuses on Indigenous peoples but an examination of the work of the national historians also discloses an absence of women and workers. For a discussion of this point see Greg Kealey, “Class in English-Canadian Historical Writing: Neither Privatizing, Nor Sundering” *Journal of Canadian Studies* 27, 2 (Summer 1992): 123-129 and Linda Kealey, Ruth Pierson, Joan Sangster and Veronica Strong-Boag, “Teaching Canadian History in the 1990s: Whose “National” History Are we Lamenting?”, *Journal of Canadian Studies* 27, 2 (Summer 1992): 129-130.

¹⁴⁷ Ian McKay, ed., *The Challenge of Modernity: A Reader on post-Confederation Canada* (Toronto: McGraw-Hill Ryerson, 1991): xix.

¹⁴⁸ Frantz Fanon makes a point that is pertinent to what is presented here: “Colonialism is not satisfied merely with holding a people in its grip and emptying the native’s brain of all form and content. By a kind of perverted logic, it turns to the past of the oppressed people, and distorts, disfigures, and destroys it.” Fanon, *Wretched of the Earth*: 210.

revealing.¹⁴⁹ The undoubtedly political program of at least some of the national historians is apparently geared to convincing us that their version of Canada and its history is the only one that makes sense to loyal and rational Canadians. Canada, in their representation, is precisely the fallacious homogeneity that social historians have sought to cleave and that post-colonial studies and feminist theory have identified as a “kind of self-interested, if historically intelligible, modernist fantasy.”¹⁵⁰ Ironically perhaps, attempting to pressure us all to have the same vision of Canada and its past is far more likely to cause the disintegration of the nation-state than the recognition and acceptance of difference.¹⁵¹

When one does not centralize nation building and does not ignore the impact of Euro-Canadian colonialism or disparage the role of those outside the economic and political inner circles, Canadian history and the nation itself become far less axiomatic entities.¹⁵² Canada’s past can no longer be traced as a single line of chronological ascent but appears rather as a set of relations that were constantly being challenged and realigned. This recognition forecloses on the possibility of producing an all-encompassing account, but it forces us to challenge the apparent obviousness of the truths that emerged

¹⁴⁹ Granatstein, *Who Killed Canadian History*: xiii. In another part of the world but in a similar fashion to Granatstein’s treatment of Riel, the political nature of exclusivist national history came to public attention in Britain in 1995 when a minister in John Major’s government criticized the inclusion of former slave and writer Olaudah Equiano and Jamaican nurse May Seacole, who wrote of her experiences in the Crimean war, into British history texts as a “ ‘betrayal’ of true British history and ‘national identity’ ”. For a brief discussion of this see Antionette Burton, “Who needs nation? Interrogating “British” History”, *Journal of Historical Sociology*, 10, 3 (September 1997): 230.

¹⁵⁰ Burton, “Who Needs Nation?”: 234.

¹⁵¹ Even if one were to consider only the “two founding nations”, it can be argued that attempts at forcing a singular vision are at the root of current problems between Quebec and English Canada. As Kenneth McRoberts has argued the “present predicament was not inevitable, the roots of the present crises lie in decisions made in the 1960s, specifically they lie with Trudeau’s national unity strategy which presumed that all Canadians must see their country and their place in it in exactly the same way”. Kenneth McRoberts, *Misconceiving Canada: The Struggle for National Unity* (Toronto: Oxford University Press, 1997): xii.

¹⁵² This paragraph follows the discussion in Ian McKay, “A Modest Prospectus”: 620-623.

in Canada's "march of progress". At the same time it causes us to analyze the conditions under which these seemingly self-evident truths appeared.¹⁵³

It could be argued, for example, that the "unbridled, unabashed, and undisguised power of the conqueror" and the "absolute control over disposition of land" evident in United States' policy toward Native peoples¹⁵⁴ did not materialize in Canada. This distinction, though, should not be overstated. Historians of imperialism, Peter Marshall and Glyndwr Williams, remind us that in "British Canada the settler-Indian conflict was later in coming, and [was] less abrasive when it did" but this was largely the result of "space and numbers" rather than a more benevolent posture toward Indigenous people.¹⁵⁵

Further, as C.E.S. Franks argues, in the century before 1970:

The American government was far more tolerant of Indian diversity in political organization, the legal system, and religious practices than the Canadian. The Canadian government exercised more control over Indian bands, allowed them less autonomy in administration and religion, maintained residential schools longer, and articulated the policy of assimilation more consistently than did the American.¹⁵⁶

As discussed elsewhere in this study, physical force was used on a number of occasions to achieve a mixture of objectives, but my research indicates that colonial violence here was much less overt than in the United States. In Canada, aggression is more often seen in the selective distribution of foodstuffs, material goods, and agricultural

¹⁵³ See the discussion in Michel de Certeau, *The Writing of History* (New York: Columbia University Press, 1988): 20-1. The acceptance of the possibility of multiple accounts presented here, though, is not akin to the apparent welcome of diversity offered by liberalism which, as Anne McClintock has argued, only serves "to efface the imbalances in power that adjudicate difference." McClintock, *Imperial Leather*: 8. Further, I would argue that simplistic appeals to cultural relativism that do not interrogate the conditions of the existence of an account within a particular discourse are of little theoretical value and are almost certainly politically dangerous.

¹⁵⁴ Vizenor, *Fugitive Poses*: 181. Vizenor comments on the United States only.

¹⁵⁵ Peter Marshall and Glyndwr Williams, *The Great Map of Mankind: British Perceptions of the World in the Age of Enlightenment* (London: J.M. Dent & Sons, 1982): 222.

¹⁵⁶ C.E.S. Franks, "Indian Policy: Canada and the United States Compared" in Curtis Cook and Juan D. Lindau eds. *Aboriginal Rights and Self-Government: The Canadian, and Mexican Experience in North American Perspective* (Montreal and Kingston: McGill-Queen's University Press, 2000): 243-244.

implements as rewards for cooperating with Euro-Canadian authorities.¹⁵⁷ It can be found also in the methods by which Indigenous land and resources were expropriated with little meaningful consultation or negotiation.¹⁵⁸ It is also evident in the disciplinary surveillance network aimed at eliminating the preexisting political, social, and economic arrangements of Indigenous cultures and, even more destructively, in the solicitation of cooperation from within these communities to these ends. All of these were in turn supported by legal structures whose object was to impose foreign values on populations denied the rights and safeguards granted to Canadian citizens.

The law and its enforcement in relation to Native people in Canada was never an uncomplicated process and the issue has received considerable attention from scholars in recent years. J.R. Miller, for example, argues that “there is a tendency to treat the aims and results of legislation banning traditional cultural practices or inhibiting native movement as synonymous” and contends that “it is one thing to legislate; another to enforce”.¹⁵⁹ Rather than limiting Native action, Miller suggests, restrictive legislation was often ineffective or ignored.¹⁶⁰ Simply making a law does not mean that the instruments and agents of the state have the ability, or the will, to force compliance. In areas distant from NWMP posts or the judgmental eyes of DIA officials Miller undoubtedly has a

¹⁵⁷ For a thorough account of the Canadian Government’s imposition of regulatory and material impediments to reserve agriculture in the prairie west, despite initial First Nation enthusiasm for the project, see Carter, *Lost Harvests*.

¹⁵⁸ For an overview of land issues in British Columbia see: Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990). There is no similar overview for Alberta but for First Nation perspectives on Treaty 7 see: Treaty 7 Elders and Tribal Council, *The True Spirit and Original Intent of Treaty 7*.

¹⁵⁹ J.R. Miller, “Owen Glendower, Hotspur, and Canadian Indian Policy” in *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed. J.R. Miller (Toronto: University of Toronto Press, 1992): 323 and J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian White Relations in Canada*, rev. ed. (Toronto: University of Toronto Press, 1991): 193.

¹⁶⁰ J.R. Miller, “Owen Glendower”: 327-31.

point. Douglas Cole and Ira Chaikin make an allied argument regarding the potlatch on the northwest coast of British Columbia. They argue that banning legislation had a limited if any effect.¹⁶¹ In the distant maze of small islands with marine only access, and coupled with evasive strategies devised by the Kwakwaka'wakw and other coastal peoples, there must have been considerably more possibility of escaping legal sanction than in areas closer to administrative centres.

In the study below there are many examples in which Indigenous peoples resisted, challenged, or subverted legislation they felt was unjust. But there are also enough examples where Native movement, economic activity, and legal access was restricted by police, DIA employees, church officials, or White neighbours to challenge the contentions of authors like Miller and Cole and Chaikin on weight of evidence alone. In addition, Miller is silent on, and Cole and Chaikin minimize, the coercive effects that the law, even if irregularly or inconsistently applied, might have simply as a result of the threat that it might be enforced at any time.¹⁶² While there are many laws that are applied

¹⁶¹ Douglas Cole and Ira Chaikin, *An Iron Hand Upon the People: The Law Against the Potlatch on the Northwest Coast* (Vancouver: Douglas & McIntyre, 1990): 117. Cole and Chaikin do note however that the legislation banning the potlatch “was second only to the taking of land without extinguishing title as an example of intolerance” and though they believe an argument could be made that the legislation had no effect, “the story is much too complicated to accept such easy generalization”. Cole and Chaikin, *Iron Hand*: 1, 176. The potlatch was banned in 1884 by *An Act further to amend 'The Indian Act, 1880'*, S.C. 1884, c.27, s.3. This amendment states: “Every Indian or other person who engages in or assists in celebrating the Indian festival known as the “Potlatch”: or in the Indian dance known as the “Tamanawas” is guilty of a misdemeanor, and shall be liable to imprisonment for a term of not more than six nor less than two months in any gaol or other place of confinement; and any Indian or other person who encourages either directly or indirectly, an Indian or Indians to get up such a festival or dance, or to celebrate the same, or who shall assist in the celebration of the same is guilty of a like offence and shall be liable to the same punishment.” In 1895 the law was extended to include “any Indian Festival, dance or other ceremony of which the giving away or paying or giving back of money, goods, or articles of any sort forms a party, or is a feature.” *An Act further to amend the Indian Act*, S.C. 1895, c.35, s.6. The 1895 amendment seems aimed specifically at the practices of the First Nations of the prairies. Katherine Pettipas, *Severing the Ties that Bind: Government Repression of Indigenous Religious Ceremonies on the Prairies* (Winnipeg: University of Manitoba Press, 1994): 95-6.

¹⁶² Cole and Chaikin, *Iron Hand*: 176. Cole and Chaikin at least recognize that the possibility of enforcement had salutary effects in the eyes of DIA officials. Miller, Cole and Chaikin, and Tina Loo, who

with inconsistent zeal depending on the situation and circumstance, this does not mean that these laws have no effect. The presence of groups of uniformed police at Native festivals or patrolling the perimeters of Indigenous communities can not be declared ineffective simply because occasionally someone slipped past the grasp of officials or evaded punitive action. The effectiveness of disciplinary surveillance and the capacity of power to operate automatically, as discussed earlier, rests on the possibility that each individual *may* be observed at any time. Certainly the likelihood of observation was greater east of the Rockies, but even in British Columbia where the dispersed matrix of Indian reserves perhaps did not allow for the perfect visibility of Bentham's panopticon, disciplinary surveillance still had an impact.

Arriving at an allied conclusion to Miller and Cole and Chaikin, but armed with her reading of the theories of power advanced by Foucault, Tina Loo argues that the law offered Indigenous people a way of arguing and a degree of independent action. Native people could, she contends, "exploit the strategic potential embedded in the way the law works."¹⁶³ Similarly wanting to demonstrate Native agency, Bruce Stadfeld employs a reading of Foucault to show that "power was fluid, organic, and decentred; it was not monopolized by settlers or governments nor did it simply reside in their instruments of

will be discussed below were challenged by Robin Brownlie and Mary Ellen Kelm who state that "they go beyond the argument for the recognition of Native agency to one that uses evidence of Native resilience and strength to soften, and at times to deny, the impact of colonialism, and thus, implicitly, to absolve its perpetrators." Brownlie and Kelm "Desperately Seeking Absolution: Native Agency as Colonialist Alibi?", *Canadian Historical Review* 75, 4 (December 1994): 545. See also responses to this critique in Douglas Cole, J.R. Miller, and Mary-Ellen Kelm, "Desperately Seeking Absolution: Responses and a Reply," *Canadian Historical Review* 76, 4 (December 1995). Brownlie and Kelm's position should cause historians to be more self-reflective and conscious of current political struggles. Their arguments though, at least in this short article, perhaps do not pay enough attention to the dialectic operation of power. Resistance is always present even if severely limited. The ability of power to adapt to challenges and to reemerge with a "new face" is fundamental to its strength as discussed elsewhere in this chapter.

¹⁶³ Tina Loo, "Dan Cranmer's Potlatch: Law as Coercion, Symbol, and Rhetoric in British Columbia, 1884-1951" in Tina Loo and Lorna R. McLean eds., *Historical Perspectives on Law and Society in Canada* (Toronto: Copp Clark Longman, 1994): 245.

subjugation.”¹⁶⁴ Loo’s and Stadfeld’s presentations of power emerging in multiple locations within a society is persuasive. Since power and resistance are formed dialectically there is always the possibility of resistance, at least at the local level. This study too proceeds from an understanding that “everyday” forms of resistance are significant, as discussed above. As Haynes and Prakash suggest “[p]ower is...constantly being fractured by the struggles of the subordinate.”¹⁶⁵ Finally, the research below supports Loo’s position that “strong legal arguments” could sometimes have an impact on the outcomes of particular legal proceedings, even if only in limited and localized circumstances.¹⁶⁶

Where this work departs from these scholars, though, lies in their apparent underestimation of the creative potential of power to reformulate in response to challenges to it. While analogy and other legal strategies may have been effective in some specific situations, when fundamental understandings were challenged, or when an inherent contradiction in a foundational premise was exposed, a new justification for inequity or a reformulated mode of restriction was adopted to fill the breach. While Stadfeld’s examination of a specific incident involving the land of the Quw’utsun’ on Vancouver Island goes some way to demonstrating the ineffectiveness of law and government initiatives in this case, his determined effort to illustrate Native agency seems to divert him from acknowledging that the diffusion of power throughout the social fabric makes it more difficult to resist not less. Loo similarly downplays the potential of power

¹⁶⁴ Stadfeld, “Manifestations of Power”: 33. Stadfeld, here, does not explore Foucault’s conception of power to the depth that Loo does but rather directs readers to Foucault’s *History of Sexuality*.

¹⁶⁵ Haynes and Prakash, “Entanglement of Power and Resistance”: 2-3. Haynes and Prakash state further that [s]ocial structure, rather than being a monolithic, autonomous entity, unchallenged except during dramatic instances of revolt, appears more commonly as a constellation of contradictory and contestatory processes”

¹⁶⁶ Loo, “Don Cranmer’s Potlatch”: 244.

to create new boundaries, new divisions, and new points of illegality.¹⁶⁷ More importantly, while Loo recognizes that the real power of the law lies in its “ability to limit debate, to shape the questions asked and the line of inquiry that is pursued” and so goes part way to considering the limiting effects discourses have on the emergence of contrary ways of knowing, she does not consider what has been silenced or rendered mute by the power of legal discourse itself.¹⁶⁸ Her exploration of the 1885 ban on the Potlatch and the confiscation of significant spiritual objects at a Kwakwaka’wakw potlatch in 1922 does illuminate how the law was, on occasion, subverted in the interest of coastal peoples but she is silent on the ongoing cultural disruption and devastating effects that the removal of these objects had.¹⁶⁹ These effects were well beyond the scope of judicial recourse or a line of inquiry which attempts to isolate a specific piece of legislation from the web of Native-newcomer relations.¹⁷⁰ Both Loo and Stadfeld, then, offer some intriguing insights but their focus on the law and government mitigates against a broader understanding of power as a dispersion, and so perhaps provide a more optimistic view of the potential for

¹⁶⁷ Loo, “Don Cranmer’s Potlatch”: 242.

¹⁶⁸ Loo, “Don Cranmer’s Potlatch”: 244.

¹⁶⁹ A Kwakwaka’wakw witness to a confiscation of spiritual objects from Cape Mudge, Alert Bay, and Village Island stated that: “Our old people who watched the barge pull out from shore with all their masks on it said: “There is nothing left now. We might as well go home.” When we say, “go home,” it means to die.” Cited in Jean Barman, *The West Beyond the West: A History of British Columbia* (Toronto: University of Toronto Press, 1993): 160. While there was supposed to be some compensation paid for the removal of these items Harry Assu claims “people are still alive who didn’t get paid, and they never knew anybody who did get paid.” Harry Assu with Joy Inglis, *Assu of Cape Mudge: Recollections of a Coastal Indian Chief* (Vancouver: University of British Columbia Press, 1989): 103-106. It should be recognized too that for many of the ceremonial objects that were sold into private collections by unscrupulous officials restitution also remains unrealized.

¹⁷⁰ Loo, “Dan Cranmer’s Potlatch”: 222. Loo admits to the impossibility of separating “issues relating to Indian -white relations from a study of the potlatch” but then goes on to set this as her task. This focus on the law, even when allowing its “symbolic functions”, seems to operate against an understanding of the operations of power in this instance.

organized resistance, than is presented below.¹⁷¹ At the very least any consideration of agency has to be opened up to include the entire network of relations between Indigenous peoples and Euro-Canadians which included resistance, coercion, refusal, acceptance, negotiation, imposition, compromise, assistance, alliance, cooperation, collusion, and violent rejection among a variety of other actions and reactions.¹⁷²

Further, simply inverting the binary of oppressor/oppressed or agency/coercion by demonstrating the ability of Native people to resist European intrusion, without examining the conditions that produced and maintained the binary in the first place, diminishes the theoretical and political values of conceptions that could have profound implications. Again, Haynes and Prakash are helpful here:

a shortcoming in the effort to recover lost histories of subordinated peoples lies not so much in the attempt itself as in the fact that these recoveries have obscured the processes by which new forms of power and domination are produced. If we are to assume that ‘consciousness’ is achieved in most acts of resistance and hold that the ‘recovery’ gives the subaltern a voice, then the critical edge provided by the notion of subalternity may be lost. For we then may fail to understand the structures that have conditioned the subaltern in the past and which continue to shape our own discourse in the present. To challenge these structures it may still be important to commend struggle, but it is equally important to understand that which enables and disables resistance, i.e. to use subaltern challenges to power as a springboard for inquiring into the conditions under which struggles are conceived, mounted and contained.¹⁷³

What needs to be explored then is not Native agency but the more theoretically interesting and politically important conditions that fostered the “‘mythology of racelessness’ and ‘stupefying innocence’” that Constance Backhouse suggested recently

¹⁷¹ As Foucault stated “[o]ne impoverishes the question of power if one poses it solely in terms of legislation and constitution.” Foucault, “The Eye of Power”, in Foucault *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (New York: Pantheon Books, 1980): 158.

¹⁷² McClintock, *Imperial Leather*: 15.

¹⁷³ Haynes and Prakash, “Entanglement of Power and Resistance”, 20.

“would appear to be the twin pillars of the Canadian history of race.”¹⁷⁴ The relative silence of racialized discourse in Canada and the “common sense” belief that racism has never existed here, at least to the levels that it occurred south of the border, is what really distinguishes racism in Canada where “the ‘colour bar’ was far more muted and informal”.¹⁷⁵

Similarly, a recent collection of articles on race and the law states that its objective is to challenge “the racelessness of law and the amnesia that allows White subjects to be produced as innocent, entitled, rational, and legitimate.”¹⁷⁶ For the most part these authors argue that racially determined sanctions depended on the disposition of White proprietors, patrons, and local officials. This does not mean that racism here was necessarily felt any less sharply than in the United States, only that it could not be resisted in the coordinated way that it was south of the border. Racism extended well beyond intentional, if not legislatively approved, acts. It was both endemic and dispensed through all Canadian institutions: schools, government bodies and the courts. It was also manifest in Canadian popular culture, in social, political, and economic theory, and often in the family. Whiteness is the norm against which all else was judged. Its invisibility allowed the privileges that being White provided to be obscured.¹⁷⁷ The recognition of the silent operations of racism forces us to consider the violence inherent in seemingly benign acts

¹⁷⁴ Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999): 14. Backhouse contends that the notable absence of primary documents from archival collections, even for cases which provided legal precedents, either as the result of negligence in submitting written reports or later archival culling is further indication of “of a society that seems determined to ignore issues of race.”

¹⁷⁵ Backhouse, *Colour-Coded*: 281. Backhouse recognizes the “arrogance of the federal government” in taking onto itself the sole right to determine who was an Indian and in defining their inferior status in the Indian Act (21-23) but does not mention that the DIA was responsible for educating Indigenous children in racially segregated schools.

¹⁷⁶ Razack, *Race, Space, and the Law*: 19.

¹⁷⁷ Backhouse, *Colour-Coded*: 9; Ann McClintock, *Imperial Leather*: 7.

and less than overt modes of power such as classification, measurement, calculation, and representation, each of which is made possible only by observation and surveillance.¹⁷⁸

Investigating Colonialism as Cultural Formation and Concrete Experience

With all of the above discussion of cultural formations, representation, liberalism, hegemony, and ideology, one might think that colonialism was only a cerebral initiative, a figment of speech, or a textual project. Yet, a focus on land and resource issues and the impact of these on Indigenous peoples in the study that follows ensures that the material aspects of colonialism are very much a part of the analysis. As has been recognized elsewhere, “[c]olonialism was simultaneously, equally, and inseparably a process in political economy and culture.”¹⁷⁹ It is clear from the historical record that Native peoples in the Treaty 7 and Kamloops-Okanagan regions experienced colonialism in concrete material ways that must be understood in that light.¹⁸⁰ The surveillance, measurement, and judgment, of Indigenous people was not only directed at isolating aberrant behavior or illustrating Anglo-Canadian superiority but at expediting the material undertakings of the colonizers. Further, in the period between 1877 and 1927 in southern Alberta and the southern interior of British Columbia, liberalism operated in more brazenly collaborative ways with the political and economic demands of Euro-Canadian imperialism than perhaps at any other time in the history of Canada. While the “Indian” may be offered as a discursive effect, real Indigenous people lived in western Canada, struggled, adapted

¹⁷⁸ In this model even apparently neutral activities such as art or photography produce “specious representations of the other”. As Gerald Vizenor says: “Pictures are possessory, neither cultural evidence nor the shadows of lost traditions. Cameras are the instruments of institutive discoveries and predatory surveillance”. Vizenor: *Fugitive Poses*: 154.

¹⁷⁹ John and Jean Comaroff, *Of Revelation and Revolution*, vol. 2: 19-20; see also Sinha, *Colonial Masculinity*: 2.

¹⁸⁰ McClintock, *Imperial Leather*: 15.

and raised families under the oppressive weight of colonialism, the imposition of decidedly exclusive liberal values, and the racism of many of their neighbours. Both the psychological and material effects are still being felt.

The approach taken here proposes moving beyond the simple insistence on the constructed nature of knowledge and identities. In addition, it does not suggest examining Euro-Canadian colonialism only to chronicle its history of domination. Rather it is the inconsistencies, the contradictions, the fractures, and the failures of liberalism and colonialism that will be examined. The intent in exploring these fault lines is to investigate the possibility of divergent understandings that were never allowed to surface but rather were sacrificed to liberalism's normalizing and exclusionary strategies.¹⁸¹ The chapters below explore the ways in which particular truths emerged and were reframed in the specific situations of the Treaty 7 and Kamloops-Okanagan regions. They also investigate the ways in which liberalism merged with colonialism in the creation of wealth through the transfer of land and resources. Finally, they explore the strategies of resistance, accommodation, acceptance, negotiation, compromise, alliance, cooperation and fierce rejection of Canadian colonialism and its attendant liberal capitalist values and mandates as they unfolded in western Canada.

This work also flows from the understanding that one "cannot just *do* colonial history based on our given sources" because, as Anne Stoler and Frederick Cooper confirm, "what constitutes the archive itself, what is excluded from it, what nomenclatures signal at certain times are themselves internal to, and the very substance of

¹⁸¹ See Gyan Prakash, "Subaltern Studies as Postcolonial Criticism", *American Historical Review* 99, 5 (December 1994): 1486.

colonialism's cultural politics."¹⁸² The non-Indigenous historian finds him or herself in a triple bind, caught between a European based colonial discourse as presented in an archive and his or her own cultural reality while attempting to uncover the voice of the colonized.¹⁸³ While no historical methodology can produce a distortion-free reflection of the colonial experience, it is understood here that simply replacing thorough archival research with the tools of literary criticism is insufficient. As literary critic Gayatri Chakravorty Spivak argues "literature and the archives seem complicit in that they are both a crosshatching of condensations, a traffic in telescoped symbols, that can only too easily be read as each other's repetition-with-a-displacement."¹⁸⁴ Spivak realizes that she could never find the "real" Rani, the south Asian woman of status and privilege who she wants to investigate in archival collections that are only capable of furnishing misshapen images. Yet she realizes also that she has no alternative, even if the initial results were somewhat frustrating: "I intend to look a little further, of course. As the archivist assured me with archivistic glee: it *will* be a search".¹⁸⁵ The intent in the chapters below is to similarly maintain the tension between the recognition of archival documents as constructed texts and reading them as portals, albeit disfiguring ones, into peoples' lives.

In practice, history must always prowl the borders between past social acts, present cultural understandings, social and political imperatives, disciplinary requirements, and personal objectives. This understanding lends support to the suggestion that "it is more useful to think of history as an ethical and political practice than as epistemology with a

¹⁸² Cooper and Stoler, "Between Metropole and Colony": 18.

¹⁸³ This problem, of course, faces all historians. The point here is that it seems more obvious for colonial situations as it would be for those whose focus is women or the working class.

¹⁸⁴ Though trained as a literary critic Spivak is "skeptical" of Hayden White's and Dominick La Capra's "privileging of literary criticism". Gayatri Chakravorty Spivak, "The Rani of Sirmur", *History and Theory: Studies in the Philosophy of History* 24, 3 (1985): 248-50.

¹⁸⁵ Spivak, "The Rani of Sirmur": 270.

clear ontological status.”¹⁸⁶ I would argue that historians need to be more self-conscious and open about their own subject position and complicities, their methodological assumptions, and the tentativeness and constructedness of their analyses and claims. Mariana Valverde argues that “it is possible that reflecting upon the historicity of our basic tools...might lead to anxiety and writer’s block. But one could argue that Canadian historians might benefit from moderately increased levels of theoretical and methodological anxiety.”¹⁸⁷

The focus on liberalism and colonialism in western Canada at the end of the nineteenth and beginning of the twentieth centuries is of more than academic interest. We must of course find ways to confront the residual effects of past colonial practice, but we need to also navigate the challenges of the present Canadian political climate. In the 1970s George Manuel stated that to the extent that Native people will choose to integrate into Canadian society in the future, it “will occur only when there is no longer any dilemma between retaining our status as Indian people and becoming part of Canadian society. The Indian peoples want to enjoy the same rights and recognition as the “two founding races” now enjoy in our land.”¹⁸⁸ In the last few decades Canadian liberalism has promoted policies of multiculturalism and engaged in treaty making with Indigenous peoples but continues to offer a particular understanding of history and to contain the nature of equality and the extent of self-determination that it permits. As Taiaiake Alfred has said of the B.C. Treaty Commission:

¹⁸⁶ Lynn Hunt, “History as Gesture; or, The Scandal of History,” in *Consequences of Theory*, Johnathan Arac and Barbara Johnson eds. (Baltimore: Johns Hopkins University Press, 1991): 102-3.

¹⁸⁷ Mariana Valverde, “Some Remarks on the Rise and Fall of Discourse Analysis”, *Histoire Sociale / Social History* 33, 65 (2000): 76.

¹⁸⁸ Manuel, “Manifesto for Survival”: 50.

In essence, stripped of its rhetorical ‘treaty’ façade, the BCTC uses a base form of manipulation of indigenous peoples’ post-epidemic poverty and weakness in the attempt to validate and legitimize the conditions and structures that are an inherent part of the economic dependency foisted on them, and to achieve a final and crucial degree of control over the futures of indigenous peoples by binding and subsuming their identity and political existence to that of the Canadian state.¹⁸⁹

Twenty first century Canadian liberalism works to mask its efforts at assimilation and homogenization. It presents a degree of juridical equality to First Nations people but is careful to limit any official discussion of Indigenous sovereignty or nationhood, in the past or in the future, that might challenge the legitimacy of the liberal capitalist state itself. As has been suggested elsewhere, the critique of Canadian society being offered by many twenty first century Indigenous thinkers is relevant not only to those defined as “Aboriginal”, but to all of us and this perhaps is where the greatest challenge to liberal hegemony lies.¹⁹⁰ As long as liberalism is able to obscure its own inherent contradictions, Indigenous people in Canada will not be in a position to control their own land or economic strategies.

In order to investigate the specific conditions in which liberalism was applied and disciplinary surveillance emerged on western Canadian Indian reserves, the study below focuses on the colonization of two regions of western Canada in the period 1877-1927. The first, the southern Alberta region that became known as Treaty 7 included the Siksika (Blackfoot), Piikani (Peigan), and Kainai (Blood) Blackfoot nations as well as the Tsuu

¹⁸⁹ Taiaiake Alfred, “Deconstructing the British Columbia Treaty Process” (paper prepared for The Assembly of First Nations, August 2000), <<http://www.delgamuukw.org/research/bctreatyprocess.pdf>> (30 October 2006).

¹⁹⁰ Richard D.F. Day and Tonio Sadik, “The BC Land Question, Liberal Multiculturalism, and the Spectre of Aboriginal Nationhood”, *BC Studies* 134 (Summer 2002): 29.

T'ina (Sarcee) and Nakoda (Stoney) First Nations.¹⁹¹ The second, the southern interior area of British Columbia that became the Department of Indian Affairs' (hereafter DIA) administrative region known as the Kamloops-Okanagan Indian Agency, included the Secwepemc (Shuswap), Okanagan, and Nlaka'pamux (Thompson) First Nations.¹⁹² The decision to examine two locations, especially ones as close together geographically and both overseen by a singular but fledgling Canadian state, was made to provide an opportunity to explore the elasticity, the mutability, and the pluralities that exist within the colonial project even within nearby regions of a single nation.¹⁹³

The reasons for choosing to examine the contours of colonialism at the local level stems from an understanding that while imperialism is global in scope “even in its most marauding forms it necessarily takes hold in and through the local”.¹⁹⁴ Certainly as Mariana Valverde confirms historians are now in a position to attempt “the admittedly difficult task of taking contingency and historical specificity seriously, while remaining

¹⁹¹ The term “Blackfoot” will be used when discussing the Kainai, Piikani, and Siksika collectively throughout this work. Several scholars argue that the term “confederacy” should not be used here because it implies an unwarranted degree of political integration. See for example Theodore Binnema, “Old Swan, Big Man, and the Siksika Bands, 1894-1815”, *CHR*, 77, 1 (March 1996): 5 fn 11.

¹⁹² The Kamloops and Okanagan agencies were administered jointly from 1884 to 1910 but from their creation in 1881 until 1884 and again from 1910 until the 1960s, when another major restructuring took place, they were separated. The shifting agency boundaries never necessarily included all members of any First Nation.

¹⁹³ For a thoughtful study of the practice of comparative analysis see Anne Stoler, “Tense and Tender Ties: The Politics of Comparison in North American History and (Post) Colonial Studies”, *The Journal of American History*, 88, 3 (December 2001): 829-865. Any differences that emerge, especially between two regions in such close proximity would additionally help illustrate, as John and Jean Comaroff, have argued, that “imperial elites may have viewed their domains from a metropolitan center, but their actions, let alone their consequences, were not necessarily determined there”. John and Jean Comaroff, *Of Revelation and Revolution*, vol. 2: 29.

¹⁹⁴ Jane M. Jacobs, *Edge of Empire: Postcolonialism and the City* (New York: Routledge, 1996): 34. Jacobs also argues that imperialism is weakest and most opposable at the local level. Taiaiake Alfred pushes the potential for local activism further when he suggests that, “[a]ll of the world’s big problems are in reality very small and local problems...So, confronting huge forces like colonialism is a personal and, in some ways, a mundane process.” Taiaiake Alfred, *Wasáse*: 25.

interested in larger questions about governance and about forms of power that go beyond the local and the particular.”¹⁹⁵

This is not really a comparative study in the traditional sense then, though there were significant differences in the two regions under investigation and comparisons will be made. Rather, what follows is an exploration of the ways in which colonialism and the application of liberalism, both of which are better seen as dispersions than monolithic enterprises, can shift and adapt to meet specific local conditions. The central argument here is that liberalism, as it was applied in western Canada, served to exclude Indigenous people in various ways from the equality, liberty and protection of property that it was purported to promote and that non-Natives in Canada took for granted. This expansion of liberalism, multifaceted in construction and diverse but undeniably debilitating in its impact on First Nations people, was facilitated, fashioned and justified by means of disciplinary surveillance. In addition, the surveillance network described in the chapters that follow clearly operated to inculcate Anglo-Canadian liberal capitalist values, structures, and interests as normal, natural, and beyond reproach. At the same time, it worked to exclude or restructure the economic, political, social, and spiritual tenets of Indigenous cultures. While none of this proceeded unchallenged, surveillance served as well to mitigate against, even if it could never completely neutralize, opposition. Further, to protect the chimera of what liberalism had to offer Indigenous people, those about whom the massive textual record was created were routinely denied access to it.

¹⁹⁵ Marianna Valverde, “Some Remarks”: 76. Adele Perry agrees that “[t]o acknowledge the salience of international patterns of imperialism is not to deny the local, the particular, the idiosyncratic.” In Perry’s view “the shift away from totalizing analyses of imperialism as a coherent monolith” is the most important accomplishment of recent writing on colonialism. Adele Perry, *On the Edge of Empire: Gender, Race, and the Making of British Columbia, 1849-1871* (Toronto: University of Toronto Press, 2001): 7.

With the theoretical underpinning, attendant debates, and direction of this dissertation established, the remainder of this study is arranged thematically. In order to establish a base line, chapter 2 provides a survey of the territories and the economic, political, and social structures, relations and strategies of the First Nations resident in the Treaty 7 and Kamloops-Okanagan regions. The discussion then moves to a brief exploration of the disruptions caused by introduced disease and to the intent of government policy related to Indigenous people prior to 1877. Finally, this chapter introduces the administrative regions and reformatory spaces designed to neutralize and reform any perceived threat Indigenous people might offer to the expansion of liberal Canada.

Chapter 3 introduces the matrix of collaborative surveillance by and of missionaries, officials of the Department of Indian Affairs and policemen, while paying particular attention to the latter. The neutralization and reform of Indigenous people was the primary object of this network of surveillance, but others too were subjected to its normalizing impact in the advance of liberalism and Anglo-Canadian interests. While there were differences in tactics and motivation between agencies and individuals, which occasionally led to conflict, the overall strategy of restraining Indigenous people on their reserves until they could be assimilated was wide spread.

Chapter 4 focuses specifically on the surveillance and reformatory efforts of the DIA. This chapter includes an exploration of the DIA's hierarchical administrative structure and the textual records its employees created. Through these records the department created and selectively disseminated the data related to the "Indian" that was the product of its information gathering strategies.

With the specifics of how Canada managed both its relations with Indigenous people and the information it gathered concerning these relations explored in chapters 2 through 4, the discussion then moves to an examination of how this served the interests of settler society. The remainder of this study investigates the transfer of land from Indigenous to settler control and the subsequent destabilization of Indigenous social, political, and economic structures.

Chapter 5 sets the stage with a study of the early phases of the expansion of non-Indigenous settlement into western Canada. Even if they were not always happy about living within the boundaries established by surveyors, non-Native settlers brought with them their own ideas about how land should be demarcated, how the resources it contained should be used and how all of these should be possessed. In turn, this chapter identifies how these understandings served to justify the removal of land and resources from Indigenous control. The fragments that remained as reserves were designed to provide both reformatory spaces and holding areas for Indigenous bodies and resources that could be brought into service in the interests of the dominant society when deemed necessary. Different historical circumstances in the two regions ensured that these processes would proceed uniquely in each of the two areas.

Chapter 6 examines the situation in which the Secwepemc and Okanagan were compelled to navigate between an acquisitive province intent on quickly removing them from their territories to facilitate non-Indigenous settlement and the federal government with similar objectives but which advocated tactics more palatable to its larger and more diverse constituency. Within this frame of parallel interests but divergent tactics, the concerns and interests of First Nations were sacrificed as Indigenous territory and access

to resources were minimized in the effort to ensure good relations between the two levels of government.

The discussion in chapter 7 moves east of the Rockies to explore the conditions under which land in this region was alienated from each of the five First Nation signatories to Treaty 7, despite the existence of their treaty with Canada. The much greater levels of disciplinary surveillance here in this period ensured more regular and sustained interference in day to day life than in the British Columbia interior. This and the preceding two chapters illustrate the extent to which liberal Canada was prepared to descend, in apparent contravention of liberalism itself, in order to appropriate land contrary to the interests and will of its original owners. These chapters also document some of the resistance to these efforts within the structures established by Canada but additionally illustrate how protests were ignored, Indigenous leaders deposed, majority decisions circumvented, and legislation revamped to meet the challenges posed to the expansion of liberal Canada.

Chapter 8 serves as both an epilogue and a conclusion. This chapter explores how the restriction of rights and benefits granted to others and the appropriation of Indigenous lands and resources were intensified in the years in and around World War One at a time of national crisis. While Indigenous people were often applauded for their war efforts they received little material credit or change in status as a result of their service.

CHAPTER TWO

From Indigenous Territory to a “narrow world, strewn with prohibitions”¹

North America was, until recently, promoted by many non-Native academics and popular writers alike as vacant territory waiting to be molded by the arrival of Europeans.² The project of countering this notion has begun but is often met with opposition created by a naturalized set of historical reasonings and a political and social imperative to preserve the heroic story line. The related front of dating the occupation of First Nations people of the region that became western Canada, and the meaning of this occupancy, is equally contested and similarly of potentially considerable political and economic significance. Some scholars appeal to the illusory racelessness of Canada’s history and graft it onto liberal notions of equality to advance a political position that denies any special Indigenous rights by arguing that First Nations were simply the first wave of immigrants, therefore, “[t]o differentiate the rights of earlier and later immigrants is a form of racism.”³ It should not be surprising that First Nations recent suggestions that they have no more connection to their territories than the European settlers who usurped them. Nor should it be unexpected that they have little tolerance for the continual shifting of archaeological theories concerning the timing and route of their migration from

¹ Fanon, *The Wretched of the Earth*: 37.

² On this point see the discussion in chapter 1.

³ Tom Flanagan, *First Nations? Second Thoughts* (Montreal & Kingston: McGill-Queen’s University Press, 2000): 6. For an allied and more detailed expression of this view see Alan Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: UBC Press, 2000). For a brief but scathing Indigenous response to Flanagan and Cairns see Gerald (Taiaiake) Alfred, “Of White Heroes and Old Men Talking”, *Eastern Door*, 9, 19 (4 June 2000).

elsewhere.⁴ Contrary to the “scientifically” based speculations that ignore, depreciate, or patronize First Nations understandings, Native peoples of North America recognize the territories that supported their ancestors as the lands of their origin.⁵

The important and seemingly obvious point in the context of this study is that at the time of their first contact with Europeans, the First Nations residing in the regions of southern Alberta and the southern interior of British Columbia were actively using the land and harvesting its resources and had been for a very long time or they could never have survived to make contact with the newcomers. This use of resources was not based on a haphazard wandering or a fortunate blundering into edible products but a systematic, organized, complex, and sustained array of activities learned from generations of living in particular territories.⁶ In other words, for each region and within the culture of the group occupying it a successful economic strategy was developed. While those recognized as the owners of specific tracts of land or resource sites differed according to the cultural

⁴ Hugh Brody, *Maps and Dreams: Indians and the British Columbia Frontier* (Vancouver: Douglas & McIntyre, 1988): 15-16. Brody is referring here specifically to the Secwepemc of south central British Columbia. See also Vine Deloria Jr. *Red Earth White Lies: Native Americans and the Myth of Scientific Fact* (New York: Scribner's, 1995): 61-80. Even if one chooses to accept the theories that place First Nations appearance in the Americas most closely to the present, or approximately 10,000 to 12,000 years ago (Flanagan: 16) the period of residence is enormous, even incomprehensible, especially when compared to the brief moment of European occupation. On this point see Knut R. Fladmark, *British Columbia Prehistory* (Ottawa: Archaeological Survey of Canada, National Museum of Man, National Museums of Canada, 1986): 11. See also Carter, *Aboriginal People and Colonizers*: 15-18.

⁵ The Assembly of First Nations makes the point regarding all Native people of Canada succinctly in the preamble to their charter: “our peoples are the original peoples of this land having been put here by the Creator” this “place on Mother Earth provided us with all our needs.” Assembly of First Nations, “Charter of the Assembly of First Nations”, *About AFN*, April 2003, <<http://www.afn.ca/article.asp?id=57>> (1 June 2006). See also Snow, *These Mountains*: 2.

⁶ In her account of the Blackfoot, Hana Samek represents a tendency on the part of some scholars to somewhat uncritically accept the language used in much earlier works when she refers to the Blackfoot as “nomadic” and “warlike” but does not explore or explain either offensive and potentially damaging term. Hana Samek, *The Blackfoot Confederacy, 1880-1920: A Comparative Study of Canadian and U.S. Indian Policy* (Albuquerque: University of New Mexico Press, 1987): 12. Similarly, a more recent account by Hugh Dempsey recognizes the existence of established seasonal rounds of economic activity, but nonetheless has the “nomadic” Blackfoot “wandering off” in all directions. Hugh A. Dempsey, “The Blackfoot Nation”, in R. Bruce Morrison and C. Roderick Wilson eds., *Native Peoples: The Canadian Experience* (Don Mills, ON: Oxford University Press Canada, 2004): 276-278.

requisites of particular groups and shifted over time as the result of conflict, disease, combinations, demographic shifts or resource paucity or abundance in this or nearby territories, each group protected its borders and reserved the right to control access to its resources.

In the two regions discussed in detail here, the area of southern Alberta covered by Treaty 7 and the region of south central British Columbia that at various points was known as the Kamloops – Okanagan Indian Agency, the time between initial contact and overt imperial expansion with its attendant imposition of colonial governance, legal framework, social structures, and economic modes, was very short. There was no extended period of military alliance as there was in the East and the respect, to the degree that it existed, that was accorded Native people by Europeans during the fur and resource trades was much abbreviated in western Canada.⁷ Even in southern Alberta, where the apparent unsuitability of the land for agriculture slowed settlement, there were barely one hundred and twenty years between the first written record of contact with the arrival of Anthony Henday and the administrative expansion of imperialism following the signing of Treaty 7.⁸ In the interior of British Columbia it was even later, by almost four decades, when Alexander McKenzie, with the help of Secwepemc guides entered the northern part of their territory.⁹ It was eighteen years later still when a party of Astorians led by David Stuart traveled up the Columbia River to the Thompson through Okanagan territory in

⁷ For an exploration of traders' perceptions of the Okanagan and other peoples of the Columbia Plateau see Elizabeth Vibert, *Traders' Tales*.

⁸ Henday's arrival in Blackfoot territory in 1754 was likely preceded by French traders. Also, the Peigan likely had contact with the Spanish to the south. Howard Palmer with Tamara Palmer, *Alberta: A New History* (Edmonton: Hurtig Publishers, 1990): 11.

⁹ J. Coffey et. al. *Shuswap History: The First 100 Years of Contact* (Kamloops: Secwepemc Cultural Education Society, 1990): 7.

1811.¹⁰ Here, it was less than eight decades between first recorded contact and the establishment of this region as an Indian agency administered and controlled by the Canadian Government.¹¹

The Peoples of Treaty 7

By 1877 the Indigenous peoples occupying the territory that became southern Alberta had already experienced some historic population movements as suggested by the three language groups represented in the area. The three Blackfoot nations, the Siksika, Kainai, and Piikani, probably the first of the Treaty Seven signatories to enter the furthest reaches of the northern plains by about 1500,¹² belong to the Algonquian language group like the neighbouring Cree and the distant Mi'kmaq.¹³ These three believe themselves to have come from a common ancestor and supported each other to form the strongest

¹⁰ Duane Thomson, "A History of the Okanagan: Indians and Whites in the Settlement Era, 1860-1930", Unpublished Ph.D. Dissertation, University of British Columbia, 1985: 22. The Astorians built Fort Okanagan at the confluence of the Columbia and Okanagan rivers.

¹¹ The Kamloops and Okanagan Agencies were both established in 1881 as will be discussed below.

¹² Carter, *Aboriginal Peoples*: 24. Clark Wissler stated that they were on the plains long before 1492 but Dempsey says they probably remained north of the Bow River for generations before moving south. Clark Wissler, *Indians of the United States* (New York: Doubleday, Doran and Co., 1940): 85 and Dempsey, "The Blackfoot Nation": 290.

¹³ Early stories concerning the names of the three Blackfoot nations suggest that as a defensive strategy the three, then unnamed, groups each agreed to protect a portion of their collective territory. Sometime later a representative of the northern group went to visit the others and on his way traveled through an area of burnt grasslands which blackened his moccasins. On his arrival at the camp of the southwestern group he asked "Who is Chief here?" In response, all the men nearby answered "I am." The man then said "I will call you A-kainah", the tribe of many chiefs (from Aka - "many" and Nina - "chief"). The Kainai, observing the visitors feet, reciprocated by calling his people the Siksika (black footed people). When the Siksika representative visited the third group he was apparently impressed by the poorly dressed condition of their robes and so called them "Apakuni" or badly dressed robes. The Kainai have also been called the Blood Tribe or Bloods, perhaps originally by the Cree, because of the red ochre they spread on their clothes. The name Piikani was sometime later corrupted to Peigan or in the United States "Piegan". The Siksika are referred to in some literature as "Blackfoot proper" or simply the Blackfoot which is also sometimes used to refer to the three Nations collectively. In the United States the term most often used is "Blackfeet". Dempsey, "The Blackfoot Nation": 278; John C. Ewers, *The Blackfeet: Raiders on the Northwestern Plains* (Norman, OK: University of Oklahoma Press, 1958): 5-6; Treaty 7 Management Corporation, "Kainaiwa (Blood) Nation", *Treaty 7 Nations*, <<http://www.treaty7.org/Article.asp?ArticleID=35>> (1 June 2006).

military alliance on the northwestern plains, but they remained politically independent.¹⁴ Until early in the nineteenth century, the Blackfoot nations and the Tsuu T'ina were for the most part allied militarily and through trade with the Cree.¹⁵ By the end of the first decade of the nineteenth century, though, the Cree were working to isolate the Blackfoot and raid their horses. Soon they were in open warfare. As the buffalo herds sought refuge further west, the Cree and their Nakota allies moved assertively into the territory of the Blackfoot. While there were occasional cessations in hostilities, in 1870 this animosity came to a final climax in a battle at the confluence of the Oldman and St. Mary's rivers. The Cree were decisively defeated but by the end of 1871 they had entered into a formal treaty with the Blackfoot nations and, with their agreement, were allowed to continue to hunt what buffalo remained.¹⁶

It is somewhat unclear when the Tsuu T'ina, originally part of the Dene Nation in the north, who are Athapaskan speaking people like the Apache and Navajo to the south, arrived on the northern plains.¹⁷ Perhaps their split with the Dene occurred as early as the

¹⁴ Ewers, *The Blackfeet*: 5. Henry Robinson stated in 1877 that even after the devastating impact of epidemic disease, "the Blackfeet, taken a body, are still the most numerous and powerful of the nations that live wholly or partly in British North America". H.M. Robinson, "The Blackfeet Indians", *Appleton's Journal* [1877?], microform, C.I.H.M. 17469, p. 38.

¹⁵ John Milloy, *The Plains Cree: Trade, Diplomacy and War, 1790-1870* (Winnipeg: University of Manitoba Press, 1990): 31-37. There does seem to have been at least an occasional break in relations. For an account of mid-eighteenth century Cree-Nakota attacks on the Blackfoot see George Hyde, *The Early Blackfeet and Their Neighbors* (Denver: John VanMale Publisher, 1933): 27.

¹⁶ Milloy, *The Plains Cree*: 36, 84-99, 118 and Carter, *Lost Harvests*: 35-36. For the extent of Cree movement see also David G. Mandelbaum, *The Plains Cree: An Ethnographic, Historical, and Comparative Study* (Regina: Canadian Plains Research Center, 1979): 15-49. Mandelbaum's evidence suggests that the Cree were already launching incursions as far as the Rocky Mountains by 1810. Mandelbaum: 38.

¹⁷ Tsuu T'ina or "a great number of people" is the name used by the present day people of that nation. Treaty 7 Management Corporation, "Tsuu T'ina Nation", *Treaty 7 Nations*, <<http://www.treaty7.org/Article.asp?ArticleID=36>> (1 June 2006). Hugh Dempsey uses the variant spelling "tsotli'na" or "earth people" which he says refers to their people as "once being as plentiful as grains of earth or sand." While the origin of the name "Sarcee" used by most commentators in the period under study here and still by some is unclear it may be of Blackfoot origin meaning "bold people". Hugh Dempsey, *Indian Tribes of Alberta*, rev. ed. (Calgary: Glenbow Museum, 1988): 35. See also Dempsey, "Sarcee" in

beginning of the sixteenth century, but in any case they were present and allied with the Blackfoot prior to the arrival of the first European fur traders.¹⁸

The Nakoda (Stoney) are most closely related to Nakota groups to the east often referred to as Assiniboine.¹⁹ These groups speak a dialect of the same language as the Dakota and Lakota most often referred to as the Siouian linguistic grouping.

Archaeological evidence indicates that the Nakota were located in the Lake of the Woods – Lake Winnipeg region by the sixteenth century. Though both the timing and the reasons are now unclear, the Nakota divided from the Dakota (Sioux), by late in the seventeenth century, and eventually allied themselves with the Cree, in opposition to the Dakota.²⁰

Raymond J. DeMallie, editor, *Plains*, Vol.13, pt. 1 of *Handbook of North American Indians* William C. Sturtevant, general ed. (Washington: Smithsonian Institution, 2001): 636-637.

¹⁸ Sarah Carter says that the Tsuu T'ina may have been present as early as 1500. Carter, *Aboriginal Peoples*: 24. Hugh Dempsey states that they were a “transitional people” just prior to European contact and that in the early eighteenth century they were permanently divided from the Dene by Cree movement westward. Dempsey, “Sarcee”: 629. For an elder’s presentation of the story of the Tsuu T'ina split with the Dene Nations see Helen Meguinis in Treaty 7 Elders and Tribal Council, *The True Spirit and Original Intent*: 108. For further renditions see Alan D. McMillan, *Native Peoples and Cultures of Canada*, second ed. (Vancouver and Toronto: Douglas & McIntyre, 1995): 150-1.

¹⁹ I have reserved the name “Nakoda” to refer to the Stoney people. I use “Nakota” when speaking of the groups to the east, north, or south that were previously often referred to as Assiniboine or Sioux. The Cree referred to the Nakota as *Assee-nee-pay-tock*, or *Assinibauta* while the Ojibwe called them *Assinibon*. Both terms referred to their method of placing hot stones in a rawhide lined pit to cook food. This was later modified by the French to Assiniboine, who learned the name from the Ojibwe. The origin of the name “Stoney” is unclear as well but it may be simply an English translation of Assiniboine. Dan Kennedy, *Recollections of an Assiniboine Chief* (Toronto: McClelland & Stewart, 1972): 10; Saskatchewan Indian Cultural Centre, “Hohe Nakoda: Profile of the Dakota/Nakota/Lakota in Saskatchewan” *Our Languages* <http://www.sicc.sk.ca/heritage/sils/ourlanguages/hohenakota/history/dnl_profile.html> (15 June 2006). On Nakota naming see also Ian Getty and Erik Gooding, “Stoney” in *Plains*, ed. Raymond J. DeMallie, vol.13 pt. 1 of *Handbook of North American Indians*, William C. Sturtevant, general ed. (Washington: Smithsonian Institution, 2001): 602-603. Perhaps even more than any of the other groups discussed in this work the Nakoda have been referred to by a myriad of names. See for example Lerner “The Kootenay Plains”: 1-2. Some of the Saskatchewan Nations that formerly used Assiniboine or Sioux in their names have, like the Carry the Kettle Nakota First Nation, formally changed their names.

²⁰ One suggestion is that the division was initiated when one group of Nakota took Anishinabe spouses and to avoid conflict when their in-laws came to live with them moved to another camp. These people were referred to as *Hohe* or “the rough voiced”. Saskatchewan Indian Cultural Centre, “Hohe Nakoda”. For other interpretations see Kennedy, *Recollections*: 8-10; Mandelbaum, *The Plains Cree*: 18-20 and Arthur Ray, *Indians in the Fur Trade: Their Role as Trappers, Hunters, and Middlemen in the Lands Southwest of Hudson Bay 1660-1870* (Toronto: University of Toronto Press, 1974): 4-6. Ray states that the Nakota (Assiniboine) may have chosen to ally themselves with the Cree because of to the latter’s military superiority due to their reliable access to weapons from the British. This, Ray suggests, may explain why

There are also variety of interpretations concerning the arrival of the Nakoda in the area that became southern Alberta.²¹ Some suggest that the later division of the Nakota was caused by their over-extension into Blackfoot territory and the subsequent isolation of the group that became known as the Stoney.²² Another interpretation argues that the three Nakoda groups now resident in southern Alberta had separate origins. This interpretation places the Bearspaw and Chiniquay bands' arrival in southern Alberta in the early nineteenth century from southeastern Manitoba. The Wesley band in contrast, arrived from the parkland regions in the north at the end of the eighteenth century and then moved south.²³ After considering the various positions put forward by the time of his writing in early 1970s, perhaps the most detailed textual account of land issues faced by the Nakoda, John Larner states that it is not possible, based on existent archival or historical evidence, to confirm that the Nakoda were in the vicinity of the North Saskatchewan head waters by 1800.²⁴ Assiniboine author Dan Kennedy seems to confirm this in stating that the Nakoda or Stoney branch was created as a result of a devastating smallpox epidemic that struck in 1837. The survivors of several camps regrouped and

some Indigenous commentators place the split at the time of the British incursion into the area of Hudson's Bay even though the Nakota were an identifiable entity earlier. Mandelbaum, following Harold Innis, states that the Cree both raided and traded with the Dakota, at least until the establishment of the HBC post at the mouth of the Nelson River in 1670. This ensured direct access to English goods and relieved the need to rely on a trade network linked to the French. Writers for the Saskatchewan Indian Cultural Centre argue that the split between the Dakota/Nakota/Lakota has been overstated to both facilitate colonization and to apologize for it. While they admit that conflict existed they say it was more like that which might occur in any family. Saskatchewan Indian Cultural Centre, "The Name Game", *Our Languages: Dakota Lakota Nakota* <http://www.sicc.sk.ca/heritage/sils/ourlanguages/isanti/history/name_game.html > (15 June 2006).

²¹ For a survey of these see John William Larner, "The Kootenay Plains (Alberta) Land Question and Canadian Indian Policy, 1799-1947", unpublished Ph.D. dissertation, West Virginia University, 1972: 28-94.

²² Donald B. Smith, "The Original Peoples of Alberta", *Peoples of Alberta: Portraits in Cultural Diversity*, ed. Howard Palmer and Tamara Palmer (Saskatoon: Western Producer Prairie Books, 1985): 57.

²³ Raol Andersen, "Alberta Stoney (Assiniboin) Origins and Adaptations: A Case for Reappraisal", *Ethnohistory*, XVII, 1-2 (Winter and Spring 1970): 55-56.

²⁴ Larner "The Kootenay Plains": 40.

together with surviving orphans traveled west through hostile Blackfoot territory until they found a safe haven in the foothills of the Rocky Mountains.²⁵ Larner concludes that the Nakoda “enjoyed exclusive occupation of the mountains and foothills from the Athabasca to the Bow valleys at least a generation before 1877.”²⁶

Even though their boundaries changed, the economy of each of these peoples was based on the use of the land and resources of a large territory.²⁷ The significance of the connection to land should not be underestimated or trivialized. According to Kainai scholar Leroy Little Bear “Tribal Territory is important because Earth is our Mother (and this is not a metaphor: it is real). The Earth cannot be separated from the actual being of Indians.” This is because, to the extent that the Kainai case is generalizable, Indigenous philosophy is “holistic and cyclical or repetitive, generalist, process-oriented, and firmly grounded in a particular place.”²⁸ The territory of the Blackfoot nations straddled the international border as far south as the Yellowstone River and as far north as the North Saskatchewan. As one commentator noted, contemporary to the signing of the treaty, a line could be drawn that “would measure six hundred miles in length, and yet lie wholly in the country of the Blackfeet.”²⁹ The long term allies of the Blackfoot, the Tsuu T’ina, harvested the territory south of the 49th parallel as well but also moved far to the North.³⁰ The Nakoda, rivals of the Blackfoot and Tsuu T’ina since early in the nineteenth century, also occasionally hunted south of the 49th and as far north as the North Saskatchewan

²⁵ Kennedy, *Recollections*: 72-73.

²⁶ Larner “The Kootenay Plains”: 93.

²⁷ Treaty 7 Elders and Tribal Council, *The True Spirit and Original Intent*: 97-108.

²⁸ Leroy Little Bear, “Jagged Worldviews Colliding” in Marie Battiste ed. *Reclaiming Indigenous Voice and Vision* (Vancouver: UBC Press, 2000): 78.

²⁹ H.M. Robinson, “The Blackfeet Indians”: 39.

³⁰ Diamond Jenness, *The Sarcee Indians of Alberta*, (Ottawa: J.O. Patenaude, 1938): 1-3 and Treaty 7 Elders and Tribal Council, *The True Spirit and Original Intent*: 97. Allied with the Blackfoot Nations and the Tsuu T’ina were the Gros Ventre.

River. In addition, they routinely traveled east onto the prairie and west into the Rockies.³¹

These territories were primarily grassland with some parkland areas in the northern and western reaches. They provided a wide range of foodstuffs including a broad assortment of roots and berries, large and small game, fowl and edible roots.³² Within this range of potential sources of food, most writers stress the importance of the buffalo to the Blackfoot and all plains peoples, though this has caused an undervaluation of other food sources.³³ The buffalo herds were, to twenty-first century sensibilities, almost inconceivable in their size and provided not only food, but their hides could be converted in lodge covers, shields, warm clothing or containers for various goods. Their sinew was used for a multitude of binding purposes and to make bowstrings while their horns could be used as drinking vessels and their bones as tools.³⁴ Certainly the buffalo were important to all five First Nation signatories to Treaty Seven, even if the Nakoda were more likely than the others to also hunt in the mountains. Still, while the seasonal round

³¹ Treaty 7 Elders and Tribal Council, *The True Spirit and Original Intent*: 97-108 and Snow, *These Mountains*: 2. Hugh Dempsey states that by the end of what he refers to as the “nomadic era”, south-western movements of Cree groups and a concentration of declining buffalo herds in the south resulted in a reduction of the northern reaches to the Battle River. Hugh A. Dempsey, “The Blackfoot Nation”, 192-230 and 259-264): 275.

³² Dempsey, “The Blackfoot Nation”: 276. As Sarah Carter states, the ecology was altered to such an extent by intensive cultivation beginning in the late nineteenth century that it is not accurate to refer to grasslands after this period. Carter, *Aboriginal Peoples*: 20.

³³ See for example, Ewers, *The Blackfeet*: 86-87 and Dempsey “The Blackfoot Nation”: 276. Where Ewers recognizes the importance of vegetable products and smaller animals to the Blackfoot diet “especially” when buffalo was unavailable, Dempsey argues that these items were eaten “only” when there was no buffalo. Brian Smith, on the contrary, argues that the use of alternative food sources may have been underestimated due in part to the androcentrism of early accounts which may not have recognized the economic contributions of women. Smith contends that there is both archaeological evidence and sufficient indication of a knowledge of fishing to suggest that fish provided necessary sustenance a various points for many northern plains First Nations. Brian J. Smith “The Historical and Archaeological Evidence for the use of Fish as an Alternate Subsistence Resource among Northern Plains Bison Hunters” in *Aboriginal Resource Use in Canada: Historical and Legal Aspects*, ed. Kerry Abel and Jean Friesen (Winnipeg: University of Manitoba Press, 1991): 35-49.

³⁴ Ewers, *The Blackfeet*: 14-15.

of economic activities included assembling at locations which skill and experience indicated the buffalo would most likely frequent, they were also synchronized to the movements of other animals and by the sites and harvest readiness of various vegetable products used for food or medicine.³⁵

While women took on the important role of preparing both the hides and meat of the buffalo killed by male hunters, they were also primarily responsible for gathering the vegetable products that accounted for a significant portion of the total calories consumed by plains peoples.³⁶ Further, plants played important ceremonial roles, were significant for their value to human and veterinary medicine, and were used for cosmetic, household and many other purposes.³⁷ Paying attention to the production of plant based materials and other foodstuffs beyond the buffalo goes some way to recovering the economic contributions of women understated if presented at all in the historical record.

Women also played a larger role in the spiritual and political life of the Blackfoot and other plains societies than many writers have acknowledged. The authority of women is presented by Beverly Hungry Wolf, a Kainai woman, in a legend of Napi, helper of the Great Spirit but also a trickster, parts of which have been quoted elsewhere.

...Napi divided up the people into different tribes. But the women couldn't get along with the men, so Napi sent them away in different groups. Not

³⁵ Carter, *Aboriginal Peoples: 27-28* and Carter, *Lost Harvests: 27-29*. Certainly the introduction of the horse into this territory, first to the Blackfoot, in the early eighteenth century allowed a far greater range with much greater speed than was allowed by dog assisted travel. Ewers, *The Blackfeet: 94-95* and also Ewers *The Horse in Blackfoot Indian Culture, with Comparative Material from Other Western Tribes*, Smithsonian Institution, Bureau of American Ethnology, Bulletin 159 (Washington: Smithsonian Institution Press, 1955).

³⁶ Alan M. Klein, "The Political Economy of Gender: A Study of Northern Plains Indian Society", in *The Hidden Half: Studies of Plains Indian Women*, ed. Patricia Albers and Bea Medicine (Washington, D.C.: University Press of America, 1983): 149. Some caloric estimates will be provided in the section on the B.C. interior which follows.

³⁷ See for example, John C. Hellson and Morgan Gadd, *Ethnobotany of the Blackfoot Indians* (Ottawa: National Museums of Canada, 1974).

long after, he got together with the chief of the women so that they could decide about some important things.

The chief of the women told Napi that he could make the first decision, as long as she could have the final word. He said that was all right, and the old people say that ever since then it has been this way between men and women.

The next time Napi came to the Chief of the women she exercised her prerogative about having the last word and she decided:

From now on the men and women will live together so that they can help each other....

Now, at that time the men were living real pitiful lives. The clothes they were wearing were made from stiff furs and hides, and hardly tanned at all. They couldn't make moccasins or lodges, and they couldn't even keep themselves clean. They were nearly starved because the food that they ate was always plain and usually burned. When Napi told them what had been decided, they were very anxious to join the women.³⁸

There were Blackfoot women warriors and at least one case, that of Running Eagle, a Piikani woman, whose military successes earned her the respect and loyalty of men in her community who followed her into armed conflict and referred to her as a "chief".³⁹ Esther Goldfrank reported on the Kainai's Trim Woman and the southern Blackfeet's Empty Coulee who similarly engaged in raids and were respected for their military prowess by men in their communities.⁴⁰ Indeed there was a special place in Piikani society for women like Running Eagle called *minauposkitzipxe*, "manly-hearted women". According to the

³⁸ Beverley Hungry Wolf, "How Men and Women Were Brought Together", *The Ways of My Grandmothers* (New York: William Morrow and Company, Inc, 1980): 140-141. Another rendition of this story has the women living near their own buffalo jump which provided their primary source of food.

³⁹ Beverley Hungry Wolf, "A Grandmother Who Went on War Raids" and "Running Eagle—Woman Warrior of the Blackfeet", *The Ways of My Grandmothers*: 59-68.

⁴⁰ Esther Schiff Goldfrank, "Fieldnotes, 1939", Esther Schiff Goldfrank Fonds, Glenbow Museum Archives.

1941 observations of Oscar Lewis, those designated as manly-hearted women were seen as independent, ambitious, assertive, bold and self-assured sexually.⁴¹

Alan Klein argues that the introduction of hunting on horseback and the growth of the trade in hides in the nineteenth century increased the importance of women's work in preparing hides while at the same time resulted in her declining autonomy and her weakening economic and political position viz-a-viz men in a more individualized political economy.⁴² Others, though, challenge this position to argue that women continued to possess authority in their own realms and may have used cultural modifications like polygyny, to their advantage.⁴³ Part of the problem is that early observers and some later anthropologists and historians in judging women's activities through their own cultural experience misunderstood and so misrepresented not only relations of production but also social and political relations.⁴⁴ Alice Kehoe, highlights this point in her study of a southern Piegan community and demonstrates that while men spoke to anthropologists of warfare and ritual performance, women spoke of family, relationships, and the difficulties presented in adapting to a new political economy.

⁴¹ Oscar Lewis, "Manly-Hearted Women Among the North Peigan", *American Anthropologist*, vol. 43, 2, part 1 (1941): 175-176. Lewis says they were also always married and of high social standing. By his reckoning, more than 30% of the Piikani were considered "manly-hearted" at the time of his writing. See also Alice Kehoe, "Blackfoot Persons", in *Women and Power in Native North America*, ed. Laura F. Klein and Lillian Ackerman (Norman: University of Oklahoma Press, 1995): 115-116 and Carter, *Aboriginal Peoples*: 90.

⁴² Klein, "The Political Economy of Gender": 156. Klein is perhaps a little too willing to make unwarranted generalizations and to accept his sources somewhat uncritically. For a contrary interpretation that more thoroughly interrogates nineteenth century sources see Katherine Weist, "Beasts of Burden and Menial Slaves", in *The Hidden Half: Studies of Plains Indian Women*, ed. Patricia Albers and Beatrice Medicine (Lanham, MD: University Press of America, 1983).

⁴³ Weist, "Beasts of Burden": 43-44. See also Alice Kehoe, "The Shackles of Tradition" in *The Hidden Half: Studies of Plains Indian Women*, ed. Patricia Albers and Beatrice Medicine (Lanham, MD: University Press of America, 1983).

⁴⁴ For the perceptions of fur traders, for example, see Elizabeth Vibert, *Traders' Tales*. For a general North American survey, see Rayna Green, *Women in American Indian Society* (New York: Chelsea House Publishers, 1992). For a brief overview see also Sarah Carter, *Aboriginal Peoples*: 89-91.

Nonetheless Kehoe shows that women continued to exercise authority in “women’s business” and that it was women who were instrumental in maintaining Piegan culture in the face of the structures arrayed to promote its collapse in the reserve period.⁴⁵

In the millennia before the adaptations necessary in the reserve period, the cooperation necessary for collective hunting of buffalo and the distribution of the goods it produced ensured the institutionalization of egalitarian structures. This is confirmed by Alan Klein for the Blackfoot and Diamond Jenness for the Tsuu T’ina, especially for the time before these groups obtained sufficient numbers of horses and guns. Klein argues that this egalitarianism was shattered by the introduction of the horse and gun which individualized the hunt and ownership of the horse as the means of production while at the same time created differential access to the benefits that wealth could provide.⁴⁶ It is important to note, though, that guns had a limited impact on the hunt at least until the introduction of the repeating rifle in about 1870. The inaccuracy of smooth bore muskets were no improvement on bows, especially when shot from horseback, and the noise of the weapon and the subsequent stampede of a sea of animals that weighed up to 800 kg each would undoubtedly make a hunter reconsider the efficacy of such a weapon.⁴⁷

Even more importantly, while Klein points out that the individual accumulation of wealth and status was attenuated by “a framework of collective ownership of resources” he is operating under the assumption that this acquisitive impulse is a natural preoccupation of all people. Gerald Conaty, senior curator for ethnology at the Glenbow

⁴⁵ Alice Beck Kehoe, “Transcribing Insima, a Blackfoot “Old Lady”, in *Reading Beyond Words: Contexts for Native History*, ed. Jennifer S.H. Brown and Elizabeth Vibert, 2nd ed. (Peterborough, ON: Broadview Press, 2003): 385-406. In the United States the spelling is Piegan whereas in Canada it is Peigan.

⁴⁶ Klein, “The Political Economy of Gender”: 151 and Jenness, *The Sarcee*: 14.

⁴⁷ See for example Peter Carstens, *The Queen’s People: A Study of Hegemony, Coercion, and Accommodation among the Okanagan of Canada* (Toronto: University of Toronto Press, 1991): 7; Smith, “The Original Peoples”: 56-57.

Museum argues in contrast that while wealth measured in horses influenced status, ownership of medicine bundles too earned community respect. Further, one's herd of horses could be decimated by a single raid or might succumb to a single blast of particularly severe weather leaving the owner impoverished. While wealth judged by horse ownership, then, could be transitory, the "knowledge that went with bundle ownership was a source of secure income for those who possessed it.... Knowledge, however, was not lost when a bundle was transferred. Instead after a man had owned several bundles, and his knowledge of ceremonies grew, respect of him increased."⁴⁸

Leaders in these egalitarian societies were chosen by consensus based on ability to provide a particular function or coordinate a specific undertaking. Leadership of the Blackfoot, for example, could only be gained and held by the will of the community and its judgment of the personal attributes and influence of the leader. If a leader went against the wishes of the group, it simply abandoned him in favour of someone else.⁴⁹ This not only ensured that a chief served the wishes of the community but also that he achieve consensus between various centres of influence: elders, spiritual leaders, military leaders, particularly successful hunters, and other groups. Similarly, according to Jenness, a Tsuu T'ina leader was not chosen by election, but rather "recognized by common consent of his prestige". A leader "possessed no formal authority, and had no means of enforcing his

⁴⁸ Conaty "Economic Models": 406-407.

⁴⁹ Boldt and Long, "Tribal Traditions and European-Western Political Ideologies": 537-553; Vic Satzewich and Linda Mahood, "Indian Affairs and Band Governance: Deposing Indian Chiefs in Western Canada, 1896-1911", *Canadian Ethnic Studies* XXVI, 1 (1994): 42; Reg Crowshoe and Sybille Mannes Schmidt, *Akak'stiman: A Blackfoot Framework for Decision-Making and Mediation Processes* (Calgary: University of Calgary Press, 2002): 16-17; Arthur Ray, *I Have Lived Here Since the World Began: An Illustrated History of Canada's Native People* (Toronto: Key Porter, 1996): 29 and Canada, Royal Commission on Aboriginal Peoples, "The Blackfoot Confederacy" in *Looking Forward Looking Back*, vol. 1 of *Report of the Royal Commission on Aboriginal Peoples* (Ottawa: Minister of Supply and Services Canada, 1996): 69-71.

wishes except by popular support....”⁵⁰ For the Nakoda, a compound leadership, that took advantage of the specific leadership skills of several community members concurrently was, as John Larnar confirms, “held at the informal pleasure of the membership”.⁵¹ Nakoda Chief John Snow stated that while special situations, as in the case of a military conflict or in a coordinated hunt, might require the split second decision of one of these specialized leaders, but for the most part consensus was sought. A leader was a steward or guide not a ruler. Decision-making was based on consensus that was made possible by the necessity of cooperation. If an individual family could not agree to consensus, they could leave the community.⁵² In contrast to Euro-Canadian forms of governance then, authority in these societies was more diluted and a leader’s main role was as a guide toward consensus.⁵³

The Peoples of the Kamloops and Okanagan Regions

The peoples of the southern interior of British Columbia perhaps had much less difficulty communicating with one another historically, both in actual linguistic terms and in common cultural understandings, than the First Nations of southern Alberta. The Secwepemc, Okanagan, and Nkla’pamux, who were included at various times in the Kamloops-Okanagan Indian Agency, all speak dialects of the Interior Salish language. According to historian Duane Thomson this “common linguistic and cultural heritage...greatly facilitated travel and cooperation between tribes in matters such as

⁵⁰ Jenness, *The Sarcee Indians of Alberta*: 10-11.

⁵¹ Larnar, “The Kootenay Plains”: 415.

⁵² Snow, *These Mountains are Our Sacred Places*: xiii.

⁵³ Robin Jarvis Brownlie makes similar observations in regard to the Ojibwe, Kanienkehaka (Mohawk), and Odawa residing on Manitoulin Island and north of Lake Huron. Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* (Toronto: Oxford University Press, 2003): xvi.

economics, marriage and warfare.”⁵⁴ As in the Treaty 7 area there was historic movement and shifts in territorial control between nations resident by 1877, but these seem to have resulted in less diversity among populations.⁵⁵ While it may not be particularly relevant to the Indigenous people now living on the plateau, available archaeological evidence indicates that the ancestors of Interior Salish speaking peoples occupied the region in which the Okanagan and Secwepemc now live 7,000 years ago and the southern portion of Okanagan territory 9,000 years ago.⁵⁶

⁵⁴ Thomson, “A History of the Okanagan: Indians and Whites in the Settlement Era, 1860-1930”: 20. The dialects may be quite different, but also indicate the likelihood of a common ancestry. Douglas Hudson has identified four major dialect divisions within the Okanagan. Douglas R. Hudson, “The Okanagan Indians of British Columbia”, in *Okanagan Sources*, ed. Jean Weber and the En’owkin Centre, (Penticton, B.C.: Theytus Books, 1990): 54. Turner, Bouchard and Kennedy, recognize seven. Nancy Turner, Randy Bouchard and Dorothy Kennedy, *Ethnobotany of the Okanagan-Colville Indians of British Columbia and Washington* (Victoria: British Columbia Provincial Museum, 1980): 1-2. Peter Carstens argues that the Okanagan of today emphasize the differences between their tongue and that of their Secwepemc and Nlaka’pamux neighbours “largely for ethnocentric and political reasons” but offers little evidence for this assertion. Carstens, *The Queen’s People*: 4. Secwepemc elder Mary Thomas confirms for her people that the language between her region around Shuswap Lake is quite different than the Secwepemc residing in the northern part of the territory. Mary Thomas, conversation at the University of Victoria, 27 February 2001, tape recording in possession of author. Other authors point out the linguistic, cultural and environmental diversity of the plateau as a whole. Douglas Hudson and Marianne Ignace, “The Plateau: A Regional Overview”, in *Native Peoples: The Canadian Experience*, ed. R. Bruce Morrison and C. Roderick Wilson (Don Mills, ON: Oxford University Press Canada, 2004): 342-345.

⁵⁵ Franz Boas and James Teit, *Coeur d’Alene, Flathead and Okanagan Indians* (Fairfield WA: Ye Galleon Press, 1985): 177-181. Reprinted from *The Forty-Fifth Annual Report of the Bureau of American Ethnology, 1927-1928* Washington: U.S. Government Printing Office, 1930). This has also been published with different pagination, and with Teit listed as first author, as *The Salishan Tribes of the Western Plateaus* (Seattle: Shorey Book Store, 1973). For a map showing shifting boundaries in the southern interior of B.C. see “Salish Tribal Names and Distribution” BCA, MS-1425, Franz Boas, Papers Relating to American Indian Linguistics 1875 – 1954, mf A00246, no. 61, S3. James Teit was married to a Nlha7káp̓mx woman, Susannah Lucy Antko, until her death in 1899. He gathered information for Franz Boas and Edward Sapir and produced a considerable volume of ethnographic material in his own right. For an investigation of Teit’s anthropology and his political activity in relation to Indigenous issues see Wendy Wickwire, “‘We Shall Drink from the Stream and So Shall You’: James A. Teit and Native Resistance in British Columbia, 1908-1922”, *Canadian Historical Review*, 79, 2 (June 1998): 199-236. Teit was also politically active and became Secretary of the Interior Tribes of B.C. in 1909. He successfully combined both of these activities, using his connections with professional anthropologists, and his movement between communities on their behalf, to further his political activity in support of First Nations in British Columbia. More will be said of Teit and his activities in later chapters.

⁵⁶ James Baker, “Archaeological Research Concerning the Origins of the Okanagan People”, in Jean Weber and the En’owkin Centre, eds., *Okanagan Sources* (Penticton, B.C.: Theytus Books, 1990): 16. Turner, Bouchard and Kennedy, *Ethnobotany of the Okanagan-Colville Indians*: 2.

Like that of the Blackfoot, the territory operated by the Okanagan, or sylix people, extended well south of the 49th parallel. In the latter's case this territory extended to a point south of Grand Coulee in present day Washington State. Their lands also extended north and east to a point above Mica Creek and from there in an arch to just south and west of Kamloops. In all, the lands drawn on by the Okanagan included about 72,000 square kilometers.⁵⁷

The Secwepemc, the largest of the Interior Salish speaking nations, occupied the territory north of the Okanagan and shared some of the territory, particularly around the Arrow lakes in the east, in common with them. Secwepemc territory consists of 180,000 square kilometres of the region that is now south central British Columbia. This vast territory extends from an area west of the Fraser River to inside the Alberta border at Jasper National Park in the northeast and to below the Arrow Lakes in the southeast.⁵⁸

⁵⁷ Turner, Bouchard, and Kennedy, *Ethnobotany of the Okanagan-Colville Indians*: 1. See also Baker, "Archaeological Research": 10-11. The territory identified by Baker extends to Revelstoke only. Historically, the people called themselves "sylix" or "skiluxw" but now refer to themselves as Okanagan as well. The meaning of the name Okanagan is somewhat obscure. Okanagan writer Mourning Dove wrote that elders she spoke to in the 1930s said that the name may have its origin in a variation of *Wickanakane* meaning "seeing the top" in reference to a peak named Chopaka on what is now the Canada – US border west of Osoyoos. Mourning Dove, *Coyote Stories*, (Caldwell, Idaho: Caxton Printers, 1933): 8. Boas and Teit stated that Okanagan referred to the "head of the river", indicating a location near the important fishing spot at Okanagan falls, past which virtually no salmon could ascend. Boas and Teit, *Coeur d'Alene, Flathead and Okanogan Indians*: 162-163. Boas and Teit's explanation seems to be the one accepted by Douglas Hudson although it is not cited. Hudson, "The Okanagan Indians": 353. Bill Cohen writes that Okanagan can be translated as "The ones who stand on a hill and are seen and heard from far away" which seems closer to Mourning Dove's explanation. Bill Cohen, *mayx twixmntm tl q'sapi lats k'ulmstm I snklc 'askaxa: Stories and Images About What the Horse Has Done for Us* (Penticton, BC: Theytus Books, 1998).

⁵⁸ This territory is adjacent to and in some cases overlaps that of ten other First Nations including the Blackfoot and Nakoda. The name "Secwepemc" or *sex*épemx*, for which "Shuswap" is an Anglicization, means "spread-out people". Early Europeans like Simon Fraser and Alexander MacKenzie tended to refer to them by the Dakelh (Carrier) term "Atnah" or "foreigner". Franz Boas referred to them most often as "Shushwap", but also remarked that their "proper" name was SeQuapmuQ, much closer to the way they refer to themselves. Marianne Ignace and Ron Ignace, "The Secwepemc: Traditional Resource Use and Rights to Land" in *Native Peoples: The Canadian Experience*, ed. R. Bruce Morrison and C. Roderick Wilson (Don Mills, ON: Oxford University Press Canada, 2004): 380. Also Marianne Ignace, "Shuswap" in *Plateau*, ed. Deward E. Walker Jr., vol. 12, of *Handbook of North American Indians* William C. Sturtevant, general ed. (Washington: Smithsonian Institution, 2001): 203. For a brief description of the territories of all

While most Secwepemc communities were and are positioned along the Fraser and Thompson rivers, they accessed the resources throughout their territory.

There were conflicts between the Okanagan, Secwepemc, and their neighbours, usually as the result of a dispute over territory or resources or a matter of honour that required resolution. According to Franz Boas and James Teit, the Okanagan, for example, were attracted by the bountiful hunting and grazing lands and agreeable trading position to their north and northwest and seem to have gradually extended their territory into Secwepemc lands.⁵⁹ Conflicts between the two in the eighteenth century led to a formal peace treaty between Okanagan Chief *PElkamū'lox* and Secwepemc chief *Kwoli'la* which confirmed boundaries between the two nations and recognized Okanagan control of Douglas Lake and the Nicola valley, formerly occupied by the Secwepemc.⁶⁰ There was also, of course, conflict between each of the Secwepemc and Okanagan and others from both west and east of the Rocky Mountains.⁶¹

There are similarities in the terrain and climate occupied by some groups of Okanagan and some Secwepemc, those around Okanagan and Shuswap lakes for example, but both Okanagan territory and Secwepemcul'ecw (Secwepemc territory) are diverse in climate, topography and in the life that the land supports. The nine bioclimatic

B.C. interior groups see J.A. Teit "Indian Tribes of the Interior" in *Canada and Its Provinces: A History of the Canadian People and their Institutions by One Hundred Associates*, Adam Short and Arthur G. Doughty gen. eds., Vol. XXI (Toronto: Glasgow, Brook & Company, 1914): 283-6.

⁵⁹ Boas and Teit, *Coeur d'Alene, Flathead and Okanogan Indians*: 177-178.

⁶⁰ Boas and Teit, *Coeur d'Alene, Flathead and Okanogan Indians*: 229-230. See also Ignace, "Shuswap": 205-206 and Dorothy Kennedy and Randall T. Bouchard, "Northern Okanagan, Lakes, and Colville" in Deward E. Walker Jr., ed. *Plateau*, Vol.12, of *Handbook of North American Indians* William C. Sturtevant, general ed. (Washington: Smithsonian Institution, 2001): 238-240.

⁶¹ Another group in the region, the Athapaskan speaking Nicola or *Stuwi'x* people were challenged by and their territory occupied variously by each of the Secwepemc, Okanagan, and Nkla'pamux. By the time anthropologists arrived on the scene there were only a few remaining. Boas and Teit, *Coeur d'Alene, Flathead and Okanogan Indians*: 221 and David Wyatt, "Nicola" in *Plateau*, ed. Deward E. Walker Jr., Vol.12, of *Handbook of North American Indians*, William C. Sturtevant, general ed. (Washington: Smithsonian Institution, 2001): 220-222.

zones in Secwepemc territory range from wet cedar forests to the dry sagebrush belt and many variations in between. Annual precipitation ranges from less than 30 cm annually in the Kamloops region to up to 250 cm in the Columbia Mountains.⁶² Similarly, in the arid portions of the Columbia Basin and Okanagan highlands summers are hot and dry and winters harsh. Annual precipitation can range as low as 25 cm and most of it in snow. Moving to the east into the Selkirk and Monashee Ranges though, is an area known as the “Interior wet belt” where the annual precipitation ranges from 50 cm to 170 cm and the temperature is much milder. The territories of both the Okanagan and Secwepemc contain a marked diversity in vegetation and edible plant material as a result of significant variations in climate and elevation.⁶³ With this variation in topography, climate and resources, clearly the economic strategies differed not only between the Kamloops – Okanagan and Treaty 7 First Nations but within the territories of the Okanagan and Secwepemc as well.

The complex economy of the Okanagan included hunting, fishing, and the production of plant materials, according to seasonal and local availability of each across the breadth of their territory. Importantly, their economy also included trading with other First Nations both near and distant. Together, these strategies ensured that the pre-contact Okanagan economy was flexible and adaptable. The variety of products allowed for one to take the place of any shortage of another. Probably this made the Okanagan less susceptible to any periodic shortage that may have effected the Secwepemc who were

⁶² Boas and Teit, *Coeur d'Alene, Flathead and Okanogan Indians*: 167n9 and A.L. Farley, *An Atlas of British Columbia: People, Environment, and Resource Use* (Vancouver: UBC Press, 1979): 43-49.

⁶³ Turner, Bouchard and Kennedy, *Ethnobotany of the Okanagan-Colville Indians*: 2-3; Thomson, “A History of the Okanagan”: 16-17 and Farley, *An Atlas of British Columbia*: 26-27 and 48-49.

more dependent on fishing.⁶⁴ The Secwepemc too, though, accessed the considerably varied bounty of their large territory by traveling between resource sites in an annual cycle. As Okanagan communities met at fishing sites at Kettle Falls and Okanagan Falls, the spring gathering of Secwepemc families from various villages at local lakes as soon as the ice cleared allowed cooperative fishing, renewal of relationships, and collective political discussion. The seasonal rounds of both the Okanagan and Secwepemc permitted the accumulation of necessary sustenance for the winter while at the same time the camps provided a place for equally important cultural transmission from elders to younger community members. Traveling between resource sites and for trade also ensured the distribution of food and other goods more broadly which tended to smooth out any local or seasonal variation or shortage in resources.⁶⁵

While there was variation between specific communities, both the Okanagan and Secwepemc engaged in extensive trade outside of their own territories. Teit points out that the Secwepemc living in the Fraser Canyon, probably the Xgat'temc (Dog Creek) and others, traded dried salmon and salmon oil to the Tsilhqot'in for dentalium-shells,

⁶⁴ Duane Thomson, "The Response of Okanagan Indians to European Settlement", *BC Studies* 101 (Spring 1994): 96-98.

⁶⁵ Mourning Dove, *Mourning Dove*: 99-113; Hudson, "The Okanagan": 355-358. Resources from the entire Okanagan territory were, in a sense, open to use by all Okanagan collectively though extensive kinship ties. This access was, however, conditional upon the permission of the kinship group responsible for the stewardship of the resource. As Douglas Hudson confirms, "Okanagan communities were kinship-based, and all rights of ownership and access to resources must be seen in this light". Hudson, "The Okanagan": 363. There seems to have been even less restriction among the Secwepemc. Boas and Teit noted that while each Secwepemc group had its own recognized resource locations, all land, hunting grounds, and fishing sites, both for salmon and on lakes for other species, were tribal property open to all Secwepemc without restriction. James Teit, *The Shuswap* vol. II, part VII of Franz Boas ed. *The Jesup North Pacific Expedition* (1909) rpt. (New York: AMS Press, 1975): 572. Ignace and Ignace cite a 1985 example where the Skeetchestn Secwepemc chief and council recommended a bylaw which would have required all non-Skeetchestn to obtain a permit to fish in their territory. The elders refused to endorse the regulation until the restriction against any Secwepemc was removed. Ignace and Ignace, "The Secwepemc": 382-384. Individual Secwepemc communities, though, were responsible for the stewardship of resources in their community so that the elders refer to them as "belonging" to those communities.

woven goats-hair blankets, small animal pelts “in fact anything of value they had to give”. These items were in turn traded to other Secwepemc groups.⁶⁶ Even before European contact, interior groups had acquired iron goods through trade with coastal First Nations.⁶⁷ The North West Company’s Alexander Ross, for example, in attempting to locate a route used by the Okanagan in their trade with coastal groups noted in 1814 that they “had formerly been in the habit of going to the Pacific on trading excursions” in which they traded hemp used to make fishing nets for marine shells and other goods.⁶⁸ The trade networks of both the Secwepemc and Okanagan also linked them to plains nations, sometimes through the Ktunaxa (Kinbasket or Kootenay).⁶⁹ These trade networks not only provided access to an increased variety of goods and helped to ensure economic well-being but also served to maintain social and political relations.⁷⁰ The introduction of horses early in the eighteenth century, well before the arrival of Europeans, transformed water-based trade routes to overland ones.⁷¹

Most interior groups had access to some fish species in their own territory, but many traded salmon as well. Various species of salmon made their way up the Fraser and Columbia river systems into Secwepemc and Okanagan territories at different times

⁶⁶ Teit, *The Shuswap*: 535. Teit refers to these Secwepemc as the “Cañon Division”.

⁶⁷ A.G. Morice, *The History of the Northern Interior of British Columbia* (Toronto: William Briggs, 1905): 43 and Teit, *The Shuswap*: 536-537.

⁶⁸ Alexander Ross, *The Fur Hunters of the Far West*, ed. K.A. Spalding (Norman: University of Oklahoma, 1956): 37; Hudson and Ignace, “The Plateau”: 346-347 and Hudson, “The Okanagan”: 359.

⁶⁹ Teit, *The Shuswap*: 468, 507-508, and 535-536.

⁷⁰ Baker, “Archaeological Research”: 46 and Thomson, “The Response of Okanagan Indians”: 98. These trade networks also facilitated participation in the fur trade.

⁷¹ For presence of horses on the Plateau already by 1808 see Simon Fraser, *The Letters and Journals of Simon Fraser, 1806-1808*, ed. W. Kaye Lamb, rpt. (Toronto: Macmillan Company of Canada, 1966): 63-64, 70, 73, 79, 84, 119, 122, 133, 140, 142, 144, 146, and 149. See also Boas and Teit, *Coeur D’Alene, Flathead and Okanagan Indians*: 213-214. For alterations in trade routes with the introduction of travel by horse see Boas and Teit: 216-217; Hudson and Ignace, “The Plateau”: 347; Hudson, “The Okanagan”: 361 and Thompson, “The Response of Okanagan Indians”: 98.

of the year so that fishing peoples did not have cause to rely on a single run.⁷²

However, the runs of all species are cyclical with large variations between years. In the massive Adams River sockeye run for example, statistics kept since 1938 show that dominant runs averaged about 250 times as many fish as the smallest ones.⁷³ It is not clear if it was a good year or not when Geological Survey of Canada's George Dawson wrote that while traveling the short distance between Shuswap and Little Shuswap Lakes that

a steady stream [of salmon] sculling up the Current, passing over the shallows under & around the Canoe quicker than we Can count them. Hundreds must pass in an hour. They are jumping now in the river opposite our Camp, one plosh succeeding another constantly. The Indians are preparing with pitch-sticks & spears, for their fishery, which will continue all night.⁷⁴

Interior groups had different ways of assessing which kinship groups would be allowed access to particular fishing sites but most had some restrictive component. However, bilateral kinship recognition and an apparent preference for exogamy led to the development of networks of kin that could be relied on to provide specific help in times of resource shortage in a particular part of the region and also afforded each individual

⁷² That there are different runs of different species of salmon each year seems missed in some recent anthropological studies. For example, Peter Carstens accepts the H.B.C.'s Alexander Anderson's report that *the* Fraser salmon run failed which Carstens says proves periodic starvation among the Lil'wat. Carstens', *The Queens' People*: 35. Carstens seems unaware that there was not one but several annual salmon runs on the Fraser River. While it seems difficult to argue that there were not periods of scarcity and food shortages, especially in winter, neither should fur traders' reports of starvation be accepted uncritically. There may have been many reasons for traders to perceive starvation, from their own view of salmon as an inferior, and meat as a superior, food, to their perceptions of fishing peoples and those unwilling to participate in the fur trading enterprise as "lazy" and "poor", to their manipulation by Indigenous people among other possible explanations. On these points see: Mary Black-Rogers, "Varieties of 'Starving': Semantics and Survival in the Subarctic Fur Trade," *Ethnohistory* 33, 4 (Fall 1986): 353-383 and Elizabeth Vibert, "The Want of Meat", ch. 5 of *Traders' Tales*: 163-204.

⁷³ Robert L. Burgner, "Life History of Sockeye Salmon (*Oncorhynchus nerka*)" in *Pacific Salmon Life Histories*, ed. C. Croot and L. Margolis (Vancouver: UBC Press, 1991): 94-96.

⁷⁴ George Dawson, *The Journals of George M. Dawson: British Columbia, 1875-1878*, Volume II, 1877-1878, ed. Douglas Cole and Bradley Lockner (Vancouver: UBC Press, 1989): 371.

access to a wide variety of resource sites, internationally, throughout the interior. Clearly this access and diversity added security for both the Secwepemc and the Okanagan.⁷⁵

Preserving fish for the winter was a necessary strategy and dried salmon was a kind of currency on the plateau and was traded widely beyond.⁷⁶ Salmon also became an important commodity during the fur trade era. Records from Thompson's River Post (Kamloops) in Secwepemc territory for 1842, for example indicate that in addition to fresh fish, 14,000 dried salmon were traded into the post between 4 October and 22 October 1841.⁷⁷ At Fort Okanagan 18,411 dried salmon were eaten in ten months by twenty six adults and fourteen children.⁷⁸ While clearly salmon kept the traders and their families alive they were not happy about having to rely on "rotten salmon" and "such poor stuff" when what they really wanted was animal flesh.⁷⁹ This perception of salmon could not help but negatively impact on how the traders viewed, and so wrote about, fishing peoples. Indigenous people on the plateau, though, recognized, and continue to appreciate, salmon as a precious gift and there is presently considerable consternation regarding declining salmon runs in some areas. Okanagan author Jeanette Armstrong reports that in the Okanagan valley where she grew up "salmon have utterly disappeared,

⁷⁵ Boas and Teit, *Coeur D'Alene, Flathead and Okanagan Indians*: 201 and 211; Douglas Hudson and Marianne Ignace, "The Plateau: A Regional Overview" in *Native Peoples: The Canadian Experience*, ed. R. Bruce Morrison and C. Roderick Wilson (Don Mills, ON: Oxford University Press Canada, 2004): 347 and Thomson, "The Response of Okanagan Indians": 98. Marianne Ignace and Ron Ignace point out that the runs of different species of salmon "provided enormous quantities of food" for the Secwepemc. Still, they stress the seasonal round that included the production of other foodstuffs. Ignace and Ignace, "The Secwepemc": 383.

⁷⁶ Hudson and Ignace, "The Plateau": 346.

⁷⁷ Compiled from Hudson's Bay Company, "Thompson's River Post Journal 1841-1843", BCA.

⁷⁸ Hudson's Bay Company, "Miscellaneous Records—Kamloops" mf IM778, file B.97/e/1, pc 2, HBCA.

⁷⁹ Hudson's Bay Company, "Thompson's River Post Journal, 1822", entries for 26 August and 10 and 18 November, BCA.

except for the several dozen miracle sockeye” that manage to navigate their way past the immense power dams of the United States. The cultural disruption that has resulted in the loss of salmon is immense. “Where salmon is the most important source of life and the outward expression of God, the spirit of a whole people becomes wounded beyond expression when that source is annihilated.”⁸⁰

In addition to fishing for several species of salmon and other fish the Okanagan and Secwepemc hunted a variety of large animals like deer, elk, and big-horn sheep. These seasonal hunts too were communal and included all family members. Secwepemc families, for example, set up base camps from which men hunted deer, elk, and caribou in higher elevations while women and children set snares for smaller animals and then dried the meat brought in by the men.⁸¹ In the nineteenth century at least, plateau peoples also traveled across the Rockies to hunt buffalo.⁸²

As in the Treaty 7 area, men were primarily the hunters, fishers, and tool and weapon makers while women were responsible for plant production, making lodges and household utensils, and the care of children. As in the Treaty 7 area as well, the actual division of labour was a good deal more flexible. Some women were accomplished hunters, while men sometimes picked berries and made their own clothes.⁸³ Similar to

⁸⁰ Jeanette C. Armstrong, “Unclean Tides: An Essay on Salmon and Relations” in *First Fish, First People: Salmon Tales of the North Pacific Rim*, ed. Judith Roche and Meg McHutchison (Vancouver: UBC Press, 1998): 181-182.

⁸¹ Boas and Teit write that most groups of Okanagan went on “four great hunts every year”. Larger animals included three species of deer, elk, big-horn sheep, caribou and both grizzly and black bear which varied in availability by region. Smaller animals included rabbits, marmots and beaver for food and lynx, otter, mink, cougar and several other species for their hides. Boas and Teit, *Coeur D’Alene, Flathead and Okanagan Indians*: 206-210. See also, Kennedy and Bouchard, “Northern Okanagan, Lakes, and Colville”: 241 and Ignace and Ignace, “The Secwepemc”: 383. In the greater portion of Secwepemc territory, caribou were replaced by moose by the early twentieth century.

⁸² Mourning Dove, *Mourning Dove*: 146 and Boas and Teit, *Coeur D’Alene, Flathead and Okanagan Indians*: 206.

⁸³ Ignace, “The Shuswap”: 209.

plains women processing buffalo, the availability of plateau women's labour to process fish determined the number taken regardless of the quantity allowed by Indigenous technology.⁸⁴ Since buffalo was less important than on the plains, though, there was less impact resulting from the growth of the hide trade. Elizabeth Vibert argues that while polygyny was widely practiced by groups on the plateau, there is "no evidence" of any increase as a result of the trade.⁸⁵

James Teit noted that "[i]n some parts of the country the chief means of sustenance was hunting, in other parts fishing, while in many places these two were of about equal importance" but "[r]oot digging and berrying were important everywhere".⁸⁶ As in the Treaty 7 region then, plants were significant for their role in making tools, weapons, canoes, dwellings, domestic items, medicines, for religious and ceremonial purposes and for food.⁸⁷ While it is impossible to be certain, one estimate placed the caloric input from plant foods consumed by Sahaptian groups on the middle Columbia at as high as 60% of total calories. Others have calculated the average for plateau communities collectively at between one-third and one-half of total caloric intake.⁸⁸

Harvesting plant material was not simply based on fortuitous discovery. Anthropologists Douglas Hudson and Marianne Ignace argue that the Okanagan and Secwepemc used techniques to harvest root crops that were not dissimilar from those used in European-style horticulture, therefore blurring the distinctions applied by

⁸⁴ Hudson, "The Okanagan": 357.

⁸⁵ Vibert, *Traders' Tales*: 238.

⁸⁶ Boas and Teit, *Coeur D'Alene, Flathead and Okanagan Indians*: 201.

⁸⁷ Nancy Turner, Randy Bouchard and Dorothy Kennedy, *Ethnobotany of the Okanagan-Colville Indians of British Columbia and Washington* (Victoria: British Columbia Provincial Museum, 1980); Boas and Teit, *Coeur D'Alene, Flathead and Okanagan Indians*: 182-194, 201-206, 242-244 and 257-258; Hudson, "The Okanagan": 358-359 and Ignace and Ignace, "The Secwepemc": 377 and 382.

⁸⁸ The first estimate was calculated by anthropologist and botanist Eugene Hunn. The second was arrived at independently by both Angelo Anastasio and Verne Ray. All cited in Elizabeth Vibert, *Traders' Tales*: 130.

anthropologists between hunter – gather peoples and horticulturalists.⁸⁹ Neskonlith Secwepemc elder Mary Thomas has pointed out that plant and soil management practices like replanting corms, loosening soil, and pruning berry bushes among other practices made each plant area “just like a garden”.⁹⁰ Plant management on the plateau then was performed primarily by women and preceded the arrival of Europeans.⁹¹

These pre-contact strategies help to explain the ready incorporation of domesticated plants, like the potato, into the seasonal rounds of Okanagan and Secwepemc communities when they were introduced by the Hudson’s Bay Company in the nineteenth century. By 1860 potato cultivation was a commonplace activity for Indigenous groups throughout the British Columbia interior and produced another staple that the fur traders depended on.⁹² Since vegetables were viewed by the fur traders as inferior foods, even compared to salmon, eating vegetables as a main part of one’s diet clearly represented poverty. This evaluation, in turn, worked to deemphasize and obscure the economic contributions of women in this and the later settlement period. This is especially ironic considering that the adaptation of plant production techniques to European species as mentioned above allowed for relatively favourable impressions of European observers. In 1873, Israel Wood Powell, the DIA’s Superintendent for British Columbia, reported of the Secwepemc “[t]heir prospects in agriculture are most favorable and in addition to the

⁸⁹ Hudson and Ignace, “The Plateau”: 346.

⁹⁰ Cited in Ignace and Ignace, “The Secwepemc”: 387. For more detail on these practices and other uses of specific plants see *The Wisdom of Dr. Mary Thomas* (Victoria: University of Victoria, 2001). This is a compilation of lectures Mary Thomas presented to students and faculty at the University of Victoria in February 2001.

⁹¹ On this point see Elizabeth Vibert, *Traders’ Tales*: 185.

⁹² Ignace and Ignace, “The Secwepemc”: 387 and Thomson, “The Response of Okanagan Indians”: 98-99. Thomson is apparently uncomfortable with classifying earlier vegetable production as horticulture since he states that horticulture was “introduced” by the H.B.C. On the traders’ perceptions of foodstuffs see Vibert, *Traders’ Tales*: 182-183.

favorite product of the Natives generally, Potatoes, they have without much encouragement produced Cereals of all kinds in considerable quantity.”⁹³ Expertise and adaptation to the cultivation of domesticated plants in addition to the raising of livestock was widespread amongst Secwepemc and Okanagan communities and by the time of non-Indigenous settlement in their territories. These were added to older established economic strategies such as those discussed above.

The Secwepemc, Okanagan, and Nlaka’pamux attempted to explain their complex economies in 1910 in the hope of convincing Canadian officials that the justification used to appropriate their land as “unused” and so “unneeded” was not legitimate. In a memorial presented to then Prime Minister Wilfrid Laurier at Kamloops their chiefs patiently tried to explain their land use strategies in terms that they hoped would resonate with Euro-Canadians: “The country of each tribe was just the same as a very large farm or ranch belonging to all the people of the tribe from which they gathered their food.”⁹⁴ For reasons that will be discussed below the continual reduction and uncertainty of their land base, though, eventually mitigated against their success as farmers of any sort.⁹⁵

Despite the common access to resources and collective identity evident in both Secwepemc and Okanagan territories, and despite the connections between villages as the result of kinship and proximity, each community or cluster of communities within each of these nations was autonomous and composed of independent kin-based households.

⁹³ I.W. Powell, “Report on various Ind. Tribes in Province of B.C. & Map showing divisions +c”, 1873 LAC, RG 10, vol. 3596, file 1241.

⁹⁴ The Chiefs of the Shuswap, Okanagan, and Couteau or Thompson Tribes per their secretary, James A. Teit, “Memorial to Sir Wilfrid Laurier, Premier of the Dominion of Canada From the Chiefs of the Shuswap, Okanagan and Couteau Tribes of British Columbia Presented at Kamloops, B.C., August 25, 1910”, BCA, NWp 970.5 M533. These First Nations made additional similar presentations to the Federal Government and the British Crown in the few years preceding this memorial.

⁹⁵ Much more will be said about this below, but on this point see for example Thomson, “The Response of Okanagan Indians”.

Village membership was flexible with each individual and family moving freely between communities.⁹⁶ This flexibility does not however imply a situation in which there was no leadership or where leaders had no authority.

As with those who would sign Treaty 7, both Okanagan and Secwepemc chiefs required the support of their communities. This was dependant on their influence and their ability to represent their community to the outside, to mediate conflicting views or interests between individuals and families, to admonish those who disrupted community harmony and to guide their fellows toward consensus, rather than on their ability to dictate a particular action or their reliance on institutions or structures of coercion.⁹⁷ As Ignace said of the Secwepemc, successful chiefs did all of this and set “a good example for all others, without having any material or other privileges.”⁹⁸ The flexibility of community membership made it likely that a chief who demonstrated these abilities tended to attract more members which in turn increased a village’s political and economic security and political influence.⁹⁹

There were two classes of chiefs recognized by both the Secwepemc and Okanagan. There were political leaders who were chosen through patrilineal heredity to a certain extent but these individuals also had to demonstrate their fitness to hold the position

⁹⁶ Boas and Teit, *Coeur D’Alene, Flathead and Okanagan Indians*: 167-175, 227; Teit, *The Shuswap*: 457-462; Hudson and Ignace, “The Plateau”: 347; Hudson, “The Okanagan”: 361; Kennedy and Bouchard, “Northern Okanagan, Lakes, and Colville”: 247; Ignace, “The Shuswap”: 203, 210-211; Charles Hill-Tout, “Report on the Ethnology of the Okanaken of British Columbia, an Interior Division of the Salish Stock”, in *The Thompson and Okanagan*, ed. Ralph Maud, vol. I of *The Salish People* (Vancouver: Talon Books, 1978): 131. In Canada there are seven Okanagan “bands”. Their relatives south of the forty-ninth parallel have been concentrated on the Colville Reservation since the nineteenth century and have since formed the Confederated Tribes of the Colville. Jay Miller, “Middle River Salishans”, in *Plateau*, ed. Deward E. Walker Jr., vol.12, of *Handbook of North American Indians* William C. Sturtevant, general ed. (Washington: Smithsonian Institution, 2001): 253-270.

⁹⁷ Teit, *The Shuswap*: 569-570; Kennedy and Bouchard, “Northern Okanagan, Lakes, and Colville”: 247 and Ignace, “The Shuswap”: 212.

⁹⁸ Ignace, “The Shuswap”: 212.

⁹⁹ Kennedy and Bouchard, “Northern Okanagan, Lakes, and Colville”: 247.

through their own abilities and achievements or could be bypassed. The second category of chiefs were not hereditary positions but rather were filled by those who attained respect and authority solely through their proven abilities in a certain area, so that for example there were fishing chiefs, hunting chiefs, war chiefs, and dance chiefs among others.¹⁰⁰ There does appear to be a difference between the Okanagan and Secwepemc in regard to overall national leadership. While a particular Secwepemc chief may have been selected based on strengths as an orator and negotiator, to represent all to outsiders, there was no paramount chief or overall political leader for all Secwepemc.¹⁰¹ The Okanagan on the other hand seem to have recognized a “high chief” responsible for international affairs and territorial protection.¹⁰² While Teit and Carstens both contend that there were no Okanagan women chiefs there is some reference in the anthropological literature to female chiefs among both the Secwepemc and Okanagan. Even if women were not the primary political leaders it is clear that they exercised roles akin to chieftainship in some, and considerable authority in many, plateau societies. In the southern Okanagan these women were referred to as *sk[’]umalt* or “women of great authority”.¹⁰³

¹⁰⁰ Boas and Teit, *Coeur D’Alene, Flathead and Okanagan Indians*: 226; Ignace, “Shuswap”: 211-212; Kennedy and Bouchard “Northern Okanagan, Lakes, and Colville”: 241-242 and 247-248; Thomson, “The Response of Okanagan Indians”: 97 and Hudson, “Okanagan”: 362-363. Carstens argues in contrast to the others cited here that there was no hereditary chieftainship amongst the Okanagan. Rather he argues that when a son did follow his father as chief this was largely the result of prestige gained through his mother’s social position. Carstens, *The Queen’s People*: 13.

¹⁰¹ Teit, *The Shuswap*: 569-570 and Ignace, “Shuswap”: 211.

¹⁰² Lee Maracle, Jeannette C. Armstrong, Delphine Derickson, and Greg Young-Ing, *We Get Our Living Like Milk from the Land* (Penticton: Theytus Books, 1993): 8-11. Boas and Teit states that a “head chief” may have represented all Okanagan with the possible exception of those living in the vicinity of the Arrow Lakes and Kootenay Lake. After the establishment of the border between Canada and the United States, there was a head chief in each jurisdiction. Boas and Teit, *Coeur D’Alene, Flathead and Okanagan Indians*: 227. Carstens argues that the institution of a head chief may have been a post-contact development. In any case, he points out that a local leader was never answerable to any overall leader in regard to strictly local affairs. Carstens, *The Queen’s People*: 15.

¹⁰³ Boas and Teit: *Coeur D’Alene, Flathead and Okanagan Indians*: 227; Lillian Ackerman, “Kinship, Family, and Gender Roles” in *Plateau*, ed. Deward E. Walker Jr., vol.12, of *Handbook of North American*

Beginning in the last part of the nineteenth century seven Okanagan “bands”, each composed of single villages or groups of villages with its own elected chief, have been recognized by the Canadian Government. Almost certainly there were more villages than this at contact. Similarly, Teit identified thirty Secwepemc communities before 1860, each with a primary village but after the ravages of introduced disease, only twenty remained at the time of his writing in 1909.¹⁰⁴

European Disruptions

Each of the major attributes of the societies resident in southern Alberta and the British Columbia interior discussed above: extensive territory, relative gender parity and flexible gender roles, diverse economic strategies and egalitarian economic structures, and distributed and relational leadership and authority came under particular pressure from the church and state as will be discussed in detail in the chapters that follow. But it needs to be remembered that by 1877, each of the societies discussed here had already undergone significant stress and population losses as the result of introduced diseases. It seems beyond doubt that this would have had significant impact on how these societies dealt with changing circumstances and the pretensions of the new rulers of western Canada.

The devastating small pox epidemics of 1780-81, 1837-38, and 1869-70 decimated the First Nations resident in the area that became southern Alberta. While early Indigenous population figures are notoriously difficult to ascertain, according to Hudson’s Bay Company traders, up to seventy five percent of the populations of Treaty 7

Indians William C. Sturtevant, general ed. (Washington: Smithsonian Institution, 2001): 521 and Maracle et.al., *We Get Our Living*: 12. Carstens does contend that the lack of female chiefs is “surprising” given their status and influence. Carstens, *The Queen’s People*: 13, 24.

¹⁰⁴ Boas and Teit, *Coeur D’Alene, Flathead and Okanagan Indians*: 168; Teit, *The Shuswap*: 457-466.

nations were lost to the disease in the outbreak of 1837-1838 alone.¹⁰⁵ While plains populations were likely beginning to recover from the 1781 epidemic by 1837, they were also hit by recurring bouts of scarlet fever, measles, whooping cough and influenza in the interim.¹⁰⁶ The populations of Treaty 7 First Nations began to rebound again after 1838 when they were struck by smallpox once more in 1869, which almost completely eliminated the Tsuu T'ina.¹⁰⁷

Only 4,392 individuals accepted their annuity in the year that Treaty 7 was signed.¹⁰⁸ Two years later 6,159 took the payment and in 1880, 7,549.¹⁰⁹ Of these, the largest component was the Kainai followed by the Siksika and Piikani. Although the reserve populations of all Treaty 7 nations, with the exception of the Nakoda, declined significantly under the Federal Government's surveillance between 1871 and 1917 at least, the Kainai remained the largest single First Nation resident in southern Alberta throughout.¹¹⁰

¹⁰⁵ Ray, *Indians in the Fur Trade*: 188.

¹⁰⁶ Maureen K. Lux, *Medicine That Walks: Disease, Medicine, and Canadian Plains Native People, 1880-1940* (Toronto: University of Toronto Press, 2001): 15 and Dempsey, "The Blackfoot Nation": 291. Dempsey places the 1823 population for the Siksika, Kainai, and Piikani collectively at 11,200. Ewers gives three early 1830s estimates: 16,500 and 18,000 but it is not clear how many of these resided primarily in the United States. Ewers, *The Blackfeet*: 60. John Friesen states that the 1781 epidemic took 6,000 Blackfoot lives but gives no explanation of how he arrived at this figure. Friesen, *First Nations of the Plains: Creative Adaptable, Enduring* (Calgary: Detselig Enterprises, 1999): 93.

¹⁰⁷ Treaty Seven Elders and Tribal Council, *The True Spirit and Original Intent*: 19 and Dempsey, "The Blackfoot Nation": 291.

¹⁰⁸ DIA, *Annual Report, 1877*: xvi.

¹⁰⁹ DIA, *Annual Report, 1879*: 271; *Annual Report, 1880*: 235 and Rob Sinclair, Accountant, DIA on Memorandum from Vankoughnet to Accountant, 21 January 1880, LAC, RG 10, vol. 3693, file 14335, pt. 1.

¹¹⁰ Determining the populations for particular years even from the singular source of the DIA's *Annual Reports* is perilous. Keith Regular states, for example, that in "1882 the Blood population was reckoned by the government at 2,589" and then explains in a footnote that "[t]he Bloods claim a larger number of 3,542." Regular, "'Trucking and Trading with Outsiders'": 50. In contrast to Regular's population figures, based on the number who were paid annuities the preceding year, the *Annual Report* for 1882 includes a table entitled "Number of Indians in the North-West Territories and their whereabouts on the 31st December, 1882" which gives the "No. on Reserve" and "Total number of Indians" for the "Blood Indians" as 3,542 (p. 202), the population claimed later by the Kainai. On this later claim see Hugh Dempsey,

By 1877 the First Nations of the B.C. interior, like those of Treaty 7, suffered enormously from the effects of introduced diseases. Overall, the Okanagan seem to have felt the impact somewhat earlier and more deeply than the Secwepemc, but the losses for both were staggering. Boas and Teit say that whereas the Okanagan lost three quarters, the Secwepemc are estimated to have lost more than two thirds in the two generations following 1850.¹¹¹ There were, however, earlier epidemics: the first in 1770s or early 1780s and the second at the beginning of the nineteenth century.¹¹² Overall, population losses were likely ninety percent for the first 100 years after the 1770s for British Columbia as a whole.¹¹³ They also endured population losses during the early period of DIA surveillance, even if not to the extent of the First Peoples of southern Alberta.¹¹⁴

“Gladstone believed ‘big claim’ was valid”, *Lethbridge Herald*, 26 March 1994: A5. John A. Macdonald, then Superintendent General of Indian Affairs (SGIA) gives the figure for the same population as 3,400 (p.xvi), as does Indian Agent C.E. Denny (p. 170). Inspector T.P. Wadsworth indicates that there were 3,615 (p. 178). The table “Farming Agencies and Indian Reservations” gives 3,510 for the “Blood” in the column “Approximate Number of Indians on Reserves”. The following year the reported population drops precipitously. In the 1883 *Annual Report* SGIA J.A. Macdonald lists the Blood population at 1,550 (p. lv). Agent C.E. Denny, apparently in his efforts to reduce both rations and the land reserved for the Kainai, argued that “I found, after much work in taking a correct census, that the number was greatly over estimated”, but gives no new estimate (p.80). Both the tables “Farming Agencies and Indian Reservations” and “Number of Indians in the North-West Territories and their whereabouts on the 31st December, 1883” give the population as 2,589 (p. 200, 206) (incidentally the number reported by Regular for 1882). While overestimation of population may explain the abrupt drop in reported population from 1882 to 1883 there is probably more to it. The reduction of population also permitted the DIA to reduce the reserve size by over one hundred and fifty square miles. Hugh Dempsey “Gladstone believed ‘big claim’ was valid”, *Lethbridge Herald* (26 March 1984): A5. While the precipitous drop in population may, then, have been the result of an over-estimation as the agent claimed or a deliberate attempt to defraud the Kainai of land, neither scenario helps explain why the Kainai population declined further under the watchful eye of the DIA until it reached a low of 1,122, or less than half of 1883’s reduced count, in 1911. As mentioned in chapter 7, Indian Commissioner David Laird stated in 1909 that the increase in Nakoda reserve population was more the result of their exclusion from BC than it was a natural increase. Laird to Pedley, 23 June 1909, LAC, RG 10, vol. 4043, file 339151.

¹¹¹ Boas and Teit, *Coeur D’Alene, Flathead and Okanagan Indians*: 176; Teit, “Indian Tribes of the Interior”: 287 and Teit, *The Shuswap*, 463.

¹¹² Boyd, *Spirit of Pestilence*: 21-60; Vibert, *Traders’ Tales* 51-58.

¹¹³ Cole Harris, “Voices of Disaster: Smallpox Around the Strait of Georgia in 1782” in *Out of the Background: Readings on Canadian Native History*, ed. Ken Coates and Robin Fisher (Toronto: Irwin Publishing, 1998): 74-75.

¹¹⁴ Accurate population figures for this region are even more difficult to track over time than in the Treaty 7 area. In the *Annual Reports* the names of groups change over time, some groups are combined with others

When the Indian Reserve Commission traveled through the region in 1877 an apparently rigorous census was conducted. According to the Commission's census taker, George Blenkinsop, the Okanagan population was at that time 576 and the Secwepemc 986 but these figures are exclusive of several groups that should have been included.¹¹⁵ The population given by the DIA for the combined Kamloops and Okanagan Agencies was 4,394 in 1883.¹¹⁶

In addition to the disruptive impact of epidemic disease, governmental policy was constructed in the century and more before 1877 in such a way that would further destabilize Indigenous communities in western Canada. Where the spread of disease may have been unintentional, the consistent effort to de-Indianize the indigenous populations and to alienate their land and resources for the benefit of others was premeditated and deliberate.

Canadian Indian policy has its roots in the expansion of European imperial conflicts into the North American theatre. Following the 1713 Treaty of Utrecht, the British Government deemed it prudent to enter into written treaties with the Eastern First Nations who had previously been more inclined to establish military and trade relations

and some disappear entirely from the record. Moreover, the band structure, the recorded name for each, and the decision of who was included was ultimately a construction of the DIA. The problem was exacerbated further by the long term effects of the smallpox epidemics and other introduced diseases.

¹¹⁵ "Census of Indians Inhabiting Shuswap and Okanagan Districts, 1877" LAC, RG 10, vol. 10011. These figures vary slightly from the 585 and 983 respectively published in the *Annual Report* for 1877 (p.lxvi). For a comment on those excluded from the Okanagan portion of the census, see Thomson, "A History of the Okanagan": 22.

¹¹⁶ DIA, *Annual Report*, 1883: 189, 191. This is the first year in which the population totals are given by agency. Here, again as in Treaty 7, the populations of nations as well as the members of families were isolated from one another by the imposition of an imaginary line that passed through Blackfoot and Okanagan territory and became the international boundary between the United States and Canada. Samek disagrees with her assertion that "the boundary did not result, as some have argued, in the arbitrary division of the Blackfoot people." She chooses to accept the somewhat uncritical interpretation of John Ewers. Samek, *The Blackfoot Confederacy*: 13. The significance of the border, at least after 1877, will be discussed below.

with the French. Like the later numbered treaties, these “Peace and Friendship Treaties” most often recognized Indigenous rights to hunt and fish in exchange for a stipulation that British law would apply. Unlike later agreements though, they did not include any surrender of Indigenous territory. From 1713 until the end of the European imperial struggle in North America in the 1760s the British entered into a number of similar treaties with the Abenaki, Penobscot, Passamaquoddy and others in the United States and the Mi’kmaq and Maliseet in Canada.¹¹⁷

By mid-century, the British Government had come to the conclusion that it was in the interest of empire, and its position vis-à-vis France, that Britain establish a uniform policy toward First Nations resident in the North American territory that it claimed.¹¹⁸

Already Indian commissioners were appointed in at least one of the American Thirteen Colonies at the end of the seventeenth century and in 1755 William Johnson and John Stuart were appointed as Indian superintendents for the north and south branches the Indian Department responsible to the British military commander for North America.¹¹⁹

These Indian superintendents were charged with ensuring that trade with Indigenous

¹¹⁷ The Treaty of Portsmouth with the Abenaki in present day Maine, for example, was signed the same year as the Treaty of Utrecht. For a copy of this treaty see Frederic Kidder, *The Abenaki Indians, Their Treaties of 1713 and 1717*, Maine Historical Society Collections 6 (1859): 250–53 also available in a different format:

<<http://www.canadiana.org/ECO/PageView?id=513b5fc516e6068d&display=36479+0003>> pages 22-31 (November 20, 2006). The first treaty with the Mi’kmaq resident in territory that became Canadian was entered into in 1726. See for example William Wicken, *Mi’kmaq Treaties on Trial: History Land, and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002): 27-32; Ken Coates, *The Marshall Decision and Native Rights* (Montreal & Kingston: McGill-Queen’s University Press, 2000): 31-41; Thomas Isaac, *Aboriginal and Treaty Rights in the Maritimes: The Marshall Decision and Beyond* (Saskatoon: Purich Publishing, 2001): 24-27 and Olive Patricia Dickason, “Amerindians between French and English in Nova Scotia, 1713-1763” in *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed. J.R. Miller (Toronto: University of Toronto Press, 1991): 45-67.

¹¹⁸ Robert Allen, *The British Indian Department and the frontier in North America, 1775-1830* (Ottawa: National Historic Parks and Sites Branch, Parks Canada, Indian and Northern Affairs, 1975): 11.

¹¹⁹ John Leslie and Ron Maguire, *The Historical Development of the Indian Act*, (Ottawa: DIAND, 1978): 3. The Indian department remained under Imperial control until 1860 with the Colonial Office, the Treasury, and the Army Commissariat each having a hand in its operation. It did come under civil authority until 1830. Leslie and Maguire, *Historical Development*: 12 and 32.

peoples and use of land that they still claimed met specific and uniform guidelines.

Soon, policy was also adopted that territory designated as “Indian Country” could only be purchased by the Crown through treating with the First Nation involved. Individual speculators could not buy lands from Indigenous people and any surrender had to be approved by a majority of the First Nation concerned at a public meeting.

All of these policy features were codified in the Royal Proclamation of 1763. The Royal Proclamation, in turn, informed Britain’s policy toward Indigenous peoples in North America for the next half century at least and is the foundation for the later numbered treaties in western Canada. Its applicability, though, was consistently denied by British Columbia.¹²⁰ Following the American revolutionary war colonial authorities moved, as the Royal Proclamation dictated, to purchase land from Indigenous people north of the eastern Great Lakes, to supply Loyalists who fled North and for the Iroquoian allies of the British whose lands were now in American territory.¹²¹

With the need for military allies removed after the war of 1812, the British shifted policy to include “civilizing the Indian” as an important component. L.F.S. Upton points to the 1828 report of Chief Superintendent of Indian Affairs Major General H.C. Darling as “the founding document of the whole “civilizing’ program”. While this is perhaps

¹²⁰ Allen, *The British Indian Department*: 11-17; Leslie and Maguire, *Historical Development*: 3-6 and Tobias, “Protection, Civilization, Assimilation”: 13-14. Supreme Court Justice Hall in the 1973 Calder Case involving the Nisga’a in British Columbia stated “This Proclamation was an Executive Order having the force and effect of an Act of Parliament and was described by Gwynne, J., in *St. Catherine’s Milling* case at p. 652 as the “Indian Bill of Rights”: see also *Campbell v. Hall*. Its force as a statute is analogous to the status of Magna Carta which has always been considered to be the law throughout the Empire”. *Calder v. Attorney-General of British Columbia* (1973) 34 DLR (3d) 145 at 203. The elements of the Royal Proclamation concerning Indigenous people can be seen as an attempt to soothe relations following the uncertainty and armed resistance to British control waged by First Nations around the Great Lakes after 1760 that is often referred to as “Pontiac’s Resistance” or “Pontiac’s Rebellion”.

¹²¹ George Stanley, “As Long as the Sun Shines and Water Flows: An Historical Comment” in Ian A.L. Getty and Antoine S. Lussier eds., *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies* (Vancouver: University of British Columbia Press, 1983): 8.

somewhat overstated, the document does refer to many of the features that would remain at the heart of policy throughout the period under discussion here. Darling proposed “elevating” Indigenous peoples by inducing them to settle on self-sufficient farms, educating them in European values and Christianizing them.¹²² Throughout the 1830s, 1840s, and most of the 1850s, Indigenous peoples, through their tribal councils, had a degree of self-governance in that they had control over the lands that remained to them, any funds received as compensation for lands alienated, and the pace at which European values would be inculcated.¹²³ Even this degree of autonomy though was shattered over the next two decades as the final pieces of the supervisory edifice were put into place. *The Gradual Civilization Act* passed by the legislature of the United Canadas in 1857 represented this shift in focus away from mere “civilization” and the autonomy guaranteed in the Royal Proclamation toward full out assimilation into the Canadian political, economic, social, and cultural fabric. To this end, liberal notions of individual property ownership and land tenure became central to policy, that also continued to include promotion of agriculture, Christianization, and education in European values.¹²⁴ By Confederation it was becoming clear to policy makers that their “encouragement” of

¹²² L.F.S. Upton, “The Origins of Canadian Indian Policy”, *Journal of Canadian Studies* 8, 4 (January 1973): 56-57. On the timing of the adoption of a “civilizing” program see also Tobias, “Protection, Civilization, Assimilation”: 13-14.

¹²³ John Milloy, “The Early Indian Acts: Developmental Strategy and Constitutional Change” in J.R. Miller ed., *Sweet Promises: A Reader on Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1991): 145-146. There were of course exceptions. The first statutory definition of an Indian appeared in 1850 in the legislatures of both Lower and then Upper Canada. A year later the colonial legislatures imposed their patriarchal assumptions by attaching status to men and to the wives and daughters of those men. Women would not be “Indians” in their own right until after 1985. The 1851 legislation also denied status to non-Indian men who married Indian women but granted it to non-Indian women who married Indian men. See for example, Canada, Royal Commission on Aboriginal Peoples, “Women’s Perspectives”, chapter two of *Perspectives and Realities* vol. 4 of *Report of the Royal Commission on Aboriginal Peoples*.

¹²⁴ Milloy, “The Early Indian Acts”: 146-148; Tobias, “Protection, Civilization, Assimilation”: 15-16. The full title of this Act is “an Act to encourage the gradual civilization of the Indians in this Province, and to amend the laws respecting Indians”.

those defined by the 1857 Act as Indians toward the above objectives was being undermined by Indigenous leaders. As a result, in an attempt to breakdown existing political structures, the new Canadian Government moved in 1869 to pass *An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42*. This new legislation considerably strengthened Canada's ability to dictate the means and pace of assimilation. It declared that, regardless of pre-existing political structures, Indigenous leadership would be elected by adult males for a three year period but that these leaders could be removed by the Governor for "dishonesty, intemperance, or immorality". At the same time the authority of that leadership would extend to little more than enforcing what in other jurisdictions might be covered by municipal bylaws. Further, even regulations to this end had to be approved by Ottawa.¹²⁵

With the passage in 1876 of the first Indian Act all of this was strengthened even further. After 1876, meetings of band councils could only be held in the presence of an Indian agent or other representative of the State, a provision that seems clearly meant to allow this individual to survey those in attendance and to guide the agenda and conduct of the meetings. Further, a somewhat amorphous category of "incompetency" was added to

¹²⁵ Canada, *Statutes of Canada*, 32 and 33 Vic. (1869.), c.6. The election and removal of chiefs is presented in Section 10 and the responsibilities in Section 12 of the Act. See also Kent McNeil, "The Implications of Parliament's Exercise of Section 91(24) Powers for the Inherent Right of Self-Government", A research paper prepared for the Office of the B.C. Regional Vice-Chief of the Assembly of First Nations, 2002: 5-6 and Milloy, "Early Indian Acts": 151. On July 1, 1860, the Indian branch was created under the authority of the Commissioner of Crown Lands. In 1862, the Office of the Deputy Superintendent General of Indian Affairs was created, thus giving the branch a permanent head. By 1868 the Indian branch was transferred from the authority of the Commissioner of Crown Lands and had become one of the four branches under the jurisdiction of the new Department of the Secretary of State of Canada. In 1873, the responsibility for Indians was taken over by the Minister of the Interior when the Department of the Interior was created that same year. In 1880 the Indian Branch was elevated to a department in its own right, though still under the authority of the Minister of the Interior who was also the Superintendent General of Indian Affairs.

the list of justifications by which a chief could be removed from office. In addition to the responsibilities listed in 1869, Chiefs now were also to develop procedures for “[t]he locating of the land in their reserves, [for individual cultivation] and the establishment of a register of such locations”.¹²⁶ Clearly then, collective control and mutual responsibility as well as the right to determine their own political structures, economic strategies, social structures, appropriate to each First Nation’s cultural framework had already begun to be undermined by 1877.

Even though the legislation enacted up to and including the 1876 Indian Act applied to British Columbia, the province’s earlier existence as distinct colony within the British Empire put it in a somewhat more privileged position than the prairie west. For example, despite the fact that Rupert’s Land was expressly excluded from the Royal Proclamation, treaties were still entered into there. British Columbia, on the other hand, grasped upon the phrase in the document that states that it applies to “Indians with whom we are connected” even late in the twentieth century to argue that since there was no “connection” between Britain and Indigenous peoples in British Columbia in 1763 the Proclamation did not apply there.¹²⁷ This position is better seen as part of its historic argument that Indigenous people never held title to the land so there is no legal necessity to enter into treaties with them. When British Columbia entered Confederation in 1871,

¹²⁶ Canada, *Statutes of Canada*, 39 Vic. (1876), c.18, sections 62 and 63; McNeil, “Implications”: 6-7. A “Band” was defined in 1876 as “[a]ny tribe, band or body of Indians who own or are interested in a reserve or in Indian lands in common, of which the legal title is vested in the Crown, or who share alike in the distribution of any annuities or interest moneys for which the Governor in Council is responsible”. Canada, *Statutes*, 1876, c.18, s.3.

¹²⁷ See for example, *Calder v. Attorney-General of British Columbia* (1973) 34 DLR (3d) 145. See also Tennant, *Aboriginal Peoples and Politics*: 216-218. While the decision in *Calder* was split, other cases decided by the Supreme Court of Canada have made it clear that Aboriginal rights are not dependant on, or do not originate from, the Royal Proclamation. See for example *Guerin v. R.*, (1984) 2 S.C.R. 335, 13 D.L.R. (4th) 321 at 376.

Article 13 of the Terms of Union stated “[t]he charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.”¹²⁸ As will be discussed in later chapters, this allowed British Columbia to argue that it had the right to continue to pursue a course distinct from the rest of Canada in issues related to Indigenous lands and resources. This in turn helps to explain the lack of treaties in British Columbia and the relative diminutive size of reserves there compared to southern Alberta.¹²⁹

While they differed in approach, though, the British Columbia and dominion governments and their representatives on the ground, generally speaking, shared a set of assumptions concerning the natural correctness of individual property ownership and land tenure, the superiority of European style agriculture over what they perceived to be Indigenous economic strategies, the moral superiority of Christianity over Indigenous religious systems, and the incapability of Indigenous people to function as citizens in the new Canadian liberal democracy. All of this is evident in the legislation leading to and including the 1876 Indian Act. Applying it as an “advancement” program for Indigenous

¹²⁸ “Terms of Union, 1871” in British Columbia, *Revised Statutes of British Columbia, 1979*, vol. 7 (Victoria: Queen’s Printer, 1981): 85. While more will be said concerning this in the chapters that follow, a significant problem with this, as has been often commented on, is that the policy of British Columbia was to set aside far less land per capita than was the policy elsewhere in Canada. See for example: Tennant, *Aboriginal Peoples and Politics*: 43-47; Robin Fisher, *Contact and Conflict: Indian European Relations in British Columbia, 1774-1890*, 2nd ed. (Vancouver: UBC Press, 1992): 176-8; Robert Cail, *Land, Man, and the Law: The Disposal of Crown Lands in British Columbia, 1871-1913* (Vancouver: UBC Press, 1974): 185-90 and Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: University of British Columbia Press, 2002): 86-94.

¹²⁹ The only treaties in British Columbia today are the Douglas Treaties of the 1850s, Treaty Eight at the end of the nineteenth century and the Nisga’a Treaty a hundred years later. More will be said about the difference in reserve size in the chapters on land below.

peoples, though, was an irregular, even contradictory, affair in practice.¹³⁰ With all things considered and despite public pronouncements to the contrary from both church and state officials of various capacities and functions as well as from average citizens, the transfer of land and resources from Indigenous to newcomer control stood above all other policy considerations. At the same time, as James Halbold Christie, former NWM Policeman in the late nineteenth century and advocate for Okanagan rights early in the twentieth century, commented, the fundamental principle operative in all DIA tactics in furthering this strategy of reassigning land and resources was “it’s all right if they are quiet.”¹³¹ Similarly, in his twist on an infamous phrase, Harold Cardinal stated “the only good Indian is a sleeping Indian”.¹³² Like the owners of a steel mill, auto plant, or logging operation, who could only profit if there was no industrial unrest, Anglo-Canadians could only benefit from Indigenous lands and resources if First Nations people could be kept quiet.

While the operational specifics will be discussed in chapter four, in the late 1860s and early 1870s the Canadian Government accepted responsibility for “Indian affairs” in the regions now known as southern Alberta and the southern interior of British Columbia.¹³³ It was not until 1877, though, that the federal government made formal

¹³⁰ Brian Titley refers to the “ad hoc” nature of colonial Indian policy while Sarah Carter points to the “ad hoc, tentative manner” in which policy was applied after the nineteenth century numbered treaties. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986): 1; Sarah Carter, *Lost Harvests*: 51.

¹³¹ J.H. Christie, *Okanagan Indians Non-Registered, The Reason Why, The Registration Act and Okanagan Indians*, 15 August 1918, BCA, NWp 970.5 C555. See also: Robert L. de Pfyffer’s, introduction to a reprint of this in *Okanagan History*, 54 (1990): 77-91. Christie will reenter this study in the section on the Long Lake “surrender” in chapter 5.

¹³² Harold Cardinal, *The Rebirth of Canada’s Indians* (Edmonton: Hurtig Publishers, 1977): 124.

¹³³ The Hudson’s Bay Company and British Columbia were both interested in discharging themselves of responsibility to First Nations people and in particular potential Native claims to land and resources. Article 14 of the Rupert’s Land Transfer Agreement states: “Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government; and the company

moves to simplify its administration of these regions and to remove any threats that Native peoples or their potential claims to land and resources might have to the non-Native settlement.

Even if all of the area defined by Treaty 7 in 1877 had been acknowledged as the territory of the five signatory First Nations, and their exclusive right to harvest its resources confirmed, this 50,000 square mile area would still have constituted a significant reduction of the pre-contact territories described above.¹³⁴ Not only did the treaty fail to recognize the historical movement south of the US border but First Nations use of the territories north and west of the treaty area was not acknowledged. Additionally, the treaty further reduced the land available to Native people to reserves, which themselves would soon be subject to significant reduction.

The same year that Treaty 7 was signed, the Indian Reserve Commission (IRC) toured the interior of British Columbia and established and confirmed reserves for First Nations people residing in the region. The IRC, established the previous year to resolve “the Indian reserve question”, was also designed to alleviate the growing conflict between the dominion and the province in regard to these lands. Here too, little attention was paid to movement or land use associated with the seasonal rounds of economic activity when

shall be relieved of all responsibility in respect of them.” Cited in Treaty 7 Elders and Tribal Council, *The True Spirit and Original Intent*: 209. For a brief examination of the HBC land transfer and an interpretation of events leading to the inclusion of Article 14 see Arthur Ray et al, *Bounty and Benevolence: A History of Saskatchewan Treaties* (Montreal & Kingston: McGill-Queen’s University Press, 2000): 45-57. As mentioned above, for British Columbia Article 13 of the Terms of Union by which B.C. entered Confederation transferred responsibility for “Indians, and the trusteeship and management of the lands reserved for their use and benefit” to Canada.

¹³⁴ The area defined by Treaty 7 in 1877 included “the inhabitants of the territory north of the United States boundary line, east of the central range of the Rocky Mountains, and south and west of Treaties Numbers Six and Four...” Canada. *Copy of Treaty and Supplementary Treaty No. 7 Made 22nd. Sept., and 4th Dec., 1877, Between Her Majesty the Queen and the Blackfeet and Other Indian Tribes, at the Blackfoot Crossing of Bow River and Fort Macleod*. Rpt. from 1877 ed. (Ottawa: Queen’s Printer, 1966).

assigning diminutive reserve lands that had little connection with the range of pre-contact territories.

“like so many small theatres”

This chapter has established a base line by briefly exploring the traditional territories, gender and familial relations, political organizations, economic structures and access to resources and trade of the First Nations resident in the regions under discussion here and their associations with other peoples. Virtually all of this was altered or placed in jeopardy with the arrival of epidemic disease and the acquisitive disposition of Euro-Canadians and the surveying eyes of their attendant regulatory bodies. Moreover, it occurred on a dwindling and insecure land base available to Indigenous peoples. While southern Alberta and the southern interior of British Columbia were and continue to be populated by a number of distinct First Nations, the borders of the regions, and the bounded space these perimeters created, have little in common with the expanse of the territories used by the resident First Nations prior to 1877. The geospatial entities created by Treaty 7 and shortly later the Kamloops-Okanagan agency were constructions of the Euro-Canadian newcomers, created in large part to facilitate the management of Native peoples, to reduce the potential for resistance, and to facilitate unfettered settlement of those non-Natives who liberal Canada deemed fit to bestow the benefits of citizenship upon.¹³⁵ While there was limited consultation with Indigenous peoples regarding the lands that would be reserved for them, and while some groups had a greater ability to resist further erosion of these lands over time, ultimately the size and shape of the splinters of First Nations territories that remained as reserves were the design of non-

¹³⁵ While the Treaty 7 area remains as a legal entity, the variously named and amendable Kamloops-Okanagan Indian Agency no longer exists.

Native politicians and bureaucrats for the benefit of non-Native farmers and businessmen. The restriction to reserves and then the limitation of activities and movement allowed to reserve residents was central to Canada's policy towards those it defined as Indians.

Although the conditions and tactics varied, with the establishment of administrative regions in Alberta and British Columbia the DIA systematized and hierarchically organized its supervision and reform of the resident First Nations populations. The final stage in the removal of First Nations people from their land and resources was clearly articulated by long serving Deputy Superintendent General of Indian Affairs, Duncan Campbell Scott "[t]he happiest future for the Indian race is absorption into the general population, and this is the object of the policy of our government." Scott stated further that a "paternal policy of protection and encouragement has been pursued from the earliest times" by the British and later Canadian governments. As a result, in the older provinces of Ontario and Quebec "the natives [have] advanced more than half way towards the goal, and the final result will be this complete absorption. The great forces of intermarriage and education will finally overcome the lingering traces of native custom and tradition." Scott could see "no reason why the Indians of the West, who have been subject to the policy of the government for less than fifty years, and who have made remarkable advances, should not follow the same line of development as the Indians of the old Province of Canada."¹³⁶

Alexander Morris, who served as Canadian negotiator for Treaties Three through Six and as Lieutenant Governor of Manitoba and the Northwest Territories, argued that

¹³⁶ Duncan Campbell Scott, "Indian Affairs, 1867-1912": 622-3.

placing Indigenous peoples on small “band reserves” was preferable to the system adopted in the United States where the large tracts allotted to entire nations became “the object of cupidity to the whites” and often led to armed conflict when broken up. Further, the dispersal of Indigenous people to diminutive reserves had “a tendency to diminish the offensive strength of the Indian tribes, should they ever become restless”.¹³⁷ While the people who lived on these pieces of land made homes and the best of their conditions, for the DIA they were reformatory spaces “like so many small theatres” where Indigenous people could be kept under surveillance until they could be “de-Indianized”.¹³⁸ Not unlike prisons, asylums, hospitals, or schools, Indian reserves were constructed as sites where individuals could be reformed, healed, or socialized to behaviour acceptable to the Anglo-Canadian majority.¹³⁹ They were places where “Indianness” would be instructed, cajoled, legislated or, if necessary, coerced out of the original inhabitants of western Canada. This is where colonialism was and remains at its most obviously aggressive and in contradiction to the stated goals of liberalism. While Frantz Fanon did not have this region in mind when he uttered the phrase, for Indigenous people in western Canada this was indeed a “narrow world, strewn with prohibitions”. After more than a century of this

¹³⁷ Alexander Morris, *The Treaties of Canada with the Indians, Including the Negotiations on Which They Were Based, and Other Information Relating Thereto*, 1880 (Toronto: Prospero Books, 2000): 287-288.

¹³⁸ Foucault, *Discipline & Punish*: 200. As stated in chapter one, Foucault argues that panoptic structures individualize and make constantly visible the space occupied by each person. This treatment seems especially suited to liberal belief in the primacy of the individual.

¹³⁹ Clearly, reserves had different meanings and purposes for the First Nations people who lived on them than for their non-Native neighbours or the DIA. For the former they became homes where generations lived and raised their families. They could serve as refuges from the racism to which they could be exposed outside of the reserve borders. For neighbouring farmers, business people, and governments they were holding areas for labour and land that could be exploited or brought into service in extraordinary times of labour shortage or war. They provided captive markets, sources of needed resources, and potential thoroughfares for roads or railways. They provided employment for a phalanx of government employees and teaching grounds for those who wanted to be farmers. For missionaries they were a convenient, concentrated, and stable location for conversion.

onslaught it is remarkable that First Nations were able to retain any of the cultural elements identified above let alone functioning cultural systems and structures.¹⁴⁰

¹⁴⁰ Fanon, *Wretched of the Earth*: 37.

CHAPTER THREE

“a splendid spirit of cooperation”¹:

Churches, Police Forces, and the Department Of Indian Affairs

While cultural suppression as a central thrust of Canadian liberalism is clear enough, the precise techniques applied to “de-Indianize” Indigenous populations were neither uniform nor consistent across time or geography. Rather, the specifics were a fluid array of disciplinary techniques that were constantly adjusted to meet local conditions. Increased pressure on land as the result of an influx of non-Native settlers, localized resistance to a particularly offensive policy or official, stubborn refusal to readily accept the dogma of the newcomers, or the need to explain previous policy failures might necessitate an adjustment in strategy or a change in tactics.² Liberalism, as it was applied to Indigenous people in western Canada, was creative and adaptable. The feature common to all of these shifting schemes that ranged from education in various forms to military force and from legislation to morally reprehensible actions that had no basis in law, was

¹ From the report of Frederick Abbott, Secretary to the U.S. Board of Indian Commissioners, in regard to the relations between the Church and Government in Canada. Frederick H. Abbott, *The Administration of Indian Affairs in Canada* (Washington, D.C.: n.p., 1915): 25.

² Historians have recognized the shifts in policy over time, but the paucity of comparative studies has mitigated against a widespread recognition of geographical variations. Of the former, John Tobias argues that for Upper Canada policy changed in 1850 from demanding the isolation of Native peoples to promoting that they be located closer to centres of White habitation where “civilized” habits would be taught by example. Tobias “Protection, Civilization, Assimilation”: 15-16. Tobias argues further that “aggressive civilization” which was central to policy after 1870 was no longer believed effective by 1900 when reserves themselves began to be seen as impediments to assimilation, and so should be leased or sold to reduce DIA expenditure or provide revenue. Tobias: 22-23. The timing of this turn of the century shift in attitudes and policy was not coincidental. As Sarah Carter points out for western Canada east of the Rockies, the turn of the century saw conditions coalesce to make viable the national policies of western settlement, eastern industrialization and efficient transport between the two. Technical improvements in dry-land farming techniques coincided with the end of a drought cycle and growing international demand to generate a wheat boom. This in turn resulted in a torrent of immigration to the Canadian prairies and increased pressure on land that remained to First Nations peoples. Carter, *Aboriginal People and Colonizers*: 172-3 and Gerald Friesen, *The Canadian Prairies: A History* (Toronto and London: University of Toronto Press, 1993): 327.

that they were informed and reinforced by surveillance. Surveillance was the primary means of normalization. On “Indian reserves”, as in the other disciplinary institutions, the smallest details of activity were supervised and recorded. In this way normalization was disseminated through day to day activity and secured through relentless monitoring.³

The importance of surveillance was well understood by those concerned with “civilizing Indians” in the late nineteenth century. When, in 1875, well known Anglican lay missionary and founder of the Metlakatla settlement, William Duncan, offered his suggestions on policy that should be followed in the new province of British Columbia, he wrote under the leading head, “surveillance”, “[t]his I conceive to be the proper starting point for commencing a right policy in Indian affairs; for without surveillance no satisfactory relationship can ever exist between the Government and the Indians.”⁴ In 1873, Indian Superintendent for B.C. Israel Wood Powell confirmed that the land of “the Shuswhaps” was in need of “government superintendence.”⁵ Hayter Reed, Indian Commissioner for the North-West Territories, spoke more specifically when he told all agents under him that “closer supervision would ensure better results” in agricultural pursuits.⁶

³ This is not dissimilar to Foucault’s depiction of a plague stricken town: “[t]his enclosed, segmented space, observed at every point, in which the individuals are inserted in a fixed place, in which the slightest movements are supervised, in which all events are recorded, in which an uninterrupted work of writing links the centre and periphery, in which power is exercised without division, according to a continuous hierarchical figure, in which each individual is constantly located, examined and distributed... all this constitutes a compact model of the disciplinary mechanism.” Michel Foucault, *Discipline and Punish*: 197. For a view that draws on Foucault to explore surveillance in the age of computers see Poster, *Foucault, Marxism and History*: especially 114.

⁴ Appendix C of “Report of the Government of British Columbia on the Subject of Indian Reserves” in British Columbia, *Papers Connected to the Indian Land Question, 1850-1875, 1877*, rpt. (N.P: n.p., 1987): 14.

⁵ Report of I. W. Powell to the Secretary of State for the Provinces, 1873, RG 10, vol. 3596, file 1247; The wording is slightly different in the published “Report of the Superintendent of Indian Affairs for British Columbia” in Canada, *Sessional Papers, 1873*, paper 23: 6.

⁶ Hayter Reed, Circular, 9 February 1891, LAC, RG 10, vol. 1137.

The surveillance of Native people in western Canada was primarily the responsibility of the DIA. Additionally, though, there were many other groups and individuals engaged in scrutinizing Indigenous people. While their tactics may have varied and their specific objectives may have differed, there was considerable collaboration between and within groups watching, judging, and set on reforming Native people. Additionally, these groups and individuals were actively involved in observing the activities of each other. Policemen watched DIA employees, missionaries watched policemen, DIA employees watched missionaries, farmers watched policemen and individuals within each of these groups observed and judged their colleagues.

Missionary Surveillance and Surveillance of Missionaries

Throughout the period under discussion here at least, Protestants and Catholics watched each other carefully and jealously guarded any advances they made into First Nations communities.⁷ This jealousy extended not only to the building of churches and schools but to the provision of on-reserve health services.⁸ The *Calgary Herald* declared that “something should be done to prevent the agents of the denominations from

⁷ In 1899 Anglican Missionary to the Siksika, H.W.G. Stocken, wrote “oh, Rome [the Catholic Church] is so aggressive, + God forbid that we should sleep...Rome is awfully upset with us here + talks of putting an extra Priest close to my own Mission in addition to the one at the South Reserve, + to build schools + church as soon as possible.” Harry W. Gibbon Stocken to Baring-Gould, 21 February 1899. For more on the rivalry between Anglicans and Catholics see Stocken’s *Among the Blackfoot and Sarcee* (Calgary: Glenbow Institute, 1976): v, vii, xii, The Church of England also feared “Romish aggression” would cause a loss of Anglican influence in the Treaty 7 area if it were to close boarding schools. “Report of sub-committee regarding Archdeacon Tims’ appointment as Superintendent of Indian Missions”, n.d. Glenbow, Calgary Indian Mission Fonds, M 1356, vol. 1, file 2. The churches were particularly concerned with the loss of potential First Nations students to their schools. As a result the department was reluctant to allow the children claimed by one denomination to attend the schools administered by another even with the apparent consent of the parents. For Treaty 7 see for example: McLean to Fleetham, 6 November 1914, Tims to Scott 14 November 1914 and Scott to Tims, 26 November 1914, Glenbow, Calgary Indian Mission Fonds, M 1356, box 1, file 3. Catholics were concerned as well about the potential influence of Mormons in southern Alberta. When Fr. La Galle reported that Mormons were “fomenting...Indian trouble” Sam Steele of the NWMP stated that “there is not a vestige of truth in the rumour”. S.B. Steele to Commissioner, NWMP, 17 January 1891, LAC, RG 18, vol. 48, file 81-91.

⁸ For an example of the conflict in relation to a proposed hospital on the Nakoda reserve see correspondence in LAC RG 10, vol. 3993, file 186,790.

interfering with each other's labors" in "their efforts to elevate the Indians of the North West in the scale of civilization."⁹ The DIA's DSGIA Frank Pedley wrote of the three Protestant denominations "[t]he department is often perplexed by the conflicting claims and demands which seem sometimes to be made in the interests of special missions rather than the interests of Indian advancement".¹⁰ The DIA monitored all missionary activity on reserves and in Indian schools and each year published reports on these activities.¹¹ At the same time, missionaries observed the activities of the department's employees and did not hesitate to articulate their concerns when they believed their interests in relation to other denominations were in jeopardy¹² or when they

⁹ "Indian Proselytism", *Calgary Herald*, 15 April 1891. See also "Why Not More Co-operation Among the Churches", *Calgary Herald*, 8 June 1895 for the *Herald's* arguments regarding the economy of cooperation.
¹⁰ Frank Pedley to S.H. Blake, 19 April 1909, LAC, RG 10, vol. 4024, file 289,032-2.

¹¹ Reports on individual schools were regularly published in the DIA's *Annual Reports*. In southern Alberta, Mormons were a particular concern to some in the department. For example, when the Blood agent recommended J.C. Metge for a job as farm instructor on the reserve he included in his list of qualifications that Metge "is well thought of in this district & is not a Mormon". Agent to W.M. Graham 25 Mar 1924, Glenbow, Blood Indian Agency Fonds, M1788, vol. 17, file 129. There is of course much more detail, particularly of a controversial nature, in the correspondence from the department's field operatives than was ever published. For an early example of allegations by both settlers and Native people against a priest in the B.C. interior, Fr. Marshall, who was accused whipping children whose parents would not pay a fine for infractions of his rules, and the department's refusal to intervene, see LAC, RG 10, vol. 3617, file 4606. This is also an early example of the dominion not wanting to cause friction with the province of British Columbia, an issue that will be discussed below. For a 1892 example see BCA, GR-0429, box 2, file 5.

¹² Representatives of the Roman Catholic church complained bitterly to the Canadian Government that they were being treated unfairly by DIA employees in the field and that few Catholics were hired by the department. See for example, Alex, Archbishop of St. Boniface, O.M.I. to Governor General in Council, 28 July 1889, LAC, MG29 E106, vol. 16, file "Church-Dept. Relations, 1887-1895". Ever supportive of the Conservatives, the *Calgary Herald* defended the Macdonald Government in this regard against a Liberal attack that it termed "Another Rielite Falsehood", *Calgary Herald*, 10 October 1888. There was particular concern raised in regard to Edgar Dewdney's elevation to SGIA. As the Catholic Bishop of St. Albert wrote: "I am so much more distressed by his conduct, that he is now more powerful...." Vital J., Bishop of St. Albert, 4 March 1889, LAC, Hayter Reed Papers, MG29 E106, vol. 16, "Church-Dept. Relations, 1887-1895", item 528. The DIA countered that the Civil Service Act insisted on impartiality in religious matters and that "a fair proportion of offices are held by Roman Catholics." Superintendent General of Indian Affairs, "Copy of memorandum to the honourable the Privy Council of Canada", 16 October 1889; L. Vankoughnet, DSGIA, "Memoranda on the various points of contention in his Lordship Bishop Grandin's protocol, enclosed in the Bishop's letter of the 9th ultimo to the Superintendent General of Indian Affairs", 5 September 1890; E. Dewdney, SGIA, to Bishop Grandin, College of Ottawa LAC, RG 10, Vol. 3841, file 71,345. Some of the department's employees in the field clearly offered preferential treatment to particular denominations. As Indian Commissioner Hayter Reed stated "in some places there has been a failure on the part of Agents and Employees to abstain from discrimination with regard to the treatment and attitude

felt their moral influence and example were compromised by the department or one of its employees.¹³ Occasionally, to the dismay and indignation of the DIA, Church representatives went to the media and allowed their criticisms to enter the public's field of view.¹⁴

toward missions and schools of various denominations and the Indians belonging to the same." Reed to Sarcee Agent, 31 October 1890, LAC, RG 10, vol. 1134. When Siksika agent George Gooderham reported that the conditions and level of instruction at both the Church of England and Catholic schools in his area were less than satisfactory he stated that "I immediately got a rebuff from Ottawa and representatives of the two Churches - in fact, a representative of the Catholic faith came all the way from Ottawa and stated he had seen my report and that I must correct my ways." George Gooderham, "George Gooderham's Autobiography": 37-38, Glenbow, George H. Gooderham Fonds, M 4738, box 10.

In British Columbia the Indian Commission was, as the first Indian Superintendent in B.C., Israel Wood Powell, stated "to consist of the Lieut. Governor a Roman Catholic Commissioner and myself, which very wisely I think, was not acted upon owing, I presume, to the questionable policy of introducing, for the first time ever, any sectarian issues." However the Order in Council which authorized this structure was apparently revived with McKenzie's ministry. Powell to J.A. Macdonald, SGIA, 9 October 1879, LAC, RG 10, vol. 3679, file 12,068. Powell reported also that the White "Roman Catholic population is not by any means a bigoted one" and said that he felt accepted as one of their own. But, as an Anglican, he felt the disapproving gaze of the professional clergy: "The Bishops and priests are not so liberal and as they have missionaries among the majority of the Indian tribes it will not be long before their influence I am so desirous of retaining among the Indians to insure success of the administration of my official duties will be entirely destroyed." Powell to E.A. Meredith, Minister of the Interior, 25 May 1874, LAC, RG 10, vol. 3604, file 2685. The Catholics' belief that they were being under-represented in the employment of the DIA continued beyond the time frame of this project. In 1935 the Catholic church again complained of "the disgusting state of things which exists in the Department of Indian Affairs" which included concerns related to the provision of non-Catholic health care and, once again, the lack of Catholics employed by the department. "Hospitals and Sanatoriums for Indian Children and Adults" and "Officials and Employees of the Department of Indian Affairs" with Fr. Marcotte, O.M.I., to H.W. McGill, DSGIA, 21 March 1935, LAC, RG 10, vol. 3250, file 600,474. Once again the department claimed that the complaints were without merit but, somewhat remarkably, this time the DSGIA stated "In so far as I am aware this question has not been raised before." McGill to Rev. F.X. Marcotte, O.M.I., 1 April 1935, LAC, RG 10, vol. 3250, file 600,474.

¹³ For example, charges of drunkenness against Agent S.B. Lucas, and continued troubles between he and Methodist missionaries John Nelson and E.B. Glass, nearly resulted in Lucas' dismissal but instead he was transferred from his post at Bears Hills to the Sarcee Agency in January 1891. "Biographical Notes"; Hayter Reed to Lucas, Indian Agent, Bears Hills, 18 December 1888, M699/4 and Lucas to Alonzo Wright, M.P. Ottawa County, 21 January 1891, M699/5, Glenbow, Lucas Family Fonds. While Commissioner Dewdney had "great sympathy" for Lucas he felt that "when the whole circumstances are laid before Parliament and are taken hold of in the spirit which I have every reason to believe they will be, it may, as I said, before, result in my being compelled to dispense with the services of Mr. Lucas". Dewdney to Rev Canon Newton, Edmonton, 31 May 1890, M 699/4. Lucas' troubles were, however, not over yet. His difficulties at the Sarcee agency will be discussed below.

¹⁴ See for example "Correspondence Regarding Communications Made To Newspapers By Ministers Of The Gospel Criticizing Indian Affairs Government Officials In The Northwest Territories", LAC, RG 10, vol. 3753, file 30,613.

On occasion, the mutual observation of representatives of a church and employees of the DIA, and perceived affronts to one or the other's interests, character, or mission, resulted in undisguised animosity.¹⁵ In 1892 DIA farmer P.L. Grasse complained that Methodist missionary John McDougall, was in the words of another agent, S.B. Lucas, "doing all he can to turn the Indians Against him [Grasse]."¹⁶ In 1894 McDougall felt wronged over the refusal of the Nakoda to lease some reserve land to him for grazing purposes and blamed the influence of Grasse for their refusal: "I am sorry that a man who has never done nor yet has the will or capacity to do even the one thousandth part of what

¹⁵ While outside of the geographic areas under discussion here, a serious conflict arose as between Anglicans and the department on the Northwest Coast when the Tsimshian refused surveyors access to their lands. As Indian Superintendent for British Columbia I.W. Powell reported "Metlakatla Indians acting on Duncan's advice refuse to obey Indian act or have their land treated as reserve under that law they also refuse to receive [future Kamloops Agent J.W.] McKay as agent they base their claim on prior or aboriginal title to lands which they have never disposed of or alienated by treaty or otherwise. No force there to compel obedience or establish law at present." Powell, telegram to SGIA, 13 December 1883, LAC, RG 10, vol. 3606, file 2959 pt. 4. See also "Letter from the Methodist Missionary Society to the Superintendent-General of Indian Affairs respecting British Columbia Troubles, with Affidavits, Declarations, Etc." LAC, RG 10, vol. 3818, file 57,837. In the Cowichan Agency on the other hand, the agent was accused by a Catholic bishop of "being in collusion" with the Methodists. Martin Benson to DSGIA, Mar 16, 1904, LAC, RG 10, vol. 3614, file 4152-8M.

¹⁶ Entry for 21 April 1892, Daily Journal at Sarcee Agency, Glenbow, Lucas Family Fonds, M 699/8. John Chantler McDougall was born in 1842 in Upper Canada, the son of Methodist Missionary George McDougall. He learned to speak Ojibwa as a child and then spent a short time at Victoria College in Coburg before following his father to assist in Missionary work. John learned to speak Cree at posts in Manitoba before traveling with his father to Alberta to help him establish missions there beginning in 1862. In 1872, a year after the death of his first wife, Abigail Steinhauer whom he had married in 1871, he was ordained at the first missionary conference held in western Canada. After traveling to Ontario later in the year to marry his second wife, Elizabeth Boyd, he returned with her to Alberta and established a new Mission at Morley. McDougall was something of a paradox in many ways as is illustrated in later chapters. While he advocated on behalf of the Nakoda and other First Nations in the Treaty 7 region especially he was fully involved in promoting settler interests on behalf of the DIA. Soon after his return to Alberta he was sent among the Blackfoot to prepare them for the arrival of the NWMP. Similarly he prepared the ground for the arrival of the treaty commissioners and the acceptance of Treaty 7. Later he was employed by the DIA to assist them in their efforts to reduce reserves in British Columbia as will be discussed below. For more information see for example McDougall's own publications like *Pathfinding on Plain and Prairie: Stirring Scenes of Life in the Canadian North West* (Toronto: William Briggs, 1895) and *On Western Trails in the Early Seventies: Frontier Pioneer Life in the Canadian Northwest* (Toronto: William Briggs, 1911). See also the work of his colleague John Maclean, *McDougall of Alberta: A Life of Rev. John McDougall, D.D. Pathfinder of Empire and Prophet of the Plains* (Toronto: F.C. Stephenson, 1927). For a more recent approach see Sarah Carter, "The Missionaries' Indian: The Publications of John McDougall, John Maclean and Egerton Ryerson Young", *Prairie Forum* 9, 1 (1984): 27-44; Treaty 7 Elders and Tribal Council, *The True Spirit and Original Intent of Treaty 7*: 52 and 262-269 and John Friesen, *First Nations of the Plains*: 114-117.

I have done for both Department and Indians should be able because for the time being he has the ration house + Gov. patronage to help him make it possible for the Department to misunderstand the case as it affects both the Indians + myself.”¹⁷ In 1896 Grasse accused McDougall, in addition to other irregularities, of selling defective beef to the Nakoda and to the local orphanage. McDougall, in turn, accused Grasse of being “a drunkard, and a gambler, and a blasphemer, and at times foul and brutish in his conduct.”¹⁸ By the end of the year Grasse was transferred to the Crooked Lake Reserve “to further the interests of the public service.”¹⁹ Within six months of the transfer he was no longer employed by the DIA. In contrast, McDougall’s descendants ended up with some of the best agricultural lands in Nakoda territory and McDougall himself would in the years to come be sent to British Columbia in the employ the DIA to determine what lands could be removed from reserves there.

Despite local conflicts, it is clear that the department at Ottawa went to some length to maintain friendly relations with all denominations and to protect its public image of religious equality. The glowing report of Frederick Abbott, Secretary to the U.S. Board of Indian Commissioners, attests to the success of the department’s public relations efforts when the author wrote that a “splendid spirit of cooperation exists between the various religious denominations in Canada and the government”.²⁰ The Churches too, went some way to maintaining good relations with Ottawa so that, for example, when Anglican missionary A.E. O’Meara, a vocal advocate for Indigenous rights, was critical of the

¹⁷ McDougall to Indian Commissioner, 12 November 1894, LAC, RG 10, vol. 3598, file 1419 pt. A.

¹⁸ Grasse to Indian Commissioner, 21 December 1896 and McDougall to Rev. A. Sutherland, General Secretary, Methodist Church Missionary Department, 28 June 1897, LAC, RG 10, vol. 3966, file 151,384.

¹⁹ Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 17th May 1897”, LAC, RG 10, vol. 3908, file 107,286.

²⁰ Abbott, *The Administration of Indian Affairs in Canada*: 25.

DIA's inability to fulfill its written promises and objectives and publicly labeled "one of its officers a liar...he was called to order very strongly by the Primate" of the Anglican Church.²¹

In addition to the DIA, the police too, particularly the NWMP, were interested in the activities of various churches, especially if they believed that public peace was in jeopardy. When, for example, the Siksika voiced their dissatisfaction regarding compulsory attendance at the school on their reserve, Anglican missionary J.W. Tims recommended "a force of 200 or more men located on the border of the Reserve as a check to their present behaviour."²² It is unlikely that such a large proportion of the force would ever be committed to such an assignment, but soon it was not necessary. A week later NWMP Commissioner Herchmer was able to report that the "departure of Rev Tims has removed all cause of complaint and Indians are now perfectly quiet."²³ The same year, when NWMP Superintendent S.B. Steele found that children at the school at St. Paul's Mission on the Kainai reserve were being locked in at night he warned the

²¹ S.H. Blake to DSGIA Frank Pedley, 19 October 1908, LAC, RG 10, vol. 4024, file 289,032-2. O'Meara's activities, as well as further cooperation between missionaries and DIA operatives in relation to the reduction of reserves, will be discussed further in later chapters. There was, though, conflict between the CMS and the DIA over the issue of boarding schools v. day schools. See correspondence in vol. 4024, file 289,032-2.

²² Tims to Indian Commissioner, 27 June 1895, LAC, RG 18, vol. 110, file 517-95. This following on the heels of the killing of the DIA's ration issuer on the Siksika reserve Frank Skynner earlier in the spring. Skynner had refused to issue beef to a sick child and when the child died her father held Skynner responsible. A month later, another girl died at the school on the reserve after her parents were refused access to the child. Indian Commissioner Hayter Reed argued that the problem was Tims, not school regulations that prevented children being removed from school by their parents. NWMP Superintendent Howe reported that Tims was "perfectly conscientious man" but that he "lacks the powers of discretion in dealing with Indians...". Howe to Commissioner, NWMP, 3 July 1895 and Reed to NWMP Comptroller Fred White, 12 July 1895, LAC, RG 18, vol. 110, File 517-95. See also *Calgary Herald*, 6 April and 10 July 1895 and the *Globe and Mail* 4 July 1895. J.R. Miller also provides a discussion of how flawed policy was exacerbated by Tims' haughty manner and unpopularity. J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996): 129-130.

²³ Herchmer to Comptroller, telegram, 3 July 1895, LAC, RG 18, vol. 110, File 517-95. Compulsory attendance was not generally practiced "among the more powerful tribes" in Treaty Seven at this time but Tims took it upon himself to tighten attendance and visitation regulations. Herchmer to Comptroller, 30 June 1895; Reed to White, 12 July 1895, LAC, RG 18, vol. 110, File 517-95.

priest/principal that if lives were lost in the event of a fire he would be tried for manslaughter.²⁴

While all denominations came under the scrutinizing eye of the police, Mormons were the subjects of particular attention. As Superintendent Steele reported, “as usual I have caused a close watch to be kept upon the “Latter Day Saints” for the purpose of observing whether the practice above mentioned [polygamy] exists amongst them and have caused Inspector Davidson to furnish me with all the information necessary.”²⁵ In this case the investigating officer reported that he was convinced that no polygamy was being practiced, “I think that they now stand in too wholesome an awe of Canadian Laws and of the Mounted Police to attempt any such serious offence.”²⁶ Polygamy was of special concern to many Canadian officials since, to them, it aptly illustrated the backwardness of Indigenous societies and so required eradication if plains First Nations were to advance.²⁷

There was sectarian discord, differences in opinion regarding tactics within various denominations and disputes between individual missionaries and police and missionaries and DIA employees. There were few, though, who presented any serious challenge to what was believed to be the natural correctness of individual land tenure and

²⁴ Comptroller Frederick White to Commissioner L.W. Herchmer, 16 October 1895, LAC, RG 18, vol. 112, file 665-95.

²⁵ Supt. S.B. Steele to Commissioner, NWMP, 8 November 1895, LAC, RG 18, vol. 2182, file “Commissioner’s office, 1895”, pt. 2. Steele noted, however, that there were nine Mormons who had wives in both the US and Canada and this was “known to the Force for many years.”

²⁶ J. Davidson, Lees Creek, to Commissioner, November 5, 1895, LAC, RG 18, vol. 2182, file “Commissioner’s office, 1895”, pt. 2.

²⁷ For a discussion of nineteenth century efforts to eliminate Indigenous polygamy in the prairie west see Sarah Carter, “Creating “Semi-Widows” and “Supernumerary Wives”: Prohibiting Polygamy in Prairie Canada’s Aboriginal Communities to 1900”, in *Contact Zones: Aboriginal & Settler Women in Canada’s Colonial Past*, ed. Katie Pickles and Myra Rutherdale (Vancouver: UBC Press, 2005). Carter argues that while missionaries actively opposed polygamy from the late 1870s, Canadian officials did not become aggressively involved until the 1890s. Carter: 139.

property ownership, that Indigenous people were not yet advanced enough to be permitted to reap any benefits liberalism had to offer, or that adherence to Christianity was a necessary prerequisite not only for civilization but for human development. As DSIGIA Frank Pedley wrote in 1910:

That indifference to human life and suffering which characterized even highly civilized nations, until Christian doctrine took possession of them, still to no small extent pervades the Indian population....It is to be hoped that dissemination of Christianity and expansion of the somewhat curtailed limits of their knowledge and interests may gradually work a change in this regard.²⁸

Further, missionaries were employed by government officials to pacify Indigenous residents. For example, in preparation for the arrival of NWM Policemen and American troops into their territories to mark off the boundary between the United States and Canada, missionary John McDougall was sent to the Blackfoot to advise them of “the good will of the Queen” and to ask them “to regard the Force with a friendly eye.”²⁹ On a larger scale, adherence to Christianity seems to have gone some way toward the DIA objective of fostering quietude. As Chief at Cayuse Creek, a Lil’wat community, reported to missionary and DIA employee John McDougall in 1910:

We never leased land. We never gave away our right to game and salmon. They, the white men took it from us. We did not get mad. The white people did all this. We did not get mad. No-Christ said “do not get mad”.³⁰

Police Surveillance

²⁸ Frank Pedley in DIA, *Annual Report, 1910*: xxii.

²⁹ Alexander Morris to John McDougall, 20 June 1874, LAC, MG 29 C23.

³⁰ “Minutes of meeting held with Indians of Bonaparte, Pavilion and Fountain reserves on the 11th, 12th, 13th, and 14th August, 1910”, LAC, RG 10, vol. 3750, file 29858-11. While McDougall likely saw this statement, to the extent that it is accurate, as indemnification of his work it is also indicative of the ability of missionization to forestall meaningful resistance and the belief of Christianity’s promoters and practitioners that this is a positive aspect of missionary work. “Cayuse Creek” is identified in DIA reports as “Cayoosh” and currently known as Cayoose Creek.

Though there were other police and investigative bodies involved with law enforcement in western Canada, these duties fell mainly to the North-West Mounted Police east of the Rockies, and to the British Columbia Provincial Police (BCPP) to the west. Like the representatives of the various churches, the BCPP and the NWMP observed the movements and activities of First Nations peoples within their jurisdictions.³¹

The BCPP formed in 1858, sixteen years before the NWMP, was the first territorial police force in Canada. While the immediate impetus for the creation of the force was the need to control the tens of thousands of gold seekers that arrived in the Fraser River watershed in 1858, it had a myriad of law enforcement duties during its existence, ranging from the Sheep Protection Act to the Moving Picture Act and from the Coroners Act to the Infants Act and the Tax Act.³² It could be said, then, that the B.C. Police enforced all laws dealing with early life, death, taxes and everything in between.³³ That the B.C. Police were primarily responsible for ensuring the orderly development of liberal capitalism is evident from the particular attention it paid to working class people,

³¹ While the NWMP is widely recognized as instrumental in the extension of Euro-Canadian values and so a critical arm of the colonial encounter, the British Columbia Provincial Police force has had far less attention and, as will be discussed below, is not generally seen as serving this function. The BCPP was, however, formed to emulate the Royal Irish Constabulary, itself clearly an imperialist force. As will be discussed below, on a few occasions before the duties of the BCPP were taken over by the RCMP in August 1950, the Mounted Police did enter British Columbia.

³² BCA, GR-0099, box 4, file K-18 and Frederick John Hatch "The British Columbia Police, 1858-1871", M.A. Thesis, Department of History, University of British Columbia, 1955: 1-18. The initial force consisted of only five policemen and a chief constable but by 1922 there were about 200 in the BCPP. The duties of the BCPP were taken over by the RCMP on August 15th, 1950.

³³ As an example of the extent of duties undertaken by the BCPP, a constable in the Okanagan recorded in February 1912 that he went to a railway construction camp to order the foreman "to move some pigs away from Cook House and dining tents". Entry for 14 February 1912, BCA, GR-1728, Diary April 26, 1911-March 31, 1919 (vol. 3).

especially union organizers and the unemployed.³⁴ Undoubtedly the increased surveillance of these individuals is a direct result of the demands of settlers, businessmen, and their political representatives for increased policing.³⁵

The provincial government felt that since "Indians" were a federal responsibility the cost of their surveillance should be borne by the government at Ottawa. Nevertheless, the BCPP, as one author has stated, "continued to patrol the natives as they had in pre-Confederation years."³⁶ Indeed, the 1901 diary of a constable stationed in the southern Okanagan includes such regular entries as: "watched actions of party of half breeds", "large gathering of Indians on reserve", and "patrolled reserve all day".³⁷ Similarly, ten

³⁴ For the 1911 case of I.W.W. organizer G.S. Biscay arrested in a C.N.R. construction camp and for the charge of assault laid by G. Carlsen of the I.W.W. against BC Police Constable Lee of Savona, see BCA GR-0056, box 12, file 12.

³⁵ Reasons cited by settlers, capitalists, and their political representatives when requesting additional policing often included the presence of large numbers of working men. For concerns regarding the concentration of railway workers see BCA, GR-0063, box 9, file 1 and file 12. B.W. Sawyer, Secretary and Managing Director of the Adam's River Lumber Co. was concerned about his own workers. When demanding more police be sent to Chase, B.C. he argued that while "we employ several watchmen for night and day service, there is always a considerable element of risk of serious trouble both in the town and around the mill-plant, from men holding fancied grievances, or who are under the influence of liquor." Sawyer to F.S. Hussey, 14 July 1911, BCA, GR-0056, box, 12, file 2. For complaints regarding "hobos" and "tramps" on the Okanagan line of the CPR and in the Kamloops area and the "annoyance" created by their requests for meals see Superintendent to J.A. Fraser, Chief Const, Vernon, 12 April 1912, BCA, GR-0056, box 26, file 14 and H. Bostock, Monte Creek to Attorney General, 12 June 1911, GR-0063, box 7, file 6 [this file is numbered as a second file 5]. For the concerns of the CPR "regarding the country along our main line being infested with tramps, etc." see F.F. Rusted, General Supt., CPR to W. Bowser, A.G., 1 December 1910, GR-0429, box 18, file 4. For their part, the police believed that the problem would be resolved once the railway construction camps were in full operation. As Inspector, and soon to be Superintendent, Colin Campbell opined "when work is in full swing I do not think there will be as many men around the town as at present as those who want work will go to the camps and the hobo element can be dealt with." Campbell to J.P. McLeod, Deputy A.G., 25 July 1911, BCA, GR-0097, Vol. 3 Inspector's Correspondence outward 1909-1911. Lumber Companies in the BC interior also appointed their own police forces or paid a portion of the salaries of BCP Policemen to keep watch on their premises. It was reported by the Adam's River Lumber Co. was appointing its own police force, because it was afraid of its own men. BW Sawyer, Managing Director, Adams River Lumber Co. to Provincial Police, 25 July 1911, BCA, GR-0056, box 12, file 1; Sawyer to FS Hussey, 14 July 1911, file 12 and F. Gosby, Acting Chief Constable, Kamloops, to C.S. Campbell, Supt. BCPP, 23 November 1911, file 13. The Monarch Lumber Co. at Savona demanded the appointment of provincial constables and agreed to pay half the wages. Jas. C. Shields, President, Monarch Lumbar Co., Savona, to Fred J. Fulton, 16 April 1909, BCA, GR-0063, box 5, file 1.

³⁶ Stonier-Newman, *Policing a Pioneer Province*: 38.

³⁷ Entries for 30 April, 8 June and 9 June 1901, BCA, GR-1728, vol. 2.

years later, the constable in the district visited at least some reserves once a week.³⁸

The BCPP was also active in locating and returning truant students to boarding schools for Indigenous children including the Kamloops Indian Residential School.³⁹

Since 1900 at least, DIA requested that the BCPP not issue game licenses to anyone “convicted of an infraction of the Indian Act” in the past year.⁴⁰ In 1918 the duties of the game department were combined with those of the provincial police and “the Superintendent of Provincial Police was created ex-officio the Provincial Game Warden”.⁴¹ The same year the Game Act created the Game Conservation Board which believed its most difficult problem was the “wanton destruction of game by the Indians”.⁴² While the BCPP was already involved in administering related regulations, this transfer of administrative control and personnel into the police force and the extension of direct responsibility for these issues brought the force into more direct contact with Native groups at a time when they were increasingly pressing for control of game resources.

Job actions of Indigenous people, in concert with White workers, also brought them more directly under the supervisory gaze of law makers and police in the early twentieth century. The Fraser River fishery strikes of 1900 and 1901 are cases in point. As was

³⁸ See, for example, entries for 5, 11, and 24 May 1911; 3, 10, 28, and 30 September and 3, 6, 10, and 17 November 1911, BCA, GR-1728, vol. 3. This pattern of regularly “visiting” reserves, especially during events like stampedes, sports days or exhibitions in nearby settler communities, continued throughout the 1910s at least.

³⁹ See for example, Daily Journal, 1914, entries for 25, 26, and 27 1914 and Daily Journal, 1915, entry for 11 November, 1915.LAC, RG 10, vol 1325.

⁴⁰ McLean to Frederick Hussey, 4 September 1900, BCA, GR-0063, box 1, file 3.

⁴¹ British Columbia, Provincial Game Warden, *Annual Report*, 1918, BCA, GR-0446, box 86, file 11, p.S5. The BCPP had been assisting game wardens since at least 1910. William Bowser, Attorney General for B.C. to Frederick Hussey, 4 January 1910, BCA, GR-0063, box 5, file 4.

⁴² British Columbia, Provincial Game Warden, *Annual Report*, 1918, BCA, GR-0446, box 86, file 11, p.S18. The perceptions surrounding this issue are the subject of a later chapter.

reported to the Attorney General “over forty white and indian patrol boats, manned by ten men each now on the river intimidating destroying property and preventing fishing.”⁴³ Here, as in the province’s coal mines, Asian workers were co-opted into acting as strike breakers. This strategy, coupled with the declaration of martial law and the employment of special constables, militia men and the BCPP to protect the Japanese fishers and so the interests of the cannery owners ultimately defeated the action taken by striking Native and White fishers.

It was not only overt resistance, however, that caused Native people to be singled out as the primary reason for requesting additional policing. As one settler argued

[m]y contention in this matter is, that the Govt. - in localities like this where the halfbreed element and Siwash element so largely prevail - should consider itself bound to see that the whites who keep up the country with their enterprise and taxes are allowed to live in comparative comfort and freedom from annoyance.⁴⁴

Another wrote to his M.P.P. that

the residents of this District between Nicola and Princeton are very much bothered by drunken Indians and tramps so much so that it is unsafe for women and children to be on the road unattended. The trouble is becoming so serious that we fear that some outrage may be perpetrated if steps are not taken to have the district policed.⁴⁵

For a short time there was also a provincial police force in Alberta. When the RNWMP, apparently unwilling to enforce provincial prohibition regulations, cancelled their contract with the province in 1916 Alberta established its own provincial police which operated until the RCMP reassumed policing responsibilities in 1932. While there

⁴³ H. Bell Irving, W. Farrel to D.M. Eberts MPP, telegram, 8 July 1901, BCA, GR-0429, box 7, file 3, item 2314/01. See also F.S. Hussey to D.M. Eberts, AG, telegram, 8 July 1901, item 2317/01. For a brief synopsis of these events see Barman, *West Beyond the West*: 215.

⁴⁴ H.D. Phen Armthorp to Hussey, 25 October, 1904, BCA, GR-0063, box 2, file 5.

⁴⁵ Geo. McCullough to Stuart Henderson, M.P.P., 8 April 1909, BCA, GR-0063, box 5, file 1. For a request for mounted police see BCA, GR-0429, box 9, f3, item 3426/02.

was some surveillance of the First Nations of southern Alberta by the Alberta Provincial Police the continued responsibility of the Mounted Police for matters concerning Native people assured that these activities were even less substantial than in British Columbia.⁴⁶

Unlike the APP or even the BCPP, the extensive body of literature on the North West Mounted Police and its successors has encouraged its promotion to mythic status.⁴⁷ The *Calgary Herald*, for example, referred to the force in 1924 as “one of the romantic institutions of the British Empire”⁴⁸ The standard interpretation in many ways parallels the presentation of the history of Canada as the peaceful transformation of an untamed and unpopulated wilderness. For example, at the end of his two volume study of the Mounted Police John P. Turner stated that the Force “established law where no law existed, spoke order into existence wherever order was threatened and laid broad and deep the foundations of peace and prosperity in the wide reaches of the Western country.”⁴⁹ R.C. Macleod similarly argued that the relative peace in the prairie west is

⁴⁶ Zhiqiu Lin and Augustine Brannigan, “The Implications of a Provincial Police Force in Alberta and Saskatchewan”, in *Laws and Societies in the Canadian Prairie West, 1670-1940*, ed. Louis A. Knafla and Jonathan Swainger (Vancouver: UBC Press, 2005): 1 and Palmer and Palmer, *Alberta a New History*: 176. There has been remarkably little written on the Alberta Provincial Police but there are two unpublished MA theses: Lesley McTaggart, “Alberta’s Own: The Provincial Police”, University of Calgary, unpublished MA thesis, 1995 and Sean Moir, “The Alberta Provincial Police”, University of Alberta, unpublished MA thesis, 1991. APP Commissioner, W.C. Bryan, opened the meeting on the Kainai reserve in 1925 that was attended by many plains First Nations to discuss common experience and goals. “Redskins From All Over West Join in Pageant at Macleod”, *Calgary Herald*, 2 July, 1925. Like the BCPP, the APP was also called upon to act in the interests of management in their suppression of strike activity by workers in the coalfields. Palmer and Palmer, *Alberta a New History*: 208 and 216.

⁴⁷ On the mythical status achieved by the Mounted Police in popular culture see Keith Walden, “The Great March of the Mounted Police in Popular literature, 1873-1973”, Canadian Historical Association, *Historical Papers*, (1980): 33-56. The force was called the North West Mounted Police from its inception until 1904 when “Royal” was added by a grant of Edward the VIII. In 1920 the name was changed again to the Royal Canadian Mounted Police.

⁴⁸ *Calgary Herald*, “Jubilee Edition”, 4 July 1924.

⁴⁹ John Peter Turner, *The North-West Mounted Police, 1873-1893*, vol. II (Ottawa: King’s Printer, 1950): 576.

attributable to generally benevolent Canadian policy and humane actions of the NWMP.⁵⁰ These and allied positions both nourish and are sustained by Canada's national mythology surrounding the Mounted Police. Unfortunately there is little possibility of a before and after comparison to demonstrate the effectiveness of the NWMP, since the force was in place before non-Native settlement really got underway as Carl Betke pointed out some time ago. Further, it has also been suggested that this paucity of White settlers goes some way to explain the lack of criticism of the force in its first years of operation. More importantly, as Sarah Carter has argued, and as will be discussed below, the small number of NWMP could never have facilitated this peaceful occupation if it were not for the "strategies and actions of the Aboriginal residents."⁵¹

John A. Macdonald began preparing the ground for the formation of a mounted police force as the situation in the prairie west began to deteriorate in 1869 partly at least as a result of the lack of consultation with First Nations and Métis inhabitants regarding the transfer of Rupert's Land from the Hudson's Bay Company to Canada. The force began to take shape with an order-in-council in April 1870 in which provision was made for a mounted force which, like the Royal Irish Constabulary, would be under the central control of Ottawa and not territorial or regional governments.⁵² While the resistance

⁵⁰ R.C. Macleod, *The North-West Mounted Police and Law Enforcement, 1873-1905* (Toronto: University of Toronto Press, 1976), 143-61. Macleod argues, though, that there was a "subtle shift" in police attitudes and policy toward coercion after 1885 (p.144). John Jennings, shares the view that there was a negative shift in attitudes held by the force in relation to Indigenous peoples and toward force in their dealings with them after 1885, but for him this shift was rather less "subtle". John Nelson Jennings, "The North-West Mounted Police and Canadian Indian Policy, 1873-1896", unpublished Ph.D. dissertation, University of Toronto, 1979: 273. There is more on Jennings' views in this regard in the section on the "pass system" below.

⁵¹ Carl Betke, "Pioneers and Police on the Canadian Prairies, 1885-1914", *Historical Papers* (1980): 9; E.C. Morgan, "The North-West Mounted Police: Internal Problems and Public Criticism, 1874-1883", *Saskatchewan History* XXVI (1973): 61 and Carter, *Aboriginal People and Colonizers*: 130.

⁵² See, for example, S.W. Horrall, "Sir John A. Macdonald and the Mounted Police Force for the Northwest Territories", *Canadian Historical Review*, LIII, 2 (June 1972): 183. While on leave before assuming his

centred at Red River was over in 1870, the desire to establish Canadian authority over the West remained. In September of 1873, nine commissioned officers were appointed to a “Mounted Police Force for the North-West Territories” and by November 3rd a further 150 men were recruited to the force.⁵³ In 1874, 300 Mounties marched west and arrived in the area that became southern Alberta to establish Fort Macleod in 1874 and Fort Calgary in 1875. The conspicuous expansion of Anglo Canadian liberal values in this region and the formal surveillance network in preparation for the western settlement was initiated in advance of any treaty or agreement with resident First Nations.

Fundamentally, as historian R.C. Macleod has stated, the NWMP were an essential part of Macdonald’s national policies.⁵⁴ In turn, as John Jennings confirms, it was the success of the national policies that took precedence over the “human rights of the Indians, as well as the treaty promises”.⁵⁵ The primary role of the Mounted Police was to facilitate the peaceful occupation of the West by Anglo-Canadians and to allay their fears of Indigenous people once they arrived. Without farmer-settlers both the railway and the NWMP themselves would be redundant.⁵⁶ A.A. Dorian stated in 1874 that the Mounties’ mission was, in part: “to give confidence to peaceable Indians and intending settlers.”⁵⁷

position as Commissioner of the NWMP in 1880, and armed with a letter of introduction from the Minister of the Interior, A.G. Irvine visited the RIC both at its headquarters in Dublin and its field offices in the counties “in order that I might be in a position to judge how far the experience gained by this old, efficient and time-honored corps might prove of service to the force now under my command.” A.G. Irvine, “North-West Mounted Police Force. Commissioner’s Report, 1880”, “Annual Report of the Department of the Interior”, paper no. 3 in Canada, *Sessional Papers, 1881*: 3.

⁵³ Horrall, “Sir John A. Macdonald”: 195-196.

⁵⁴ Macleod, *The NWMP and Law Enforcement*: 3.

⁵⁵ Jennings, “The North West Mounted Police”: 315. See also Carter, *Lost Harvests*: 155 on this point.

⁵⁶ Friesen, *The Canadian Prairies*: 181. As Sarah Carter confirms, [p]romoters of North-West Mounted Police ... were generally concerned less with the future of the Indians than with the security of the lives prospective settlers.” Carter, *Lost Harvests*: 52.

⁵⁷ A.A. Dorian, Memorandum to Minister of the Interior, 11 May 1874, LAC, RG 10, vol. 3610, file 3461. Dorian made it clear that the state was asserting its authority and that “the co-operation of the Indians is not

Macdonald himself confirmed a decade later that “the business of the Mounted Police is principally to keep peace between whitemen + Indians”.⁵⁸ As themselves largely the products of privileged English or Anglo-Canadian society, officers of the NWMP were fitting apostles of the class and racial hierarchies existent in their home territories.⁵⁹

Even more than the BCPP, the NWMP and its successors were required to fulfill a host of enforcement responsibilities at different times: from the Leprosy Act to the Explosives Act and from the Bank Act to the Canada Temperance Act.⁶⁰ The Mounted Police also, of course, enforced the Indian Act and other pieces of legislation both on and off the reserves. Further, despite the extent of the panoptic machinery that the DIA had in place, the NWMP and its successors provided them with a myriad of services.⁶¹ They were a major force in laying the ground work for the acceptance of Treaty 7 and were a presence, along with their cannon, at the negotiations for the treaty.⁶² In the years that followed they also provided an escort for the annuity money guaranteed in 1877.⁶³ The police could be called in at short notice at the request of the department to enhance its

in any way desired or sought in any action which the Mounted Police Force, may find it necessary to take.” Dorian, Memorandum to Minister of the Interior, 20 May 1874.

⁵⁸ Macdonald to Dewdney, 11 January 1884, Glenbow, Edgar Dewdney Fonds, M320, Series III-4, John A. Macdonald Correspondence, p.483. To this end, for example, in 1882 the force was thanked by the minister “for inducing” Big Bear to accept treaty. LAC, RG 18, vol. 1004, file 4.

⁵⁹ Macleod, *The Northwest Mounted Police*: 87-88. Macleod speaks to the views of the police and settlers regarding the “proper station in life” attained by the NWMP.

⁶⁰ See for example “Yesterday and Today: Review of the Work Accomplished by Mounted Police”, *Calgary Herald*, 4 July 1925: 8.

⁶¹ In many years during the period under discussion here the annual reports of the police included a section “Assistance Rendered to Indian Department”. See for example, NWMP, “Annual Report for 1883” paper no. 12 in Canada, *Sessional Papers, 1884*: 15. R.C. Macleod has identified three periods in NWMP assistance to the DIA: cessation of land ownership, restriction of Indigenous peoples to reserves and, finally, their assimilation into Canadian society. He considers the first two successful while the third is yet to be accomplished. Macleod, *The North West Mounted Police*: 27-30.

⁶² Macleod, *The North West Mounted Police*: 28 and Treaty 7 Elders and Tribal Council, *The True Spirit*: 80, 117, 136-137, and 378-379.

⁶³ NWMP, “Annual Report for 1883”, paper no. 12 in Canada, *Sessional Papers, 1884*: 15.

capacity in the case of a perceived threat.⁶⁴ As occurred at the signing of the treaty, and as will be discussed below, the Mounted Police, by patrolling or merely by being visibly present, provided a show of force that could be very persuasive in “encouraging” Indigenous people to meet their will and that of the DIA.

As long serving DSGIA Duncan Campbell Scott confirmed in 1927:

Apart from their services on Indian Reserves proper, we are frequently making use of them for detective and other kindred work off the reserves. The Services of this Force have been invaluable in restoring and maintaining order among the Indians....and I could not look forward to a successful administration of Indian Affairs without his [the RCMP Commissioner's] co-operation. I therefore cannot speak too highly of the usefulness of the Royal Canadian Mounted Police in the administration of Indian Affairs....⁶⁵

The NWMP was, however, clearly interested in “keeping track” of Native people for their own reasons and were not satisfied acting simply as a coercive or an additional observatory arm of the DIA. In 1892, for example, NWMP Comptroller White suggested that it would be most helpful if “Indian Agents would, as far as possible, notify the nearest Police detachments when parties of Indians leave their Reserves, intimating at the same time the number of Indians and the object of which, or the destination to which, they are traveling.”⁶⁶ Though DSGIA Lawrence Vankoughnet had no objection to the idea, Indian Commissioner Reed thought the proposal would prove too expensive.⁶⁷ To this White argued “there are hundreds of able bodied Indians and Indian ponies on a

⁶⁴ For example, when a letter was reportedly received by “the Assiniboine band” (Nakoda) to the effect that the Lakota (Sioux) in the U.S. would “aid them in an uprising, as they prefer to die immediately, fighting, than live as they do”, Commissioner Reed asked the NWMP to be “on the look-out”. Reed to L.W. Herchmer, 20 May 1891. Reed’s concern in this case seems to have been unfounded. Staff Sgt. C. Hilliard, Stand Off to O.C., NWMP, Macleod, 27 May 1891 and Supt. J.H. McIlree to Asst. Commissioner, NWMP, 28 May 1891, LAC, RG 18, vol. 53, file 413-91.

⁶⁵ Scott to Stewart, 28 October 1927, LAC, RG 10, vol. 6822, file 494-1-2 pt. 1.

⁶⁶ Comptroller White to DSGIA Vankoughnet, 19 March 1892; White to Vankoughnet, 23 May 1892, LAC, RG 18, vol. 56, file 696-91.

⁶⁷ Reed to Vankoughnet, 31 March 1892, LAC, RG 18, vol. 56, file 696-91.

Reserve such as Treaty No 7, who are drawing Government rations” so there should not be too much trouble in locating one who would do the work “and such employment would be a step in the direction of educating the Indian for general patrol work.”⁶⁸

While, as will be seen below, the relationship between the police and the DIA, both institutionally and at the local individual level, was not always smooth, both agencies had the same long term objectives. Both were primarily interested in paving the way for non-Native settlement and advancing Anglo-Canadian cultural and economic interests. Neither believed it necessary, or even feasible, to extend the rights and freedoms apparently guaranteed by liberalism to Indigenous people.⁶⁹

The Pass System

The restriction on the right of Indigenous people to travel freely provides perhaps the clearest illustration of the operation of exclusionary liberalism in western Canada. This restriction is best seen as a matrix of laws, regulations, and policy meant to “elevate” Indigenous people while not coincidentally simultaneously securing the interests of non-Indigenous newcomers. Like colonialism itself, this restrictive complex was creative and adaptable and so could adjust as political, economic, or social conditions changed. The most notorious element of this network was the “pass system”, a DIA policy which had no legal basis but nonetheless required reserve residents to secure a pass from their Indian agent before leaving their reserve for any reason.

⁶⁸ White to Vankoughnet, 23 May 1892, LAC, RG 18, vol. 56, file 696-91. White’s general proposal that Native people engage in their own surveillance was carried out in a number of diverse ways as will be discussed below but this specific plan seems not to have been carried out in any generalized fashion.

⁶⁹ As is discussed in more detail in subsequent chapters, some Indigenous people were, as a reward for adherence to government policy or their pursuit of liberal values, allowed privileges denied to their peers or given positions of responsibility in the DIA or NWMP. Some were even compared favourably to the average Anglo-Canadian. But, in this period at least, Indigenous police scouts and special constables did not become regular NWMP officers and interpreters did not become Indian agents. Canadian liberalism operated to exclude even these people from equality with non-Native settlers.

In 1877, Gilbert Malcolm Sproat, one of a three person commission investigating reserves in British Columbia, wrote that he had traveled widely in the United States and while he found that the government there expended considerable sums of money, exhibited “benevolent intentions”, that “many, very many of the [Indian] agents were good men”, and that the lands reserved were “more than amply sufficient for all the material wants of the Indians for generations to come” he was perplexed that all of this “should bear such unpleasant fruit in the shape of recurring Indian outbreaks.” The problem, he concluded, was that “the restriction on what may be called the natural freedom of man as regards locomotion must be a constant source of dissatisfaction to those Indians in the US who are confined on reservations....” In Canada, on the other hand, Indians “are constantly on the move; they gallop about to pay visits to their brethren; they fish and shoot where the please; they take work here and there....Any attempt to restrain that natural human right of locomotion would be attended with great danger, and I must think that its enforcement is one of the chief sources of danger in the reservation system.”⁷⁰ Nevertheless, in less than a decade, the restriction of this “natural

⁷⁰ G.M. Sproat to David Laird, 27 August 1877, LAC, RG 10, vol. 3653, file 8705. Much more will be said of Sproat and the Indian Reserve Commission in British Columbia in the chapters that follow. Gilbert Malcolm Sproat was born into a modest farming family near Borgue, Kirkcudbrightshire, Scotland in 1834. He was trained for employment in the civil service in India but instead took employment with a British shipping company, known as Anderson and Company, to build a saw mill on land the company purchased from the Crown at the site of present day Port Alberni on Vancouver Island. In 1860, when Sproat and the company's agent in Victoria, Edward Stamp, arrived at the head of the Alberni inlet on ships laden with equipment and armed with cannon he found the resident Nuu-chah-nulth reluctant to give up any of their territory. While Sproat gave them goods, and apparently considered that he had purchased their interests in the land thereby, still the Nuu-chah-nulth resisted. Sproat's response was to maneuver the ships and direct their cannons at the village.

In 1863 Sproat succeeded Stamp as the local manager for Anderson and Company. While he turned down an appointment to the Vancouver Island legislature he accepted a position as justice of the peace. When the sawmill fell victim to a fire in 1865 Sproat returned to England but remained interested in the affairs of British Columbia. In 1876 he returned to the Pacific Coast and was appointed as Canada's representative to the Joint Reserve Commission assembled to resolve the difficulties of the “Indian question” between the dominion and the province. Beginning in 1878 he served as the sole commissioner

freedom” of movement is precisely the tactic adopted by the Canadian Government in western Canada. While in the period under discussion here this restriction was more far-reaching and overtly coercive in the prairie west, it was pursued in British Columbia as well.

There has been considerable debate concerning the pass system, especially regarding its effectiveness, the timing of its application, and at what level in the DIA hierarchy the policy was forged. There is also some confusion in the literature between the pass system and an allied policy called the “permit system”, discussed in chapter four, which required reserve residents to secure a permit before selling any goods located or produced on reserves or by reserve residents. This problem is compounded by the use of

until differences with the province led to his resignation and replacement by Trutch’s brother-in-law, Peter O’Reilly.

Sproat continued his public service as stipendiary magistrate and gold and land commissioner in the Kootenays until he retired in 1889. For the next decade he busied himself buying and selling real estate until he returned to Victoria in 1898. From then until his death in 1913 he spent most of his time researching and writing ethnographies and early histories of British Columbia. A brief historiographic treatment of Sproat’s work appears later in this chapter. For biographical detail see, Hamar Foster, “Gilbert Malcolm Sproat”, *Canadian Biography Online* <<http://www.biographi.ca/EN/ShowBio.asp?BioId=41841&query=sproat>> (16 August 2006) and Harris, *Making Native Space*: xv-xviii and xxi. Harris’ work is dedicated to Sproat and he receives very generous treatment there. *Making Native Space* is a remarkable piece of scholarship in both its presentation of detail and in its interpretation, but in emphasizing the Sproat’s struggles against draconian provincial policy he perhaps diminishes the significance of the reserve commissioner’s internal contradictions. Sproat’s efforts to corrupt Nlha7kápmx political structures and to incorporate leaders into the DIA hierarchy in the name of self-governance as discussed in chapter four and his vociferous support of the potlatch ban on the west coast in themselves show that he had little interest in allowing the continuation of Indigenous cultures but rather only in incorporating them into Anglo-Canadian conceptions of proper political and spiritual practices. In his work with the Joint Reserve Commission in the British Columbia interior his efforts succeeded in destroying attempts at collective resistance as discussed below. Like his contemporaries he seems to have had little interest in engaging in meaningful consultation with Indigenous people. For example when Kamloops Chief Louis offered to travel with and assist the Indian Reserve Commission Sproat reported: “we could not admit that in carrying out the Queen’s wishes we required help from anybody...I do not believe a word he says, not what any Indian says.” G.M. Sproat to SGIA, 27 August 1877, LAC, RG 10, vol. 3611, file 3756-12: p.16-17. In regard to livestock owned by Indigenous people in the interior, Sproat recognized that these animals ate as much as those owned by Whites and so there may come a time when Native owned animals would have to be limited. This, he argued was in the interest of the newcomers but, somehow also would be to the benefit of Native peoples. Sproat, Report as Joint Commissioner, 26 February 1878, LAC, RG 10, vol. 3657, file 9360. There is more on this issue in Chapter 6. Compared to other non-Native advocates like James H. Christie, James Teit, or A.E. O’Meara, Sproat had little desire to oppose colonial structures.

the term “permit” in primary sources to refer to the document which allowed the holder to leave their reserve. Some also refer to a “pass law” that was added as an “amendment to the Indian Act” but it never had any legislative foundation.⁷¹ While there was widespread support both across time and geography for the restriction of Indigenous people to their reserves by DIA employees, missionaries, the police, military, and Indian Affairs personnel in the United States, the pass system itself was not always as energetically supported as its promoters might have liked.

While scholars generally agree that the pass system was primarily the brainchild of the DIA, there is some disagreement concerning which individual employee was primarily responsible. While I would argue that the ways in which such a policy as the restriction of Indigenous movement could be legitimized and favoured so broadly within settler society and even perceived as benevolent is more important than who originated the idea, the debate concerning the genesis of the pass system does provide some interesting points of discussion.

John Jennings and Brian Hubner both argue that the restriction of Indigenous movement originates with a NWMP concern regarding the potential consequences of cross border movement by Canadian Indigenous people to hunt buffalo and steal horses. Hubner states further that in the late 1870s the NWMP was concerned primarily with proving they were able to exercise authority over Canadian territory and especially over Indians. The worry was that Canada might provide a staging area for military action against the US army which might then result in a US military incursion into Canadian

⁷¹ Brian Hubner, “Horse Stealing and the Borderline: The NWMP and the Control of Indian Movement, 1874-1900”, *Prairie Forum* 20, 2 (Fall 1995): 294. Despite this confusion, Hubner recognizes that the pass system had no legal basis and makes some intriguing observations which will be discussed further below.

territory in retribution. Hubner confirms as well that the NWMP built Forts Walsh and Macleod to this end.⁷² By 1882 correspondence between the US and Canada led to the passage of an Order in Council in April by which Canada would propose to the US “that individual permits be granted by the authorities of both nations to their respective Indians who may wish to cross the border...”.⁷³ Jennings argues that “[a]partheid came to the Canadian West in 1882” but while the order in council and Macdonald’s annual report indicate his early support for the idea of passes to restrict Indigenous movement there appears to have been no international agreement arrived at.⁷⁴ The fear of international cooperation in a joint protest against the conditions faced by Indigenous people in Treaty 7 did surface from time to time however.⁷⁵

In 1882 as well, NWMP Commissioner Irvine specifically recommended that Indian agents be vigilant in preventing large groups from leaving their reserves.⁷⁶ In November 1883 DSGIA Vankoughnet wrote to Macdonald to express his concern about Indian women camped near towns in the North West and suggested that the problem could be rectified “in a very simple manner by the Mounted Police...requiring that the

⁷² Frederick White in “North-West Mounted Police”, Appendix D of Report of the Secretary of State in Canada, *Sessional Papers*, 1877: 21; John Jennings, “The North West Mounted Police and Indian Policy After the 1885 Rebellion” in *1885 and After: Native Society in Transition*, ed. F. Laurie Barron and James B. Waldram (Regina, Sask.: Canadian Plains Research Center, University of Regina, 1986): 228 and Hubner, “Horse Stealing”: 286-288. That there was concern expressed by US authorities about the influence of whiskey traders and wolfers in southern Alberta prior to the arrival of the NWMP likely added to the anxiety of the police. See Sheila McManus, ““The Line Which Separates”: Race, Gender, and the Alberta-Montana Borderlands, 1862-1892”, unpublished Ph.D. Dissertation, York University, 2001: 102-105.

⁷³ Copy of Order in Council, 24 April 1882, Canada, DIA, *Annual Report, 1882*: xlv-xlv. John A. Macdonald’s annual report as SGIA for that year refers to “a system of passes for checking the frequent crossing at will from one side of the line to the other.” DIA, *Annual Report, 1882*: xi.

⁷⁴ Jennings, “The North West Mounted Police and Indian Policy After the 1885 Rebellion”: 228.

⁷⁵ See for example Forget, Confidential Circular to Indian Agent, Blackfeet Agency, 30 July 1894, LAC, RG 10, vol. 1137 and Fred White to DSGIA James Smart, 21 May 1900, LAC, RG 18, vol. 192, file 484-1900.

⁷⁶ Commissioner A.G. Irvine in “North-West Mounted Police Force”, Part III of *Annual Report of the Department of the Interior, 1882* in Canada, *Sessional Papers*, 1883: 11-12.

owner of any tepee produce a permit from the local Indian agent for his or her having the tepee at that point".⁷⁷ Macdonald agreed that the presence of women especially near settler towns and villages needed to be restricted. In his annual report for that year Macdonald offered the opinion that the location of the Tsuu T'ina so close to Calgary "operates detrimentally, to their improvement" and causes "demoralization of their women". In view of formulating a strategy "for checking this evil" Macdonald ordered the establishment of a dialogue between the Indian Commissioner for the North West Territories and the Commissioner of the NWMP "with a view to the adoption of some plan to prevent the indiscriminate camping of Indians in the vicinity of towns and white settlements in the North-West Territories...."⁷⁸ Indian Commissioner Edgar Dewdney sent a copy of Vankoughnet's memo to Irvine and stated that "there should be no difficulty" under the Vagrant Act in removing those camped without passes.⁷⁹

In May of 1884 NWMP Inspector Samuel B. Steele, acknowledged Commissioner Irvine's request that Indians camped near Calgary be returned to their reserves. Steele reported that he had already begun to do this and stated that he had "made arrangements with the Indian Agent that no Indians are to be allowed to stay here without a permit from him [the agent], these permits to be granted sparingly and only when absolutely necessary."⁸⁰ Two weeks later NWMP Controller Fred White reported to Irvine that Prime Minister and Minister of the Interior Macdonald "desires that instructions be given

⁷⁷ Vankoughnet memorandum to Macdonald, 15 November 1883, LAC, RG 18, vol. 1009, file 628.

⁷⁸ DIA, *Annual Report, 1883*: lii. Macdonald's report is dated 1 January 1884. Earlier in 1883, Macdonald sent DSGIA Vankoughnet on a tour of the North West. Vankoughnet reported that "he spoke very seriously to the Chief and councilors of the Sarcee Band" about the travel of women especially to Calgary. According to Vankoughnet the "Chief stated that unless his efforts were supported by authorities they would...prove futile to prevent this evil."

⁷⁹ Vankoughnet to Irvine, 15 November 1883, LAC, RG 10, vol. 1011, file 786.

⁸⁰ Steele to Commissioner, NWMP, 24 May 1884, LAC, RG 18, vol. 1016, file 1262.

to the Officers of the Mounted Police to remove the Indians frequenting Towns & Villages in the N.W. Territories for improper purposes. The Minister however wishes the Officer in command at each Post to be given discretionary power in each case as to removal.” White wrote further that “[i]t is not deemed desirable to adopt the permit system which was suggested in previous correspondence on this subject”.⁸¹ White, then, was not suggesting that the police challenge the passes that had no basis in law, only that Macdonald wanted to leave the removal of Indigenous people up to the discretion of individual officers and not to apply a universal policy at this point.

In his annual report for 1884 Irvine argued against the general suggestion that Indians without passes be confined to their reserves since “the introduction of such a system would be tantamount to a breach of confidence with the Indians generally”. Irvine went on to say that the agreement that they be allowed to travel freely largely contributed to the satisfactory conclusion of the treaty with the Blackfeet”.⁸² Still, the Commissioner was not opposed to restricting Indigenous movement, in contradiction to treaty promises, he simply thought it “wise and sound” “that discretionary power, according to circumstances, should be vested in the officers of the police”, as Macdonald and White had previously instructed.⁸³ Throughout this period the NWMP continued to use a broad interpretation of the Vagrant Act to limit Indigenous people to their reserves.⁸⁴

⁸¹ White to Irvine, 6 June 1884, LAC, RG 18, vol. 1009, file 628.

⁸² NWMP, “Annual Report, 1884”, in Canada, *Sessional Papers, 1885*: 6. On this point see Jennings, “The North West Mounted Police and Indian Policy After the 1885 Rebellion”: 228-229; Jennings, “The North West Mounted Police and Indian Policy, 1873-1896”: 289-90 and Carter, *Lost Harvests*: 150-151. Treaty 7 states: “And Her Majesty the Queen hereby agrees with her said Indians, that they shall have right to pursue their vocations of hunting throughout the Tract surrendered...” *Copy of Treaty and Supplementary Treaty No. 7*: 4.

⁸³ NWMP, “Annual Report, 1884”, in Canada, *Sessional Papers, 1885*: 6. My position here diverges from that of R.C. Macleod who argues that “the police made certain that treaty rights were scrupulously observed.” Macleod, *The North-West Mounted Police*: 29. Macleod also expresses a contradiction here.

The correspondence of the early 1880s indicates that there was desire and action at all levels of both the DIA and NWMP hierarchies to restrict Indigenous movement prior to 1885 but that a universally applied pass system as such did not yet have official approval. In 1885, though, as Jennings suggests “the Rebellion brought the pass system to life with a jolt.” While Jennings places DSGIA Vankoughnet at the centre of the implementation of the policy, this position is challenged by Sarah Carter and more explicitly by F. Laurie Barron who credit Assistant Indian Superintendent Hayter Reed. While both recognize that Reed was not solely responsible, Barron, seems particularly interested in deflecting responsibility away from higher level DIA administration.⁸⁵

In May 1885 Major-General Frederick Middleton asked Dewdney “[w]ould it not be advisable to issue proclamation warning breeds and Indians to return to their Reserves and that all those found away ill be treated a rebels. I suppose such a proclamation would be disseminated without difficulty.” Dewdney responded immediately that he had “issued a notice advising Indians to stay on Reserves and warning them of risks they run in being found off them but have no power to issue proclamation as you suggest.”⁸⁶ While Dewdney drew a distinction between his “notice” and the “proclamation” suggested by Middleton, it is not clear that other readers at the time could have been so discriminating. The notice warned “all good and loyal Indians should remain quietly on their Reserves

While he states that the police explained to complaining ranchers that Indians had a treaty right to be off their reserves he then confirms that a police patrol was nonetheless sent to escort reserve residents home.

⁸⁴ For examples see Carter, *Lost Harvests*, 151 and Hugh Dempsey, *Charcoal's World* (Saskatoon: Western Producer Prairie Books, 1978): 23.

⁸⁵ Jennings, “The North West Mounted Police and Indian Policy, 1873-1896”: 290-291; Carter, *Lost Harvests*: 146 and F. Laurie Barron, “The Indian Pass System in the Canadian West, 1882-1935”, *Prairie Forum* 13, 1 (Spring 1988): 27-29.

⁸⁶ Middleton to Dewdney, 6 May 1885 and Dewdney to Middleton, 7 May 1885, LAC, Dewdney Papers, MG 27 I C4, vol. 4, pages 1658-1660. See also B. Bennett, *Study of Passes for Indians to Leave Their Reserves* (N.P.: Treaties and Historical Research Centre, 1974): 1-2 and Carter, *Lost Harvests*: 150.

where they will be perfectly safe and receive the protection of the soldiers and that any Indian being off his Reserve without special permission in writing from some authorized person, is liable to be arrested on suspicion of being a rebel, and punished as such.”⁸⁷

By June, with the resistance mostly subdued, Dewdney wrote of the futility of attempting to restrict Indians to reserves “when, if they do leave them, there is no law by which they can be punished and our orders enforced”.⁸⁸ This does not necessarily mean that he was opposed to restricting Indigenous movement, only that, in his opinion, without supporting legislation the pass system was inoperable. The Indian Commissioner then turned to his assistant, Hayter Reed, and requested that he put into writing some suggestions regarding “the future management of the Indians in the North West Territories”.⁸⁹

Following the instructions of his superior, and as Dewdney confirms “only after careful consultation between myself and my assistant”, Reed made fifteen proposals. Of special interest here is Reed’s seventh recommendation that “no rebel Indian should be allowed off the Reserves without a pass signed by an I.D. [Indian Department] official”.⁹⁰ While Reed’s initiative on this point has rightly been emphasized elsewhere and while his subsequent actions indicate that he was an ardent supporter of this process, it is important to note that Reed’s suggestions were amplified as they moved up the DIA hierarchy.

⁸⁷ Dewdney “Notice”, 6 May 1885, LAC, RG 10, vol. 3584, file 1130.

⁸⁸ Dewdney to J.M Rae, Agent at Battleford, 23 June 1885, LAC, Dewdney Papers, MG 27 I C4, vol. 5, pages 1948-1949. See also Bennett, “Passes for Indians”: 3 and Carter, *Lost Harvests*: 150. Carter, following Bennett, argues that this shows that Dewdney was prepared to relax restrictions at this point.

⁸⁹ Dewdney to Macdonald, 1 August 1885, LAC, RG 10, vol. 3710, file 19550-3. It is unclear precisely when this request was made but Dewdney states that Reed’s memorandum of 20 July 1885 is the result.

⁹⁰ Dewdney to Macdonald, 1 August 1885 and Reed “Memorandum for the Hon^{ble} the Indian Commissioner relative to the future management of Indians”, 20 July 1885, LAC, RG 10, vol. 3710, file 19550-3.

Indian Commissioner Dewdney, supported Reed's recommendation and suggested that "another year" legislation might be enacted in support.⁹¹ DSGIA Vankoughnet agreed as well but argued that not only those involved in the "Rebellion but all our Indians should be required" to carry passes. Macdonald wrote:

Mr. Dewdney thinks that the pass system could be generally introduced safely. If so it is in the highest degree desirable. As to the disloyal Bands this should be carried out as the consequence of their disloyalty. The system should be introduced in the Loyal Bands as well & the advantage of the change pressed upon them. But no punishment for breaking bounds could be inflicted & in case of resistance on the grounds of Treaty rights should not be insisted on.⁹²

Clearly, Macdonald understood the illegality of this proposal but supported it anyway.

Apparently encouraged by Dewdney's support, if not yet Macdonald's, Reed reported from Battleford in August, "I am adopting the system of keeping the Indians on their respective Reserves + not allowing any leave them without passes – I know this is hardly supportable by any legal enactment but one must do many things which can only be supported by common sense and by what may be for the general good- I get the Police to send out daily and send any Indians without passes back to their Reserves". Reed complained though that "unless one is at their heels Police duties here are done in a half

⁹¹ Dewdney's comments appear in the margins of Reed's Memorandum of 20 July 1885, LAC, RG 10, vol. 3710, file 19550-3. For perspectives that emphasize Reed's initiative in this regard see Carter, *Lost Harvests*: 146 and Barron, "The Indian Pass System": 27-28.

⁹² Vankoughnet, memorandum to Macdonald, 14 August 1885, LAC, RG 10, vol. 3710, file 19550-3. Macdonald's comments appear in the margins of Vankoughnet's memorandum. Macdonald's views are also outlined in an unsigned letter apparently dictated by Macdonald on 28 October 1885. Vankoughnet also expanded Reed's original recommendation when he circumvented the illegality of the pass system by arguing that those who joined in the resistance "violated Treaty stipulations and therefore the Department is not bound to allow them to move about unrestricted through the country...." So called "loyal Indians" could, in Vankoughnet's somewhat self-serving view, be restricted from towns and villages since these were "the property of the Municipalities and therefore might be regarded as included in those properties from which by the Treaty Indians are prohibited from entering upon without permission." Macdonald concurred.

hearted manner.”⁹³ A few days later Dewdney presented his views on restriction of movement, if not the pass system specifically, when he wrote to W. De Balinhard, new agent for the Tsuu T’ina and Nakoda and stated that “[s]trict measures must be taken to keep Indians at home, and to prevent them from visiting Calgary or elsewhere for immoral or other purposes”.⁹⁴

In June of 1886 Dewdney was sent “a form of pass proposed to be given to Indians when allowed to absent themselves from their Reserves” and in September he was sent the fifty books of passes that he had apparently requested. The following month Reed sent out the books of passes to Indian agents and the pass system was officially launched.⁹⁵ Throughout the remainder of the 1880s the DIA and NWMP generally cooperated to apply the policy in the Treaty 7 area as they did in the prairie west to the east despite the fact that no Treaty 7 First nation participated in the events of 1885. Agent Pocklington reported for example that the Kainai “kept wonderfully quiet”.⁹⁶ Still, NWMP Superintendent Antrobus reported from Calgary that “more strenuous efforts” by DIA officials were required “to keep the Indians on their respective reserves”.⁹⁷

⁹³ Reed to Dewdney, 16 August 1885, LAC, Dewdney Papers, MG 27 I C4, vol. 5, pages 2076-2087. Quote at 2078-2079.

⁹⁴ Dewdney to De Balinhard, 19 August 1885, LAC, RG 10, vol. 3716, file 22,173.

⁹⁵ Unsigned letter to Dewdney, 4 June 1886 and unsigned Memorandum to McNeil, 1 September 1886, vol. 3710, file 19550-3. The date written on the first letter is 1866 but this must be an error. Bennett, “Passes for Indians”: 3-4. Barron argues correctly, as discussed below, that one justification for adoption of the pass system was that those who participated in the resistance forfeited their treaty rights. But his comment that to “drive this point home, in 1886 Hayter Reed sent out books of passes to his agents accompanied by instructions that Indians who had been implicated in the Rebellion should be clearly so identified on the front of the passes for the information of the police and others” ignores both that the passes were first requested by and sent to Dewdney and that “Indians whose conduct during the late troubles was unsatisfactory should note the fact on the face of the pass” was recommended by Dewdney and approved by Ottawa. While it is possible that the idea came from Reed, there appears to be no evidence to support this, Dewdney and his superiors in Ottawa were ultimately supportive and responsible.

⁹⁶ DIA, *Annual Report, 1886*: 136.

⁹⁷ W.D. Antrobus, NWMP Superintendent Commanding E Division, “Report of the Commissioner of the North-West Mounted Police” in “Annual Report of the Department of the Interior, 1886”, Canada,

Already, though, the contradictions between the desire of the NWMP to restrict Indigenous movement and the lack of legal foundation for action in this regard began to surface. Superintendent W.M. Herchmer was clearly aggravated by the presence of “34 lodges” camped at Calgary in June 1887, “[t]he only way to get rid of the Indians is to arrest those not working as vagrants, an example made would frighten the others”. Herchmer noted that it had “been the custom not to allow them to remain in numbers” but his understanding from communication with the NWMP Commissioner, his brother L.W. Herchmer, “that we had no right to turn them away...”.⁹⁸

By 1888 though, Commissioner Herchmer, seems to have changed his view and complained about “Western Agents issuing passes to Headmen for them following and not to the individual Indians” and also recommended “closer supervision on the part of Agents in Treaty 7 especially over the issue of passes....” He confirmed further that if the department would issue “stringent rules” regarding leaving reserves the police were “now in a position to rigidly enforce them”.⁹⁹ In his annual report for that year Herchmer suggested that the Indigenous people in the south-west of the Canadian plains “be made to stay on their reserves, except when permitted to visit towns for a limited period to trade, and that if found in places where their passes do not specify they be treated as

Sessional Papers, 1887: 65. Antrobus also worked to keep Indigenous people out of Calgary which, in his view along with “constant watching”, was the only reason there had not been conflict between Indigenous people and “citizens”.

⁹⁸ W.M. Herchmer to Commissioner, 9 June 1887 and W.M. Herchmer to Commissioner, 4 June 1887, LAC, RG 18, vol. 1077, file 321.

⁹⁹ Commissioner Herchmer to Commissioner, Indian Affairs, 12 November 1888, LAC, RG 18, vol. 25, file 900-1888. Earlier in the year Herchmer complained that “[t]hese Indians [in Treaty 7] are perfectly aware that every Indian outside their privileged Bands who leaves his Reserve without a pass is at once arrested by the Police and returned to his Reserve”. Herchmer to Comptroller, NWMP, 1 February 1888, LAC, RG 18, vol. 1100, file 132-1888.

vagrants".¹⁰⁰ A future commissioner of the force, J.H. McIllree also issued complaints in 1888 concerning the free way in which Sarcee Agent Cornish issued passes. Since this was "a constant source of annoyance to the settlers" McIllree ordered one of his officers "to send them to their reserve, pass or no pass".¹⁰¹

The following year Herchmer focused his frustration more directly on the Kainai and their Indian Agent William Pocklington:

[t]hese Indians believe that they are previliged[sic], and that while the Crees, Saulteaux, and Assiniboines are hunted down by the Police if they leave their Reserves without permission, the Bloods are allowed to go and come without any real restraining; they are constantly off their Reserves without passes, and when the formality of granting pass is gone through with, they are generally granted to minor chiefs for their following.

Herchmer complained further that Agent Pocklington, "took the part of his Indians" rather than cooperating with the police in legal matters.¹⁰² Pocklington on the other hand reported that the Kainai were aware that there was no law confining them to

¹⁰⁰ NWMP, "Annual Report, 1888", paper no. 17 in Canada, *Sessional Papers*, 1889: 9.

¹⁰¹ J.H. McIllree, Supt. Commanding "E" Division, to Assistant Commissioner NWMP, 7 November 1888, LAC, RG 18, vol. 1101, file 136-1888. McIllree suggested that "these Indians be kept on their reserve as much as possible." Later in the month the High River branch of the Alberta Stock Growers Association complained that the local Indian agent was "irresponsible" and should not be given authority to issue passes. Treaty guarantees of "roving privileges" the association argued were offset by the issuance of rations. C. Wm. Martin, Secretary for the meeting of the High River branch of the Alberta Stock Growers Association, 30 November 1888 to Herchmer, LAC, RG 18, vol. 26, file 43-1888. This position was reiterated by the *Calgary Herald* five years later. See Carter, *Lost Harvests*: 156 citing *Calgary Herald* 14 June 1893.

¹⁰² Herchmer to Comptroller, NWMP, 12 Aug 1889, LAC, RG 18 vol. 1139, file 173-1889. The Commissioner also reiterated his instruction that passes be granted only to individuals rather than to leaders for a part of their community. Herchmer was especially annoyed here because the NWMP had recently been chastised in open court and "before the Indians" by Judge Macleod for their role in attempted arrests and subsequent scuffle on the Kainai reserve. According to Superintendent Steele, Macleod protested "[t]hat it was as bad as attempting to make an arrest in a church" and that the police should have had a warrant." For his part, Herchmer complained that Macleod "caused scores of Indians to be arrested [without warrant] when he was in command of the N.W.M. Police". That Agent Pocklington reported that "the Police struck and kicked several Indians and ... must have been drinking as the Indians could smell liquor on them" and that he was supported by now Indian Commissioner Reed seems to have provoked Herchmer further. The charges were of course denied by NWMP Superintendent Steele. Herchmer to Comptroller, NWMP, 20 August 1889; Pocklington to Indian Commissioner Reed, 9 July 1889; Reed to NWMP Commissioner Herchmer, 13 July 1889 and Steele to NWMP Commissioner Herchmer, 27 July 1889, LAC, RG 18, vol. 1139, file 173-1889.

their reserve and “although the form of granting passes is adhered to as much as possible, that they have the right to go and come as they please”.¹⁰³

In 1890, the DIA acquiesced to NWMP requests to make the pass system more restrictive. Vankoughnet assured NWMP Comptroller White that agents would be told to issue passes only to those who convinced the agent that the reason for requesting leave was “a legitimate one”.¹⁰⁴ He pledged further that Kainai Agent Pocklington would be instructed to withhold passes from anyone who was previously found using alcohol when away from the reserve.¹⁰⁵ The NWMP were particularly concerned about the Kainai, who Superintendent Deane admitted the police were unsuccessful in restricting to their reserve. According to Deane “[t]he Bloods think that they are the cream of creation, and it is time for them to begin to imbibe some modification of the idea”.¹⁰⁶

During this period, Superintendent S.B. Steele wrote of making “arrests at the Pistol’s point” while patrolling the borders of reserves in his Macleod District and stated that “all Indians visiting the town of Macleod are required to have passes from their

¹⁰³ Pocklington to Indian Commissioner, 11 December 1889, LAC, Hayter Reed Papers, MG 29 E106, vol. 18, file “Pocklington 1889-1891”. The same year Reed reported that the NWMP were acting promptly in sending Native people out of Macleod “without waiting for the request of the Agent in each instance” and that this was having a positive effect. Sarcee Agent F.C. Cornish, though, wrote that he requested that the Mounted police “interrogate all Sarcees found in and around Calgary at sunset, and if they are without passes to send them back at once to their reserve” but he was told that without explicit instructions from headquarters they were not able to comply with this request. It is unclear, then, if some policemen were more energetic in removing Indigenous people from towns than others, or if the NWMP as a body simply wanted their removal to be at its own, as opposed to DIA initiative. Cornish also suggested that passes include “certain printed instructions to settlers &c, to whom such passes might be shown by the bearers”. Some at least, then, clearly envisioned the supervisory gaze extending beyond officials of the state. Reed Memorandum to SGIA, 28 March 1889 and F.C. Cornish to Indian Commissioner, 6 March 1889, LAC RG 10, vol. 6817, file 487-1-2 pt. 1. From 1889 as well parents were restricted from visiting their children in boarding schools without passes and these were to be provided no more than once every three months, and only if the parents promised that they would not try to remove their children from the school or get in the way of their instruction. Bennett, “Passes for Indians”: 6-7; Jennings, “The North West Mounted Police and Indian Policy, 1873-1896”: 281 and Carter, *Lost Harvests*: 151.

¹⁰⁴ Vankoughnet to White, 21 October 1890, LAC, RG 18, vol. 44, file 784-90.

¹⁰⁵ Vankoughnet to White, 17 October 1890, LAC, RG 18, vol. 44, file 782-90.

¹⁰⁶ NWMP, *Annual Report, 1889*: 42.

agents, failing which they are ordered back to their reserve.”¹⁰⁷ In June of 1890 he wrote that [t]he Indians this month as usual have required most careful watching, especially the Bloods, who are truculent and mischievous and constantly giving trouble”. When he also reported that ranchers in southern Alberta were united in their desire “to have Indians confined to their reserves”, Dewdney, now DSGIA, wrote to Indian Commissioner Reed on instructions from Macdonald regarding “measures to keep our Indians upon their reserve.” Reed reiterated the difficulties of treaty promises regarding freedom of movement presented and suggested that a troop of Indians under the command of a NWMP officer might be successful in helping, among other things, “keep Indians upon their Reserves”.¹⁰⁸

In contrast to his views of the Kainai, Steele wrote “The North Peigans are the best behaved Indians I have anything to do with.”¹⁰⁹ North Axe, who resided on the Piikani reserve was reported by Superintendent Neale to have said to him “Since you came here the Indians are afraid to go off their Reserves, before you came they went where they liked.”¹¹⁰ A few years later, though, Steele complained that while Peigan Agent Springett provided all with passes, Agent Pocklington refused passes to the Kainai in order to keep them from leaving their reserve. Steele doubted that “such coercive measures as stopping their rations or refusing a pass” would be successful. Even though Agent Pocklington seemed to be following the orders of his superiors and the requests of the NWMP to more

¹⁰⁷ Samuel B. Steele, *Forty Years in Canada: Reminiscences of the Great North-West with some Account of his Service in South Africa* (Toronto: McGraw-Hill Ryerson Ltd., 1972): 258 and NWMP, “Annual Report, 1889” in Canada, *Sessional Papers*, 1890: 66.

¹⁰⁸ “Extract from Supt. Steel’s monthly report, Fort Macleod, 1890; Dewdney to White, 4 September 1890 and Reed to Dewdney, 30 August 1890, LAC, RG 18, vol. 45, file 953.

¹⁰⁹ NWMP, *Annual Report, 1889*: 66.

¹¹⁰ P.R. Neale “Notes of an interview between the Chiefs of the Bloods and North Peigans, and Messrs Pocklington and Springett of the Indian Department and Supt P.R. Neale, Commanding N.W.M. Police in the Macleod District., 2 February 1888, LAC, RG 18, vol. 19, file 249-1888.

strictly contain the Kainai, in Steele's view only the coercive power of the Mounted Police, it seemed, could be successful in this regard. The problem identified here by Steele, though, was that while there was a standing order to return all those without passes to their reserves, too few policemen spoke enough Blackfoot to make their demands understood.¹¹¹ This exchange seems to indicate that into the early 1890s at least the police were only uneasy about the pass system in that they, despite their willingness and effort, were incapable of enforcing it to the degree they wished. Reed supported both the non-issuance of passes by Pocklington and their distribution by Springett since "it is better to know who are going, where to and so forth". The issuance of passes in this way also provided the DIA with the appearance of authority, provided of course that the lack of legal basis could be hidden from Indigenous people.¹¹² This and similar comments made by Reed in the future do not necessarily indicate "an admission that the pass system as an instrument of compulsory confinement was dead" or that the subsequent purpose of the pass system was more limited than originally conceived nor did the DIA abandon "the illegal aspects of the pass system" as Barron would have it. Similarly it was not "virtually a dead letter" after 1893 as J.R. Miller contends.¹¹³

As stated at the beginning of this section, the pass system was part of a coercive and flexible matrix meant to restrict Indian movement in the interests of White settlers and it must be seen in that light. It took time for the pass system to find its place within this

¹¹¹ Steele to Commissioner NWMP, n.d. and Reed to DSGIA, 7 November 1891, LAC, RG 10, vol. 3863, file 83,757. While this copy of Steele's letter is undated, Reed's letter of 10 December in this file refers to 7 November. Ironically, earlier in the year Springett wrote to Reed to complain that new agent S.B. Lucas, had given 34 passes to Tsuu T'ina to visit the Piikani. Springett to Reed, 25 June 1891, LAC, Hayter Reed Papers, MG 29 E 106, vol. 17, file "Indian Unrest".

¹¹² Reed to DSGIA, 10 December 1891, LAC, RG 10, vol. 3863, file 83,757. On the points regarding appearance of control and keeping the illegality of these actions from Indigenous people see Jennings, "The North West Mounted Police and Indian Policy, 1873-1896": 298.

¹¹³ Barron, "The Indian Pass System": 37-38 and Miller, *Skyscrapers Hide the Heavens*: 192.

network and within the larger complex of exclusionary liberalism. Even though Canada never had the capacity to forcibly restrict all off reserve movement the will of both the police and the DIA to do what they could in this regard is evident, even if some in the upper echelons of the former were sometimes uncomfortable. As will be shown below there were cases of Indigenous people forcibly returned to their reserve, but even when passes were used solely as instruments of surveillance or as demonstrations of state control, they remained bereft of any legal justification. Both the DIA and the Mounted Police wanted to be seen as responding to settler fears first of the military threat and later the annoyance posed by Indigenous people.

There is evidence of Indigenous people leaving their reserves without passes in the 1890s but there is also evidence of both police “escorting” them back and of other coercive measures being applied to restrict their movement. In May of 1892 Tsuu T’ina Agent Samuel Lucas wrote in his journal that “[q]uite a number of Indians left they say for the Peigan reserve, they did ask leave or get passes, police turned them back”. A week later he reported that “[t]he Indians, who had left for the Peigan Agency all came in with the Police”.¹¹⁴ Still, some of the Tsuu T’ina at least seem to have thought they could turn to the police for remedial action even though in this case and in many others the police deferred to the local Indian agent. As Lucas confirmed in his journal on June 6th “all went in to see the Police asking for leave to go to the Peigans & complaining about me. The [NWMP] Inspector sent word to me & asked what I wanted to do with them. I asked him to send them home & he did so. They then came to me for leave to go & make their

¹¹⁴ Daily Journal at Sarcee Agency entries for 26 and 27 May and 3 June 1892, Glenbow, Lucas Family Fonds, M699/8 1892.

visit".¹¹⁵ Indeed, the NWMP's Inspector Cuthbert reported "Sarcee Indians (a party of 150) have been escorted back to their reserve" and that the NWMP patrol remained on the reserve. Cuthbert complained that the agent was not firm enough so that "it is natural they should be troublesome".¹¹⁶ Indian Commissioner Reed himself authorized passes after the Tsuu T'ina had completed their spring farm work.¹¹⁷

This incident demonstrates exclusionary liberalism in operation. It also shows that at least some in the NWMP were more vehement in their desire to restrict Indigenous movement than the DIA regardless of the lack of legal foundation for such action. Finally, it reveals that the mythology surrounding the Mounted Police as a benevolent organization rather than one that had just participated in a clearly illegal act was already established. A *Calgary Herald* article on this incident demonstrates the role played by the popular press in justifying and promulgating all of this: "the party extended over a distance of about two miles....Altogether it was a picturesque and funny sight" that was "apparently much enjoyed by the good natured police who always treat the Indians with kindly forbearance".¹¹⁸

Following this event, NWMP Commissioner Herchmer admitted that he "was always aware that it was not legal" to force Indians without passes to return to their reserves, and was concerned about the his own responsibility in taking actions to this end especially if there was resistance and things were to "get ugly". He was particularly worried that the NWMP might be requested to return large bodies of Siksika or Kainai to

¹¹⁵ Daily Journal at Sarcee Agency entries for 1, 3, and 6 June 1892, Glenbow, Lucas Family Fonds, M699/8 1892. Lucas stated that he agreed to grant them permission to leave the reserve "if they would all go to work".

¹¹⁶ A Ross Cuthbert, Inspector to Commissioner NWMP, 3 June 1892, RG 18, vol. 67, item 454-92. There is also a copy of this in RG 10, vol. 6817, file 487-1-2 Pt. 1.

¹¹⁷ Reed to Dewdney 27 June 1892, RG 18 vol. 67, item 454-92.

¹¹⁸ "The Mounted Police and the Sarcees", *Calgary Herald*, 8 June 1892.

their reserves. Finally, he complained that the DIA was not doing enough to share in the responsibility in this regard: "Reed himself will not help me to do his own business". Herchmer appeared much less concerned with the actual illegality of these actions than he was that he "would finally get into trouble".¹¹⁹ For his part, Reed too recognized the lack of legal basis for insisting on passes and, according to Comptroller White, recommended that the NWMP "should not stand too literally upon the extent of their powers in dealing with Indians...but should they find that their numbers are not enough to present such show of force as will overawe and prevent danger of resistance, they should govern themselves accordingly".¹²⁰ The police thought the DIA should "notify the nearest Police detachments when parties of Indians leave the Reserves". On the other hand, officials of the DIA thought the "Police should make a practice of calling at the Agencies with such regularity and frequency as to insure their being kept posted about movements of Indians".¹²¹

The Tsuu T'ina and others in the Treaty 7 area clearly resisted the imposition of restriction on their movements but this can not be seen as a collapse of the system, it is rather demonstrative of how the system could adapt to meet new challenges. Agent Lucas continued to report that the Tsuu T'ina asked for and received passes to leave their reserve to pick berries or go hunting, to cut wood, to travel to another reserve, or to go to

¹¹⁹ L.W. Herchmer to Fred White, Comptroller, NWMP, 10 June 1892, LAC, RG 18, vol. 218, file 763-1901 and L.W. Herchmer to Fred White, 9 June 1892, LAC, RG 10, vol. 6817, file 487-1-2 pt. 1.

¹²⁰ White to Vankoughnet, 16 June 1893, LAC, RG 10, vol. 6817, file 487-1-2 pt. 1. Acting DSGIA R. Sinclair too saw the Tsuu T'ina exodus as a turning point: "[t]he system appears to have worked without much trouble until recently". R. Sinclair, Acting DSGIA, to SGIA Dewdney, 23 June 1892.

¹²¹ Fred White, Comptroller, NWMP to L. Vankoughnet, DSGIA, 19 March 1892 and Reed to SGIA, 31 Mar 1892, LAC, RG 10, vol. 6817, file 487-1-2 Pt. 1.

Calgary to purchase goods among other reasons.¹²² Lucas also reported that he withheld rations from those who left without leave, a position that seems to fit with Comptroller White's recommendation above and also met with the approval of senior DIA administration. Sometimes an agent would ask a colleague on another reserve to restrict rations to force reserve residents to return home. Even though there was a concern, especially on the part of the NWMP, that rations were being drawn for absent Indians by family members, this strategy was more generally followed well into the twentieth century.¹²³ The tactic of withholding rations and other similar actions made resistance much more difficult than an overt application of military force would have.¹²⁴

¹²² Daily Journal at Sarcee Agency for 1892, entries for 8 and 11 July, 30 August, 6 September, 5 October 1892; Daily Journal for 1893, entries for 14, 16, and 19 January, 9 May and 4 October 1893; Daily Journal for 1894, entries for 5 and 6 March, 2 and 9 November 1894. Glenbow, Lucas Family Fonds, M 699/8 and Daily Journal for 1896, entries for 8 and 13 June 1896, Glenbow, Lucas Family Fonds, M 699/9 See also, passes in Glenbow, Sarcee Indian Agency Fonds, M1837, box 4, file 22.

¹²³ For Lucas withholding rations see for example 1892 Daily Journal at Sarcee Agency, entry for 9 April, Glenbow, Lucas family Fonds, M699/8. Reed wrote that "[w]ith-holding rations is about the only lever we have to move idle, or control insubordinate Indians..." Reed to T.M. Daly, 7 Jan 1893, LAC, Hayter Reed Papers, MG 29 E106 vol. 16, file "Cattle Killing". Wilson to Sec DIA, 3 May 1908, Glenbow, Blood Agency Fonds, M1788, box 3, file 21. See also, Jennings, "The North West Mounted Police and Indian Policy After the 1885 Rebellion": 230; Jennings, "The North West Mounted Police and Indian Policy, 1873-1896": 295-296 and Carter, *Lost Harvests*: 152. The NWMP was concerned about the lack of DIA surveillance on the Siksika reserve. While the local officer in charge confirmed that if Agent Begg "finds out any are away he stops their rations", but since the reserve was so large and since women often went for rations "it is impossible for the Agent to tell where his Indians are". NWMP Inspector Z.T. Wood to Officer Commanding NWMP, Calgary, 2 May 1896, LAC, RG 18, vol. 1354, file 76-1896 pt.3. Wood also reported that all of the officials on the Siksika reserve "seemed rather anxious about the state of affairs... They have been quietly enumerating the Indians capable of bearing arms and find there are 360 fighting men on the reserve." On agents from different reserves cooperating to withhold rations and force the return home of those without passes see for example J.A. Markle, Cardston, to Jas Wilson, 28 June 1901, Glenbow, Blood Agency Fonds, M1788, box 4, file 24.

¹²⁴ Restricting the provision of food, whether for punitive reasons or for those of economy was often not supported by local ranchers or the Mounted Police. As RNWMP Superintendent P.C.H. Primrose wrote from Macleod, in the event of a cessation in the provision of rations "whether it may be considered pleasant or otherwise to the Lfficials[sic] of the Indian Department, that in my opinion this Division will be quite unable to afford to the hundreds of isolated settlers, their wives their families and their property, the protection they should receive." Superintendent P.C.H. Primrose to Commissioner, RNWMP, 19 April 1907, LAC, RG 18, vol. 339, file 350. See also Comptroller, NWMP, to Frank Pedley, 25 May 1907. There is also more on this issue in this volume.

The conflict between the NWMP and the DIA did come to a head in 1893. Reed reported that, without any advance warning, the NWMP had decided to no longer “order or take any Indians back to their Reserves, but will merely ask them to return”. While Superintendent Steele was convinced that he could persuade them without actually ordering them back, a fine distinction to be sure, Reed worried that what he perceived as a lack of resolute action would lead to conflict between ranchers and Indigenous people, difficulty in enforcing game laws, and a backward step for the department’s reserve agricultural pursuits. At the same time when the Calgary Rod and Gun Club forwarded a petition to the DIA requesting that Indians be “strictly confined to their several reservations during the breeding season”, it contained the signatures of NWMP Superintendent E. W. Jarvis and Assistant Commissioner J.H. McIllree. Comptroller White, too, reiterated the concern about the freedom of movement guaranteed under the treaty and turned the onus back on the DIA recommending that agents could issue an “order of return” which would include a warning that “privileges allowed them under, or in excess of, their Treaty rights” would be revoked.¹²⁵ There was still no legal basis for White’s recommendation but it would serve to protect the NWMP.

¹²⁵ Reed to SSGIA, 14 June 1893 and White to Vankoughnet, 16 June 1893, LAC, RG 10, vol. 6817, file 487-1-2 pt. 1; Steele to Commissioner, NWMP, 9 June 1893, LAC, RG 18, vol. 84, file 505-93; E. Hodder President, et al, Calgary Rod and Gun Club to SGIA, 3 February 1893, LAC, RG 10, vol. 6732, file 420-2 and Joseph Howe, Supt. Commanding “E” Division at Calgary to Commissioner NWMP, 22 May 1896, LAC, RG 18, vol. 1354, file 76-1896 pt.3. Sarah Carter demonstrates that the decision of the police not to enforce the pass system caused considerable outrage on the part of settlers and their newspapers. Carter, *Lost Harvests*: 156. Even after 1893 there seems, though, to have been continued Mounted Police – DIA cooperation to restrict movement in some cases at least. In 1894 Tsuu T’ina Agent Samuel Lucas reported that “Police are hunting [word is unclear] the Sarcees out of Calgary” while Blackfoot Agent Alexander Begg refused passes to the Siksika to go berry picking at Red Deer and stated that if he heard “of any number going North I will notify the Police to look after them.” Glenbow, Lucas Family Fonds, M699/8, 1894 Daily Journal at Sarcee Agency, entry for 28 August; Begg to Indian Commissioner, 26 July 1894, LAC, RG 10, vol. 3918, file 116,719.

Both the NWMP and the DIA wanted to restrict Indigenous people to their reserves in the interest of non-Native settlers and like the parent of two squabbling children, neither of whom wanted to accept responsibility, the Minister of the Interior grew frustrated over the conflict between the two agencies. Thomas Mayne Daly wrote “I may say that I fail to understand why a settlement of this matter could not have been had long ago & a satisfactory understanding arrived at. I am of opinion that under Treaty 7 we have all the power we want...” Daly cited the passage of the treaty that guaranteed the right to travel but then emphasized the adjacent section “subject to such regulations as may from time to time be made by the Gov’t of the country”. “Now all in my opinion what is required to settle this difficulty is for us to pass such regulations as we think necessary under this clause of the treaty...to expedite matters I yesterday wired Mr. Reed to frame such regulations as he thought were required & send to this Dept for approval.”¹²⁶ So Reed seems to have been given carte blanche by a cabinet minister to frame legislation along the lines discussed more than a decade earlier. Why no legislation was passed is unclear from the existent record but that a cabinet minister would seek resolution by simply changing the law to exclude Indigenous people from the rights afforded to others in Canada is telling.

Certainly Indigenous people in Treaty 7 continued to resist their restriction to reserves. They seem to have made little distinction between being “persuaded” and being returned by force. They chose to resist or consent according to their own judgment of the

¹²⁶ T. Mayne Daly to Vankoughnet, 20 June 1893, LAC, RG 10, vol. 6817, file 487-1-2 pt. 1.

specific situation and as conditions allowed.¹²⁷ If they left without leave from their agent, the NWMP continued, as Commissioner Herchmer's 1896 circular confirms, to "use all possible pressure to persuade them to return". Unfortunately, from the existing textual record it is also difficult to determine how close "persuasion" came to intimidation or coercion. While the police convinced themselves that this activity was within the letter of the law, for twenty first century investigators it remains as further evidence of the flexibility, though still exclusive nature, of Canadian liberalism as it was applied to Indigenous people. In addition to the NWMP, agents also worked together during this period and later to keep Indigenous people on their home reserves and away from neighbouring ones both in Canada and in the United States. To this end, they also used their authority over reserve communities to enforce trespass legislation within them.¹²⁸

¹²⁷ For resistance see for example Daily Journal at Sarcee Agency, 1896, entries for 29 May and 27 June, Glenbow, Lucas Family Fonds, M 699/9. Joseph Howe to Commissioner NWMP, 22 May 1896, LAC, RG 18 vol., 1354, file 76-1896, pt. 3.

¹²⁸ For examples of cooperation to this end in Treaty 7 see for example George H. Race, Clerk and Acting Agent, Blackfoot, to Jas Wilson 12 July 1900, Glenbow, Blood Agency Fonds, M1788, box 16 file 119; J.A. Markle, Cardston to Jas Wilson, 28 June 1901, Glenbow, Blood Agency Fonds, M1788, box 4, file 24; H.E. Sibbald, Blackfoot Agent to R.N. Wilson, 28 December 1905; Indian Agent, Blood Agency to H.E. Sibbald 24 January 1906 and Sarcee Agent to R.N. Wilson, 3 August 1908 Glenbow, Blood Agency Fonds, M1788, box 3, file 21. For cooperation between agents in Canada and the US see for example J. H. Monteath, Agent Blackfeet Indian Agency, Browning Montana to James Wilson 4 Oct 1901 Glenbow, Blood Agency Fonds, M1788, box 4, file 24. In 1902 Blood Agent James Wilson made a request up the DIA chain of command "to ask the United States Agencies to return to the old system of punishing, or returning immediately Indians who visit without a pass". James Wilson to Indian Commissioner, 30 October 1902, LAC, RG 10, vol. 3797, file 47,554-2. DSGIA Frank Pedley wrote to W.A. Jones, Commissioner of Indian Affairs in Washington, to request that the "interchange of visits [between Indigenous people in Canada and the United States] should be restricted as much as possible". Passes, Pedley suggested, should be limited to those who have relatives on the opposite side of the international boundary, and only after the agent of the reserve to be visited has given his consent. All other visitors should be turned back "using any other means which may be available to effect the desired end." Pedley to Jones, 26 November 1902, LAC, RG 10, vol. 3797, file 47,554-2. See also James W Arthur McFatrige, Supt and Supply Disbursement Agent, US Indian Service, Browning, to Agent, 21 February 1912, box 14 file 100 and Agent to A. McFatrige, Indian Agent Browning Montana, 23 Jun 1913, box 13, file 98. On trespass see for example Indian Commissioner Laird to Secretary, DIA, 15 November 1902, LAC, RG 10, vol. 3797, file 47554-2.

In 1896 NWMP Superintendent A. Bowen Perry reported that “[t]he Indian Commissioner agrees with us that we should not exceed our legal powers in attempting to keep Indians on their reserves, but only a few months earlier the police had requested that the DIA restrict the issuance of passes during the spring and early summer and the DIA agreed. Other officers too complained about what they perceived as the unrestrained way in which agents issued passes and allowed the holders to carry guns.¹²⁹ Clearly, even though the police recognized that that they had no legal right to restrict the movement of Indigenous people they continued to use their authority to do just that. Neither they nor the DIA wanted to push their will to restrict movement to a point where overt resistance would ensue, but they continued to see the pass system, as part of a disciplinary surveillance network to achieve the same end with less potential risk of armed conflict and more probability of long-term success.

As the twentieth century opened, the DIA recognized that it could not cause people to remain on reserves by the weight of its own authority alone and continued to ask the NWMP to enforce the restriction from towns especially.¹³⁰ While the Mounties were more than willing to see this done, they were not prepared to risk the loss of stature and perhaps public humiliation that non-compliance might provoke. In the summer of 1901 DSGIA James Smart wrote to NWMP Comptroller White and complained about Indigenous people “continually going into towns and loafing about the streets. I think it might be wise to have a general order issued to the Police that no Indians should be

¹²⁹ A.B. Perry to Commissioner, NWMP, 8 July, 1896; Herchmer to Asst. Commissioner, DIA, 9 April 1896 and Paget to Herchmer, 24 April 1896, LAC, RG 18, vol. 1354, file 76-1896 pt.3 and Inspector J.O. Wilson, commanding Calgary District, 14 May 1900, LAC, RG 18, vol. 192, file 484.

¹³⁰ The department did, though, attempt to use its authority to confine movement. In 1903, Agent Sibbald at Morley was instructed to tell the Nakoda that they were not allowed to enter British Columbia. D. Laird, Indian Commissioner, to Secretary DIA, 15 August 1903, LAC, RG 18, vol. 279, file 545-04.

allowed in the towns unless they hold a pass from the Agent.” A month later, he complained to White that he thought that “the order is not enforced as rigidly as would appear to be necessary.” White confirmed that the NWMP “never hesitate to order the Indians back to their Reserves who have no apparent object in remaining around the Town” but identified an additional problem:

it is very hard to draw the line. Townspeople encourage the red man when he has money to spend, and it frequently happens that settlers are glad to have an Indian family or two camped near them so that they may get the benefit of their labour; and, unfortunately, white men have on more than one occasion taken up the defense of the Indians and their legal right to be off their Reserves if they behave themselves.

The Mounted Police were only too willing, still, to enforce the restriction but wanted to “lay down a rule, and have legal authority to enforce it” otherwise White felt it “scarcely fair to throw upon them the responsibility of saying when an Indian should be ordered to break camp and return to his Reserve....”¹³¹ Unlike the earlier suggestions of the 1880s by policemen S.B. Steele, A.G. Irvine and others that the police were in the best position to decide when Indians should be returned to their reserves, now, since it might result in animosity from settler groups, the Mounted Police did not want the discretionary power. Indigenous people in Treaty 7 continued to request passes and extensions to existing passes, sometimes through third parties, and Policemen continued to request that DIA officials not issue these but rather keep “their Indians” on their reserve.¹³² The police also

¹³¹Jas Smart, Calgary to Fred White, Comptroller NWMP, 15 July 1901; Smart to White, 19 August 1901 and White to Smart, 30 August 1901, LAC, RG 10, vol. 6817, file 487-1-2 pt. 1

¹³² See for example Markle to Scott, 8 December 1913 vol. 7102, file 773/3-1-1 pt. 1. For a request for a pass through a third party see for example J.C. Graves to R.N. Wilson, 23 April 1906 and Wilson to J.C. Graves, Macleod Hotel, Macleod 28 April 1906 Glenbow, Blood Agency Fonds, M1788, box 3 file 21. For a request for a pass extension see for example, Calf Robe, Browning Mont. to Indian Agent, Blood Agency, 2 May 1902, Glenbow, Blood Agency Fonds, M1788, box 4 file 23. For the police requesting a reduction in passes issued see “Extract from weekly Report of Inspector E.J. Camies” at Pincher Creek in A.B. Perry, NWMP Commissioner, to Fred White, 22 March 1906, LAC, RG 18, vol. 317, file 266-06.

continued to use what they termed “persuasion” rather than direct force even though the quality of the distinction is not always clear in the historical record.¹³³

The practice of issuing passes to restrict movement continued after WWI even as Indigenous people continued to resist this and other restrictions. Indian Commissioner Graham complained in 1921 that in some cases Indians requested passes to visit sick relatives, but in fact left their reserves to participate in ceremonies like dances. Graham wrote that the Commissioner of the Mounted Police “does not ask what dances are legal but asks regarding what dances the Indians should be allowed to take part in in order that he may issue uniform instructions to the members of the Force”. Graham confirmed as well that the mere presence of the police was enough to “impress the Indian with the fact that he is acting in disobedience to the wishes of the Department”.¹³⁴ This would seem to further illustrate the coercive intent of the mere presence of the Mounted Police.

There is oral evidence confirming that the pass system remained in operation into the mid-1930s but the repudiation of passes, though certainly not of surveillance of

¹³³ DIA Inspector H.M. Graham told a group of “wandering” Cree camped in the Cypress Hills and at Medicine Hat in February 1912 that if they did not go to their reserves “they would be arrested.” When he returned to Medicine Hat on 18 November 1912 and found them still there he requested NWMP assistance. RNWMP Superintendent James Wilson telegraphed Regina asking if he was permitted to use force and was ordered not to exceed his “legal powers”. Commissioner A.B. Perry stated “I am confident that your influence with the Indians will aid very much the success of Mr. Graham’s mission.” Wilson also reported that the Mayor of Medicine Hat would “issue orders and instruct the Indians that they would not be permitted to camp within the City limits.” The Cree who were present left under police escort. RNWMP Inspector W. Parker to Officer Commanding RNWMP, Regina, 19 February 1912; James O Wilson, Medicine Hat, telegram, to Commissioner RNWMP, 19 November 1912; Perry to Supt Wilson, 19 November 1912 and Sgt. C.S. Harper, “Crime Report Re Sending Indians to reserves”, 25 November 1912, LAC, RG 18, vol. 421, file 141-12. While the strategy of persuasion may seem harmless, it is difficult to ascertain from the written record precisely what form it took. Even in its most benign application persuasion by armed and uniformed representatives of state authority necessarily contains coercive elements.

¹³⁴ Graham to Scott, 22 September 1921, LAC, RG 10, vol. 3826, file 60,511-4A. In the Yukon, Indigenous people were subject to a curfew and from 1933 required a permit to move into Dawson city. This was justified with the widely accepted argument that Indigenous people were not yet prepared for the detrimental impact that mingling with settler society might produce. Ken S. Coates and William R. Morrison, *Land of the Midnight Sun: A History of the Yukon* (Edmonton: Hurtig Publishers, 1988): 206-207.

Indigenous people, seems finally to have come in the early 1940s.¹³⁵ In 1941 C. Pant Schmidt, Inspector of Indian Agencies for the Alberta Inspectorate, was asked to report on a speech he made at a conference on Indian affairs in Montana concerning his policy of issuing “permits to be absent from the reserve to Indians who wished to visit other agencies in Canada or in the United States”. While Schmidt stated that he was “satisfied that our American friends did not interpret my words to mean that the carrying of a permit to leave his reserve was obligatory for an Indian” he forwarded a blank copy of the pass to Ottawa. In turn, the DIA issued a circular to all agents in the prairie provinces, included a copy of the pass forwarded by Schmidt, and informed them all “that notwithstanding the fact that these permits were issued by the Department in the past; there is nothing in the Indian Act to prevent an Indian from leaving his Reserve”.¹³⁶

J.R. Miller is correct in stating that “it was one thing to legislate; another to enforce” and Barron too has a point that “Indians themselves refused to tolerate the system and were often aggressive in demanding their rights”. Further, it is perhaps a little over stating the case to contend, as Jennings does, that “the pass system guaranteed peace” or that it ensured that they remained “corralled on reserves” at least on its own.¹³⁷ Still, in some years the department’s published annual reports included a tally of those absent from reserves and at times their whereabouts as well. In 1884, for example, only fifteen and in 1885 only five individuals in all of the Treaty Seven region were reported

¹³⁵ Bennett, “Passes for Indians”: 6-7.

¹³⁶ C. Pant Schmidt to Secretary, Indian Affairs Branch, Dept. of Mines and Resources, 8 January 1941 including a copy of permit to be absent from reserve, and T.R.L. MacInnes, Circular letter to all Inspectors and Indian Agents in the Prairie Provinces, 23 June 1941, LAC, RG 10, vol. 6817, file 487-1-2 pt.1. The pass was printed with a space for the date “192_” indicating that passes were printed and made available at least into the 1920s and, as Schmidt verified, used in some situations into 1940s.

¹³⁷ Miller, *Skyscrapers*: 193; Barron, “The Indian Pass System”: 35 and Jennings, “The North West Mounted Police and Indian Policy After the 1885 Rebellion”: 232.

absent from their reserves.¹³⁸ These numbers seem to indicate that Indigenous people in this region were hardly a military threat that required increased surveillance and punitive measures in the years that followed. Further, it seems that even though the policy of restricting Indians to reserves was only beginning, it was having the desired effect. But determining whether or not the pass system was effective depends on what one expects to find. In isolation, the pass system may not have been able to withstand the discomfort of some within the NWMP at times let alone Indigenous resistance. Yet, as discussed above, as part of a matrix of other policy and legislation meant to confine Indians to their reserves the pass system was an entirely effective component, especially in its ability to facilitate surveillance, of the project to expand liberal Canada. In addition to the pass system this matrix included applying the vagrancy provisions of the criminal code, the restrictions against trespass in the Indian Act, violations of which were determined by DIA officials not reserve residents, withholding of adequate food stuffs, prohibitions against ceremonies like the potlatch on the British Columbia coast and the sundance on the plains, restrictions against participation in fairs and exhibitions, and the growing limitations related to school attendance and visitation by parents. All of this was combined with the coercive impact of displays and shows of force by the Mounted Police and the DIA's ability to deny "privileges" like the provision of foodstuffs for any manner of supposed affronts to DIA objectives.

Restriction of Movement in British Columbia

In British Columbia, there was no operational pass system nor was there the same degree of restriction of movement generally as there was in the prairie west. Secwepemc

¹³⁸ DIA, *Annual Report, 1884*: 207 and *Annual Report, 1885*: 224.

elders confirm that the period under discussion here is before “Indian Affairs had really taken hold of the Indians” in this area.¹³⁹ Since the “demands of war [World War I] coupled with our remoteness delayed the full effect of the system until a decade after the war” the Secwepemc were “just beginning to come under the domination of the Indian agent” at the end of this period.¹⁴⁰ For example, at various times the agent at Kamloops and Okanagan had to send advance notice of his coming to ensure that residents would be present on their reserve when he arrived. Sometimes he even met community leaders in hotels in town.¹⁴¹ As B.C.’s Indian Superintendent Arthur Wesley Vowell reminded DSGIA Frank Pedley in 1903, “[i]n connection with the Indians in British Columbia it is well to recollect that they consider themselves as a self supporting people, mixing freely wherever they please, and may expect to find profitable employment, amongst the whites, as independent so long as they obey the laws governing the Dominion and the Province.”¹⁴² As noted, there were only a few treaties in British Columbia and none in the southern interior. As a result there were no annuity payments, program of farm instruction, or regular provision of foodstuffs and, coupled with the absence of the Mounted Police, and far fewer DIA employees there was less opportunity for coercion.¹⁴³

¹³⁹ Harvey Jules, interview with author Joyce Dunn at Chase, British Columbia 1983. Copy of tape recording in my possession. As Cole Harris has noted, though, the Chief Commissioner of Lands and Works in 1879 believed that Indigenous people had the right to travel outside of their reserves only on government roads. Harris, *Making Native Space*: 362 fn 21.

¹⁴⁰ George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (New York: Macmillan Publishing Co., 1970): 54 and 1. George Manuel was a Secwepemc Chief and served as president of the Union of British Columbia Indian Chiefs and as the first president of the World Council of Indigenous Peoples.

¹⁴¹ See for example, Kamloops Agent Daily Journal, 1898, entries for 30 March and 17 May 1898; Daily Journal for 1912, entries for 8 March, 29 June, and 1 July 1912 and Daily Journal, 1913, entries for 20 May 17, 18, and 23 June, LAC, RG 10, vol. 1325.

¹⁴² Vowell to Pedley, 30 June 1903, LAC, RG 10, vol. 3944 file 121698-54.

¹⁴³ All of these issues will be discussed in further detail in later chapters.

This does not mean that disciplinary surveillance was not applied in aid of the expansion of liberalism in British Columbia. Rather the point is only that the official structures to facilitate it were not as well developed nor as well staffed as they were in southern Alberta, at least in the period under discussion here and especially away from southern Vancouver Island and the Lower Mainland. As was the case in the prairie region, though, even those few First Nations who entered into the Douglas Treaties in the 1850s found that guarantees for freedom of movement in pursuit of economic activity were gradually eroded.¹⁴⁴

As in the Treaty 7 region as well, special attention was paid in the interior of British Columbia to the movements and activities of Indigenous women. An agent might simply rely on the force of his authority as Kamloops Agent John F. Smith did in 1914 when he “[o]rdered Minnie August to leave the Resturant[sic] in which she was supposed to be working.”¹⁴⁵ He might also employ the Vagrant Act as Smith did the following year when he sentenced Celia Louie to three months in jail.¹⁴⁶ An agent might also request that a young woman be escorted back to her reserve by the British Columbia Police or he might send her back to a reserve supervised by another agent.¹⁴⁷ Even youthful pranks were not to be tolerated where there was a possibility of sexual interaction. When boys from the Kamloops Reserve made “clandestine visits to the girls” at the Kamloops Indian Residential School, they were sentenced under the Vagrant Act. Nor were these mere

¹⁴⁴ For an example of restrictions on fishing imposed on the Lekwungen (Songhees) near Victoria see John Lutz, “Makúk: Work and Welfare in Aboriginal Non-Aboriginal Relations”, (unpublished work, 2003): 306-308.

¹⁴⁵ LAC, RG 10, vol. 1325, Kamloops Daily Journal for 1914, entry for 15 August 1914.

¹⁴⁶ LAC, RG 10, vol. 1325, Kamloops Daily Journal for 1915, entry for 24 December 1915.

¹⁴⁷ See for example Frank Devlin, Indian Agent New Westminster to Vowell, 23 September 1899, BCA, GR-0065, box 2, file “Telegrams September 14, 1898 to Decemeber 31, 1900, A-G” and “Kamloops Daily Journal for 1913”, entry for 5 and 11 July 1913.

slaps on the wrist. One boy was sentenced by the agent to six months hard labour and two others to one month.¹⁴⁸

Sometimes in British Columbia, though, as mentioned for the Treaty 7 region above, the restriction of movement impacted negatively on non-Native businesses. In his efforts to restrict the movement of Indigenous women in 1889, R.H. Pidcock, Indian agent for the Kwakewlth Agency, employed the services of the provincial police to stop six women from Alert Bay traveling to Victoria by steamer. Immediately the manager of the C.P. Navigation Company complained to Pidcock's superiors that since the men accompanying these women refused to board the ship without the women there was considerable loss of revenue as the result of the agent's actions. Pidcock was gently informed that there is no law in Canada that "precludes Indians from traveling from one place to another" so that if women wanted to travel to Victoria he should "prevent them from so doing by moral persuasion and not by force".¹⁴⁹ In his defense, Pidcock stated

I had previously been requested by numbers of the young men to prevent if possible their wives and sisters from going to Victoria, who they know seldom return except in a diseased or dying condition. No men were prevented from taking passage or ever have been. The majority of the Indians in this Agency are anxious to stop the women from going away for immoral purposes, but do not feel themselves strong enough at present to take action in the matter.¹⁵⁰

Since the men accompanying the women to whom he denied passage refused to board the ship in protest, Pidcock's comments seem somewhat disingenuous. Still, he was

¹⁴⁸ J.W. McKay, Indian Agent for the Kamloops and Okanagan agencies, to Superintendent A.W. Vowell, 11 April 1892 and M. Hagan, principal KIRS, to Vowell, 24 April 1892, LAC, RG 10, vol. 3918, file 116,659-1.

¹⁴⁹ Jas Irving, Manager, CP Navigation Co. Ltd to Indian Commissioner, Victoria, 29 March 1889 and H. Moffatt, Acting Indian Superintendent, Victoria, to RH Pidcock, Agent, Alert Bay, 28 March, 1889, LAC, RG 10, vol. 3816, file 57,045-1.

¹⁵⁰ Pidcock to I.W. Powell, 3 April, 1889, LAC, RG 10, vol. 3816, file 57,045-1.

supported in his actions by a local missionary and soon by the department at Ottawa as well.¹⁵¹

To support this restriction of movement, Edgar Dewdney in his capacity as Superintendent General of Indian Affairs recommended to the Privy Council that a bill be enacted in British Columbia to restrict Indigenous women from “frequenting towns for immoral purposes”.¹⁵² The Federal Minister of Justice reported that the Vagrant Act may be applied to “Indian women frequenting houses of ill-fame. That Act, of course, does not make it a crime for an Indian woman to leave a reserve or her home with an immoral object, and those administering the Indian Affairs will know best whether it will be advisable to obtain legislation forcing restrictions upon Indian women leaving their reserve for any purpose whatever. The matter does not however, appear to be ripe for legislation as yet.”¹⁵³

Most attention appears to have been directed at keeping Indigenous women away from settler population centres of Victoria and the Lower Mainland. To this end, Indian

¹⁵¹ Alfred Hall, Missionary of CMS, to Supt of I A, 5 October 1889 and SGIA to Hall, 21 October 1889 LAC, RG 10, vol. 3816, file 57,045-1. Jean Barman argues that in the late 1850s and 1860s, there was a range of circumstances through which Indigenous women found reason to frequent the streets of Victoria. Indigenous women were the wives of fur traders, household servants, employees of restaurants and hotels, merchants and traders in their own right, and acted in a variety of other capacities that gave them good reason to be in the city. The single descriptor “prostitution” though came to be the referent for all of the activities of Indigenous women in urban areas. This, Barman suggests, tells us as much about the newcomers’ conceptions of appropriate femininity as it does about the women themselves. It also served as justification for newcomers “to make use of them with impunity” for sexual gratification, economic gain, political advantage, or to raise the profile of campaigns for moral reform. Jean Barman, “Aboriginal Women on the Streets of Victoria: Rethinking Transgressive Sexuality During the Colonial Encounter” in *Contact Zones: Aboriginal and Settler Women in Canada’s Past*, ed. Katie Pickles and Myra Rutherdale (Vancouver: UBC Press, 2005). These findings appear to be consistent with research conducted here from the late nineteenth and early twentieth century.

¹⁵² Dewdney, SGIA, to Privy Council of Canada, 20 February 1890, LAC, RG 10, vol. 3816, file 57,045-1.

¹⁵³ Jno S.D. Thompson, Federal Minister of Justice to Governor General in Council, Mar 18, 1890, LAC, RG 10, vol. 3816, file 57,045-1. Kamloops and Okanagan agent, J.W. McKay, presented his opinion that the Vagrant Act, if rigorously applied, would be effective. The intent of many throughout western Canada appears to have been to use the Vagrant Act preemptively and, as the opinion of the Minister of Justice confirms, there was no legal basis for such action any more than for the “persuasion” engaged in by the Mounted Police east of the Rockies.

Superintendent A.W. Vowell wrote to coastal steamship companies the following spring and requested that they “refuse passage to all Indian women unless they have permits from their Agents to take passage on the Steamer or other boats, to certain points of destination.” While the initial responses from these companies seemed to indicate that they were willing to comply, as long as the other firms did as well, Superintendent Vowell reported that “so long as an Indian woman is able and willing to pay her fare upon any of these boats passage will not be denied her”.¹⁵⁴ Like many east of the Rockies, Agent Pidcock remained in favour of a generalized restriction akin to the pass system but Superintendent Vowell argued that such a system would be “practically inoperative and the cause of much disquietude to all the Indians in the Province” since “many bands of Indians are beyond the reach of the Agents, who are the only representatives of the law known in some of these out of the way places, as far as the exercise of any immediate supervision over their actions is concerned.”¹⁵⁵ This position was accepted by SGIA Thomas Mayne Daly who recognized that the distance between Indigenous people and their agents in British Columbia would make it impractical to obtain a pass before leaving their reserve to obtain work.¹⁵⁶

Pidcock changed tactics and had a petition apparently signed by thirty one Kwakwaka’wakw men stating “we are not able to stop the shameful traffic with Indian

¹⁵⁴ AW Vowell, I Supt to Capt J.D. Warren, Victoria, 3 March 1890; Warren to Vowell, 21 March 1890; Jno Irving to Vowell, 11 March 1890 and Vowell to Vankoughnet, DSGIA, 25 March 1890, LAC, RG 10, vol. 3816, file 57,045-1.

¹⁵⁵ Pidcock to Vowell, n.d, (marked received 4 March 1891) LAC, RG 10, vol. 3816, file 57,045-1. Instead of a “pass” Pidcock referred to a “certificate of leave of absence.” Vowell to DSGIA Vankoughnet, 25 February 1891. Other agents, while in favour of somehow restricting movement, were concerned that a general confinement of women to reserves might adversely impact fish cannery operations and incarcerating them under the Vagrant Act might “further demoralize” them. P. McTiernan, Agent, New Westminster, to Vowell, 23 June 1890, LAC, RG 10, vol. 3816, file 57,045-1.

¹⁵⁶ T. Mayne Daly to Senator W.J. Macdonald, 10 May 1895, LAC, RG 10, vol. 3816, file 57,045-1.

women without the assistance of the law” and requested that steamers only be allowed to transport women with the approval of the agent or designate. To this the department responded that its employees would always help, “when requested by the husband or brother or any one having proper authority, to stop a woman from going away”.¹⁵⁷ It is impossible to know for sure the circumstances that led to the creation of this document or the actual feelings of the community regarding the sentiments expressed in it. It seems unlikely though that any community would willingly turn over the right of its members to move freely to an outside authority and the incident involving the forcible restraint by the BCPP supports this interpretation. Women’s freedom of movement was still an issue in 1909 when J.E. Rendle, a missionary on the coast, requested that the DIA “order the Indians to all live in their village”. While the DIA passed on their own concerns to British Columbia, the province’s Attorney General reported that things were “not in such a bad state as the Indian Department would lead us to believe.”¹⁵⁸

In B.C., then, there were those in favour of restriction of movement and this was supported by Edgar Dewdney and others at high levels in the DIA but the absence of a national police force and a relative paucity of department employees made enforcement of such a proposal improbable. The needs of cannery owners and steamship companies which required Indian mobility also operated against the application of a generalized confinement system in British Columbia. As a partial remedy, and to reinforce Indian Act provisions, some agents turned to band council resolutions to restrict “outsiders” from

¹⁵⁷ Vowell to DSGIA, 11 May 1895 and DSGIA to Vowell, 20 May 1895, LAC, RG 10, vol. 3816, file 57,045-1.

¹⁵⁸ J.E. Rendle, Methodist missionary, Quatiaski Cove, B.C. to Vowell, 29 October 1909, BCA, GR-0063, box 5, file 3. Rendle complained that the problem was lack of DIA and police presence in the area. Vowell to W.J. Bowser, AG, 3 November 1909, box 5, file 3; Bowser to Hussey, 1 December 1909, box 5, file 4.

reserves if not directly the movement of their own band members.¹⁵⁹ This relatively early example of using the political structure established by the DIA to achieve its own ends would be much more fully developed in subsequent years as will be discussed below. Still, while not to depreciate the restrictions and prohibitions faced by Indigenous people in British Columbia, this took time to develop, especially away from the coast. As former Neskonalith chief George Manuel confirmed “it took the federal government quite a long time to build up an administrative structure to control Indian communities in the interior at all”.¹⁶⁰ The still emerging structures of administration and looser weave in the surveillance network in the British Columbia interior required less forceful tactics and allowed a greater, though certainly still circumscribed, ability to move about and maintain established lifeways than was the case in many regions east of the Rockies. In southern Alberta the devices employed to restrict movement could be more comprehensive and compelling.

In both regions, and throughout western Canada, the application of the pass system and the restriction on the right to move freely more generally, whether this be by force or “persuasion”, was a clear violation of Sproat’s “natural freedom of man” and certainly of liberal freedoms granted to others in Canada. The array of tactics employed to restrict Indigenous movement in the economic and cultural interests of non-Native settlers allowed remarkable flexibility. That this web of restriction was only part of a larger matrix of ideas, understandings and actions engaged to advance these interests further increased the number of tactics available to further the ultimate objective of non-

¹⁵⁹ See for example Graham to Assistant Deputy and Secretary, DIA, 6 November 1917, LAC, RG 10, vol. 3696, file 15, 316 and W.E. Ditchburn to J.F. Smith, 20 December 1917, vol. 1319.

¹⁶⁰ Manuel and Posluns, “*The Fourth World*”: 34.

Indigenous control of Indigenous lands, resources, and bodies. If one tactic had to be withdrawn or minimized for any reason, another, more acceptable or more effective, could be engaged in its place. The restriction of movement in western Canada illustrates this larger process in a microcosm.

“the best opportunities to know the facts”: Mounted Police and the DIA

As illustrated at various points above, at least some in the Mounted Police pressed for a restriction of movement that superseded that imposed by the DIA in the Treaty 7 region. On related issues as well, the police, at least on occasion, went beyond the wishes of DIA officials in their zeal to scrutinize the activities of Indigenous people. In the wake of police investigations of settler complaints in 1894 that the Kainai were killing their cattle and DIA indignation at the suggestion of both police and settlers that this activity was the result of their ration policy, NWMP Commissioner White reported that: “[a]t present it appears to be considered an offence for a Policeman to speak to an Indian, or set foot on an Indian Reserve.”¹⁶¹ The “careful inquiries” of the Police on the reserve were apparently not appreciated by the DIA which was convinced that its agents “have the best opportunities to know the facts” and that the settler alarm was “an annually recurring scare” since the inception of the DIA in the West. DSGIA Thomas Mayne Daly objected “to any interference with the internal economy of Agencies or Reserves” by the police “otherwise than through our Agents” because “direct and independent interference [by the police]...can hardly fail to produce disastrous consequences.”¹⁶² The Mounted Police seemed to have learned their lesson regarding openly challenging DIA authority and

¹⁶¹ Fred White, “Memo: re cattle killing by the Blood Indians”, 29 September 1894 and Comptroller to Herchmer, 6 October 1894, LAC, RG 18, vol. 101, file 38-95.

¹⁶² T. Mayne Daly to Herchmer, 2 November 1894, LAC, RG 18, vol. 101, file 38-95.

jurisdiction. More than a decade later when they made inquiries regarding opposition to a land sale on the Piikani reserve, Comptroller White informed Commissioner Perry that he filed away the relevant documents “in a sealed envelope” knowing that the department would not be happy with the police investigating issues involving the actions of its agents related to Indigenous lands.¹⁶³ Further, at least on occasion, the police seem to have acted zealously without due consideration of the consequences of their actions.¹⁶⁴ This did though work both ways. While the NWMP requested that the department keep a closer supervision of Native peoples,¹⁶⁵ the DIA made similar requests of the police.¹⁶⁶ Officers of the NWMP and the DIA each accused the other of heavy-handed interference with their duties involving First Nations people.¹⁶⁷

The police were, from their arrival in the West, particularly interested in restricting Native access to firearms and in quantifying the numbers of weapons in Indigenous

¹⁶³ Comptroller to Commissioner Perry, 14 April 1910, RG 18 vol. 390, file 267-10. There is more detail on the events surrounding this particular investigation in the section on the Piikani in chapter seven

¹⁶⁴ Agent Pocklington complained that an 1889 attempt to make arrests during a Sundance “might have resulted in serious trouble”. Pocklington to Indian Commissioner, 9 July 1889, LAC, RG 18, vol. 1139, file 173. Pocklington’s further charges that the officers involved were under the influence of alcohol were refuted and seem later to have been dropped. Sgt. C. Hilliard, to Officer Commanding D Division, 23 July 1889 and S.B. Steele, to Commr., 26 November 1889, LAC, RG 18, vol. 1163, file 448.

¹⁶⁵ As Comptroller White reported in 1894, “[t]he Commissioner of the Mounted Police has called attention to the annoyance given by Indians last year while passing form the Blood Reserve to their timber limit...” To avoid repetition of this “annoyance” White suggested that a “responsible person connected with Indian Department should accompany any working parties of Indians”. Comptroller to H. Reed, DSGIA, Mar 27, 1894, RG 18, vol. 94, file 282-94.

¹⁶⁶ Responding to settlers’ complaints of alleged thefts by Native people, Indian Commissioner Graham informed a RNWMP inspector that he “would like to see our system of night patrolling etc., which was in vogue some years ago revived, as he was informed it was very efficacious in preventing such practices indulged in by Indians.” Jno A. Macdonald, Inspector, to O.C. Macleod Sub-district, 16 August 1919, LAC, RG 18, vol. 2172, file 24.

¹⁶⁷ The farm instructor at Blackfoot crossing quit his post “in consequence of the interference of [NWMP] Inspr. French...who ordered him to permit Indians to go in and out of Agency buildings as they pleased.” Thos. MacLeod, Indian Agent, to Indian Commissioner Edgar Dewdney, 3 February 1882, LAC, RG 10, vol. 3582, file 914. The Corporal in charge of the Stand Off detachment accused Indian Agent R.N. Wilson of being “very much inclined to play the “Autocrat”, not only over subordinate employees of the Indian Department, but would very much like to extend his high-handed methods over the Police...” W. Armer to Supt. P.C.H. Primrose, O.C. Macleod District, 17 July 1904, LAC, RG 18, vol. 280, file 664.

hands. When NWMP Inspector J.M. Walsh of Fort Walsh in the Cypress Hills restricted the sales of “improved” arms, to those with his permission, he stated that the “Indian is not ignorant of the value of an arm that is capable of dictating better terms for him” and claimed that a muzzle loader was sufficient for hunting. Walsh continued by asking “why do they purchase the breech loader? I can see no other reason than the wish to be as well armed as the whiteman.” Walsh claimed further that Native people living on the US side of the border, to whom such weapons and ammunition were restricted, would get them from Canada.¹⁶⁸ Even Indigenous scouts employed by the police were denied arms. As Commissioner White argued:

I think we should carefully consider the possible results before placing arms in the hands of Indian scouts employed by the Police. It is a difficult matter for a whiteman to decide when he would be justified in firing, and I am afraid that an Indian would not exercise the same discretion and that sooner or later, somebody would be shot and the responsibility thrown on the shoulders of those who supplied the Indians with the rifle and ammunition.¹⁶⁹

Interestingly, however, even though a statute was passed following the 1885 resistance that permitted the Deputy Superintendent General of Indian Affairs to prohibit the sale of

¹⁶⁸ Walsh to R.W. Scott, Secretary of State, 6 September 1876, LAC, RG 18, vol. 9, file 69-76. Asst. Commissioner J.F. Macleod claimed in contrast that while other weapons might be suitable for hunting an occasional animal for meat, “improved” arms were necessary for hunting large numbers of buffalo for trade. He stated further that “[t]here is not the slightest foundation for the insinuation that the Indians are storing up their arms and ammunition for any disloyal purpose.” Still, Macleod reported precisely how many firearms that traders had imported “under the permission I granted them”, how many of these went to Native people in the region that would be included in Treaty 7 and to which Nation they went. Macleod to R.W. Scott, 17 November 1876, LAC, RG 18, vol. 9, file 69-76. In reference to cross border munitions traffic, Inspector Steele made the opposite argument to Walsh. In 1892 Steele contended that fixed ammunition was being brought into the Treaty 7 area from the U.S. S.B. Steele, Macleod, to Comptroller, NWMP, 22 January 1892, vol. 64, file 279-92.

¹⁶⁹ Comptroller to L.W. Herchmer, 11 November 1890. Herchmer thought scouts should get ammunition in lieu of wages “for sporting purposes only”. Herchmer to White, 15 November 1890, LAC, RG 18, vol. 45, file 832-90.

fixed ammunition, DSGIA Hayter Reed chose not to do so in the Treaty 7 region.

This was met with considerable dissatisfaction on the part of the NWMP.¹⁷⁰

While the impact of police restriction of First Nations activity, by physical force, by show of force, and simply by their presence, was profound it was not universal.

Occasionally NWMP constables advocated in support of Indigenous interests to the DIA.

For example when the DIA decided to reduce the distribution of foodstuffs, referred to as

“rations” by both the NWMP and the DIA, the police intervened.¹⁷¹ Here though, their

motives were not simply altruistic, since their primary concern seems to have stemmed

from the location of Treaty 7 First Nations “in the midst of tens of thousands of ranche

cattle, and so inconveniently near the boundary line” that they “are, if hungry and

discontented, likely to commit depredations and involve the country in serious

trouble...”¹⁷² Ten years later, in 1904, Constable Amer of the Macleod District stated that

another reduction in rations would “have a great tendency to increase crime of a serious

nature” in the area.¹⁷³

Later in the year, Amer’s immediate superior, Superintendent Primrose, reported that several residents of the Piikani reserve had been to a lawyer, who in turn had brought

them and their complaints to Primrose “as it was a matter affecting the discipline of the

Indians, and the probable prevention of crime.”¹⁷⁴ For allowing the meeting at all

Primrose was warned sternly by Commissioner Perry that “interviews of this sort should

¹⁷⁰ J. Howe, Supt, Calgary, to Commissioner, NWMP, 14 May 1896; Comptroller, NWMP, to Reed, 26 May 1896, LAC, RG 18, vol. 122, file 352-96.

¹⁷¹ Reference to “rations” speaks to the military influence on the structure and personnel of these organizations.

¹⁷² F. White, “Memo: re cattle killing by the Blood Indians”, 29 September 1894, LAC, RG 18, vol. 101, file 38-95. More will be said on the issue of insufficiency of food supplied and its consequences in the following chapters.

¹⁷³ Const. W. Amer to Supt. Primrose, O.C. Macleod, 17 March 1904, LAC, RG 18, vol. 274, file 382.

¹⁷⁴ Supt. P.C.H. Primrose to Commissioner, NWMP, 11 June 1904, LAC, RG 18, vol. 279, file 561-04.

not be held by Officers of this Force. Any representations which the Indians desire to make to the Government must be made through the officials of the Department of Indian Affairs.”¹⁷⁵ Reports on the “interview” were sent to the Deputy Superintendent General of Indian Affairs who passed them on to J.H. Gooderham, Indian Agent for the Piikani so that “he may be advised of the action of the discontented element on the Reserve.”¹⁷⁶ In a concise micro example of the surveillance network and exclusionary liberalism in operation, the Piikani sought redress of their grievances through legal channels, but their lawyer mistakenly thought the NWMP might be of assistance in the matter. Instead, the knowledge of potential Piikani resistance was simply transmitted by the NWMP to the DIA who were then in a better position to counter opposition on the reserve. The following year, the Piikani again sought legal assistance with their grievances against Agent R.N. Wilson regarding the proceeds from a lease on their reserve. Again, the lawyer took them to see Supt. Primrose, but this time Primrose told a Piikani representative that “he must conduct his business with the Indian Department; that I had nothing whatever to do with it.”¹⁷⁷ Primrose, it seemed, had accepted the orders of his superiors.

By far the most common response of the police was the refusal to involve themselves in the grievances of Native people. In 1897, Red Crow and thirty-four others from the Kainai reserve went to complain to Supt. Steele about the insufficiency of food supplied by the DIA. Steele reported that since he was, “anticipating a long palaver, I put

¹⁷⁵ Commissioner to Primrose, 13 June 1904, RG 18 vol. 279, file 561-04.

¹⁷⁶ White to Pedley, DSGIA, 17 June 1904 and Pedley to White, 20 June 1904, LAC, RG 18, vol. 279 file 561-04.

¹⁷⁷ Primrose to Commissioner, 5 August, 1905. This inaction was supported by the Commissioner. Commissioner to Comptroller, 14 August 1905, LAC, RG 18, vol. 302, file 658-05.

them off until the following day” but “they returned and gave expression to their grievances, which may be purely imaginary”. Steele did not make “any enquiry as to whether there are grounds for these complaints” but he “notified [agent] Mr. Wilson and sent him a copy of this report.”¹⁷⁸ Similarly, in 1903, a group of Kainai went to Inspector Burnett to protest, unfortunately to no avail, the DIA’s efforts to lease part of their reserve to White ranchers.¹⁷⁹ In 1917 a Kainai representative went to see Supt. Cortlandt Starnes regarding the questionable conditions surrounding the sale of part of their reserve. Starnes “explained to him that we had nothing to do with the Indian Department any more and could not interfere in any way...They imagine I could go out there and check these Voting Lists”.¹⁸⁰ Clearly the police were not willing to jeopardize their relationship with the DIA or to revive earlier animosities simply to investigate allegations of illegality presented by Indigenous people.

When, in 1907, RNWMP Comptroller White did write to DSGIA Pedley in relation to a food supply reduction on the Kainai reserve and stated that “it might be well for your Department, before cutting off the ration of all able bodied Indians on the Blood Reserve, to consider from all sides the probable consequences of such a step”, the issue quickly shifted from a concern regarding the provision of adequate nourishment to a jurisdictional contest between the RNWMP and the DIA.¹⁸¹ As was repeated many times in both the Treaty 7 area and in the B.C. interior, the concerns of First Nations were often subverted

¹⁷⁸ Steele to Commissioner, 7 May 1897, LAC, RG 18, vol. 137, file 333-97. Perhaps, as stated above, the NWMP had learned not to publicly interfere with what the DIA believed to be their jurisdiction but Steele seems particularly disrespectful of Kainai grievances.

¹⁷⁹ Insp. Jno. F. Burnett to Commissioner, 30 May 1903, LAC, RG 18, vol. 1523, file 69-1903.

¹⁸⁰ Cortlandt Starnes, “Crime Report re; Complaint of Blood Indians”, 9 June 1917, LAC, RG 18, vol. 1897, file 73. This sale will be discussed below.

¹⁸¹ White to DSGIA F. Pedley, 25 May 1907, LAC, RG 18, vol. 339, file 350. See also Pedley to White, 8 May 1907; White to Pedley, 10 May 1907; Pedley to White, 15 May 1907 and White to Pedley 25 May 1907.

by the personal or institutional pride of White officials. Clearly Native people could not count on the Mounted Police to come to their aid but their continued belief that they might find some relief from that source is indicative of the success of disciplinary surveillance and expansionary liberalism.

In British Columbia, since the BCPP did not believe it their duty to involve themselves with complaints from Indigenous people, conflicts of the type discussed above were rare. Occasionally the police in B.C. did remove non-Natives from reserves,¹⁸² but for the most part, like their counterparts in the NWMP in the Treaty 7 region, the BCPP in the Kamloops and Okanagan areas simply referred Native complainants to the local Indian agent.¹⁸³ As a result, Indigenous people in B.C. were under no illusion that they might appeal to a law enforcement agency for legal assistance and were somewhat quicker in developing their own political organizations. At the same time, while there were similar settler requests that the police more actively protect their interests, both the BCPP and the DIA in British Columbia were, because of their smaller numbers and so lesser levels of surveillance on top of jurisdictional issues, far less able to act quickly or definitively.¹⁸⁴

In the prairie west on the other hand, in addition to their work in enforcing the Indian Act and providing other services to the DIA, it is evident throughout the period under discussion here that the NWMP and its successors were actively involved in

¹⁸² In 1911 the constable in the Boundary District went to the Penticton reserve to investigate complaints that White men were shooting on the reserve. In 1912 he ordered Whites off the reserve who were cutting timber and investigated complaints that rail workers were bringing whiskey onto the reserve. Entries for 3 September 1911, 31 January and 5 February 1912. BCA, GR-1728, Diary April 26, 1911- March 31, 1919. (vol. 3).

¹⁸³ See for example entries for 8 April and 4 May 1912, BCA, GR-1728, Diary April 26, 1911- March 31, 1919. (vol. 3).

¹⁸⁴ Again, there is more on this issue in the following chapter.

directly protecting the economic interests of Anglo-Canadians even when these interfered with the rights, interests, or desires of Indigenous people. In 1885, for example, when a group of Blackfoot camped in the vicinity of Sand's Mill near Maple Creek "lighted a fire near the buildings and danced and sang all night" the workers at the mill "all bolted". A detachment of NWM Policemen was stationed at the mill "as without protection the mill hands would not remain at all."¹⁸⁵ Even though none of the Blackfoot nations were involved in any of the events of 1885 the coercive power of the state was brought in to ensure production at this small mill would continue unimpeded. Following the events of 1885, and with the growth of non-Native settlement in subsequent decades, as discussed in chapter five, freedoms guaranteed to liberal citizens in Canada became increasingly denied to Indigenous people. As in other circumstances discussed elsewhere here, the police most often sided with non-Native settlers and business people if any conflict of interests arose.

A profound example occurred in 1913 when the Calgary Power Company began construction of a dam on the Bow River within the boundaries of the Nakoda reserve. The company had begun building roads and clearing timber the previous year even though there was no agreement with the resident First Nation or even with the DIA for either the surrender of the land or the use of Nakoda water rights.¹⁸⁶ The Nakoda demanded more compensation than the company and its president, future prime minister R.B. Bennett,

¹⁸⁵ Supt. J. McIllree to Commissioner Irvine, 3 September 1885, LAC, RG 18, vol. 1023, file 3239.

¹⁸⁶ I.W. Waddy, Indian Agent at Morley to J.D. Mclean, telegram, 14 December 1912, LAC, RG 10, vol. 8057, file 772/32-3-3, pt.1; Inspector G.S. Worsley to Supt. R. B. Deane, 9 July 1913, LAC, RG 18, vol. 448, file 455-13. This series of trespasses follows other similar incursions by the company and its predecessor dating from 1905. The Nakoda's difficulties with Calgary Power, that included tardiness and underpayment of water rentals lasted until the mid-1940s. On these points see Kenichi Matsui, "Reclaiming Indian Waters: Dams, Irrigation, and Indian Water Rights in Western Canada, 1858-1930", unpublished Ph.D. Dissertation, UBC 2003: 177-199.

were prepared to offer. They insisted further that any surrender of this piece of land be tied to their acquisition of an alternative tract in their established hunting territory on the Kootenay Plains.¹⁸⁷

In this case the law itself seemed to be structured in favour of the power company and its potential right to expropriate under the Railway Act.¹⁸⁸ But when the DIA finally obtained expert legal advice it was found that the company's claims to appropriation rights were questionable at best and that "in any event no portion of the reserve can be expropriated without the consent of the Governor in Council under section 46 of the Indian Act."¹⁸⁹ In 1914, with the power plant in operation, the matter was sent to arbitration. A year after that the company was already in arrears in its rental payments and complained that since its costs exceeded estimates it was "impossible for us to make a further payment at the present time."¹⁹⁰

Throughout this period the RNWMP was clearly more interested in possible Nakoda resistance to construction of the hydroelectric plant than in the illegal construction itself. They took no action against the company's trespass but rather asked

¹⁸⁷ R.B. Bennett to McLean, 28 May 1913 and Waddy to McLean, 11 January 1913, LAC, RG 10, vol. 8057, file 772/32-3-3, pt.1.

¹⁸⁸ Early on the DIA was informed that "Under section 35 of the Dominion Lands Act any person holding an agreement under the water power regulations for the development of power shall for the purpose of his undertaking have similar expropriation rights as are granted railway companies under the Railway Act." R. Young, Chief Geographer, Supt. Railway Lands Branch to F. Pedley, DSGIA, 7 February 1911. This was confirmed in 1913 and the department's secretary informed the resident agent "Consent of Indians is desirable but not necessary as under statute Government may sell in connection with application of this kind by Order in Council" and informed him further that the Supt. General "is not disposed to interfere with work of construction". S. Bray to Deputy Minister, 21 April 1913 and McLean to Waddy, telegram, 29 April 1913, Mclean to Waddy, 15 August 1913, LAC, RG 10, vol. 8057, file 772/32-3-3, pt.1, LAC, RG 10, vol. 8057, file 772/32-3-3, pt.1.

¹⁸⁹ W.S. Williams, to D.C. Scott, 7 October 1913 and W. Stuart Edwards, Sec, Dept. of Justice, 16 October 1913, LAC, RG 10, vol. 8057, file 772/32-3-3, pt.1.

¹⁹⁰ S.B. Hammond to DIA, 11 September 1915, LAC, RG 10, vol. 8057, file 772/32-3-3, pt. 2.

what steps it had taken to guard the plant.¹⁹¹ Certainly the police took their lead in this case, as they most often did, from the DIA. The department was opposed to construction being halted while at the same time, in apparent contradiction, stated that it was protecting the interests of the Nakoda. As D.C. Scott ordered one of his inspectors: “you should dispel misconception that Indians are being sacrificed to interest of company; no foundation for such belief.”¹⁹²

The Visual Impact of the Mounted Police

This approach taken by the DIA, to attempt to convince First Nations people of the ultimate beneficence of its objectives, was necessarily followed by the NWMP and its successors as well. While the Mounted Police used force in particular localized circumstances they did not, during the period under discussion at least, have the military strength to force their will in any widespread or generalized fashion. Where the force could not convince Native people of its altruism it chose to rely on visual impact. Scarlet tunics made little sense on the brown prairie or green parkland where the approach of the police could be observed at considerable distance but, when they were worn, the uniforms did have a visual impact. The police early on also seized on opportunities to display their weaponry. As police surgeon R.B. Nevitt reported in 1874 “[a]t two o’clock the Indians came and we took them out on the prairie to show them the effect of our artillery at a long range - they were greatly impressed thereat”.¹⁹³ This practice was repeated at Blackfoot Crossing during the negotiations leading to the signing of Treaty 7.

¹⁹¹ Const. A.J. Barber, “Crime Report” 7 July 1913, LAC, RG 10, vol. 8057, file 772/32-3-3, pt.1.

¹⁹² Scott to Campbell, telegram, 7 May 1914, LAC, RG 10, vol. 8057, file 772/32-3-3, pt.1. For a survey of issues related to Indigenous people and water, with specific reference to the British Columbia interior and southern Alberta, see Matsui, “Reclaiming Indian Waters”.

¹⁹³ Nevitt to Liz Nevitt, 27 December 1874, Glenbow, R.B. Nevitt Fonds, M893, box 1, file 3.

Surveyor Patrick had a similar experience to Nevitt when Major Irvine organized a troop of mounted police to go out with him “for a show to frighten the Indians.”¹⁹⁴ When the NWMP received reports that the Tsuu T’ina had “threatened to help themselves to Government rations” in Calgary, a contingent of Mounties was sent from Fort Macleod. Lieut.-Colonel J.F. Macleod reported “I think it a very fortunate thing that this display of force was made.”¹⁹⁵ Later, Rancher W.F. Cochrane confirmed that “their [the NWMP] presence makes a very apparent difference in the bearing of the Indians.”¹⁹⁶

At the same time, however, this show of potential force could not be a sustained, regular, or extemporaneous undertaking lest the resident First Nations were to see it as a provocation. Police worked “in concurrence” with the DIA “in order that the Indians may not misunderstand the object for which the Police are coming....there is danger of the Indians becoming excited and unnecessarily alarmed when a large body of Police visits them without warning.”¹⁹⁷ When, in 1896, Supt. Howe requested that Inspector Macpherson of Calgary go to Blackfoot Crossing and select three scouts from the reserve there, he cautioned “[y]ou can patrol in the vicinity of the Reserve as long as you think necessary, procure all information possible regarding Indians, but impress upon them that you simply came down to select Scouts.”¹⁹⁸

¹⁹⁴ A Patrick, DLS, extract n.d. [1878?], LAC, RG 10, vol. 3668, file 10,615.

¹⁹⁵ A.G. Irvine, “North-West Mounted Police Force, Commissioner’s Report 1880”, paper no. 3, Canada, *Sessional Papers*, 1881: 15.

¹⁹⁶ W.F. Cochrane to W.M. Browning, 15 February, 1885, Glenbow, Cochrane Ranch Co. Fonds, M234, William F. Cochrane letterbook, p.65-69.

¹⁹⁷ Extract from letter to Commissioner, 14 January 14, 1891 LAC, RG 18, vol. 47, file 49-91.

¹⁹⁸ Howe to Macpherson, 6 May 1896, LAC, RG 18, vol. 122, file 333-96. The practice of employing scouts is discussed below.

Despite their localized shows of force and military organization the NWMP operated most effectively as an arm of “informal” imperialism working to reestablish what Alexander Morris referred to as “the moral influence exercised by the Hudson’s Bay [Company] over the Indians”.¹⁹⁹ As Walter Hildebrandt has argued “the goal of the Mounties could eventually be described as a cultural one – to gain the trust of the Natives and then wean them from their customs and beliefs by enforcing laws intended to diminish the Native culture. This was also to be done by example, persuasion, government programs and education.”²⁰⁰ This underlying objective of the Canadian Government applied by the Mounted Police could not, of course, be revealed to First Nations. Generalized armed conflict which almost certainly would have ensued had the governments and their police forces been forthright about their intentions, had to be avoided at all cost. Out of necessity, Canada’s policies differed from those in the United States where undisguised imperialism was an especially expensive procedure costing, by the 1870s, \$20 million, more than the entire Canadian budget of \$19 million. On the other hand, Canada spent only \$400,000 a year on the NWMP.²⁰¹ Further, the undisguised and unbridled appropriation of land and resources could not be easily harmonized with Canada’s liberal agenda. Here the policy had to be masked with the assertion that the transfer of land and resources was inevitably in the interests of the colonized.

Relations Between the NWMP and the BCPP

¹⁹⁹ Alexander Morris, cited in Barbara Mayfield, “The North-West Mounted Police and the Blackfoot Peoples, 1874-1884”, unpublished MA Thesis, University of Victoria, 1979: 103.

²⁰⁰ Walter Hildebrandt, *Views from Fort Battleford: Constructed Visions of an Anglo-Canadian West* (Regina: Canadian Plains Research Centre, 1994): 36.

²⁰¹ Macleod, *NWMP and Law Enforcement*: 3 and Friesen, *The Canadian Prairies*: 165-166.

While the NWMP was being organized for duty in southern Alberta, a tour through western Canada convinced Major General Selby Smythe that while the small population of White settlers in the Kootenay region would have a difficult time defending themselves if the necessity arose, he could not recommend that Mounted Police be sent through “the vastnesses of the Rocky Mountains more especially as this force being raised for special service in the North West Territory (Military reasons apart) should not be called upon for duty in British Columbia.”²⁰²

In most circumstances, the Mounted Police and the BCPP kept to their own jurisdictions while cooperating in number of ways.²⁰³ Normally, the NWMP restricted their activities to the territory east of the crest of the Rocky Mountains,²⁰⁴ but there were occasions when the NWMP did cross into British Columbia for extended periods. In 1886, because of the fears that the Ktunaxa (Kootenay) might turn to violence in the wake of long-standing grievances in regard to preemptions in their territories and, more immediately, in support of their claim to Joesph’s Prairie near present-day Cranbrook

²⁰² Major General Selby Smythe, Report of tour through the North West and British Columbia, 1876, LAC, RG 18, vol. 8, file 29a-76.

²⁰³ In addition to direct cooperation in law enforcement, the police forces also cooperated in personnel matters. For example Herchmer warned Hussey that Alexander Hamilton, who had just been appointed to the BCPP, had previously “induced a local paper to cry down my force as useless and expensive, making a number of false assertions...” He warned further that Hamilton attempted to use the Orange society and politicians to influence his appointment to the NWMP. L. W. Herchmer to F.S. Hussey, 27 Mar 1897, BCA, GR-0066, box 2, file 2. Similarly, the BCPP notified the NWMP if one of the latter’s officers left their territory, or “deserted” before their contract expired. See for example the case of Constable Islip in BCA, GR-0063, Box 7, file 1 and GR-0056, box 12, file 14.

²⁰⁴ As , Major General Selby Smythe, reported following his tour through western Canada in 1876 “I am not prepared to advocate sending a detachment of Mounted Police through the fastnesses of the Rocky Mountains more especially as this force [is] being raised for special service in the North West Territory [and] (Military reasons apart) should not be called upon for duty in British Columbia.” LAC, RG 18, vol. 8, file 29a-76. There was also a Dominion Police Force, formed in the 1840s, whose officers served in B.C. until it combined with the RNWMP to form the RCMP in 1920. The force had only 10 members in 1880 and only 140 when it was combined with the RNWMP. In addition to duty at the Naval base at Esquimalt, Dominion Police constables did duty during the construction of the rail lines through BC and also on occasion assisted agents of the DIA. After 1918, their duties were restricted to the territory east of Port Arthur. S. Wood, Commissioner, to B.A. McKelvie, 5 July 1950, LAC, RG 18, vol. 1024, file 3371 and vol. 3174, file G516-1 (1924).

claimed by Colonel James Baker, J.A. Macdonald ordered 75 mounted police into B.C.²⁰⁵ Even though the NWMP Commissioner warned that it was not possible “at the present time...without seriously jeopardizing the peace and safety of the NW Territories” Macdonald seems to have been particularly concerned with appeasing the provincial government of British Columbia.²⁰⁶ Since “Indians” were a federal responsibility the British Columbia government argued that the NWMP should be brought to the province to deal with First Nations people at federal expense.²⁰⁷

The provincial government, though, wanted final authority regarding when and where the NWMP would be deployed and complained when B.C. was not consulted.²⁰⁸

When NWM Policemen were somewhat reluctantly sent to guard the construction of the

²⁰⁵ L. Vankoughnet, DSGIA to F. White, Comptroller, NWMP, 29 November 1886; L.W. Herchmer, Commissioner, NWMP to White, 4 May 1887, White to Herchmer, 21 June 1887, LAC, RG 18, vol 13, file 16-88. Division “D” sent to the Kootenay District was led by S.B. Steele and consisted of 79 men. Fort Steele was named to honour the leader of this expedition. R.C. Macleod argues that this foray into B.C. was so successful “in settling the differences between Indians and settlers that they were able to withdraw after a year.” Macleod, *The NWMP and Law Enforcement*: 177, note 26. Since, however, the Comptroller had requested information before they were sent regarding the extent of expenditure necessary to keep the force in B.C. for a year, it seems likely that this was the predetermined duration of this assignment. White to L.W. Herchmer, 13 April 1887 and Herchmer to White, 15 April 1887, LAC, RG 18, vol. 13, file 16-88. The subsequent request of the provincial government a few years later that the NWMP return in force to the Kootenay district disputes Macleod’s claim in this regard further. Hugh Nelson, Lt. Governor of B.C. to the Secretary of State, 18 February, 1891, LAC, RG 18, vol. 50, file 204-1891. The NWMP was simply not in a position to “settle the differences” since the primary concern of the First Nations in the Kootenay was, as elsewhere, related to land and resources. This was well beyond the scope of the police to deal with and remains largely unresolved in British Columbia. D.M. Eberts, Attorney General for B.C. to Sir Charles Tupper, 9 April 1895, LAC, RG 18, vol. 108, file 345-95.

²⁰⁶ L.W. Herchmer to Comptroller, 4 May 1887, LAC, RG 18, vol. 13, file 16-88.

²⁰⁷ It was not only finances that concerned the province though. Even when it came to girls sent to a newly constructed industrial home, the Attorney General wrote that Indian agents should not be encouraged to send children from each agency to this school “because that is not the class of people that we want to have come to our school and mingle with the white girls; and I think the further question should be considered by your Department as to whether looking after these Indian girls is not a responsibility which properly belongs to the Indian Department.” McLean to H.E. Young, Prov. Sec. and Min. of Ed., 4 June 1913 and Attorney General Bowser to McLean, May 28, 1914, BCA, GR-1323, file 5782-8-13

²⁰⁸ B.C. protested when the NWMP were sent into the province to put down a rail strike without provincial sanction and Comptroller White chastised Commissioner Herchmer for his actions in the affair “You have exceeded your authority in sending Police British Columbia ... do not send more without sanction Premier.” White to Herchmer, cipher telegram, 21 March 1892, LAC, RG 18, vol. 2181, file “Commissioner’s Office, 1892.”

Railway through the Crows Nest Pass they got into conflict with the B.C. Police over jurisdiction.²⁰⁹ When they were sent to the Yukon gold fields “the British Columbia Government had raised objection to the Mounted Police being retained in that Province, and that instructions had been given to withdraw all except those necessary for the protection of the Customs Officials”.²¹⁰

In 1918, the RNWMP was authorized to increase its strength to 1200 and to be the sole federal force West of Port Arthur.²¹¹ There was, however, continued conflict in local areas over jurisdiction and recurrent complaints from B.C. politicians that they were expected to come to the assistance of federal authorities but could not expect federal assistance in return.²¹² While British Columbia recognized the need for the federal presence during the unrest and uncertainty following WWI, by 1922 B.C.’s Attorney General argued “[i]t would seem to me that the time for cutting down the R.C.M.P. force is at hand” and that aside from the large centres like Vancouver, “their services in the

²⁰⁹ Following complaints from the BCPP Laurier stated “I may say that it was with great reluctance that we consented to allow the Mounted Police to undertake the preservation of law and order along the line of construction of the Crow’s nest Railway.” Laurier to Joseph Martin, 30 December 1898, RG 18 vol. 156, file 574-98. There is more in this file on this incident.

²¹⁰ Comptroller to John McDougald, Commr. of Customs, Ottawa, 1 February 1899, RG 18, vol. 161, file 93-99.

²¹¹ The Premier of B.C. was assured that this action was “not intended in any way to interfere with the jurisdiction of the Provinces in the enforcement of Law and Order on the one hand, or to relieve them from responsibility on the other” and further that “such co-operative arrangements may be made as may be found mutually beneficial and satisfactory for the preservation of Order and the enforcement of our Laws and regulations.” H.W. Rowell, President of the Privy Council, to Premier J. Oliver, 18 December 1918, BCA, GR-1323, file 6839-8-18.

²¹² Asking for a ruling on where the jurisdiction of each force began and ended, a BCPP Deputy Inspector at Kamloops asked “[a]re we to go along the same lines we have been following in the past, or are we to be a subordinate body relying on the R.N.W.M.P.” F. Edens, Deputy Inspector, BCPP, Kamloops, to A.M. Johnson, Deputy A.G., 5 March 1919. Edens was told by the Deputy Attorney General that “[i]t is not advisable at the present time to have any discussion arise between the members of the R.N.W.M.P. and our force as to whose duty it is to carry out any particular matter” Deputy A.G. to Edens, 7 March 1919. The Deputy Attorney General then complained to the Premier “[w]e can get very little assistance from the dominion authorities but at the same time cannot refuse to co-operate.” Deputy Attorney General to Premier, 27 May 1919, BCA, GR-1323, file 6839-8-18.

Province can be dispensed with.”²¹³ In 1927, a few years after a number of RCMP detachments were closed, B.C.’s Attorney General again requested RCMP assistance “in the control of Indians in the province” since the BCPP still did not consider this activity part of its duties.²¹⁴

Police surveillance in the British Columbia interior was undoubtedly complicated by jurisdictional concerns and further restricted by finances. BCPP Superintendent Hussey complained in 1901 that his constables should be “granted an allowance for keep of horses” and “instructed to perform patrol duty and exercise a strict surveillance over all suspicious characters”. He argued further that:

In the Nort[sic] West Territories, the frontier is well guarded by the North West Mounted Police who maintain an effective patrol, but in this Province that duty devolves on the Provincial Police, and an efficient and satisfactory service cannot be obtained under present conditions.²¹⁵

A few months earlier, BCP Policemen had their “allowance for the keep of horses” taken away and were told not to leave their station unless they were called on to investigate some infraction of the law. “The effects of these orders is that Constables do not visit towns, Indian reservations and other places in close proximity to his station fearing that any expense incurred thereby will not be allowed by the Dept....”²¹⁶ Financial and jurisdictional matters were complicated still further by geography. As a BCPP constable

²¹³ A.M. Manson to G.P. Graham, Minister of Militia and Defense, 31 May 1922, BCA, GR-1323, file 839-8-18, mf reel B2149. Today, British Columbia’s “E” Division of the RCMP is the largest in Canada, representing approximately one-third of the total RCMP force. RCMP, “About the RCMP” <http://www.rcmp-grc.gc.ca/bc/about_ediv/index_e.htm> (29 June 2006).

²¹⁴ Cortlandt Starnes, RCMP Commr., to D.C. Scott, 7 December 1927 and Starnes to E. Lapointe, Min. of Justice, Ottawa, 7 December 1927, LAC, RG 18, vol. 3175 file G-516-4-24. The DIA objected to the closing of these RCMP detachments.

²¹⁵ F.S. Hussey, Supt., B.C. Provincial Police, to Attorney General, 24 June 1901, BCA, GR-0429, Box 7, file 2, item 2199/01.

²¹⁶ F.S. Hussey, Supt., B.C. Provincial Police, to Attorney General, BCA, GR-0063, box 1, file 4

at Shuswap reported “both reserves are across the river from Shuswap and no boats are obtainable should trouble occur on the reserves.”²¹⁷

Force Strength and External Assistance

Even if conditions were perfect, however, the BCPP with its force of less than one hundred in 1897,²¹⁸ and only 227 men and officers thirty years later,²¹⁹ could provide only rudimentary surveillance of the hundreds of Native communities scattered throughout the province let alone offer much of a show of force “should trouble occur”. Even the legendary NWMP and its successors, whose perceived success in the prairie west continues to afford it mythical status, did not have the manpower to quell a widespread armed resistance if the First Nations, even those resident in the Treaty Seven area alone, had ever chosen that route.²²⁰

Clearly, First Nations were aware of the situation but chose generally peaceful as opposed to military means to press their concerns even as non-Native citizens remained fearful. George Murdock, a harness maker and soon to be first mayor of Calgary who did business with both the NWMP and the Blackfoot wrote in his diary in May of 1883 that the “Police came back without any prisoners, as the squaws made it so hot for them that they had to let them go, so a force was sent off to do the work and when they got there they found that they had quit their reserve. Fears are entertained of a rising.”²²¹ In 1896

²¹⁷ Inspector to Hussey, 22 December, 1909, BCA, GR-0097 vol. 1, file “Inspections, J.H. McMullin, Jan 1909-Dec 1909”.

²¹⁸ “Annual Report of the Supt. of Police for the year ending Oct 31, 1897”, BCA, GR-0099, Box 1 file “Misc. Reports, Statutes, Etc. 1897-1914”, p.699.

²¹⁹ Stonier-Newman, *Policing a Pioneer Province*: 118.

²²⁰ This is evident from the events of 1885. The force reached a peak of 1,000 men during the resistances of 1885, but with reductions in the size of the force in the 1890s and the assignment of a large contingent to the Yukon gold fields, barely 500 men remained in all the North-West Territories. R.C. Macleod, *The NWMP and Law Enforcement 1873-1905*: 46.

²²¹ George Murdock, Diary transcript, LAC, MG 29 C 13, file 1.

the NWMP inspector stationed at Calgary reported: "The Indians know we are short of men, and they also know that the Indian Officials are feeling anything but safe; they are taking advantage of these two facts in my opinion and unless something is done at once to show them that they are not the masters of the situation as they seem to think, serious trouble will ensue."²²²

In many ways, this circumscribed ability of the police to respond with military force suited Canada's liberal framework very well. The NWMP could offer a localized spectacle when necessary while it could engage in racially informed law enforcement, or involve itself in actions in regard to Native people that had no legal foundation, when it deemed such measures were appropriate.²²³

When the situation called for it in either region, outside assistance could be called upon to augment the surveillance abilities of the police. The police forces in both regions often got assistance in their efforts from individual private detectives or detective agencies. In the Treaty 7 area and throughout western Canada, detectives and spies were employed on a monthly or semi-annual basis or as the need arose by the 1890s.²²⁴ In

²²² NWMP Inspector Z.T. Wood to Officer Commanding NWMP, Calgary, 2 May 1896, LAC, RG 18, vol. 122, file 333-96.

²²³ NWMP Comptroller Frederick White argued, for example, that if warrants were required before an arrest of a Native person could be carried out "the administration of justice, so far as the Indians are concerned, will be extremely hampered." White to R. Sedgewick, Deputy Minister of Justice, 21 October 1889, LAC, RG 18, vol. 36, file 817-1889. For more on racially based law enforcement see Macleod, *NWMP and Law Enforcement*: 145.

²²⁴ W.M. Herchmer to L.W. Herchmer, 28 July 1890, LAC, RG 18, vol. 2178 file 21; entry for June 11, Daily Journal at Sarcee Agency, 1891, Glenbow, Lucas Family Fonds, M 699/8; DIA, *Annual Report, 1906*: 270. See also correspondence in RG 18, vol. 2729, pt. 11 and the personnel file of James Robertson, a detective hired "for the suppression of liquor traffic among the Indians" in 1909. LAC, RG 10, vol. 3144, file 341,116-1. For a report from the DIA's "Secret Service Agent" Peter Ballendine employed by Edgar Dewdney east of Treaty 7 in 1884 to keep "authorities advised of all movements abut also of endeavoring to prevent large gatherings" see LAC, RG 10, vol. 3701, file 17169. In 1885, former NWM Policeman and Indian Agent C.E. Denny was employed by Dewdney "to obtain reliable information in regard to the feelings actions and movements of the Indians". Dewdney to Denny, 24 November 1885, Glenbow, Dewdney Fonds, M320, Series 15, Indian Department - C.E. Denny Correspondence, 1882-1886, p. 1165.

British Columbia, BCPP Commissioner Hussey had a particularly close relationship with P.K. Ahern, Seattle agent for the US based Pinkerton's Detective Agency.²²⁵ While Pinkerton's men were utilized on a number of occasions by provincial authorities, their surveillance of A.E. O'Meara, lawyer, Anglican lay missionary, and vocal advocate for Native land and resource rights is particularly informative.

By 1910 O'Meara had become an ardent supporter of land claims based on "Indian title" and that year spoke on the topic in Vancouver.²²⁶ Premier McBride was apparently so concerned about O'Meara that he sent a reporter to record his speech and in December he and his cabinet met with O'Meara and Nisga'a representatives.²²⁷ The following year McBride called in Pinkerton's "to ascertain just what action this man is taking in regard to recovery of the lands he claims belongs to the Indians," in this case the Lekwungen near Victoria.²²⁸ While the Pinkerton's agent was unable to find anything incriminating, the important point is that the surveillance of a man who had done nothing illegal and who was involved in pursuing land claims through legal channels only was contracted for by the province in the first place. No one even pretended that O'Meara might be doing something in contravention of the law. As will be discussed in later chapters McBride

While more will be said concerning scouts below, Indigenous people too were employed by the NWMP to act as detectives on reserves in the Treaty 7 region and elsewhere. See for example Hayter Reed to McIllree, Comdg E Div., 12 November 1890. LAC, RG 18, vol. 45, file 874-90. Detectives were also promoted as a method of apprehending "Whites...of some prominence" suspected of cattle stealing in the Treaty 7 area. Steele to Commissioner, NWMP, 29 October 1894, LAC, RG 18, vol. 2181, file 1894.

²²⁵ Similarly, Lt. Col. A.P. Sherwood, head of the Dominion Police had a close relationship with the Pinkerton brothers who led the agency. D.R. Williams, *Call in Pinkerton's: American Detectives at Work for Canada* (Toronto: Dundurn Press, 1998): 15. The Hussey family also entertained friends of Pinkerton's employees when they were in town. WB Sayers, Pinkertons, San Francisco, to Hussey, 21 September, 1901, BCA, GR-0055, box 71, file 1.

²²⁶ A.E. O'Meara, Lectures on "The Indians title to the Lands of B.C." delivered at Aberdeen School, Vancouver, 22 April 1910. BCA, MS-0421. O'Meara was particularly supportive of the Nisga'a claim. Land claims based on title will be discussed in the chapter on land below.

²²⁷ Williams, *Call in Pinkerton's*: 199. McBride saw no validity in the claims to title and the Nisga'a would have to wait almost ninety years for resolution of their claim.

²²⁸ Report of agent #13, 16 March 1911, BCA, GR-0056, box 3, file 1.

continually refused to recognize aboriginal title since, as legal scholar Hamar Foster has stated, “neither liberalism nor the market demanded that title be recognized”.²²⁹ The Premier’s actions in this regard only hint at the level of observation to which First Nations people and their advocates were subjected during this period in western Canada. All actions that might interfere with the expansion of liberal values to settler-citizens, particularly individual ownership of land and an individual’s ability to accumulate wealth, were treated with suspicion and singled out for a particularly intense surveillance.²³⁰

Police Forces and Native Employees

In addition to the surreptitious observations of detectives, both the BCPP and the NWMP found the surveillance that could only be provided by Native people themselves very useful. As the constable at Vernon confirmed in 1904 “I do not know what reasons [Okanagan advocate James] Christie would have for wishing to interfere between the Police and the Indians, being well aware that the Indians can often render the police valuable assistance”.²³¹ The BCPP regularly employed Native people to observe activity on reserves and initiate legal proceedings against the Indigenous residents.²³²

²²⁹ Hamar Foster, presentation at the University of Victoria, 31 January 2001.

²³⁰ Following the adoption of Section 149A of the Indian Act in 1927, which banned the raising of funds from “Indians” for the purpose of pursuing land claims, O’Meara was again placed under scrutiny. As D.C. Scott stated “if we get any reliable evidence that he is collecting money from Indians for the further prosecution of the Aboriginal claim we will take steps to prosecute him.” In less than two months, however, O’Meara had died. Scott to Ditchburn to 3 February 1928, LAC, RG 10, vol. 3823, file 59,335-5 and Canada, *Statutes of Canada*, 17 Geo. V (1926-27), c.32, s.149A. See also Tennant, *Aboriginal Peoples and Politics*: 111-13 and Titley, *A Narrow Vision*: 157.

²³¹ Constable Basil Gardom to Hussey, BCA, GR 55, box 72, file 3. James H. Christie was one of the original NWMP officers and eventually became an advocate for Native resource, land, and political rights in the early decades of the twentieth century.

²³² For the Okanagan area see, for example, entries for 8 July 1890, 9 January 1891, 1 April 1891, BCA, GR-1887, B.C. Provincial Police Force, Vernon, Charge Book, p. 60, 70, and 77; Hussey to H.A. Maclean, Depty A.G., Victoria, 4 May 4 1905, enclosing E.C. Simmons, Chief Constable, Vernon, to Hussey, Apr, 29, 1905, BCA, GR-0429, box 12, file 1; Inspector Colin Campbell to Hussey, 15 November 1910, BCA, GR 97, vol. 2, file “Insp. Colin Campbell, Corr, A-Z, Apr to Dec 1911 and entry for 1 July 1912, BCA, GR 1728, Diary, April 26, 1911- March 31, 1919 (vol. 3).

Prior to the arrival of Europeans, the First Nations of the British Columbia interior did utilize “watchmen” to observe the conduct of their people. But as Neskonlith elder Mary Thomas points out, watchmen, appointed by the First Nation itself, originally acted as community social workers looking for signs of domestic trouble or other activity contrary to the group’s well-being. Punishment was in the form of service to the community. It was only with the arrival of Europeans and the introduction of an array of crimes against White institutions that both this form of punishment and the reasons for surveillance were altered.²³³

The qualifications necessary to become “Indian police” appointed by the BCPP and the DIA were fundamentally different than those of the watchmen. “Indian policeman” Isaac Harris, for example, was much favoured by both the BCPP and the DIA, but support for him within the Okanagan nation was questionable at best. The Okanagan Chief at the Head of Okanagan Lake complained that it was Harris’ marriage to the métis daughter of a neighbouring White rancher, Cornelius O’Keefe, and “O’Keefe’s interest with the [Indian] Agent allowed him to live on the reserve. The said Harris is not a member of this band in accordance with the Indian Acts at no time was there a vote of the people taken for his admission to the band, at the present time this man Harris is under grave suspicion and my people consider him directly inimical to the interest of the band.”²³⁴ Another Okanagan Chief, Baptiste Logan, requested the DIA remove Harris from the reserve.²³⁵

²³³ “Crime and Punishment,” *Kamloops Daily News*, 10 August 1991: B15. See also I.W. Powell to Superintendent General of Indian Affairs, 5 Mar 1887, LAC, RG 10, vol. 7748, f 24154-12.

²³⁴ Pere Nequalla to SGIA, 7 December 1908, LAC, RG 10, vol. 3944, file 121698-54.

²³⁵ J.H. Christie to Frank Oliver, SGIA, 4 August 1909, LAC, RG 10, vol. 4044, file 347510 and vol. 4046, f 354,669-2

Nevertheless, Harris remained a policeman, was regularly employed as an interpreter and, as will be discussed below, would soon be given his own reserve. Even Harris, like others in his position, was confined to the surveillance and arrest of Native people. When a complaint reached Commissioner Hussey of “a half-breed Constable inspecting hotels” in the Vernon district Inspector J.H. McMullin was sent to investigate. McMullin found that “the hotels were inspected by Fitz Leonhard who is of German extraction and had no Indian blood”.²³⁶

In the prairie west, as R.C. Macleod has pointed out, J.A. Macdonald, who created the NWMP, originally hoped to mirror the model of the British army in India and recruit large numbers of First Nations and Métis men into the force.²³⁷ In 1889, writer J.W. Powers drew another connection when he explained to Superintendent General of Indian Affairs Edgar Dewdney that:

In Ireland where 3/4^{ths} of the middle and lower classes are impregnated with the bitterest hatred of English rule and where every other young man is a veiled rebel one would at first sight suppose this class would be a poor one for the British Government to recruit a “Royal” Constabulary from. But such is not the case. No sooner does Pat take the oath of allegiance and don Her Majesty’s uniform than he is completely transformed into a sterling

²³⁶ Apparently Leonhard and the owner of a Lumby hotel were not on friendly terms and the hotel owner simply wanted someone else to inspect his hotel. McMullin to Hussey, 10 March 1909, BCA, GR-0097 vol. 1 file “Inspections, J.H. McMullin, Jan 1909-Dec 1909”. A few years earlier in 1903, Imperial German Consul for Canada put the question to Minister of the Interior Clifford Sifton “Indian policemen, while carrying out their duties against members of the white population....Have they the right to arrest white men etc.?” After seeking legal advice, the department responded that “Indian policemen” could arrest Whites. F. Dopp, Imperial German Consul for Canada, to Sifton, 24 December 1903 and J.D. McLean to Dopp, 30 December 1903, LAC, RG 10, vol. 3079, file 267,400.

²³⁷ Macleod, *The NWMP and Law Enforcement*: 149-150. While Macleod presumes that Macdonald’s mind was changed as a result of the 1870 resistance at Red River, this is not altogether clear from the existent record. He is correct, though, that bringing Indigenous men in as regular members of the force was not seriously considered by the police until well into the twentieth century. Similarly, Hana Samek’s comment that Canada “excluded Indians from law enforcement roles on their reserves” is true only insofar as they did not become regular members of the NWMP. They did, as will be shown below however, engage in a variety of law enforcement roles in other capacities. Samek, *The Blackfoot Confederacy*: 179.

Loyalist....Why not the Indian police do similar good work in the Territories?²³⁸

Dewdney was already convinced of the utility of scouts and Indian policemen. In his annual report for that year, Dewdney wrote that Indians were “doing good service” as scouts for the NWMP and that a number had also been appointed under the Dominion Police Act to serve as constables on reserves. These appointments, he felt, would not only make it much easier to detect and prove infractions of the “laws regulating Indian affairs”, but would do so at much less expense than if White policemen were employed.²³⁹

According to the text of Treaty 7, not only did the First Nation signatories agree to abide by Canadian law but also to “assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the country so ceded”.²⁴⁰ In other words, not only were Indigenous people compelled to obey foreign laws but, as Howard Adams has confirmed for earlier numbered treaties, “they were required to act as stool pigeons against their people”.²⁴¹ The NWMP, despite some individual complaints, employed Native people in its

²³⁸ J.W. Powers to Dewdney, 29 May 1889, Glenbow, Dewdney Fonds, M320, Minister of the Interior Papers, 1888-1892, Series 36, J.W. Powers Correspondence—1888, p.2177-2180. Powers wrote a history of Regina in 1887, compiled “Hansard” reports, and also wrote for the Montreal Star in this period.

²³⁹ DIA, *Annual Report, 1889*: xiii-xiv. Dewdney oversaw the employment of scouts during the events of 1885. He recommended though that they not be employed on extensive scale for “[n]o white man could control them if they once started out.” Dewdney to Macdonald, 13 April 1885, LAC, Dewdney Papers, MG 27 I C4, vol. 3, Northwest Rebellion, 1883-1885, p.1204-1206, mf reel C-2161. A scout was also employed by former NWM Policeman and Indian Agent C.E. Denny who was in turn employed by Dewdney to gather information on “the feelings actions and movements of the Indians”. Denny to Dewdney, 13 April 1885, LAC, RG 10, vol. 3709, file 19,550-1 and Dewdney to Denny, 24 November 1885, Glenbow, Dewdney Fonds, M320, Series 15, Indian Department - C.E. Denny Correspondence, 1882-1886, p. 1165.

²⁴⁰ *Copy of Treaty and Supplementary Treaty No. 7*: 6.

²⁴¹ Howard Adams, *Prison of Grass: Canada From a Native Point of View* (Saskatoon: Fifth House Publishers, 1989): 67. The implications of the apparent cooptation of Indigenous people will be discussed more fully in chapter 4.

surveillance efforts at various points throughout the period under investigation here.²⁴² In 1887 Comptroller White wrote to Commissioner Herchmer to report that the “Minister desires that you will ask the Indian Commissioner to make known to the principal Indian Chiefs that, provided the experiment of employing Indians in connection with the Police is found satisfactory, a larger number will be engaged next year.”²⁴³ The following year Macdonald authorized up to twenty-five people to fill these positions. Thirteen were requested for the Treaty 7 area: six Kainai, three Piikani, and four Siksika.²⁴⁴

In 1890, Indian Commissioner Reed suggested that a “flying patrol”, under the command of a NWMP non-commissioned officer be selected by the “Chief of the Bloods in conjunction with the Agent” to patrol the ranching country of southern Alberta.²⁴⁵ By the end of the following year DSGIA Vankoughnet supported the plan and reported that Reed was able to recommend that the police employ “some fifty promising young men of the Blackfoot Indian community” as a discrete unit “thus saving the country the cost of supporting them in idleness, and at the same time benefiting themselves by keeping them

²⁴² For an example of the employment of scouts near the end of the period under discussion here see for example, Farm Instructor, Blood Agency to Joe Healy, Police Scout, Lethbridge, 14 April 1920, Glenbow, Blood Agency Fonds, M1788, box 16, file 120.

²⁴³ White to Herchmer, 17 September 1887, LAC, RG 18, vol. 1084, file 513-1887. White stated further that “[t]he Minister also wishes that you will consider and report for his information, the extent of the authority which you think should be placed in the hands of these Indians[sic] Scouts. It is of course desirable that they should not make arrests or perform other acts which can only be executed by a properly sworn in member of the Police Force.” Herchmer responded that the scouts should have authority “to perform all the duties of constables where Indians are concerned, but where White men are concerned the authority should cease except when accompanied by a member of the North West Mounted Police Force.” Herchmer to Comptroller, 2 October 1887, LAC, RG 18, vol. 1084, file 513-1887.

²⁴⁴ Herchmer to White, 31 March and White to Herchmer, 12 April, 1888, LAC, RG 18, vol. 22, file 385-88.

²⁴⁵ Reed, “Memorandum for Supt. General”, 26 February 1890, LAC, RG 18, vol. 61, file 170.

usefully employed and out of mischief.”²⁴⁶ Again, employment of this sort would, in the eyes of the DIA, serve three purposes: it would reduce the government’s financial burden incurred as the result of its treaty obligations, it would permit a level of surveillance of which non-Native police were incapable, and it would act as an instrument of “civilization” on the employees themselves.

NWMP Comptroller White noted that “particularly in the ranching country, the experiment has already proved a success and it is only a matter of increasing the number and supplying them with clothing or rough uniform[s] by which the settlers and ranch men would distinguish them from other Indians.” White commented further that he had “long entertained” the idea of employing Native boys at the police posts as “they would be found most useful about the stables, kitchens and workshops.” White believed that boys, thus employed would “benefit nearly as much at the Barracks as they would in the Industrial Schools. They may not get the same advantages in the way of education but they will certainly learn to be industrious and submissive to discipline.”²⁴⁷ Indian Commissioner Reed too felt that the employment of scouts by the police would not only provide them with employment but would help “enlisting them on the side of law and order” while a newspaper of the same year reported that if half the police force were “composed of Indians, a large proportion of the bucks who might otherwise be troublesome would be converted into steady supporters of the white regime”.²⁴⁸

²⁴⁶ Vankoughnet to NWMP Comptroller F. White, 12 December and 23 December 1891, LAC, RG 18, vol. 61, file 170, LAC, RG 18, vol. 61, file 170.

²⁴⁷ White to Herchmer, 11 May 1889, LAC, RG 18, vol. 35, file 473-1889. Two years later Blood Agent Pocklington confirmed that the six scouts employ at the Stand Off detachment of the NWMP had provided “good service”. DIA, *Annual Report*, 1891: 83.

²⁴⁸ Reed, “Memorandum for the Department attached to Commissioner’s letter from Regina, No. 214, dated 30th November, 1891.”, LAC, RG 10, vol. 3865, file 84,815. File includes a newspaper clipping referred to only as “Ev. Journal” and dated 9-12-91.

The problem in regard to scouts, according to NWMP Commissioner Herchmer though, was “to get Indians who are reliable, the ones recommended generally by the Indian Department are failures, and very few will stay more than a few days.” Herchmer continued stating that Superintendents “Deane and Steele will employ more scouts if they can get good ones, but on the score of economy I do not think it advisable to engage men who are not reliable.” As for White’s suggestion regarding boys Herchmer reported that he “would much prefer engaging more white boys.”²⁴⁹

In general terms, White seems to have come to agree with Herchmer. In 1892 he wrote to Vankoughnet that he did not think the proposal workable because of “the inability of the Indians to pursue steady occupation”. He was concerned further that “If married, they bring their squaws with them, resulting, in many cases in immorality. The placing of a troop of Indians in the neighbourhood of a Police Post for drill and instruction with their squaws, children, ponies, dogs and camp outfit, would be a source of inconvenience and anxiety.”²⁵⁰ At no time did the NWMP seem to consider the reasons why its Native employees did not “pursue steady occupation” or the pressures they must have been under from their communities. Nor were they willing to adapt to the cultural requirements of these employees. During the period covered by this work, the racialized hiring practices of the NWMP, fears that they would not necessarily submit to police

²⁴⁹ Herchmer to White, 15 May 1889, LAC, RG 18, vol. 35, file 473-1889.

²⁵⁰ White to Vankoughnet, 18 February 1892, LAC, RG 18, vol. 61, file 170. R.C. Macleod claims that Herchmer took his lead from White in this regard but cites documents a decade after the exchange between the two cited here. Macleod does make an interesting comment in regard to White’s view of the employment of Métis. Responding to an inquiry from Herchmer, White stated “[y]ou could not engage them as Half-Breeds, but any who are intelligent, educated and would pass as white men could be taken on the same as other applicants. It would be a mistake to accept men who would be known in the force as Half-Breeds; therefore only those who would be treated as equals by the rest of the Contingent should be engaged”. Macleod, *The NWMP and Law Enforcement*: 149, citing White to Herchmer, 27 December 1899, LAC, RG 18, vol. 180, file 114.

authority, and negative perceptions of their willingness and ability to work, ensured that Native people never became regular members of the force.²⁵¹

First Nations people did, however, continue to act as scouts, “special constables”, and “detectives” on the reserves of Treaty 7, as Reed said to a NWMP inspector, “to keep your men informed of any suspicious movements on the part of other Indians”.²⁵² At least some NWMP commanding officers recognized the value of these individuals to their overall surveillance objectives. When the officer commanding Macleod, Burton Deane, responded to requests that he reduce the number of scouts employed he responded “at the present time it is not possible to manage without the number we have”.²⁵³ Deane and others were not unreservedly in favour of the scouts hired by the police but the value of their employment “for the purpose of keeping a continual eye upon the reserve” was recognized.²⁵⁴ Perhaps the general view was best articulated by the officer Commanding E Division at Calgary: “I would rather do without the scouts...yet their presence upon the Reserve, I am told, has a very beneficial effect on the Indians”.²⁵⁵

Indian agents supported the employment of Native police probably even more than the police themselves. As NWMP Superintendent Howe reported, for example, Agent

²⁵¹ In response to a query from a Mrs. Cora Hughes of Los Angeles, the Comptroller reported “the Mounted Police employ a good many half breeds and Indians as scouts, guides and interpreters in various sections of the West, whenever their services are considered necessary from time to time, but they are employed as specials and are not regular members of the Mounted Police Force, nor are they given authority or supervision over the white population.” Comptroller to Mrs. Cora Hughes, Los Angeles, 2 March 1911, LAC, RG 18 Volume 408, file 180-11. As mentioned above, when the DIA asked for legal advice in 1903, they were told that Indian police could arrest Whites. The NWMP, though, apparently restricted them from duty where such arrests might be a possibility.

²⁵² Reed to McIlree, 12 November 1890, RG 18, vol. 45, file 874-90.

²⁵³ Deane to Commissioner, 21 February 1901, LAC, RG 18, vol. 1481, file 133-1901. Deane was less enthusiastic about scouts on the Tsuu T’ina reserve: “From a Police point of view all the Scouts that we have engaged on this reserve during my tenure of Command here have been uniformly useless”. Deane to Commissioner, 20 September 1912, LAC, RG 10, vol. 449, file 504-13.

²⁵⁴ Supt. Cdg E Division to Commissioner, LAC, RG 18, vol. 1817, file 110.

²⁵⁵ Supt. Cdg E Division to Commissioner, LAC, RG 18, vol. 1817, file 110. The superintendent complained that “Sergt. Irvine informs me they have to be driven to their work all the time”.

Begg was most anxious to have some of the men on the Siksika reserve “enrolled as Indian Police, so that he could be kept informed as to what was going on, and where the Indians were.”²⁵⁶ In some cases an Indian agent in Treaty 7 might appoint his own “Indian Police” for surveillance work²⁵⁷ or, as the police did, offer rewards for evidence in particular instances.²⁵⁸

Many individuals may have chosen to become scouts out of a genuine desire to help their communities, but it must be remembered that those communities had little if any input in the decision to employ people in these capacities. They were not, therefore, necessarily those most respected by those communities, but rather were engaged because they were believed most likely to support the policies and values of their employers. As a result, scouts might find themselves disparaged by their communities as did Piegan Frank who complained to the NWMP “the Indians in this vicinity hate him.”²⁵⁹ Fear of this opprobrium might also serve as a reason for not taking the job in the first place.²⁶⁰

²⁵⁶ NWMP Inspector Z.T. Wood to Officer Commanding NWMP, Calgary, 2 May 1896, vol. 122, file 333-96.

²⁵⁷ This was the case with Agent Pocklington on the Blood reserve. C. Hilliard, Staff Sgt, Stand Off, to Officer Comndg Macleod Dist., 18 April 1891, LAC, RG 18, vol. 51, file 314-91. Sometimes this led to jurisdictional and financial conflicts between the DIA and NWMP regarding who should command and finance scouts. See, for example, correspondence in regard to the Tsuu T’ina reserve in LAC, RG 10, vol. 449, file 504-13.

²⁵⁸ Reed to McIlree, 12 November 1890, LAC, RG 18, vol. 45, file 874-90. For NWMP offers of rewards in the Treaty 7 area see P.C.H. Primrose, Supt. Commanding Macleod District, to [Indian Agent] James Wilson, 13 August 1903, Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 22; W.M. Herchmer to Commissioner, 5 September 1887, LAC, RG 18, vol. 1077, file 321 and W.M. Herchmer to L.W. Herchmer, 7 April 1889, vol. 1144, file 177. For BCPP in Kamloops and Okanagan regions see Basil Gardom, Constable at Enderby to Chief Constable Simmons, 7 November 1907, BCA, GR-0055, box 73, file 2; Maclean to Hussey, 23 November 1899, GR-0063, box 1, file 2 and F.J. Fulton, Acting A.G. to Hussey, 29 June 1909, GR-0063, box 5, file 1. On at least one occasion the NWMP in southern Alberta recommended that a reward be offered in connection with a case of cattle killing but Supt. Steele reported that although the local stock association had a standing reward offer of \$500 “the Stock Association will not offer a reward to Indians” [underscore in original]. S.B. Steele to Commissioner, 26 June 1894, LAC, RG 18, vol. 101, file 38-95 and Steele to Commissioner, 17 July 1894, vol. 97, file 580.

²⁵⁹ Jos Gillispie, Const i/c Kipp Detachment, 27 April 1901, LAC, RG 18, vol. 1481, file 133. A year later, Frank was dismissed as scout for not adopting Euro-Canadian culture as quickly as the police demanded. He promised to give up one of his two wives but Superintendent Joseph Howe reported that “his usefulness

Surveillance of Police

Non-natives joined the police forces for a variety of reasons, many of which had little to do with a desire to enforce the law or to extend Anglo-Canadian values. As one prospective B.C. provincial policeman stated in 1892: "if the force in British Columbia is similar to the N.W.M.P. I should like to join same if I was able. By serving in such a force one learns the country well + knows what is the best line of business to go in for."²⁶¹ Certainly there were opportunities to advance one's self-interest beyond the wages that a policeman could earn. Constables in British Columbia were able to collect moieties for convictions under the liquor clauses of the Indian Act.²⁶² Others acted as private rent collection agents, sometimes even collecting rents from the operators of houses of prostitution from which they earned a commission.²⁶³ Others were accused of

is gone". Joseph Howe to Blood Agent, James Wilson, 23 June 1902, Glenbow, Blood Agency Fonds, M1788, box 4, file 23.

²⁶⁰ See, for example, NWMP Inspector Z.T. Wood to Officer Commanding NWMP, Calgary, 13 May 1896, vol. 122, file 333-96. Similarly, Mike Mountain Horse, himself a scout, notes that Left Hand, the brother of the infamous Kainai fugitive Charcoal was granted a chieftainship by the DIA for his efforts in capturing his brother but his authority was not recognized by his community. In fact after Charcoal's execution, Left Hand was verbally assaulted and attacked with a whip. Mike Mountain Horse, *My People the Bloods* (Calgary: Glenbow Museum and Blood Tribal Council, 1989): 130-131. While Mountain Horse worked for the Mounted Police and reported that he had "nothing other than the utmost respect" for them his account is still far less emotionally charged and hagiographic toward the NWMP generally and Sam Steele especially than the book length interpretation of Charcoal's life by Hugh Dempsey. Dempsey, *Charcoal's World*. Dempsey's own background with the Kainai gives his work an air of authority and undoubtedly helped him with his interpretations but unfortunately there is little cited evidence in this book for the specific actions, let alone the motivations, of the participants in the events he describes.

²⁶¹ Stephen Aldridge, London, to F.L[sic] Hussey, 12 September 1892 BCA, GR-0066, box 1, file 1.

²⁶² McLean to JP McLeod, Deputy AG, 29 May 1915, BCA, GR-1323, file 5414-8-15, mf reel B2122. The British Columbia Government argued that the moieties should be payable to them and not to the individual constables. The collection of moieties was extended to the RCMP when this force was established in B.C. as well. See for example Chief Clerk, AG to L. Norris, Govt. Agent, Vernon, 16 June 1923. BCA, GR-1323, file I-249-5, mf reel B2195.

²⁶³ Constable Darrough at Phoenix collected rents from houses of prostitution and earned 10% commission. W.H. Bullock-Webster, Chief Const. to Wm Spier, Mgr. Eastern Townships Bank, Grand Forks, 7 September 1906 and Spier to Bullock-Webster, 8 September 1906. BCA, GR 99, box 3, file 5.

illegally collecting a tax from each woman working as a prostitute in their district or to turn in favourable reports regarding the premises of licensed establishments.²⁶⁴

Policemen in both the Treaty 7 and Kamloops-Okanagan regions often worked in relatively isolated conditions, far from the supervising gaze of their superiors. Yet this did not mean that their actions were not under constant scrutiny from settlers, church officials, and other members of their respective forces. In British Columbia, policemen were disciplined, dismissed, or asked to resign for reasons ranging from financial irregularities,²⁶⁵ to accepting presents from prostitutes²⁶⁶ and public drunkenness.²⁶⁷ From the existing reports, it is surprising that that some Constables were hired at all. It was reported of the Constable at Osoyoos in 1906, for example: “this man is of no use whatever & is scarcely ever found attending to his duties & complaints are being made about him every day. This place would be as well off without him.”²⁶⁸ He was accused of being “indolent and incompetent” and it was reported that he “was drunk, dealt Black

²⁶⁴ Alice Moore to Supt. BC Police, 22 June 1911, BCA, GR-0097, vol. 2, file “Insp Colin Campbell, Corr, A-Z, Apr to Dec 1911” and Thos Smith, Chief Const, to Campbell, 17 Jan 1913, BCA, GR 336.

²⁶⁵ E.C. Simmons to Hussey, 29 September 1908, BCA, GR-0055, box 73, file 2. In 1911, C.J. Bunbury was asked to resign due to irregularities in his vouchers. Hussey to Bunbury, 28 April 1911, BCA, GR-0056, box 26, file 2. The charges and accusations against members of the NWMP and BCPP reported in this section are meant as examples only and are far from exhaustive. In 1908-09 BCPP Constable Rose did not report money he collected from fines.

²⁶⁶ Supt. Colin Campbell to Attorney General, Wm. Bowser, 1 May 1912. Reporting that L.B. Simeon had received Christmas presents from prostitutes. BCA, GR-0063, box 9, file 1.

²⁶⁷ Chief Constable E.C. Simmons tendered his resignation and admitted that alcohol “has, of course, been the cause of all my troubles.” Simmons to Hussey, 23 August 1909, BCA, GR-0055, box 74, file 3. Similarly, Constable J.A. Nesbitt of Penticton resigned rather than be dismissed for repeated public drunkenness, though the impetus for the complaints against him stem from his inability to stop the forced removal of a group of Chinese workers who, because necessity caused them to offer their labour below the rate demanded by White workers, were brought into the Penticton area by the Southern Okanagan Land Co. to clear some land in the area. Hussey to H.A. Maclean Deputy AG, 10 April 1906, BCA, GR-0429, box 13, file 2; Hussey to Maclean, 10 April 1906 [there are two letters of this date], W.T. Shatford, Managing Director, Southern Okanagan Land Co. to Chief Constable E.C. Simons, 31 March 1906 and Nesbitt to Simons, 31 March 1906, BCA, GR-0429, box 13, file 2. N.B. Ewart, on the other hand refused to resign complaining that he was still owed for vouchers and that the government had no right to “impose any conditions” before he was paid. Ewart to Campbell, 5 October 1911, BCA, GR-0056, box 9, file 3.

²⁶⁸ L. Shatford to Hussey, 21 June 1906, BCA, GR-0055, box 72, file 3.

Jack all night and that it is a well known fact that he visited the house of ill fame at Hedley".²⁶⁹ Others in the BCPP were dismissed for reasons that are not entirely clear from the existent record.²⁷⁰ The actions of B.C. Policemen were observed by settlers²⁷¹ and representatives of the church among others.²⁷² Occasionally, deserters from the NWMP came to B.C. to find police work there, though the result was not always a happy one for the individual involved.²⁷³

Mounted Police constables in the Treaty 7 area also faced a variety of charges resulting from the observations of others. Constable R. Jones of Fort Macleod, for example, was convicted in 1884 of selling liquor to Native people and "shooting at an Indian with intent to do grievous bodily harm." For this he was fined \$300 and sentenced to twelve months in jail.²⁷⁴ In 1888 Constable Simons of the Stand Off detachment was accused of killing a Siksika woman, Only Kill, by giving her iodine. While the jury at inquest found that Simons had "been the cause of the death of "Only Kill" ".

Superintendent Neale reported "I do not think any Western jury will convict him." Yet no

²⁶⁹ Simmons to Hussey, 14 July 1906, BCA, GR-0055, box 72, file 5.

²⁷⁰ P.G. Routh, the Chief Constable stationed at Vernon was informed that "it has been decided to dispense with your services as Chief Constable at the end of March...as your conduct has been such that we do not care to have you in our service as Chief Constable any longer." Supt. Campbell to Routh, 28 February 1912, BCA, GR-0056, box 26, file 9.

²⁷¹ North Bend resident John Wood complained "of the abominable drunkenness[sic] that is allowed by our constable of this place". Wood claimed that "An Indian was fined \$13.00 by the Constable himself for being drink" but that the Constable refused to arrest a Native woman with whiskey in her possession. John Wood to Attorney General Bowser, 22 September 1910, BCA, GR-0063, box 7, file 1. W. Plumm of Ducks claimed that Constable Gook confronted him about something he had said to a female train passenger and then "said nothing further but started punching me in the face." W. Plumm to W.L. Fernie, Chief of Prov. Police, Kamloops, October 1910, BCA, GR-0056, box 12, file 5.

²⁷² Rev. Geo Kinney of Keremeos complained that the "constable of Hedley...seems utterly helpless or else indifferent to cope with the situation. He owns one of he licensed hotels and seems to be hand in glove with the "red light district"." Kinney to Bowser, 4 April 1911, BCA, GR-0063, box 7, file 5.

²⁷³ It is difficult to determine the representativeness of the case of BCPP constable Islip of Savona a deserter from the NWMP, who was discovered and arrested. Bowser to Hussey, 14 September 1910, BCA, GR-0063, box 7, file 1.

²⁷⁴ Supt John Cotton, Cdg C Division, to Commissioner, 20 November 1884, LAC, RG 18, vol. 1018, file 2274.

jury ever had the opportunity to decide. When the case was heard before former Mountie, and by then Justice, J.F. Macleod the Crown Prosecutor made application for *Nolle Prosequi*. Macleod granted the motion and released the prisoner.²⁷⁵

Commissioner Herchmer reported that another constable, Joseph Howe, “made an ass of himself” at a NWMP performance at the Winnipeg Opera House.²⁷⁶ Though Howe had been warned about his displays of public drunkenness Herchmer recounted that “he was an object of ridicule all night, going to sleep and tumbling against the Lady seated next to him.”²⁷⁷ Howe lost a promotion but claimed “I have made up my mind not to touch intoxicating liquor of any sort while I remain in the Force. My Winnipeg lesson has been a most severe one and one which I am not likely to forget for the remainder of my existence...”²⁷⁸

The following year, Howe disobeyed a direct order from the Commissioner.²⁷⁹ Yet, in 1893, Commissioner Herchmer recommended him for promotion claiming that he “has occasionally, through errors of judgment, made mistakes, but has always managed to rectify them without loss or injury to the Force.”²⁸⁰ It was not long before Sgt. A. Forester of Calgary made complaints that Howe had sexually assaulted a woman in detention but

²⁷⁵ Supt. R.R. Neale to Commissioner, 17 July 1888 and Neale to Commissioner, 7 August 1888, LAC, RG 18, vol. 24, file 667-1888. *Nolle Prosequi* is not the same as an acquittal, as the defendant could have been retried, but meant that the prosecutor would proceed no further with the action in this instance. Only Kill was the wife of Bears Back a Kainai who made the initial complaint.

²⁷⁶ Herchmer to White, extract from unofficial letter, 6 October 1890, LAC, RG 18, vol. 44, file 797-90.

²⁷⁷ Commissioner to White, 6 October 1890, LAC, RG 18, vol. 2178, file 20.

²⁷⁸ Howe to White, 9 November 1890, LAC, RG 18, vol. 44, file 797-90.

²⁷⁹ Commissioner to Comptroller, 28 October 1891, LAC, RG 18, vol. 2180, file 22.

²⁸⁰ Herchmer added that “Howe was severely wounded at Duck Lake in 1885, where, I have been informed by those present, that he displayed great bravery.” Commissioner to Comptroller, 30 January 1893, LAC, RG 18, vol. 81, file “Howe, J., Conf. Report on”. General Hutton remarked that Howe, when officer in charge of the Gun at Duck lake, “lost his head” and put the shell in the gun before the cartridge. Howe defended himself explaining that while he was in charge, the gun was constantly under fire and that he had to call up a replacement for a wounded crewman who made the error. Howe to Commissioner, 27 December 1899, LAC, RG 18, vol. 3438, file 0-48.

ultimately the force retained Howe while Forester ended up out of work. Frank Oliver thought it “peculiar” that Howe was retained “withou[t] even censure, while the Constable who makes the charge is punished for having made it... by being dismissed from the force. It strikes me that this is a case, supporting the idea...that justice has no necessary part in the decision rendered by the Officer commanding the Police Force”²⁸¹ Before Howe died suddenly in 1902 he served with the imperial forces in South Africa and then was again rehired by the NWMP. Indeed Howe led a charmed life in the Mounted Police despite his behavior and his apparent disrespect of women generally and First Nations women in particular.²⁸² Though early in his career he claimed in a letter to L.S. Tiley that “Father has no political influence” being the son of a former secretary of state in J.A. Macdonald’s cabinet could not have disposed the force against him.²⁸³

Certainly, the police officers in both regions under discussion here were caught up in the panoptic network, even if disciplinary surveillance operating to promote and maintain liberal capitalist formations naturally functioned less severely toward them than those further from the Anglo-Canadian ideal and so more subject to reform. Despite their personal and institutional detachment from this ideal, police forces remained significant nodes in the web of surveillance that enveloped Indigenous people. Western Canadian imperialism required the active participation of police officers who, not unlike soldiers in

²⁸¹ Frank Oliver to W. Laurier, 22 September 1896, LAC, RG 18, vol. 118, file 101-96.

²⁸² For other, more detailed, examples of the relations between NWM Policemen and Indigenous women see Sarah Carter, *Capturing Women: The Manipulation of Cultural Imagery in Canada's Prairie West* (Montreal and Kingston: McGill-Queen's University Press, 1997): 168-181.

²⁸³ Howe to Samuel Tiley, 2 July 1881, LAC, RG 18, vol. 3438, file 0-48 and *Regina Leader-Post*, 30 May 1946.

other colonial situations, were “simultaneously coerced and coercing, who enforced the will of the elite yet made demands themselves.”²⁸⁴

While neither police force was in any position to subdue a coordinated First Nations’ resistance to the extension of liberal Canada, both were part of a disciplinary surveillance complex conceived and operated for exactly that purpose. Each inter-related network of surveillance had its own institutional mandates and tactical considerations which sometimes led to troubled relations, but the intent of each was to reform peoples for whom liberalism and capitalism were not self-evident truths. The tactical responses employed by police officers, like those of missionaries, DIA employees and other newcomers to western Canada, were altered or renovated according to specific circumstances which underscores the fluidity, diversity, and mutability of the Canadian colonial project more generally.

In southern Alberta, where the Mounted Police were specifically charged with facilitating the peaceful settlement of Indigenous territories by non-Native settlers, the impact of the disciplinary surveillance network in aid of liberal expansion was felt in the day to day lives of Indigenous people much more quickly than in the British Columbia interior. The significance of an established settler government in British Columbia and the impact of its surveillance activities should not be underestimated, especially in relation to the alienation of land and resources as will be shown below. But between 1877 and 1927 at least, as the discussion on the restriction of movement illustrates, the will of liberal Canada to contain and regulate Indigenous people was more forcefully and overtly extended east of the Rockies than it was to the west, especially away from regions

²⁸⁴ Stoler and Cooper, “Between Metropole and Colony”: 24.

connected to the thickest settler populations of the lower mainland and southern Vancouver Island. In southern Alberta too the true face of liberalism and the extent of its exclusionary predisposition was more densely masked.

In both these regions of western Canada, racialized constructions of liberalism, which served to fundamentally exclude Native people from land ownership, were backed up by the force of direct military intervention when necessary. For, as Rev. George McDougall confirmed before the arrival of the NWMP in western Canada “experience has taught us that Proclamations without a civil force to enforce them are not worth the paper they are written on.”²⁸⁵ But such interventions were extremely rare in the history of Canada. The main disciplinary mechanism and the principal reformatory apparatus was unquestionably, in fact could only be, surveillance.²⁸⁶

While everyone in liberal Canada was under observation at some level, no single group experienced the intensity or continuity of surveillance that Indigenous people did. In addition to those groups and individuals mentioned above who clearly made the observation of First Nations people a priority, only those defined as “Indians” had an entire government department dedicated to observing their actions and behavior and relieving them of their land and resources while at the same time was charged with minimizing “the risk of a rebellion or of great dissatisfaction”.²⁸⁷

²⁸⁵ George McDougall to D.A. Smith, 8 January 1874, LAC, RG 10, vol. 3609, file 3278.

²⁸⁶ To reiterate, not only did Canada’s liberal framework mitigate against the kind of military action employed to subdue Native people in the U.S., but it did not have financial capacity to maintain such a strategy even if it wanted to.

²⁸⁷ Blake to Oliver, 6 February 6 1907, LAC, RG 10 vol. 4023, file 289,032-1, Blake to Oliver, February 6, 1907.

CHAPTER FOUR

“the more I see them the less I know them”¹:

Disciplinary Surveillance and the Department Of Indian Affairs

The variously named Department of Indian Affairs can claim a pedigree that links it directly to the 1755 formation of the British Imperial Indian Department as discussed in chapter two.² Commenting on the body of textual records that it had created and collected, the department’s archivist proudly proclaimed in the 1930s, “it is doubtful if there is another branch of the [Public] Service having an almost continuous record of correspondence since such a distant date”.³ While the circumstances described in the previous chapter illustrate that many others were involved, the Department of Indian Affairs was the primary instrument of surveillance in western Canada. While it never had funding sufficient to provide services equal to those available in neighbouring non-Native communities and while for the most part it was removed from parliamentary interest, by the time period under discussion here the DIA was developing into a large and diffuse bureaucracy with a multilevel hierarchical structure in which each level in the chain of authority examined the level below and was responsible to the level above.⁴ The smallest

¹ Quote attributed to J.H. Gooderham, 17 May 1911 in J-L Levern, “Legends and Traditions of the Blackfoot Indians”: 101, Glenbow, J-L. Levern Fonds, M8521, file 5.

² For a brief summary of the events leading to the formation of the Indian Department and the career of its first superintendent, William Johnson, see Robert S. Allen, *A History of The British Indian Department*: 6-22; Leslie and Maguire, *The Historical Development of the Indian Act*: 1- 3 and R.J. Surtees, “The Changing Image of the Canadian Indian: An Historical Approach” in *Approaches to Native History in Canada: Papers of a Conference held at the National Museum of Man, October, 1975*, ed. D.A. Muise (Ottawa: National Museums of Canada, 1977): 116.

³ A.E. St Louis cited in Bill Russell, “The White Man’s Paper Burden: Aspects of Record Keeping in the Department of Indian Affairs 1860-1914,” *Archivaria* 19 (1984-5): 53-54.

⁴ Writing in the 1950s, J.E. Hodgetts confirmed the inadequate funding and lack of parliamentary interest in providing services to Indigenous people, especially in the period leading to Confederation. In this context of isolation he refers to the department operating in a “quiet backwater...unable to stir up any interest in expanding the services to the Indians.” J.E. Hodgetts, *Pioneer Public Service: An Administrative History of*

details of its operation were recorded, observations of Native groups and individuals were registered and assessed, and the perceptions of others in, and about, the department were noted.⁵ By the late nineteenth century the volume of this record began to increase dramatically as departmental correspondence alone doubled in the 1870s and 1880s and then re-doubled in the 1890s.⁶

The record keepers of the DIA believed their work had a moral as well as a legal value uncommon in other departments. This sentiment persisted at least into the 1930s when the registrar of the department commented:

I wish to emphasize the fact that none of our papers can be classified as Indian legends or myths, but all of them bear the characteristics of historical monuments....They contain an almost continuous record of our Indian wards' progress...all this related chronologically by our Superintendents, Inspectors, Agents, Farmers and lastly by those worthy representatives of the Church.... I feel that it is incumbent on the Department to preserve from decay the remembrance of what these men have done for its wards and these records should be kept intact for historical purposes as an example to future generations.⁷

The functionaries of the DIA also had a romantic impetus for data collection. As D.C. Scott, Deputy Superintendent General of Indian Affairs 1913-1932, said of western Canada: "dealing with a free new country with a people as yet unaware of civilization lent attractiveness to even the driest details of administration."⁸ From its observations of First

the United Canadas, 1841-1867 (Toronto: University of Toronto, 1955): 225. Hodgetts seems to assume that there actually was departmental interest in providing increased services whereas throughout the period under discussion here senior DIA administrators were clearly more interested in economizing the process than they were in expanding the provision of services. It should also be noted that despite its hierarchical structure and the size of its bureaucracy, compared for example to any of the police forces in western Canada, there were both examples of employees failing to comply with, and of outright disregard for, the directions of senior administrators.

⁵ It should be reiterated here that not only the DIA kept records on Native people. In the National Archives 105 of 150 record groups contain information collected concerning First Nations people.

⁶ Russell, "Paper Burden": 59.

⁷ A.E. St. Louis cited in Russell, "Paper Burden": 52.

⁸ Duncan Campbell Scott, "Indian Affairs, 1867-1912": 605-6.

Nations People, the department constructed a body of knowledge that its functionaries believed was accurate and universal, but is in fact more clearly a record of the department's attempts to inculcate Anglo-Canadian liberal values into populations of people to whom these understandings were alien and often of dubious merit. It is also a record of Canada's efforts to gain control over Indigenous territories and resources. The records of the DIA are additionally, if read across the grain, valuable in any attempt to construct an account of Indigenous response to the department's project.⁹

As mentioned above the DIA annually published an enormous amount of detail regarding its administration and the "progress" of those it observed. But it was very selective about the "knowledge" that was collected and more discerning yet about the specific information it distributed. As Noel Dyck has observed in discussing the "arbitrary political system imposed upon Indians", the department's "power to manage outsiders' access to and understandings of this sphere of relations comprised another essential element of this destructive system of control".¹⁰

The department was particularly guarded about what information it released to those about whom the data were gathered. In 1925, for example, Mike Mountain Horse complained that the Kainai were "never given a statement of their earnings especially their wheat money and also a statement of their rations, that they are never told what price their wheat sold for and that the only time they know they have no more money is when

⁹ This "reading across the grain" approach to understanding colonial documents has become more widely practiced but owes much to the work of the Subaltern Studies group of scholars of India. See, for example, Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi: Oxford University Press, 1986): 14-16.

¹⁰ Noel Dyck, "An Opportunity Lost: The Initiative of the Reserve Agricultural Programme in the Prairie West" in F. Laurie Barron and James B. Waldram, eds., *1885 and After: Native Society in Transition* (Regina: University of Regina Press): 121-2.

the Agent tells them verbally.”¹¹ While at least in this case, the First Nations in southern Alberta were denied access to financial accounts, those in British Columbia were denied access to significant land records.

When a Special Joint Committee of the Senate and House of Commons conducted hearings into the claims of the Allied Tribes regarding land and resources, Native representatives were denied access to the collection of documents *Papers Connected with the Indian Land Question, 1850-1875*.¹² When advocate A.E. O’Meara attempted to provide evidence from the early instructions of James Douglas and the comments of colonial officials he was chastised by Committee member H.H. Stevens for not producing the original documents.¹³ Stevens complained “Oh, I have had twenty years of your nonsense, and I am tired of it.” Even though he had a copy of *Papers Connected* in front

¹¹ Mike Mountain Horse to Minister of the Interior, 24 January 1925, LAC, RG 10, vol. 4093, file 600,107. See also A.F. Grady, Macleod, to Stewart, 18 November 1924. Leases on both the Kainai and Piikani reserves had apparently gone ahead without consent and there were concerns as to the distribution of funds from the sale of equipment. Further, the accounts for individual reserve residents with farm and other income was not made available to them. RCMP Sgt. Webb, Lethbridge Subdistrict, i/c of Macleod Detachment to Officer Commanding RCMP Southern Alberta District, 14 November 1924. Sarah Carter makes a similar observation in regard to the First Nations of Treaty 4. While a delegation sent to Ottawa in 1911 was eventually given an accounting of the proceeds and disbursements of funds from sales of their land it differed from the calculations of their agent, M. Millar. Millar was critical of the department’s actions in providing the delegation with written documents and seems to have refused to provide further information to Indigenous representatives. Carter, *Lost Harvests*: 256-157. Carter also makes a related observation concerning the Dakota at Oak River Manitoba. In 1894 they too objected to the lack of information available to them concerning the products of their harvest. Sarah Carter, “Agriculture and Agitation on the Oak River Dakota Reserve, 1875-1895, *Manitoba History* 6 (Fall 1983): 7. This lack of accountability has a long history as L.F.S. Upton has identified. Between 1818 and 1838 nine groups in eastern Canada surrendered over eleven million acres of land, but there was no consultation with the First Nations involved nor any accountability even to the governor for how funds held in trust were spent. Not only was the revenue from the sale of lands of various groups undifferentiated in the Indian Department’s accounts, but often the income derived was less than the costs that that charged against the sale for administration. Upton, “The Origins of Canadian Indian Policy”: 56.

¹² British Columbia, *Papers Connected*. The Allied Indian Tribes of British Columbia was formed following a conference of sixteen nations from across the province in June 1916. The goal was the pursuance of rights, particularly regarding land and resources, in the wake of the report of the McKenna-McBride Commission. See Paul Tennant, *Aboriginal Peoples and Politics*: 94-5.

¹³ Canada, Special Joint Committee of the Senate and House of Commons Appointed to Inquire into the Claims of the Allied Indian Tribes of British Columbia, as Set Forth in Their Petition Submitted to Parliament in June 1926, “Report and Evidence”, Appendix to the *Journals of the Senate of Canada, 1926-27*: 223-6. Hereafter “Special Joint Committee”.

of him he complained that since O'Meara was not able to produce the documents it contained that he would "not allow that to go out without my protest."¹⁴ The Allied Tribes had attempted to secure a copy of the book, but were unsuccessful. As Squamish representative Andrew Paull stated:

There is a book that has been published many years ago, which contains all the dispatches in colonial days with the Imperial Government. All of those dispatches are contained in that book and we have been trying all the time since I have been associated with this matter to get a copy of it. I have been to the Department and Dr. Scott could not let me have it. I have been to the Library and they have not got it there. I know that Commissioner Ditchburn had that book; and I would ask to have access to it.¹⁵

DIA officials Scott and Ditchburn had copies with them but would not permit them to be "impounded" by the committee.¹⁶

These incidents were clearly significant to the material well-being of those whose interests the DIA was purportedly in existence to protect. But they were not isolated. As late as 1944 representatives of the department were instructed that "no copy of any official communication addressed to you from this Branch should be furnished to any person or Indian without permission."¹⁷ First Nations people may have had barely a passing interest in some of the data collected by the DIA, for example how many

¹⁴ He clearly had a copy with him since he challenged O'Meara's quotations and read his own passages from the book into the record. "Special Joint Committee": 223-4 and 227-8.

¹⁵ Special Joint Committee, "Report and Evidence": 225-6. For a detailed description of Paull's life and political activity see E. Palmer Patterson II, "Andrew Paull and Canadian Indian Resurgence", unpublished Ph.D. dissertation, University of Washington, 1962. See also Patterson's "Andrew Paull (1892-1959): Finding a Voice for the New Indian", *Western Canadian Journal of Anthropology* 2 (1976): 63-80.

¹⁶ Special Joint Committee, "Report and Evidence": 226. For a more detailed examination of the Allied Tribes and the Committee's dealings with them see Tennant, *Aboriginal Peoples and Politics*. As a result of these hearings, a new section of the Indian act was proposed and quickly inserted that criminalized fundraising from Native people to pursue land claims without the government's written approval. Section 141 was passed in 1927 and as Tennant points out the amendment elicited little discussion on this curtailment of rights "in ways that would not have been tolerated by Whites themselves." Tennant, *Aboriginal Peoples and Politics*: 112.

¹⁷ H. McGill, Circular letter to all agents, inspectors and the Indian Commissioner for British Columbia, 12 May 1944, LAC, RG 10, vol. 3245, file 600,381.

individuals within a particular Nation wore “civilized clothes”, but the type of information withheld from them affected their capacity to make decisions related to their ability to provide for themselves independent of Government “assistance”. Not only is it unlikely that information of these sorts could have been withheld from any other group in Canada in similar circumstances, its suppression is a clear contradiction of the department’s stated objectives of assimilation and self-sufficiency. Even though First Nations people had been under DIA supervision for half a century by the time of the incidents above, had seen service in World War One, had “accumulated property to which they are justly proud”,¹⁸ were clearly capable of understanding the Canadian legal system and demonstrated that were willing to work within it, they were still excluded from the rights guaranteed to others in liberal Canada.

Nevertheless, the department believed it was creating a permanent record of what it had “done for its wards” and so its records should be “kept intact for historical purposes as an example to future generations.”¹⁹ With this in mind, the DIA was quite guarded about what got into this official record in the first place. In the compilation of their annual reports agents were told to “refrain from suggesting therein any policy which, in your opinion, the Department should adopt in the management of Indian affairs.”²⁰ Hayter Reed was more to the point a few years later in 1894 when he wrote that reports meant for publication should include only that “which it was desired the public should believe.”²¹ When W.M. Graham, who had served with the department for almost forty years,

¹⁸ Mike Mountain Horse, to Minister of the Interior, Jan 24, 1925 and Joe Mountain Horse to W.L.M. King, 7 February 1925, LAC, RG 10, vol. 4093, file 600,107.

¹⁹ A.E. St. Louis cited in Russell, “Paper Burden”: 52.

²⁰ Vankoughnet, Circular, 11 April, 1890, LAC, RG 10, vol. 1137

²¹ Reed to J. Wilson, 3 August 1894, LAC, RG 10, vol. 1115. Cited in Carter, *Lost Harvests*: 224.

commented on what he saw as the extravagant spending on the Siksika reserve that “we could have saved \$25,000.00” he was chastised by DSGIA Scott: “vague generalities on such a subject are most undesirable in official correspondence which forms a part of our records which are open to scrutiny and investigation.”²²

Agents were told in 1890 that “complaints from Indians” should be “omitted altogether from their Annual Report,” which would be published and circulated well beyond the DIA, but that these could be submitted in official letters.²³ Later, since it was determined that “no profitable result has been attained” from the investigation of these complaints, it was “determined to pay no attention to any demands made by individual Indians into the conduct of an officer of the Department”.²⁴ The hierarchy was for the most part inviolable throughout the period under discussion here and beyond. As Deputy Superintendent General Harold McGill stated in 1933 “[o]ur Indian Agency organization is the basis of our administrative system. The Indians should be instructed to bring matters that concern them to the attention of the Agents” and not to the department directly.²⁵ Under these conditions it was it was very difficult to pursue local grievances, especially since the agent was often involved in some way.

The Department of Indian Affairs’ Hierarchy

The formidable DIA hierarchy was established in both the interior of British Columbia and the Treaty 7 region in the 1870s. In the latter, the number of DIA

²² Scott to Graham, 13 June 1924, LAC, RG 10, vol. 4070, file 427063-A. On the long standing animosity between Scott and Graham see Titley, *A Narrow Vision*: 186-190 and 197-99.

²³ Vankoughnet, circular letter, 10 April 1890, LAC, RG 10, vol. 1134.

²⁴ L. Vankoughnet, circular, 28 December 1892, LAC, RG 10, vol. 1134. Only band council resolutions accompanied by lists of witnesses would be investigated. As will be discussed below, Band councils were themselves constructions of the Indian Act. For examples of the department’s efforts in restricting possible avenues of protest see Carter, *Lost Harvests*: 224-229.

²⁵ McGill to all Agents and Inspectors, also Asst. Commissioner Berry, 15 March 1933, LAC, RG 10, vol. 3245, file 600,381.

personnel, and the surveillance of Indigenous residents, increased steadily through to the mid 1890s. In 1879, Edgar Dewdney, the Conservative M.P. for Yale British Columbia became Indian Commissioner for the Northwest Territories at an annual salary of \$3,200 replacing both J.A.N. Provencher at that position and David Laird as Indian superintendent.²⁶ The same year, 1879, T.P. Wadsworth was hired as inspector of Indian agencies and farms in the North West Territories and in 1880, Norman Macleod was appointed as the first Indian agent for the Treaty 7 area who unlike agents in British Columbia was responsible for supervising the six farming instructors also placed in Treaty 7.²⁷ Two years later, in 1882, an assistant superintendent of farms and reserves and a sub-agent were appointed for Treaty 7 and with the appointment of Agent Cecil Denny, agents' wages were raised to \$1200.²⁸ In 1883, Hayter Reed was appointed as acting assistant commissioner at \$1,600 a year, \$200 less than Inspector Wadsworth and only \$100 more than the superintendent's assistant in British Columbia.²⁹

By 1885 there were two agents operating in Treaty 7 and in 1886 the region was divided into three, with one agent responsible for the Siksika, one for the Tsuu T'ina and Nakoda, and one for the Piikani and Kainai.³⁰ In 1888 the Kainai and Piikani were placed under separate supervision bringing the total number of agents to four. In 1898 a separate

²⁶ Canada, Department of Indian Affairs, *Annual Report*, 1879: 76. See also Brian Titley, *The Frontier World of Edgar Dewdney* (Vancouver: UBC Press, 1999): 39-40. The conclusion regarding the steady increase in workforce is derived from an examination of the "Outside Service" component of the "Return of Officers and Employees" in the DIA's *Annual Reports* for the years 1879 to 1896.

²⁷ Inspector Wadsworth was hired at \$1,200 per year, Agent Macleod at \$1,000, and the farming instructors at \$730. A Year later a seventh farming instructor was added for the Sarcee Agency at \$530. DIA, *Annual Report*, 1879: 152; *Annual Report*, 1880: 97-100 and 125 and *Annual Report*, 1881: 10 and 122.

²⁸ Assistant Superintendent of Farms and Agencies J.J. McHugh was hired at \$1,600 annually and Sub-Agent W. Pocklington \$900. DIA, *Annual Report*, 1882: 9.

²⁹ DIA, *Annual Report*, 1883: 8-9. Reed held this position until he was promoted to commissioner in 1888 at an annual salary of \$3,200. LAC, RG 10, vol. 3802, file 50319.

³⁰ DIA, *Annual Report*, 1886, pt. I: 134-139, 143-155, 167-185 and pt. II, 9. From this point on there were more agents in Treaty 7 than in the Kamloops and Okanagan region. In 1886 as well, a second inspector was appointed for the North West Territories responsible for Treaty's 4, 6 and 7.

agency for the Nakoda was created but there was no resident agent there until the farmer in charge was promoted in 1901.³¹ After this, there were no more increase in agencies or agents during the period under discussion here.

In the Treaty 7 area there were some salary reductions and the total number of department employees fell from 33 in 1896 to 28 in 1897,³² but for this region at least, this reduction of employees was not a permanent state of affairs. While the number of employees reached a low of 25 in 1905 the following year it had climbed again to over 30. By 1916 there were 42. At the same time, during this period, the total population of Siksika, Kainai, Piikani, Tsuu T'ina, and Nakoda being supervised in Treaty 7 declined from 4,183 in 1896 to 3,164 in 1916.³³ In addition to the overall increase in employees during this period, therefore, the ratio of observer to observed initially grew from 126.8 per employee in 1896 to 147.3 per employee in 1897 but then fell almost by half to 77.2:1 by 1916.³⁴ Annual raw wages increased as well from \$15,460 to \$ 29,640.00. However when inflation is taken into account the actual wage expense was virtually identical to

³¹ DIA, *Annual Report*, 1888: 90-96; *Annual Report*, 1899: 607 and *Annual Report*, 1901: 174-175 and 183.

³² Figures are derived from the "Outside Service" component of the "Return of Officers and Employees of the Department of Indian Affairs" in DIA, *Annual Report* for the years discussed. These totals include all reserve employees listed for the five component First Nations and agencies of Treaty 7 but do not include school employees or medical officers or others that might be employed on a part time or temporary basis as farmers, interpreters or in some other capacity. As part of the reorganization the number of agents in Manitoba was reduced by 50% from eight to four but the number of inspectors in Manitoba and the Northwest Territories was tripled from two to six. Where the inspectors were formerly based in Regina they were, after 1896, stationed within their respective regions of responsibility. Among the new inspectorates was a "Calgary inspectorate" which included the Treaty 7 region and the Edmonton and Hobbema agencies of Treaty 6. The inspector is included in employee totals for Treaty 7 after 1896. Even when this, the highest paid employee in the region at \$2200 per annum, is added to its aggregate payroll, however, the total for wages still declined from \$15,460.00 to \$13,460.00.

³³ It should be noted that the population in the Treaty 7 area had already suffered a precipitous decline since the figures for the "number of Indians in the North West Territories and their whereabouts" was first published in 1883. That year the combined population for treaty 7 is given as 6,673. DIA, *Annual Report*, 1883: 206.

³⁴ As with those above, all figures reported here were compiled from the "Return of Officers and Employees of the Department" in the department's *Annual Reports*. The populations are from the "Census Return of Resident and Nomadic Indians" also from the *Annual Reports*.

1896.³⁵ In other words, when total employees is the indicator, the department was getting rather more for its surveillance and reformatory dollar in 1916 than it was in 1896.³⁶

Unlike in British Columbia, DIA employees in the Treaty 7 area and throughout the prairie west tended to live on reserves. These employees included Indian agents and a mix of others who, depending on the year and agency, might include farmers, farming instructors, farmers in charge, clerks, stockmen, scouts, interpreters, issuers, assistant issuers, labourers, mail carriers, instructresses, foremen, cooks, and medical officers.

The situation in British Columbia is an interesting counterpoint to that in the Northwest Territories. The DIA officially entered B.C. with the appointment of Victoria physician Israel Wood Powell as superintendent in 1872.³⁷ Two years later the department appointed a second superintendent, James Lenihan, who would be based in New Westminster and responsible for the interior. Powell and Lenihan remained the only DIA employees in British Columbia for the next seven years.³⁸ With annual salaries of \$3000 and \$2400 respectively in 1879, both these men made somewhat less than the new Indian Commissioner for the Northwest Territories, Edgar Dewdney at \$3200 but in

³⁵ Calculated from "General Wholesale Price Index", Series K33, in F.H. Leacy, *Historical Statistics of Canada*, 2nd ed., (Ottawa: Statistics Canada, 1983).

³⁶ There were more Indigenous employees by 1916, but this does not take away from the central point. Rather this increase shows that disciplinary surveillance was at least in part successful.

³⁷ As Lieutenant Governor, Trutch believed that all of "Indian affairs" should be the responsibility of his office and, partly for this reason, had opposed to Powell's appointment as Superintendent. Lt. Gov. Trutch to John A. Macdonald, 14 Oct 1872, LAC, RG 10, vol. 3821, file 59335 Pt1.

³⁸ Fisher, *Contact and Conflict*: 180-181; Harris, *Making Native Space*: 73-74; Titley, *Narrow Vision*: 9.

Powell's case especially, if wages are an indication, the positions seem to be comparable in stature.³⁹

In 1881 Lenihan's position was cut and a new one, superintendent's assistant, was created. At the same time the province was divided into six agencies including one each at Kamloops and the Okanagan.⁴⁰ Three years later in 1884 the number of agencies in B.C. was increased to eight, but Kamloops and Okanagan were combined due to what Macdonald referred to as "the advanced state of the Indians in these districts" and as "a matter of economy".⁴¹ This massive area, which included approximately 24,000 square miles and about 334,000 acres of reserved lands was supervised by a single employee of the department.⁴² One agent was alone responsible for all territory lying between 49 degrees and 51 degrees, 30 minutes latitude and 118 degrees, 30 minutes to 122 degrees longitude.⁴³ When, in 1910 it was finally recognized that the surveillance of this enormous area was a practical impossibility for even a dedicated and energetic agent, which by all accounts then agent Archibald Irwin was not, the region was restructured to "make three agents covering practically the same ground as was formerly supposed to be covered by Mr. Irwin."⁴⁴ The new Kamloops Agency was restricted to "the watersheds of the Thompson River, Shuswap Lake and their immediate tributaries".⁴⁵ The Okanagan

³⁹ According to the DIA's *Annual Report*, Powell's salary in 1879 included \$400 for his work as medical officer but by 1880 that amount is rolled into his salary as Indian Superintendent. DIA *Annual Report*, 1879: 151 and *Annual Report*, 1880: 124.

⁴⁰ DIA *Annual Report*, 1881: 7. H. Cornwall at the Kamloops Agency and A.E. Howse at the Okanagan each earned \$1,200 per year, the same as agents in Treaty 7.

⁴¹ DIA, *Annual Report*, 1884: lxxv. The agent appointed in 1884, Joseph W. McKay, was paid an annual salary of \$1800, which was half again as much as the next highest paid agents in either British Columbia or the North-West Territories. It was more even than the \$1600 paid to Assistant Commissioner Hayter Reed. *Annual Report*, 1884: 4-7.

⁴² Canada, Department of Indian Affairs, *Annual Report*, 1899: 236-237 and *Annual Report*, 1909: 229.

⁴³ PC 1998, 11 October 1887, LAC, RG 10 vol. 3246, file 600, 403.

⁴⁴ Inspector W.E. Ditchburn to James A. Teit, 6 August 1910, LAC, RG 10, vol. 1312.

⁴⁵ Canada, Department of Indian Affairs, *Annual Report*, 1912: 214.

Agency was limited to “the valleys of the Spallumcheen, Okanagan and Similkameen rivers and along the shores of Okanagan, Dog, Duck and Osoyoos lakes.”⁴⁶ A large portion of the former Kamloops - Okanagan territory was also transferred to the new Lytton Agency although six First Nation groups were shifted back to the Kamloops Agency by 1914.⁴⁷

British Columbia was not affected by the reorganization of 1896-97, perhaps because there simply were no employees that could be let go without reducing the number of agencies. B.C. did, however, go through a major readjustment as Laurier left office in 1911. The province was then divided into three inspectorates, each with a resident inspector. At the same time the number of Indian agents was increased from 11 to 15 including one each for the Kamloops and Okanagan agencies.⁴⁸ Even with these increases, however, and even if one includes the inspector for the South Eastern Inspectorate, the dominion constables appointed for Okanagan in 1912 and Kamloops in 1916, and the agent for the neighbouring Lytton Agency there were never more than six employees in the region occupied by the Kamloops and Okanagan agencies. During the period under discussion here in British Columbia, agents did not live on reserves and, during this period at least, there were no farming instructors. With the occasional

⁴⁶ Canada, Department of Indian Affairs, *Annual Report*, 1912: 242.

⁴⁷ *The Kamloops Standard*, 20 February 1914; Canada, Department of Indian Affairs, *Annual Report*, 1914, pt ii: 88. The Lytton agency was formed also with a portion of the former Fraser agency. The six groups transferred back to Kamloops were designated as the Ashcroft, Bonaparte, Lower Nicola, Upper Nicola, Coldwater, and Nicomen bands.

⁴⁸ DIA, *Annual Report*, 1911: 138-9. The new agent for Kamloops, John Freemont Smith was not appointed until 1912. At the outbreak of WWI there were still only fifteen agents, the only DIA personnel, in all of British Columbia.

exception of a dominion constable or other temporary employee, agents in B.C.

always worked alone.⁴⁹

At its largest, the Kamloops-Okanagan agency was roughly the same geographic size as the Treaty 7 area. After 1898 the First Nation population of the combined Kamloops and Okanagan agencies was consistently larger than that of the Treaty 7 region until the 1911 restructuring and the shift of some groups to neighbouring agencies.⁵⁰ Between 1914 and 1917 the populations of the two regions were roughly equivalent.⁵¹ Yet, by even the most conservative of accountings, there were consistently ten times or more DIA employees in the Treaty 7 region than in the combined Kamloops and Okanagan agencies. Indeed there were consistently more DIA employees in Treaty 7 than in all of British Columbia.

The obvious explanation for this disparity is economic. To the extent that the federal government chose to live up to the obligations it undertook when it entered into Treaty 7, it had to provide land, an annuity, livestock, agricultural implements (though interestingly there is no explicit provision for instruction on their use), salaries for school teachers, and a variety of other goods and services.⁵² The resulting expenditures incurred had to be justified at each level in the hierarchy and to opposition politicians. It was more economically and politically prudent, then, that the disciplinary surveillance network at

⁴⁹ This conclusion was reached by examining the "Outside Service" component of the "Return of Officers and Employees" in the DIA's *Annual Reports*.

⁵⁰ In 1913 some groups were shifted back from the Lytton Agency.

⁵¹ The declining population in the Treaty 7 region pushed it below Kamloops-Okanagan's population of 3,760 to 3,717 for the first time in 1899. By 1910 the disparity had grown to 3,862 for Kamloops-Okanagan to 3,205 for Treaty 7. In 1917 the populations were virtually identical at 3,168 for Kamloops and Okanagan and 3,165 for Treaty 7, the first year that the combined population for the latter was higher than the year before since the figures were first published in 1883.

⁵² Maureen Lux points out that the expense incurred for rations and supplies to the destitute in Treaty 7 was between four seven times those in Treaties 4 and 6 in the mid 1880s. Lux, *Medicine that Walks*: 65-67.

the disposal of the DIA be more sharply focused on southern Alberta than on the interior of British Columbia.

At the same time, as will be discussed in chapter five, while the population growth across western Canada was remarkable the pace of non-Native settlement in the North West Territories far exceeded that of British Columbia. Further, the attention of the department was concentrated more directly on the prairie west after 1870 as a result of, as Scott admitted, the threat caused by “the half-breed disturbance of 1870 and afterwards.” Always the righteous booster of DIA policy though, Scott claimed that there was “small cause for rebellion,” since the department operated with a “spirit of generosity” rather than “in a niggardly spirit as if the treaty stipulations were to be weighed with exactitude.”⁵³ There may have been no intention of weighing treaty provisions with exactitude, and no intention of honouring the spirit of the agreement entered into in 1877, but Native peoples were to be judged with precision and any perceived defect or lingering “Indianness” was to be reformed.

In British Columbia there were no such contractual obligations to admit or ignore. The Okanagan and Secwepemc were denied the annuity and food stuffs provided to the Siksika and Tsuu T’ina and other Treaty 7 nations but were also spared, to some degree and for a time, the intense supervision that was attached to such benefits.⁵⁴ Not only was it more difficult to restrict movement in British Columbia as already discussed, but everything from domestic arrangements to use of land and economic activity while still

⁵³ Scott, “Indian Affairs”: 599-600. Scott claimed that the only breach of a treaty in Canada, by either signatory, was the resistance of 1885. Similarly Edgar Dewdney argued in 1885 that “whatever happened to precipitate the late rebellion nothing was done to justify a resort to arms”. Undated and unaddressed letter that appears to be a response to the North West Council in 1885, Glenbow, Edgar Dewdney Fonds, M 320, Series 7, p.280-283.

⁵⁴ See chapter 3 on this point regarding the interior of British Columbia.

profound was subject to less scrutiny than in the prairie west as will be discussed in more detail below. The web of incessant disciplinary surveillance had larger gaps west of the Rockies. Further, Federal authorities had to deal with an intransigent provincial government in British Columbia that had little interest in resident Indigenous people beyond removing them from their lands and restricting them from their resources.⁵⁵

The Permit System

A further example of the profound but still less intense operation of disciplinary surveillance in British Columbia compared to the prairie west is evident in the application of the so-called “permit system”. This piece of the colonial edifice and further illustration of exclusionary liberalism in practice involved governmental control and restriction of the independent survival strategies and entrepreneurial efforts of Indigenous people.

Beginning in the 1870s, debates in the House of Commons led to a succession of amendments to the Indian Act that restricted the right of reserve residents to exchange, barter, or sell their possessions or the goods that they produced without first obtaining permission from the DIA.⁵⁶ Since this permission was only granted to individuals, the permit system served liberal purposes well in helping to destroy collective production.⁵⁷

Unlike the pass system the requirement that Indigenous people obtain a permit from their

⁵⁵ Even before the time frame of this study, and the influx of large numbers of settlers and the resultant demands on land and resources, Visiting Superintendent I.W. Powell commented that no treaties had been signed “nor am I aware of any assistance or encouragement that has ever been extended them. On the contrary their prior rights to land have always (except by the Hudson’s Bay Company) been ignored and they were told instead, that they were British subjects, though the full rights of such have never been granted them.” Powell to Minister of Interior, 4 February 1874, LAC, RG 10, vol. 3605, file 2813.

⁵⁶ Leslie and Maguire, *The Historical Development of the Indian Act*: 73, 77 and 80; Tobias, “Protection, Civilization, Assimilation: 21 and Carter, *Lost Harvests*: 156-157. As Sarah Carter points out it was not until after the mid-1880s, and the increase in reserve agricultural production in the prairie west, that the permit system was more strictly applied.

⁵⁷ For an example of directions from Ottawa to an agent in the Treaty 7 region that he issue permits only to individuals see DIA Secretary J.D. McLean to Sarcee Agent A.J. McNeill, 15 June 1897, Glenbow, Sarcee Indian Agency Fonds, M1837, box 1, file 6.

agent or farm instructor before selling anything they owned, grew, raised, cut, dug, caught, were given, found, or otherwise acquired, and the parallel restrictions imposed on their settler neighbours from receiving any of this contraband, was openly supported by legislation approved by the Canadian state. Further legislation required non-Native merchants to obtain a special license to sell goods on a reserve in Manitoba or the North-West Territories by 1891.⁵⁸

Like most of its efforts involving Indigenous people Canadian officials justified this imposition by claiming it to be in the best interests of people who they decided lacked both business acumen and ability to discriminate between useful goods and money wasting trinkets. As SGIA Edgar Dewdney explained in 1891, there were always unscrupulous merchants waiting to take advantage of apparently witless Indians by selling them “useless articles at excessive prices”. To make matters worse, Dewdney went on, “the proneness of the Indian to run into debt” and his “disinclination to discharge his liabilities, has a very demoralizing effect upon him”. For the same reasons the department feared that Indigenous people were incapable of securing a fair price for reserve production.⁵⁹

Cree elder John Tootoosis was apparently willing to concede the positive impetus of the system, to protect First Nations vendors and consumers, and accepted as well that DIA recognized the collective ownership of reserve resources and took steps to ensure that no one individual would benefit to the detriment of others. He refers, though, to the permit system as a “loaded gun” that was, in the end, turned against those it was

⁵⁸ Dewdney in DIA, *Annual Reports*, 1891: xvii.

⁵⁹ Dewdney in DIA, *Annual Reports*, 1891: xvii; Carter, *Lost Harvests*, 157.

ostensibly designed to protect.⁶⁰ It was when production on reserves began to offer competition to neighbouring non-Native farmers, ranchers, and business owners that Canadian officials began to take more serious notice. Settlers argued that by receiving agricultural supplies and rations reserve farmers were subsidized by the government and that this amounted to unfair competition. In their attempts to secure some remedial action, they were not shy about presenting their complaints to their political leaders and to local media.⁶¹

When the Piikani began operating a sawmill on their reserve in 1899 for example, a local lumber dealer complained to *Edmonton Bulletin* founder and M.P. Frank Oliver that the selling of lumber in Macleod amounted to unfair competition for citizen taxpayers. DSGIA James Smart agreed that this amounted to “a very great injury to the merchants who are engaged in the lumber business”, but department secretary J.D. McLean stated that since the mill was not paid for out of public funds he did not think that the DIA would be justified in restricting the Piikani from earning what they could on the timber they cut.⁶²

⁶⁰ Jean Goodwill and Norma Sluman, *John Tootoosis* (Winnipeg: Pemmican Publications, 1984): 123-125. It is nevertheless ironic that the department recognized collective ownership of resources yet only issued permits to individuals.

⁶¹ Miller, *Skyscrapers*: 200-1; Carter, *Lost Harvests*: 157 and Lux, *Medicine that Walks*: 149. Peter Elias argues that settlers in Manitoba on the contrary, sympathized with the Dakota on the Oak River reserve in their efforts to be excluded from the permit provisions of the Indian Act. Peter Elias, *The Dakota of the Canadian Northwest: Lessons for Survival* (Winnipeg: University of Manitoba Press, 1988): 88-89. This is identified as well by Sarah Carter in more detail. Carter, *Lost Harvests*: 226-228. Others too advocated on behalf of Indigenous groups in opposition to the permit system. Somewhat ironically, John McDougall who was employed by the DIA to assist them in reducing reserve lands in British Columbia, advocated on behalf of Alberta First Nations in their attempt to attain independent control of the marketing of their agricultural produce. Rev. C.E. Somerset to Superintendent General of Indian Affairs, 10 July 1894, LAC, RG 10, vol. 3917, file 116,493.

⁶² Oliver to Smart, 12 December 1900; Smart to McLean, 19 December 1900; McLean to Smart 21 December 1900 and R.N. Wilson to McLean 8 January 1901. LAC, RG 10, vol. 3990, file 181,425. In response to the complaint forwarded by Oliver, Agent Wilson reported that there was no Piikani owned timber held at Macleod and the complaint was dismissed as groundless. In proposing the mill, Wilson felt

With the permit system in full operation after 1885, DIA employees controlled the funds earned by selling reserve production as well as deciding who that production could be sold to and at what price. For providing this service, the department withheld a portion of the proceeds, sometimes as a set “tax” on each beef or ton of wheat sold.⁶³ Indian agents were also responsible for overseeing the accounting systems that this entailed and in prosecuting those who sold goods without permission.⁶⁴ Operating the permit system until the late 1940s at least, well past the end date of this study, required innumerable hours of surveillance, record keeping and other permit related duties on the part of department employees in the Treaty 7 region and elsewhere.⁶⁵

In 1897 Sarcee agent A.J. McNeill, for example, was instructed to issue permits, for the present season and to individuals only. “It will be your duty, of course, to see that no more is cut than authorized and that the best possible disposition there of is made by the Indians.”⁶⁶ Before he was allowed to cut pickets and posts for fencing on the reserve Agent McNeill was instructed to report to the department the specific quantity and type of timber that would be cut, whether there was enough “for all future requirements and what

compelled to state that “It is not proposed to permit Indians to sell lumber, as that course would soon demoralize the business and defeat our own ends with regard to themselves.” Wilson to Secretary, DIA, 28 February 1899.

⁶³ Joseph F. Dion, *My Tribe the Crees* (Calgary: Glenbow, 1993): 132 and Lux, *Medicine that Walks*: 164.

⁶⁴ Maureen Lux gives the example of individuals who, in attempting to earn some money to buy food for their families during the depression of the 1930s, were imprisoned for thirty days for selling a load of hay without permission. Lux, *Medicine that Walks*: 164.

⁶⁵ For evidence regarding the permit system in operation in the post World War Two period see for example Harold LeRat with Linda Ungar, *Treaty Promises: Indian Reality* (Saskatoon: Purich Publishing, 2005): 138-139.

⁶⁶ J.D. McLean to Sarcee Agent A.J. McNeill, 15 June 1897, Glenbow, Sarcee Indian Agency Fonds, M1837, box 1, file 6. Neighbouring settlers wanted the hay on the reserve and forwarded a petition to Ottawa to request that they be allowed to cut it, but in the meantime some simply trespassed and took the hay without waiting for a decision. J.K. Fullerton to A.J. McNeil, 20 July 1897? (there is no year in the date on this letter). They did not have to wait too long because the following year an amendment to the Indian Act was passed that allowed the DIA to authorize the sale of “wild grass and dead and fallen timber” without the necessity of first obtaining a surrender. McLean to McNeill, 15 Aug 1898. Thereafter the agent also had to determine the requirements of reserve residents and deal with competing requests from neighbouring settlers and ranchers that they be allowed to remove the remainder

dues, if any you would recommend be charged thereon." McNeill was further instructed that he could issue permits to cut dry wood for sale but that no green timber was to be cut: "you will be careful to see that this requirement is met" McNeill was to obtain "sworn statements" of the quantities cut under each permit and to forward these to Ottawa.⁶⁷

Agents also had to deal with various settler requests in relation to permits. Settlers sometimes asked that specific reserve residents be given permits to put up hay for them,⁶⁸ while sometimes the request was a more general one for some product.⁶⁹ At other times they simply notified an Indian agent when someone they had hired did not have a permit,⁷⁰ or asked him what to do after they had purchased something from a person who did not have a permit to sell it.⁷¹ After they agreed to issue a permit agents were also required to manage accounts receivable and act like collection agents.⁷²

⁶⁷ McLean to McNeill, 16 June 1897 and McLean to McNeill, 4 November 1897. Glenbow, Sarcee Indian Agency Fonds, M1837, box 1, file 7. For a settler request for rails see R.J. Brown to R.N. Wilson, 31 October 1905 and Wilson to Brown, 1 November 1905, Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 16. In their surveillance efforts, if not in the mechanics of applying the permit system, agents in the Treaty 7 region and throughout the prairie west were assisted at times by the Mounted Police. When requested by Agent Lucas in 1897 that he monitor the actions of the Tsuu T'ina, for example, NWMP Inspector Good reported that he was "keeping a look-out for them, and have also instructed the Town Police to do the same." A little over a week later Good reported that a few had been in town to sell wood and hay but that all had permits. Inspector Good, Commanding E Div, NWMP, to Lucas, 8 January 1897, Glenbow, Blood Indian Agency Fonds, M1837, box 1, file 5. The NWMP also reported when coal and other commodities were sold without permits and even after World War I requests were made to the Mounted Police that they help stop sales of hay, wood, and other goods. PC Primrose to James Wilson, 12 August 1903, Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 18 and Commissioner Wm. Graham to RNWMP Commissioner A. Bowen Perry, 22 August 1919, RG 18, vol.2172, file 24.

⁶⁸ E. McNeil to RN Wilson 22 Aug 1904 Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 17; John R. Hallam to R.N. Wilson 31 Mar 1906 and J.A. Hewson to Wilson, n.d. Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 16.

⁶⁹ Bonwell Wood to R.N. Wilson, 1 Jan 1906 and J.C. Graves to R.N. Wilson, 11 July 1906 Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 16.

⁷⁰ C. Hilliard to R.N. Wilson, 31 August 1905, Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 16.

⁷¹ N.H. Mirin to Jas Wilson 6 August 1903, Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 18.

⁷² Sarcee Agent McNeill had to try to collect a months old debt incurred by the NWMP, while Blood Agent Wilson was responsible for requesting overdue payment from St. Paul's Mission. A McNeill to Supt. Sanders NWMP Calgary, 16 January 1902, Glenbow, Sarcee Indian Agency Fonds, M1837, box 1, file 6

There was control and restriction of economic activity in British Columbia as well, and while permission was required in most situations, the permit system did not and could not, operate in the same way as it did east of the Rockies. On the coast, federal fisheries officers tended to ignore licensing requirements for salmon in the early years of the period under discussion here as long as there were no sales to canneries. Douglas Harris argues that even though “Fisheries was increasingly vigilant, its lack of personnel and equipment and the size of the territory it had to patrol meant that its surveillance was sporadic” in the nineteenth century. The Fraser River, for example was patrolled by two officers in row boats in the late 1880s. However, similarly to farming in the prairies, as the canning industry grew in British Columbia, so too did government regulation of the fishery and restriction of Native control.⁷³ Restrictions on Indigenous fishing became increasingly strict especially as they began to offer growing competition to White fishers by the beginning of the twentieth century.

In Secwepemc territory the removal and sale of wood came under particular scrutiny. Indigenous people in this area had engaged in logging activities at least since the 1880s when they rafted logs from the Shuswap Lakes to sell at Kamloops. They cut this and other wood under permit, and paid “dues” for the privilege. In addition to surveillance by the local Indian agent this activity was also observed by a Crown Timber Inspector, T.S. Higginson. Higginson collected the dues and at times at least set the prices paid to the individual wood cutter.⁷⁴ Higginson seemed particularly convinced of his own

and Wilson to Rev Gale, St Paul’s Mission, 12 December 1905, Blood Indian Agency Fonds, M1788, box 3, file 16.

⁷³ Douglas C. Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia* (Toronto: University of Toronto Press, 2001): 68-69 and 76.

⁷⁴ T.S. Higginson to Agent J.W. McKay, 11 November 1888, LAC, RG 10, vol. 1328.

racial superiority and was especially concerned with Indigenous people who cut and sold without permission. When Agent McKay asked for his assistance, Higginson wrote back "I now enclose a bloody document, which I think will meet your views and send terror into the heart of the brave Red man. I feel grateful to you for being the means of impressing upon them my authority. I want to help the poor fellows all I can but they must as you say, be made to respect authority."⁷⁵ In 1894 Higginson went with Kamloops-Okanagan Indian Agent Wentworth Wood "to Shuswap Lake [to] lay off some timber land for your lambs." But when he suspected that these "lambs" were also cutting wood on crown land outside of the temporary timber lands assigned to them without permission Higginson was less patronizing: "we will have to put an end to their trickery. I am determined, if I have to make a trip every two weeks along Shuswap Lake, that I will prevent them from cutting a stick."⁷⁶

Almost a decade later, in April 1903, Agent Irwin wrote to Superintendent Vowell and recommended that Chief Francois Silpahan of the Qw7ewt (Little Shuswap) Secwepemc community be deposed. Irwin included a petition, apparently signed by a majority of the voting members of the community supporting his request, and stated "Any usefulness he may have possessed is evidently at an end."⁷⁷ In July the department approved Silpahan's removal as chief and settled on "incompetence" as the reason.⁷⁸

Within a few months, though, the department received a second petition, this time signed by members of Silpahan's community, other Secwepemc and Okanagan and one hundred

⁷⁵ Higginson to McKay, 5 December 1888, LAC, RG 10, vol. 1328. Those First Nations people who defied his authority Higginson referred to for example as "enfants", "saucy pups", or "impudent roosters". Higginson to McKay, 12 June 1888 11 November 1888 and 15 March 1892.

⁷⁶ Higginson to W.F. Wood, 29 August 1894 and 2 December 1894, LAC, RG 10, vol. 1328.

⁷⁷ Irwin to Vowell, 2 April 1903, LAC, RG 10, vol. 3944, file 121,698-54. Silpahan's name also appears as Silphan, and Selpaghen in the documents.

⁷⁸ Clifford Sifton to Governor General in Council, 13 July 1903, LAC, RG 10, vol. 3944, file 121,698-54.

and nine White settlers. The petitioners claimed that “a serious injustice” was done to Silpahan and that he was deposed “for insufficient cause”. The underlying reason for the Chief’s removal was that he cut logs on the reserve and sold them without Irwin’s permission even though he apparently thought he had secured his agent’s authorization.⁷⁹ Irwin argued that the signatories to the second petition were incorrect, that the community was satisfied with their new chief, and that he had warned Silpahan a number of times that he needed the his permission to sell logs. This seems to have satisfied the department at Ottawa and the matter was dropped.⁸⁰ “Incompetency” it seemed could be interpreted quite broadly to include anything that displeased an agent. It would be a few years before Irwin would be dismissed for being incompetent.

It is difficult to imagine how the permit system could have been anything but demoralizing to reserve residents. Indigenous people were treated like children, subjected to the whims, pleasure, and business acumen of individual agents and ruled over by policy and legislation that restricted their ability to compete with their non-Native neighbours. None had much of a chance of pursuing their own economic future but ironically it was probably those who tried the hardest to integrate the economic strategies of the newcomers and to fit into the liberal individualist model who were affected most deeply. Many Indigenous farmers simply gave up under the weight of the obstacles provided by the DIA surveillance and assistance that mitigated against their economic

⁷⁹ Billy Paul et.al. to Superintendent General of Indian Affairs, undated but stamped received by DIA 23 March 1904 and J.D. McLean to Vowell, 7 April 1904, LAC, RG 10, vol. 3944, file 121,698-54.

⁸⁰ Irwin to Vowell, 24 June 1904, LAC, RG 10, vol. 3944, file 121,698-54.

success.⁸¹ The permit system did though, like other components of the surveillance apparatus, create employment for a host of non-Native functionaries.

DIA Employees and the Expense of Surveillance

While the DIA had a substantial ensemble of employees engaged in its surveillance activities and record keeping projects, it did not have unrestricted hiring privileges. Already by 1885 the amount expended on the salaries of DIA officials in western Canada was questioned. As the first resident priest to the Siksika, Father Constantine Scollen, reported “we have a whole army of employees attending to a handful of Indians, receiving large pay out of the Indian appropriation money + eating up Indian provisions.”⁸² In 1895, salary expenditures were criticized in the House of Commons: “In British Columbia, out of the \$1,029,000 that have been appropriated under the pretense of helping the Indians, there has been expended on officials \$695,993.”⁸³ In the prairie west, as Sarah Carter has already noted, the number of DIA employees, and so its aggregate payroll, declined over-all with the reorganization and budget slashing that accompanied the Laurier administration and the appointment of Clifford Sifton as Minister of the

⁸¹ For an detailed study of the obstacles placed in the way of successful Indigenous farming that includes the permit system see Carter, *Lost Harvests*. On the effects of the permit system see especially 229-236. For further examples of Indigenous farmers conceding defeat under the weight of government restrictions see Dion, *My Tribe the Crees*: 132 and 145; Edward Ahenakew, *Voices of the Plains Cree* (Toronto: McClelland and Stewart, 1973): 147-148; Goodwill and Sluman, *John Tootoosis*: 125 and Helen Buckley, *From Wooden Ploughs to Welfare: Why Indian Policy Failed in the Prairie Provinces* (Montreal and Kingston: McGill-Queen's University Press, 1992): 54-55.

⁸² Scollen to Lacombe, 3 July 1885, Glenbow, Scollen Family Fonds, M4343. Scollen is speaking specifically of the Battle River reserve here but his comments were certainly shaped by his experience in the Treaty 7 region and have more general application. For a scathing indictment of DIA policy and employees see the comments of W.C. Cameron, Liberal representative for Huron West, in the House of Commons. Canada, House of Commons, *Debates*, 15 April 1886: 718-730.

⁸³ Canada, House of Commons, *Debates*, 25 June 1895: 3281. The former Minister of the Interior and SGIA David Mills stated further that this expenditure was “towards the payment of the officials to take charge of this Indian population, every man of whom, I believe, is capable of taking care of himself.” *Debates*, 25 June 1895: 3280.

Interior and Superintendent General of Indian Affairs after 1896.⁸⁴ Indian

Commissioner Forget argued though that “the very large saving thus effected has not in any degree affected its [the DIA’s] efficiency.” Over the North West Territories as a whole the number of inspectors was increased which “secured a much closer and more frequent and thorough inspection of the work of our agencies than was possible heretofore”.⁸⁵

Surveillance by and of Indian Agents

The employees with front line supervisory duties and so the “men on the spot” of colonialism were Indian agents. Agents were responsible to inspectors, who were in turn answerable to superintendents, and/or commissioners, the deputy superintendent general and finally to the cabinet minister who also served as superintendent general.⁸⁶ Agents then, like policemen, were caught up in the panoptic mechanism as surely, though not as irrevocably, as Indigenous people themselves. They were also observed measured and judged in their performance by others in the DIA, and by missionaries, policemen, settlers, merchants and capitalists. While much could be excused, if they were judged deficient in their ability to counter the potential of overt resistance or to record their

⁸⁴ Carter, *Lost Harvests*: 237-239 and Carter, *Aboriginal People and Colonizers*: 173. For an overview of Sifton’s efforts see D.J. Hall, “Clifford Sifton and Canadian Indian Administration, 1896-1905”, *Prairie Forum* 2, 2 (1977): 127-151. DIA Deputy Superintendent General James Smart claimed that “[b]y these changes and by dispensing with clerks at such agencies where it was thought their work could very well be undertaken by the agents, as well as by the reduction of salaries when such were considered unnecessarily high, an aggregate saving of some \$27,000 a year has been effected, without so far as has become apparent or can be foreseen the slightest detriment to the efficiency of the service.” DIA, *Annual Report*, 1897: xxix-xxx. For the comments of A.E. Forget, Indian Commissioner for Manitoba and the Northwest Territories, see DIA, *Annual Report*, 1897: 213-14. The reorganization was completed at the beginning of the fiscal year ending 30 June 1897.

⁸⁵ Canada, DIA, *Annual Report*, 1897: 213. This point is confirmed by D.J. Hall who argues that while the reduction in costs “was not marked” the centralization of Indian administration in Ottawa, where the efforts at economy were paramount, “the potential for a much more rigorous prosecution of departmental goals was created.” Hall, “Clifford Sifton and Canadian Indian Administration”: 132-133.

⁸⁶ For another brief overview of the “Indian agent system” see Robin Brownlie, *A Fatherly Eye*: 30-34.

endeavors, and so contribute to the body of knowledge on First Nations people, in the precise manner demanded by the DIA they could be, and were, replaced.

A.J. Looy makes the point that Indian agents were “the single most important instrument through which the government tried to realize its objectives and to implement its specific Indian policies,”⁸⁷ and that it was “the Indian Agent, more than anyone else, who translated governmental policy and regulations which daily affected the lives of thousands of Indians.”⁸⁸ Certainly, where Native people were concerned, Indian agents were the primary instruments of surveillance in western Canada. Since the weave in the web of surveillance was much tighter in the Treaty 7 area than in the Kamloops-Okanagan region, however, there was more room for a generous application of policy but also for undiagnosed incompetence, preferential treatment, and mean spiritedness in the latter. Individual agents could have a significant impact on the daily lives of their “wards” as Looy suggests, but, as will be discussed in more detail below, this possibility had even greater potential in British Columbia, particularly away from the population centres of southern Vancouver Island and the lower mainland, and particularly before the restructuring of 1911, than in the prairie west which was the subject of Looy’s study.⁸⁹

⁸⁷ Anthony Jacobus Looy, “The Indian Agent and His Role in the Administration of the North-West Superintendency, 1876-1893”, unpublished Ph.D. Dissertation, Queen’s University, 1977: 11.

⁸⁸ Looy, “The Indian Agent”: 329.

⁸⁹ Looy’s generous depiction of Indian agents concludes “[g]enerally-speaking, the performance of the Indian agents during the period under consideration [1876-1893] must be judged as more than satisfactory, particularly in view of prevailing conditions.” Looy, “The Indian Agent”: 328. Looy is correct in arguing that agents were put in an untenable position of carrying out a vaguely identified policy with inadequate financial means but he remains locked in an epistemological structure that can only measure success by the standards of the colonizer. By this measure, though Looy does not say so directly, the most successful agents were those who most quickly and cheaply modified the cultures of the First Nations in their areas. F. Laurie Barron, too, writes of the agency system in fairly positive terms but is more willing to place the blame for the resistance of 1885 on the personalities of individual agents rather than on the system that created them. F. Laurie Barron, “Indian Agents and the North-West Rebellion”, in *1885 and After: Native Society in Transition*, ed. F. Laurie Barron and James B. Waldram (Regina, Sask.: Canadian Plains Research Center, University of Regina, 1986).

Even in the Treaty 7 area, though, agents had significant opportunity to act the tyrant if they chose to. As former agent George Gooderham stated, in the late 1880s and early 1890s “a great many of the Agents at that time were old military men who felt they must run the whole show. They said to the Indians “You only do what I say you must do, or must not do” ”.⁹⁰ While this seems to be an overstatement at least in the regions under discussion here, there were a few former military personnel. Further, there were some who held a similar view to Gooderham in regard to former NWM Policemen filling the positions of Indian agents. When resigning as farm instructor in the Blood Agency, W.C. McCord commented in regard to Agent Pocklington: “these expolicemen are not the right men to have in the Indian Department, discharge them and try to get honest men.”⁹¹ More importantly, the structure of the DIA was not unlike the military or the Mounted Police which fostered a view of Indigenous people, and especially their band council leadership, as simply occupying the lowest rungs of the administrative hierarchy.⁹²

It was not only former military men who used their authority in autocratic fashion to enforce government policy. For example, in Agent Lucas’ attempt to coerce Many Wounds and other Tsuu T’ina parents into sending their children to boarding school, he first withheld employment opportunities from those who refused and then a few days later withheld their rations until they capitulated.⁹³ Since agents were also granted power as justices of the peace by amendment to the Indian Act in 1881 they could prosecute violations of the Act. When Lucas wanted Bull Head and Crow Shield to cut logs in a

⁹⁰ George Gooderham “Autobiography”: 9, Glenbow, George H. Gooderham Fonds, M4738 box 10.

⁹¹ W.C. McCord to Edgar Dewdney, 29 October 1884, LAC, RG 10, vol. 3698, file 16,579.

⁹² This is evident at various points below. For an exploration of these issues in the interwar period in two Ontario agencies see Brownlie, *A Fatherly Eye*: 56-79.

⁹³ Daily Journal at Sarcee Agency, entries for 16, 19, 20, 21 and 26 January 1893, Glenbow, Lucas Family Fonds, M 699/8. For similar discretion in the awarding of employment in the Blood Agency see Prairie Chicken to Fand[sic] n.d., Glenbow, Blood Indian Agency Fonds, M1788, vol. 16, file 119.

particular area he spoke to the latter and “assured him I would prosecute Crow Shield on [an] old liquor charge if he did not begin work”.⁹⁴ But while the personnel changed rather often in the Treaty 7 area, and while individual characters varied, agents still had considerable freedom well into the twentieth century. As Gooderham confirmed “I was pretty well a free agent to carry on when the Minister had okayed the budget. This meant that I didn’t have to go through the usual “red tape” to get authority to spend Government funds... It was a great help to me, and of course, made me very responsible, because I was a free agent.”⁹⁵ Rev. John McDougall confirmed that agents could always use the “almost despotic power of the ration house” or their discretion regarding the distribution of food stuffs, to coerce Native people in their area to act in concert with their wishes.⁹⁶ A US observer too wrote in 1915 that the only accounting of the financial resources of individual reserve residents was compiled by agents in Canada and while this observer saw this as expeditious, the system also meant that there was considerable opportunity for manipulation of the accounts should the agent be so inclined.⁹⁷

Yet while the discretionary power of agents was substantial in the way they treated Native people on a daily basis, especially if there was no additional expense involved and as long as reserve residents were relatively quiet, it was severely restricted in other ways by the formidable hierarchical structure of the DIA. Even the smallest details of administration were scrutinized. Contrary to the experience related by Gooderham above,

⁹⁴ Daily Journal at Sarcee Agency, 1896-7, entry for June 22, Glenbow, Lucas Family Fonds, M699/9.

⁹⁵ Gooderham, “Autobiography”: 39, Glenbow, George H. Gooderham Fonds, M 4738, box 10. Gooderham stated further “I was free of all thoughts of how my predecessors had carried on. I was a free Agent thinking for myself without any consideration of past duties or responsibilities to anybody but myself”. (p. 33-34)

⁹⁶ John McDougall to Indian Commissioner, 12 November 1894, LAC, RG 10, vol. 3598, file 1419 pt. A.

⁹⁷ Abbott, *The Administration of Indian Affairs in Canada*: 32-33.

some agents were required to request permission before purchasing ink for their offices⁹⁸ others were instructed to paint all farm implements nothing other than “a light terra cotta colour”.⁹⁹ The department’s inspector responsible for Treaty 7, T.P.

Wadsworth, invariably very sure of his own abilities but much less convinced of the aptitudes of his DIA subordinates, recommended that agents “be debarred from making purchases of horses, they appear to use so little judgment in their selection that it is better to let the farms remains short in horse flesh than to so foolishly spend money as has been done.” Horses, Wadsworth added, should be managed not by agents, who were not “of sufficiently practical turn of mind to grasp such subjects” but the department’s Assistant Superintendent of Farms.¹⁰⁰ Wadsworth, in the opinion of at least some in the department however, was too ardent a supervisor. Indian Commissioner Dewdney, acting on information from former NWM Policeman and then Indian Agent C.E. Denny, complained:

I consider the course pursued by Mr. Wadsworth, not only highly irregular but is apparently introducing such a system of espionage, most objectionable to men who have to my knowledge, endeavouring to

⁹⁸ Forget to Agent, 14 October 1896, Sarcee Indian Agency Fonds, M1837, vol. 1, file 4. If anything the level of autonomy awarded to Indian agents decreased over time. R.N. Wilson, Indian Agent for the Kainai and Piikani for thirteen years until 1911, reported after being forced out of DIA service that he had considerable freedom to make purchases for “routine duties” like cattle roundups and seasonal wages from funds raised locally. By 1919, though, the agent on the Kainai reserve was informed that for an expenditure for any purpose in excess of ten dollars, he was required to obtain “special permission” from the DIA. R.N. Wilson, *Our Betrayed Wards: A Story of Chicanery, Infidelity and the Prostitution of Trust*. (Ottawa: n.p., 1921): 12.

⁹⁹ Hayter Reed, circular, 8 December 1892, LAC, RG 10, vol. 1134. While the active management of the routine details of policy administration was dependent on the ambition and personality of individuals in authority, the disciplinary surveillance structure itself ensured that there was always the possibility that one’s actions could be observed and remedial action applied at anytime as discussed in chapter one.

¹⁰⁰ Inspector T.P. Wadsworth to E.T. Galt, Asst. Indian Commissioner, 16 August 1882, LAC, RG 10, vol. 3610, file 3529-1. At this point Wadsworth was responsible for the entire North West Territories as Inspector of Farms and Agencies. Assisting him was J.J. McHugh, Assistant Superintendent of Farms and Reserves in Treaty No. 7. While Wadsworth at \$1,600 a year earned about one third more than the highest paid agents in the region, McHugh at \$900 earned about one quarter less. Canada, DIA, *Annual Report*, 1882: 8-9.

discharge with the utmost honesty of purpose, the onerous duties devolving upon them - and one which up to the present has not been found necessary.¹⁰¹

In the end, DSGIA Lawrence Vankoughnet exonerated Wadsworth but reported that Denny, who by then had left the employ of the department, “deserved a severe reprimand, but as he is no longer an Agent of the Dept, it is too late now to administer such to him.”¹⁰²

Wadsworth’s “system of espionage”, the inspector’s own tendency to self-aggrandizement aside, was encouraged by the hierarchical structure of the DIA and was attenuated by the animosity between he and Denny. In this case it uncovered that Agent Denny had departmental employees build a storehouse, put up fencing all the while it was reported that “he still continues his profligate course towards women.”¹⁰³ Denny also used Indian funds to overpay for a horse and wagon that he partly owned and

¹⁰¹ Dewdney to SGIA, 16 February 1884, LAC, RG 10, vol. 3678, file 11759.

¹⁰² DSGIA L. Vankoughnet to Dewdney, 7 March 1884, LAC, RG 10, vol. 3678, file 11759. This incident fueled the conflict between Vankoughnet and Dewdney over the jurisdiction and responsibilities of each. Denny reported to Dewdney while Wadsworth reported directly to Vankoughnet, much to the respective chagrin of each. Even J.A. Macdonald entered the fray and reported to Dewdney “Hereafter Wadsworth shall report through you”. Macdonald to Dewdney, 27 January 1885, Glenbow, Edgar Dewdney Fonds, Series III-4: 524. See also p.533, 537-44 and Series III-10: 1117-18. For more on the conflict between Denny and Wadsworth, and so Wadsworth and Dewdney, see Titley, *Frontier World*: 50, 52, 63 and 64. Titley is justifiably critical of Wadsworth but his treatment of Denny is perhaps overly charitable.

¹⁰³ Wadsworth to W. Pocklington, 25 July 1882; Pocklington to Wadsworth, 27 July 1882 (there are two letters of this date) and Wadsworth to Pocklington, 27 July 1882, LAC, RG 10, vol. 3609, file 3394 and Wadsworth to Dewdney, 25 July 1882, vol. 3609, file 3380. For the animosity between Wadsworth and Denny see for example Jean L’Heureux, interpreter, to Wadsworth, 24 July 1882 and Wadsworth to Denny 24 July 1882, LAC, RG 10, vol. 3609, file 3380. While still in the NWMP, Denny fathered a child with Victoria McKay, a woman of part Piikani heritage and the wife of Constable Percy Robinson. Robinson’s lawsuit against Denny apparently came to naught when a witness was unable to appear in court. McKay left Canada to raise Denny’s daughter on the Blackfeet reservation in the United States. Carter, *Capturing Women*: 178. Wadsworth’s surveillance system also uncovered the “improper relations” between Farming Instructor J. Norrish and Calfwoman’s daughter, who is unfortunately not named in the textual record. Apparently the two “regularly cohabited” and the woman’s brothers called Norrish “brother-in-law”. The relationship seems to have allowed the woman privilege of drawing extra rations. Jean L’Heureux, interpreter, to Wadsworth, 24 July 1882, LAC, RG 10, vol. 3609, file 3380. Spelling of senders name on this departmental copy of the letter is “Hereux”.

appropriated departmental property for his own use.¹⁰⁴ It was not until it was discovered that that the former Mountie had colluded with contractor I.G. Baker and Company to defraud the Government by providing substandard flour to Treaty 7 reserves causing 35-40 deaths, that Denny was forced to resign.¹⁰⁵

Nevertheless, Denny remained in Indian Commissioner Dewdney's favour. In early 1885 he was acting "for the Government among the Indians of Treaty 7". While Denny stated that things had quieted down by June to a point where his services in this capacity were no longer required, in November he was reemployed by Dewdney in a surveillance capacity and employed at least one Indigenous scout as mentioned in chapter three.¹⁰⁶ At least some DIA employees were not happy with Denny's interference in their affairs and claimed that "[t]hey came to quiet the Indians as they said, but succeeded well in exciting them."¹⁰⁷

Prior to Denny's appointment for surveillance work in Treaty 7, Dewdney requested a second inspector be employed for the North West Territories to relieve the pressure on Inspector Wadsworth because "without a close supervision and constant and speedy intercourse with the Head office we cannot keep such a watch on our agents and their subordinates as we ought or rectify any mistakes made by them as quickly as we

¹⁰⁴ Wadsworth to Assistant Indian Commissioner Galt, 13 August 1882, LAC, RG 10 vol. 3609, file 3380.

¹⁰⁵ LAC, RG 10, vol. 1085, Vankoughnet to Macdonald, 3 January 1884 cited in Noel Dyck, "The Administration of Federal Indian Aid in the North-West Territories, 1879-1885", M.A. Thesis, Department of History, University of Saskatchewan, 1970: 54-55.

¹⁰⁶ Denny to Dewdney, 26 June 1885, LAC, RG 10 vol. 3715, file 21984 and Dewdney to Denny, 24 November 1885, Glenbow, Dewdney Fonds, M320, Series 15, Indian Department - C.E. Denny Correspondence, 1882-1886, p. 1165. In the first part of 1885 Denny was paid \$500 plus expenses, and between November 1885 and May 1886 he was paid \$10 per day when traveling and \$5 when not traveling. Even at the lower rate, and based on only a five day week, this is more than he made as an Indian agent. Dewdney to SGIA, 4 July 1885, Macdonald to Dewdney, 24 July 1885 and Dewdney to SGIA, 11 May 1886, LAC, RG 10, vol. 3715, file 21,984.

¹⁰⁷ Glenbow, Blood Indian Agency Fonds, M4792, Journal of the Indian Agent Clerk, 1885, entries for 5 and 6 April.

should".¹⁰⁸ While Dewdney's request was driven in large part by the exigencies of 1885, his brief comment succinctly points to the position of inspectors within the DIA's hierarchy of surveillance. Inspectors supervised the progress of all of the department's reserve employees, the health and relative "advancement" of reserve residents, and the conditions of schools and progress of students. They scrutinized the repair of reserve buildings and all equipment, reported on agricultural production and livestock, audited financial records, recorded the extent and quality of reserves, and kept an eye on the work of missionaries. They also worked to increase the pace of the civilizing project and to advance Anglo-Canadian versions of morality.¹⁰⁹ As will be seen below, inspectors in both regions were also often responsible for the removal of Indigenous leadership and for spearheading the assault on lands that remained to Indigenous people.

By the mid-1880s most officials believed that the level of surveillance in Treaty 7 should be increased. Some, like Inspector Wadsworth, were inclined to blame the problem on the lack of initiative of agents. The inspector suggested, for example, that with the accessibility of the railway, Agent Begg, stationed at Blackfoot Crossing, should be able to visit the Nakoda every two weeks and should look in on the Tsuu T'ina near Calgary on his way to or from Morley.¹¹⁰ But even Wadsworth was forced to recognize the difficulties faced by agents attempting to meet the surveillance requirements of the DIA by the mid-1880s. He explained that agent Norman Macleod, elder brother of J.F. Macleod, was "diligent and hard working but from the large increase of Indians in his

¹⁰⁸ Dewdney to J.A. Macdonald, 9 January 1885, Glenbow, Edgar Dewdney Papers, M 320, Series 8, p.522-523.

¹⁰⁹ For the range of activities engaged in by inspectors see their reports in the DIA's *Annual Reports*. For Inspector McGibbons' report on Treaty 7 that includes all of the activities listed here see, for example, DIA, *Annual Report*, 1892, 124-135.

¹¹⁰ Wadsworth, Memorandum, 11 April 1884, LAC, vol. 3680, file 12349.

district it is quite impossible for him alone to exercise that close supervision that is necessary over the whole treaty.”¹¹¹ Even where agents were living on the reserves it was reported that “on a reserve of such dimensions [the Siksika reserve] it is impossible for the Agent to tell where his Indians are.”¹¹² Increasingly, agents relied on other employees to assist in the supervision of day to day activities on the reserves of Treaty 7.¹¹³

According to J.A. Macdonald, the employment of “practical farmers [was] necessary to keep a very close supervision over [Indigenous] farmers.”¹¹⁴ These men came to be known as farm instructors but for a variety of reasons this is a bit of a misnomer. In 1892, Agent Col. A.G. Irvine complained that the farm instructor on the Kainai reserve was required to “look after” farms that were situated in an area of 5,475 square miles. Department clerk F.H. Paget wrote in response that Commissioner Reed thought there were already “employees enough in the agency and that if too many are allowed they encourage each other to do nothing.”¹¹⁵ Surveillance, tempered by economy was rather more important than agricultural instruction. Further, as with Indian agents, the continued employment of a farm instructor was dependent not on their agricultural expertise but on their success at carrying out DIA policy as it existed. As Reed warned, apparently in respect to his own self-sufficiency through peasant farming policy, “I have heard from the Supt. General, who insists so strongly upon the necessity of carrying out

¹¹¹ Wadsworth to (no recipient, but stamped received by the DIA), 14 May 1887, LAC, RG 10, vol. 3751, file 30,024. Wadsworth believed that Macleod’s position was not assisted by acting farm instructor Norrish who he claimed was “paid more than he is worth being too illiterate to keep his own accounts”.

¹¹² NWMP Inspector Z.T. Wood to Officer Commanding NWMP, Calgary, 2 May 1896, RG 18, vol. 122, file 333-96.

¹¹³ Farm Instructor on the Siksika reserve, David Brereton, who noted each occasion, met the agent only 2-3 times per week. Daily Journal of David L. Brereton, 1907. Glenbow, Brereton Family Fonds, M130.

¹¹⁴ J.A. Macdonald, Memorandum, 18 March 1882, LAC, RG 10, vol. 1080.

¹¹⁵ A.G. Irvine to Indian Commissioner, 1 March 1892, LAC, RG 10, vol. 3871, file 89,071. Paget’s comments are written in the margin.

the prescribed policy, that it is clear, that upon the success in doing so, or the efforts made to have it fully tested, will depend the advancement, or even the retention of Farmers in their present position.”¹¹⁶ For the future of Indigenous farming the problem was with the Government’s policy of hiring instructors for their willingness to comply with the minutiae of DIA policy rather than any expertise in farming. Inspector of Agency Accounts, S. Swinford, who had previously served as a clerk in the Blackfoot Agency and later an Indian agent at several posts reported after traveling over the Kainai reserve for two months in 1913 “many things came to my notice that have led me to look upon farming operations as a complete farce”. Swinford stated that former agent R.N. Wilson had “introduced farming operations on the reserve in order that he might get experience in power plant farming before commencing operations on his own private farm.” While Swinford agreed that those employed as farmers on the reserve were “good intelligent men as character goes”, one was a tinsmith, one was a “cow puncher” and the other had no agricultural experience prior to his arrival on the reserve, “[s]o how they could be expected to teach Indians what they do not know themselves I do not understand.”¹¹⁷

In the Kamloops-Okanagan region agents had few such responsibilities related to the supervision of non-Native employees. But, as described above, they were responsible for large, and during some periods massive, territories. In 1889, for example, there were forty eight separate bands designated in the region, some of whom had as many as seven

¹¹⁶ Reed to Lucas, 23 December 1889, Glenbow, Lucas Family Fonds, M699/4. For Reed’s peasant farming policy see Sarah Carter, *Lost Harvests: 209-229*. Reed’s letter was sent shortly after complaints against Lucas’ alcohol use surfaced and a few months before he was transferred from the Peace Hills Agency in Treaty 6 to the Sarcee Agency.

¹¹⁷ S. Swinford, Inspector, Agency Accounts to Secretary DIA, 13 November 1913, LAC, RG 10, vol. 7102, file 773/3-1-1 pt.1.

reserves.¹¹⁸ Here, agents were forced to develop different strategies in their surveillance of First Nations people. Agent Archibald Irwin put an inordinate amount of power in the hands of Isaac Harris, introduced above. Inspector J.G. Ramsden reported that "Isaac Harris had a pretty free hand but not more so than the mill owners".¹¹⁹ While Irwin's neglect is outlined below, other agents in the B.C. interior, where transportation was a major obstacle to surveillance, only visited some reserves once or twice a year.¹²⁰ In the 1870s, when rumours of an "Indian rising" in the interior reached Indian Superintendent Powell in Victoria he was forced to write "Impassable roads above Yale will delay me indefinitely. Will Spring visit satisfy Indians."¹²¹ Even much later travel continued to be a problem for DIA employees. In this regard the diary entry of Kamloops agent J.W. McKay for 4 February 1898 is illustrative: "Left Lower Nicola for Spence's Bridge on my return to Kamloops. Drove to Shahaha nag[sic] reserve 20 miles. remained the[sic] 1 1/2 hours. from there rode on Indian sleigh to road cabin 8 miles from Spence's Bridge. From Cabin on foot. Arrived 5:20 pm. 7 pm met Cooks Ferry Indians at Chiefs house for an hour Indians delighted that within three months they should have two visits from agent. 9:30 left S.B.[Spences Bridge] for Kamloops Arrive 1 Am on 5th."¹²² The problem was still not resolved by 1914 when agent J.F. Smith wrote "Loon Lake No 3 of the Bonapart Reserves, being situated beyond two days travel on horse back from the

¹¹⁸ DIA, *Annual Report, 1889*, pt. I: 314 and 316.

¹¹⁹ J.G. Ramsden to J.D. McLean, Sec. DIA, 22 November 1909, LAC, RG 10, vol. 1311.

¹²⁰ BCPP Const. C. Phair, Lillooet to Hussey, 20 June 1892, BCA, GR-0055, vol. 1, file 14.

¹²¹ Powell, telegram, to John Tait, HBC Agent at Kamloops, 23 January 1874, LAC, RG 10, vol. 3605, file 2813.

¹²² Entry for 4 February 1898, LAC, RG 10, vol. 1325, file b "Daily Journal, 1898".

Upper Hat Creek reserve was not visited but was given all the necessary information by Chief Dick Basil.”¹²³

While some commentators called for an agent on every reserve as was the case in the prairies, in practice Indigenous communities in the Kamloops and Okanagan areas were under far less direct scrutiny than those in Treaty 7.¹²⁴ Whereas employees of the department supervised all activity in the latter, in the former their role was often limited to merely dispensing advice.¹²⁵ They were however expected to do much more.

When B.C.’s first Indian Superintendent, I.W. Powell passed on his recommendations on the subject he concluded by stating that “the duties of Agents should be such as to constitute them the friends, advisers and teachers of the Indian.”¹²⁶ While Indian agents were expected to fulfill a variety of functions their primary role was to help facilitate the expansion of Anglo-Canadian interests and values, particularly the introduction and maintenance of a liberal capitalist framework. In the process they were not to become friendly with the Native people in their regions. So while an agent was expected to “familiarize himself with the special character and habits” of each Native person in his agency, Indian Commissioner for B.C., W.E. Ditchburn, warned that he “should not become too familiar with them or he would lose the dignity of his office.”¹²⁷

¹²³ Entry for 25 May 1914, LAC, RG 10, vol. 1325, file e “Daily Journal, 1914”. In other areas of the interior of the province there were complaints that the agent visited reserves only twice per year. C. Phair, BCPP constable, Lillooet to Hussey, 20 June 1892, BCA, GR-0055, box 1, file 14. Similarly on the coast, missionary J.E. Rendle complained in June 1905 that the agent had not been present since the previous December.

¹²⁴ For an example of the demand that there be an agent on every reserve see “Men and Things as Seen Thro’ Hank Reklaw’s Periscope”, *Enderby Press*, 25 May 1916.

¹²⁵ LAC, RG 10, vol. 1325, file a, “Diary 1898-9”, entry for 20 December 1898 and file b “Daily Journal, 1898”, entries for 26 February and 26 October 1898.

¹²⁶ Powell to Minister of the Interior, 3 December 1873, LAC, RG 10, vol. 3604, file 2521.

¹²⁷ Special Joint Committee: 181. For an example of agents being directed to get to know individuals in their agency see “A copy of general instructions usually sent to newly appointed agents in B.C.” with A.W. Vowell to Sec DIA, 17 Mar 1910, LAC, RG 10, vol. 4048, file 360,377. On this point see also John Lutz, “

Clearly, agents were to keep a social distance between themselves and those under their supervision. When the department proposed abolishing the position of agency clerk in the N.W.T., the then Commissioner of the NWMP warned that “[i]f the Agent is to become a storeman and labourer in handling stores good bye to his commanding the respect of the redman.”¹²⁸ The department was constantly concerned that the status of its agents be elevated, especially in the eyes of Indigenous people.¹²⁹

The specific tasks assigned to agents to facilitate the overall objectives of the DIA were so varied that it is difficult to imagine how all could be fully engaged in, let alone competently managed, by even an experienced, energetic, and contentious agent. As George Gooderham, recalled, the normal duties:

were to look after the general welfare of the members of the Band of which he was the Agent, and this included the education of the children, their health, their morals - and in this respect as an Agent I became a Magistrate and dealt with minor offences, which I found took considerable time: in fact, the position required the Agent to deal with pretty nearly everything in the life of the people. This in itself occupied a great deal of one's time, but as well as that I had all these land sales, land leases and the farming of the Indians to deal with.¹³⁰

‘Relating to the Country’: The Lekwammen and the Extension of European Settlement, 1843-1911,” in *Beyond the City Limits: Rural History in British Columbia*, ed. Ruth Sandwell (Vancouver: UBC Press, 1999): 28-30.

¹²⁸ Fred White to Edgar Dewdney, 9 Jan 1884, Glenbow, Edgar Dewdney Fonds, M 320, Series III-5: p.784.

¹²⁹ When Commissioner Forget went to make enquiries concerning financial irregularities of S.B. Lucas on the Tsuu T’ina reserve he was sure to report that he “carefully refrained from saying or doing anything in the presence of the Indians that would be interpreted to his discredit”. A.E. Forget, Commissioner, to DSGIA, 4 February 1896, Glenbow, Lucas Family Fonds, M699/6. When Kamloops Agent J.F. Smith entered the territory of the Okanagan agent to deal with a Native grievance, the department warned the Inspector “the Department could not think of doing anything that might lead to or increase a lack of confidence on the part of any band of Indians in their agent”. McLean to Inspector K.C. MacDonald, 28 March 1912, LAC, RG 10, vol. 3945, file 121696-64. DIA Secretary McLean likely misjudged the jurisdictional boundaries when he advised the complainants’ advocate to contact Smith. R.C. Armstrong, JP, to Secretary, DIA 21 February 1912 and Mclean to Armstrong, 1 March 1912.

¹³⁰ Gooderham, “George Gooderham’s Autobiography”: 37, Glenbow, George H. Gooderham Fonds, M 4738, box 10.

Indeed, agents were expected directly to supervise all affairs involving Native people in their agency.

The instructions given to agents in British Columbia in 1910 included all of the activities mentioned by Gooderham but began with “[t]he duties of Agents mainly consist in advising the Indians, and in protecting them in the possession of their farming, grazing and woodlands, fisheries or other rights and preventing trespass upon or interference with the same.”¹³¹ The contents of this clause, if conscientiously observed, would arguably have had more long term benefit than all the other activities in which agents were involved but were not mentioned in the ninety two point instructions issued to all agents by newly appointed DSGIA D.C. Scott in 1913.¹³² This omission is illustrative of the primary objectives of DIA administration as stated above.

In the reformation of “Indians”, agents supervised all church administered schools, the provision of health care, the elections or appointments of chiefs and councilors, and differences with neighbouring settlers, ranchers or businessmen. They oversaw reserve maintenance, including the construction of irrigation works, fences, and buildings of various sorts. They also acted as forest rangers without additional salary.¹³³ In their effort to reconstruct “Indians” to conform to the mandates of Canada’s capitalist economy, agents were responsible for the instruction and supervision of all agriculture and livestock production, marketing, mining operations where these existed, logging, milling, firewood cutting and wage work in the homes of neighbouring settlers, in the

¹³¹ “Instructions to Agents” with A.W. Vowell per W. MacLaughlin to Secretary, DIA, 17 March 1910, LAC, RG 10, vol. 4048, file 360,377. This clause was included in instruction to DIA personnel in B.C. since at least 1879. Vankoughnet to I.W. Powell, 30 December 1879, LAC, RG 10, vol. 3701, file 17,514-1.

¹³² D.C. Scott, “General Instructions to Indian Agents in Canada”, 25 October 1913, LAC, RG 10, vol. 10020. Scott’s instructions do direct agents to section 33 of the Indian Act regarding trespass on reserves. Scott, “General Instructions”: 7.

¹³³ Vankoughnet, Circulars, 11 April 1893 and 20 February 1894, LAC, RG 10, vol. 1137.

fields of farmers, and the premises of local businessmen. Agents were also expected to assist in ensuring that Native people in their areas adhered to all federal, territorial, and provincial regulations related to hunting, trapping, and fishing. They were responsible for the initiation, collection, and distribution of funds earned from the non-Native lease of reserve land or use of foreshores, and of significant long-term importance, they were to assist in the reduction of reserve lands. Agents had magisterial jurisdiction to try offences under the Indian Act or offences committed by "Indians" as defined by the Act related to the vagrancy, morality and other provisions of the criminal code.¹³⁴ They settled domestic disputes, separations, and alimony arrangements.¹³⁵ This judicial responsibility could easily put agents in the position of simultaneously acting as complainant, prosecutor, and presiding judge.

In the Treaty 7 area, like all of the west under treaty, agents were responsible for overseeing the slaughter and inspection of animals, the distribution of rations and the payment of annuities as part of treaty obligations. Any overpayment or payment to people who the department deemed not entitled, could result in an equivalent deduction from the agent's salary.¹³⁶ They supervised numerous other employees including at various times, clerks, stockmen, issuers, scouts, interpreters, labourers, teamsters, builders, cooks, blacksmiths, mail carriers, assistants of various sorts and temporary contractors and their

¹³⁴ Newcombe, Deputy Minister of Justice to DSGIA, 9 February 1895, LAC, RG 10, vol. 3946, file 123496 and McLean, Circular, 10 June 1904, vol. 3246, file 600,403. The limits of their magisterial duty caused continual misunderstanding. See, for example, Forget, Circular, 8 September 1892, LAC, RG 10, vol. 1137 and correspondence in vol. 3246, file 600,403. This duty added yet another dimension to the myriad of conflicts and jurisdictional disputes between the dominion and the province of B.C. W.S. Edwards, Deputy Minister of Justice, to D.C. Scott, DSGIA, 14 January 1927, vol. 3246, file 600,403.

¹³⁵ See, for example entries for 11 June 1913, "daily journal, 1913" LAC, RG 10, vol. 1325, file d; entry for 19 March 1912, "daily journal, 1912" file c; entries for 4 and 27 January, 1915, "daily journal, 1915" file f.

¹³⁶ Reed, Circular, 19 August 1891, LAC, RG 10, vol. 1137 and Reed to Agent, 10 September 1891, vol. 1134.

crews working on the reserve and were responsible for the quality and quantity of their work.

In British Columbia agents did not have similar duties related to annuities or other treaty terms. In 1879 DSGIA Vankoughnet stated, therefore, that “there will be little other responsibility attaching to the position of Indian Agent than the ordinary care of the interests of the Indian and their protection from wrongs at the hands of other nationalities.”¹³⁷ Certainly, as mentioned above, this beneficent attitude, even if it was only a theoretical one, was soon altered. Though they did not live on reserves as they did in Treaty 7, agents were still expected, as purveyors of “civilization”, to regularly visit all reserves in their agency, to promote the subdivision of reserve lands, and to give attention “to the sanitary condition of the Indians villages and camps.” Since the DIA determined that in British Columbia “nuptial unions [were] still in the most unsatisfactory conditions,” agents were instructed to “as far as possible prevent the promiscuous intercourse of the sexes.”¹³⁸

In attempting to shift the shape of Native families as primary unit of production and to align the economic activities of each member with Anglo-Canadian liberal capitalist conceptions, agents in both regions were expected to observe and reform the personal life of those under their supervision.¹³⁹ Anything other than heterosexual monogamy as

¹³⁷ Vankoughnet to I.W. Powell, 30 December 1879, LAC, RG 10, vol. 3701, file 17,514-1.

¹³⁸ “Instructions to Indian Agents,” with J.D. McLean to A.W. Vowell, 7 March 1910, vol. 4048, f360,377; Canada, Department of Indian Affairs, *Annual Report*, 1910: xxix. On the NW Coast they were also expected to discourage the potlatch.

¹³⁹ For a study of Canada’s attempts to restructure Indigenous families in the plains region and to enforce its conceptions of morality and appropriate gender roles based on monogamy see Carter, “Creating “Semi-Widows” and “Supernumerary Wives””. Carter also provides examples of varied Indigenous plains marriage patterns (132-135) and of Indigenous resistance to Canada’s efforts in this regard, including among the Kainai (153-155).

structured into a marriage sanctioned by the church was considered aberrant and abhorrent and in need of reform. As D.C. Scott stated in 1910,

the true remedy of this lax state of things must come from the gradual civilization of the Indians, and more especially by the inculcation into their minds of the views which prevail in civilized communities as regards woman's true position in the family, and of the Christian doctrines respecting the sanctity and indissolubility of the marriage tie. When they come to grasp this higher morality, it will no doubt be easy to bring about the desired change in their social relations.¹⁴⁰

Scott requested that registers of Native marriages be kept at each agency,¹⁴¹ though he was later informed that “the Indian Act makes no provision respecting the marriage or divorce of Indians, these being regulated by the laws of the Province”.¹⁴² At least on occasion Scott got directly involved in the relations of individual families.¹⁴³ Long before this, however, agents were required to make a list of all those who lived with more than one wife.¹⁴⁴ During annuity payments agents were told that they should attempt to discourage polygamy “in every legitimate manner.”¹⁴⁵ Annuity payments, interest money, and “any participation in the real property of the band” could be withheld from men who separated from their families, women who separated from their family and then lived “immorally with another man”, and men or women who had children out of wedlock.¹⁴⁶

¹⁴⁰ Scott, Acting DSGIA, to Rev. S.D. Chown, Toronto, 19 October 1910, LAC, RG 10, vol. 3762, file 32,345 Pt.1.

¹⁴¹ Scott to Chown, 19 October 1910, LAC, RG 10, vol. 3762, file 32,345 Pt.1.

¹⁴² Pedley, Memorandum, to D.C. Scott, 6 November 1913, LAC, RG 10, vol. 10030.

¹⁴³ Robin Brownlie, “Intimate Surveillance: Indian Affairs, Colonization, and the Regulation of Aboriginal Women’s Sexuality” in *Contact Zones: Aboriginal and Settler Women in Canada’s Colonial Past*, ed. Kate Pickles and Myra Rutherdale (Vancouver, UBC Press, 2005): 160.

¹⁴⁴ Forget, Circular, 19 December 1893, LAC, RG 10, 1137.

¹⁴⁵ Forget to Sarcee Agent, 12 August 1890, LAC, RG 10, vol. 1134.

¹⁴⁶ Unsigned Memo to D.C. Scott, 6 November 1913, LAC, RG 10, vol. 10030. The memo quotes section 92 of the Indian Act. While the intent seems to have been to protect children and the aggrieved spouse, there is no consideration of the legitimacy of variant family forms. See also Forget, Circular, 26 August 1889, LAC, RG 10, vol. 1137 and Glenbow, J.W. Tims Family Fonds, M1233, file 6, “Impressions Regarding Missionary Effort Amongst The Indians, Being An Address Given at the First Convention of Indian Workers in the Province of Alberta, at Edmonton, Jan 6, 1909”: p. 13.

Those who did not adhere to the Anglo-Canadian conception of family could also have the provision of foodstuffs restricted¹⁴⁷ or be discharged from a government job.¹⁴⁸ In the B.C. interior, DIA Inspector Cummiskey reported "I attacked the evil of a number of indians who had put away their married wives and were living with other women and some living together without being married. I impressed on the Chief and his Council that I did not want immorality tolerated on the Reserve."¹⁴⁹ In the Treaty 7 area, when a man left his reserve with a woman who was not his wife, the agent could request that he be returned.¹⁵⁰

Reluctance to adhere to Anglo-Canadian conceptions of morality was blamed on the difficulty of impressing on "the Indian mind" the significance of distinctions between marriages recognized by the church and state and those that were not.¹⁵¹ But at the same time, in stating that marriages in the "custom of the tribe" were valid, DSGIA Scott wrote that "there seems to be more or less confusion or uncertainty in the minds of officials and Agents of the Department with regard to the law as to the recognition of Indian marriages and Indian divorces".¹⁵² Clearly then there was considerable confusion regarding the legal

¹⁴⁷ Blackfoot agent and soon to be Inspector J.A. Markle reported in 1903 that three Siksika men "were dissatisfied with one wife each and had taken another. I immediately directed that the rations of these families be withheld until such time as they saw fit to obey the rules in this respect." Canada, DIA, *Annual Report*, 1903: 147.

¹⁴⁸ Even though Peigan Frank promised to give up one of his two wives he was discharged from the employ of the RNWMP. Joseph House, RNWMP Macleod, to Wilson, 23 June 1902, Glenbow, Blood Indian Agency Fonds, M1788, vol. 4, file 23.

¹⁴⁹ Cummiskey to McLean 19 July 1912, LAC, RG 10, vol. 3945, file 121,696-64. Cummiskey claimed that as a result six couples were married by Fr. LeJeune.

¹⁵⁰ A McNeill, Sarcee Agent, to R.N. Wilson, Blood Agent, 3 August 1908, Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 21. See also Agent to A. McFatridge, Indian Agent at Browning Montana, 23 June 1913, vol. 13, file 98.

¹⁵¹ DIA, *Annual Report*, 1909: xxxi.

¹⁵² Scott to Indian Agents, Circular, 2 January 1914, LAC, RG 10, vol. 3762, file 32,345 pt.1.

position and policy directives concerning cohabitation on the part of those whose responsibility it was to ensure that these were followed.¹⁵³

What was less muddled in the minds of those enjoined to enforce the newcomers' notions of morality was the inherent inferiority of Native values in this regard. As Kamloops Agent J.W. McKay reasoned: "I beg to submit that Indians are in their nature, in consequence of their training, habits and surroundings far less virtues [sic] than the average whites. Their morality should not therefore be judged of by the standards of the white people." McKay went on to argue that the "Indian woman, although....inclined to be worse in her morals, is naturally modest" and argued that the "the provisions of the Vagrant Act [should be] stringently applied" to keep women out of towns and cities.¹⁵⁴

In both regions and in all spheres, the actions of women were placed under particularly close scrutiny as discussed above in regard to restrictions on their movement. In 1901 Inspector Wadsworth reported that new agent to the Siksika J.A. Markle's "influence will reach to their domestic hearths: he interests himself in what they shall eat and how to cook their food and a liberal use of soap and water, apparently trivial matters but a great lever in leading to civilized habits, for the bad habits of the women are more difficult to overcome than those of the men, because they are lazy and prefer to lie about

¹⁵³ For a fuller discussion see Sarah Carter, "Complicated and Clouded": The Federal Administration of Marriage and Divorce among the First Nations of Western Canada, 1887-1906", in *Unsettled Pasts: Reconceiving the West Through Women's Eyes*, ed. Sarah Carter, Lesley Erickson, Patricia Roome, and Char Smith (Calgary: University of Calgary Press, 2005): 151-178.

¹⁵⁴ J.W. McKay to A.W. Vowell, 1891, LAC, RG 10, vol. 3816, file 57045-1. McKay contended that this would stem "the habit of prostitution practiced by Indian women" but seems not to recognize not the contradiction between being "naturally modest" yet "less virtuous" nor, of course, does he question the virtue of White male clients of prostitutes. On the belief held by DIA employees regarding the inferior morality of Indigenous people generally and women specifically during a period that extends well past the one under discussion here see for example Robin Brownlie, "Intimate Surveillance".

and gossip to keeping their children and houses clean and properly cooking the meals for their family.”¹⁵⁵

The mission to impose patriarchal relations and the private/public dichotomy operative in non-Native Canadian society was unmistakable. As Pamela White has argued “[t]he objective of the policy was to train Indian women to behave in a domestic economy in a manner similar to the white European women were settling nearby the reserves.”¹⁵⁶ Women were to be reformed to accept the position that they should perform solely reproductive labour.

The cooption and perversion of indigenous political structures is discussed below but the use of these “reformed” structures in advancing Anglo-Canadian conceptions of morality is notable here. As J.A.J. McKenna, who served in a number of capacities with the DIA, noted “where he deems the Indians sufficiently advanced to carry it out” the Governor General could ratify the capacity of DIA structured band councils to make and enforce regulations in areas intended to facilitate “civilization”.¹⁵⁷ In British Columbia,

¹⁵⁵ DIA, *Annual Report, 1901*: 184. As discussed above Wadsworth was particularly vehement but as Pamela White has argued DIA officials as a group inherited an especially negative view of Native women from earlier explorers and traders. Pamela White, “Restructuring the Domestic Sphere -- Prairie Indian Women on Reserves: Image, Ideology and State Policy 1880-1930.” Ph.D. Dissertation, McGill University, 1987: 76-105. For DIA views of women see Sarah Carter, “Categories and Terrains of Exclusion: Constructing the “Indian Woman” in the Early Settlement Era in Western Canada”, *Great Plains Quarterly* 13 (Summer 1993): 149-151. For Inspector Wadsworth’s view of women’s lack of advancement vis-à-vis men see Carter, *Lost Harvests*: 179-180. There were however exceptions. Kamloops agent Archibald Irwin, while perhaps not always the most active observer noted that Indigenous women, “apart from their domestic duties” were engaged in a variety of activities, like domestic production, gathering vegetable products and making clothing for their family’s use or for sale, and wage labour among other things. According to Irwin, [a]n Indian woman is rarely idle.” Canada, DIA, *Annual Report, 1901*: pt. I, 260. For an exploration of depictions of Indigenous women in nineteenth century documents see Weist, “Beasts of Burden”.

¹⁵⁶ White, “Restructuring the Domestic Sphere”: 4, 131.

¹⁵⁷ J.A.J. McKenna, “The Indian Laws of Canada”, *Catholic World*, 54 (October 1891): 66. Regulations could include matters related to the construction and attendance of schools and the “repression of intemperance and profligacy” among other concerns related to morality. See also Hayter Reed to Sarcee Agent, 19 May 1891, LAC, RG 10, vol. 1134. Agents and inspectors determined who was eligible, supervised the votes and, unless there was some controversy, determined what constituted a majority. In all cases in both regions only male adults as identified by the agent were permitted to vote both for the council

regulations designed specifically for interior peoples were conceived either to restrict women's productive activity or to control their sexuality. On at least three occasions band regulations were approved, at least tacitly, by interior Native groups.

In 1879 Reserve Commissioner G.M. Sproat had regulations passed that included a clause that "women are not to work so much in the fields as has been the case hitherto, when the men were doing nothing. The women are to look more after the houses."¹⁵⁸ Several years later Kamloops-Okanagan agent J.W. McKay had rules passed that he claimed were "the result of the Indians' desire to maintain and improve morals of their women."¹⁵⁹ Later still, Kamloops agent J.F. Smith, also concerned with morality, had rules ratified designed to alleviate "intemperance and profligacy" and which also made it

itself and for the regulations it proposed. McKenna served in positions ranging from Inspector of Catholic Schools to the federal representative on the Royal Commission on Indian Affairs for British Columbia that substantially reduced the already small pieces of land that Native people in BC were able to retain. More will be said of this issue in the chapters that follow.

¹⁵⁸ G.M. Sproat, Reserve Commissioner, "Rules and regulations framed by the Nekla-ka-a-muk Council sitting at Lytton British Columbia the 17th July 1879 for their own people," LAC, RG 10, vol. 3696, file 15,316. These "rules and regulations" also appear aimed at corrupting Nlha7káp̓mx political structures and incorporating leaders into the DIA hierarchy. Sproat's attempt to impose the values and structures of liberal Canada was not appreciated by all. Indian Commissioner I.W. Powell argued that Sproat had overstepped his bounds, and Powell's jurisdiction, in holding the meeting that passed these by-laws: "he commissioned a former disreputable Indian named Michel to assemble all the Chiefs and others, of the Neklakapamuk Indians together (I am informed at Government expense) where he submitted and prevailed upon them to sign the series of resolutions and by-laws." Powell to J.A. Macdonald, LAC, RG 10, vol. 3679, file 12068. Other influential men in British Columbia were not similarly concerned that their jurisdiction had been invaded but were concerned that the meeting might lead to what they saw as an undesirable Native unity: "we believe the future peace of the Province is being seriously jeopardized in this proposed combination of semi-civilized natives." A.C. Anderson, Wm. Duncan, R. Finlayson, W.J. Macdonald, J.W. McKay, A. McKinlay, W.F. Tolmie, Chas. Vernon, James Cheson to Attorney General G.A. Walkem, BCA, GR 429, box 1, file 8, item 157a/79. For a more generous account of this meeting that argues that it was not imposed but rather was an attempt by the Nlha7káp̓mx to adopt the rules of White society and to ensure that the rule of law applied to their relations with settler society as well see Douglas Harris, "The Nlha7káp̓mx Meeting at Lytton, 1879, and the Rule of Law", *BC Studies*, 108 (winter 1995-96): 5-25. Cole Harris also sees the meeting as a pragmatic move on the part of the Nlha7káp̓mx with Sproat acting as a virtually neutral conduit. Harris, *Making Native Space*: 155-159.

¹⁵⁹ I.W. Powell to SGIA, 5 March 1887, LAC, RG 10, vol. 7748, f24154-12.

an offence to live on a reserve in the agency “as man and wife without being legally married.”¹⁶⁰

Some, at least, saw the contradiction evident in the level of surveillance trained on First Nations people in this regard. Edward Blake, in reference to the 1884 Indian Advancement Act, asked “why should not this be extended to whites...why should we be more moral with our Indian friends than with ourselves”¹⁶¹ Similarly Oblate missionary Jean-Louis Lavern wrote that the “corruption of the whites, together with the thoughts of the pitiful and devilish activities in many of our cities of America, Canada, and France, when compared to the customs of our natives” will ensure that the latter is treated more tolerably in the afterlife than the former.¹⁶² Nonetheless Native women had to demonstrate their adherence to Anglo-Canadian notions of morality to receive an inheritance¹⁶³ or obtain the pensions of their soldier husbands.¹⁶⁴

Since it was determined that “there is perhaps no single feature from which more can be gathered relative to the progress made by Indians in their advance toward civilization than the character of their dwellings” this part of domestic life, and women’s

¹⁶⁰ W.E. Ditchburn to J.F. Smith, 20 December 1917, vol. 1319; H. Graham to J.D. McLean, 6 November 1917, LAC, RG 10, vol. 3696, f15,316. Smith’s judicial activity included hearing cases of “illicit connection”, file d, entry for 16 May 1913; file e, entry for Jan 13, 1914 and file f, entry for Mar 10, 1915. It also included hearing cases of domestic disputes in which he either attempted to reconcile spouses or arranged support payments. See for example: entries for 11 June 1913, LAC, RG 10, vol. 1325, file d and entries for 4 January and 10 March 1915, vol. 1325, file f. Smith managed to convince a chief living with a woman to whom he was not married in the eyes of the church and state to separate. Entry for 1 July 1912, file c. Of even greater widespread concern on the part of the DIA then a Native woman choosing to live with Native man was her decision to live with a White man. The progeny, it was feared, would “become dangerous members of the community”. A.C. Anderson, J.P. to John Ash, Provincial Secretary, 16 April 1873, LAC, RG 10, vol. 3658, file 9404. A White man even sleeping in the house of a Native woman could be charged with trespass and fined or imprisoned. Entry for 23 December 1913, LAC, RG 10, vol. 1325, file d.

¹⁶¹ McKenna, “The Indian Laws of Canada”: 67.

¹⁶² J-L. Lavern, “Legends and Traditions of the Blackfoot Indians”: 53, Glenbow, Jean-Louis Lavern Fonds, M8521, file 5. Lavern cites Mathew 11:22.

¹⁶³ McKenna, “The Indian Laws of Canada”: 64.

¹⁶⁴ J.F. Smith to J.D. McLean, 3 February 1919, LAC, RG 10, vol. 6781, f452-265. This issue will receive a fuller treatment in the section on WWI.

responsibility therein, was especially singled out for observation, measurement, and judgment.¹⁶⁵ While it was believed that “fixity of abode is the first essential step towards civilization” it was recognized at the same time that advantages of “superior cleanliness secured by more or less frequent change of site...[were] obvious.”¹⁶⁶ Since allowing the maintenance of an economy based on seasonal rounds of varied activities would have been absolutely counterproductive to virtually all objectives and strategies of the DIA, sanitation was added to residential morality issues and problematized.

As discussed above, the bounded spaces created by treaties, Indian agencies, and reserves were culturally constituted. Similarly, the interior space inhabited by Native people was constructed within Anglo-Canadian precepts.¹⁶⁷ As DSGIA James Smart confirmed in 1899, “[t]here is perhaps no single feature from which more can be gathered relative to the progress made by Indians in their advance towards civilization than from the character of their dwellings.”¹⁶⁸ Of special interest was the “partitioning of inside of houses [which] is essential for morality”.¹⁶⁹ Some DIA employees were quite concerned with sleeping arrangements, as Sarcee Agent Lucas complained of Inspector McGibbon, “he makes a great fuss about the Indians sleeping on the floor says they must have bedsteads and sleep on them.”¹⁷⁰ The conformity of reserve dwellings with those in

¹⁶⁵ DIA, *Annual Report*, 1899: XXVIII. For a related discussion see Page Raibmon, “Living on Display: Colonial Visions of Aboriginal Domestic Spaces”, *BC Studies*, 140 (Winter 2003/04): 69-89.

¹⁶⁶ DIA, *Annual Report*, 1909: XXIV.

¹⁶⁷ For a brief discussion of this in another colonial situation see Chakrabarty, “Postcoloniality and the Artifice of History”: 12.

¹⁶⁸ DIA, *Annual Report*, 1899: XXVIII.

¹⁶⁹ DIA, *Annual Report*, 1909: XXIV. See also “Report of Indian Affairs”, *Calgary Herald*, 23 March 1892.

¹⁷⁰ Entry for 9 January, Daily Journal at Sarcee Agency, 1892, Glenbow, Lucas Family Fonds, M699/8.

neighbouring White communities was to be accomplished, where possible, with the earnings of reserve residents or from the proceeds from the sale of reserve lands.¹⁷¹

As pointed to above as well, unsanitary conditions were attributed to the intransigence or indolence of Native women.¹⁷² Commissioner Reed was clearly interested in the smallest details when he proclaimed that “greater pains in some quarters must be bestowed upon inculcating thoroughness in the performance of domestic duties, such as the sweeping out of corners and under the beds, as well as the centre of rooms, the keeping clean of dishes and the practicing of habits of cleanliness and tidiness.”¹⁷³ By 1896 at least one Treaty 7 agent was able to report on the success of the department’s objectives:

It is quite noticeable that the Indian women are, from year to year advancing in cleanliness, their houses now presenting a far more comfortable appearance than in former years. Nearly all houses consist of two rooms, bed-room and kitchen, and are furnished with stoves, bedsteads, tables, chairs and cupboards.¹⁷⁴

To facilitate harmony with Anglo-Canadian precepts of appropriate gender divisions of labour within the family, male employees of the DIA were expected to inspect the level of cleanliness but, when at times instruction on this “women’s work” was provided it more often fell to their wives.¹⁷⁵ When employees’ wives received payment for their instruction they were expected, like all regular employees, to identify their own efforts and to carefully observe those under their tutelage. Reed told agents to

¹⁷¹ Indian Commissioner J.A. McKenna to R.N. Wilson, 19 March 1904, Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 21 and Agent to Indian Commissioner, n.d., LAC, RG 10, vol. 1151. The use of the proceeds of reserve land sales to further the objectives of the DIA, though not necessarily in the interest of the reserve residents will be discussed below.

¹⁷² On this point see Sarah Carter, “Categories and Terrains of Exclusion”: 149-150.

¹⁷³ Reed, Circular, 9 February 1891, LAC, RG 10, vol. 1137. In 1893 he listed other sanitary measures that should be followed. Reed, Circulars, 1 and 15 March, 1893.

¹⁷⁴ DIA, *Annual Report, 1896*: xxxiii.

¹⁷⁵ For examples of the wives of farm instructors taking on this task see DIA, *Annual Report, 1909*: xxiv.

“instruct all the Farmer’s wives who are drawing salaries as Instructresses” to submit a monthly report identifying the names of the Native women they are instructing, the work performed, their progress, and how and where the instruction is given.¹⁷⁶ By 1892 the department was concerned that it was not getting “adequate return for the expenditure” it incurred in paying wages to these women instructors and recommended that a bonus system replace regular wages. Reed stated that he had “for some time past made every effort to stimulate these Instructresses to proper exertion” but that the uncertainty created by a bonus system would be counterproductive. Instead he recommended a graded wage structure and sent to Ottawa his remarks on each of the women employed as an instructor.¹⁷⁷

Employee’s wives also served in other instructional capacities,¹⁷⁸ worked as secretaries for their husbands,¹⁷⁹ and, in some parts of western Canada near the end of the period under discussion here, organized baby shows and clinics.¹⁸⁰ Yet employees wives were often not paid for the assistance they provided to their husbands’ work. Agent Lucas’s wife, for example, not only did not get paid for the general housekeeping she did around the DIA farm, but her rations were deducted from her husband’s pay.¹⁸¹ The

¹⁷⁶ Reed, circular, 9 November 1889, LAC, RG 10, vol. 1134.

¹⁷⁷ Reed to DSGIA, 14 March 1892 and “remarks regarding instructors”, n.d., LAC, RG 10, vol. 3870, file 88,706. The remarks sheet in this file includes Treaty 6 only.

¹⁷⁸ The wives of employees and missionaries also helped to reinforce the gender specific roles deemed appropriate by the newcomers by instructing Native women in a variety of skills. For examples of the wives of officials teaching knitting see DIA, *Annual Report* 1891:168 and DIA, *Annual Report*, 1892: 84. But as in all of their efforts, economy interfered with their objectives. As Treaty 7 Inspector McGibbon reported: “Mrs Wheatley [wife of Blackfoot Agent George Wheatley] is anxious to teach the women how to knit but there is no yarn.” Alex. McGibbon, “Blackfoot Agency, Treaty 7, Inspector’s Report, From 31st. December 1890 to 31st. December 1891”, LAC, RG 10, vol. 3860, file 82319-13: 16.

¹⁷⁹ P.L. Grasse to DSGIA, 18 April 1895, LAC, RG 10, vol. 3908, file 107,286.

¹⁸⁰ Alice W. Tye, “Canadian Nurses on Indian Reserves”, *The Canadian Nurse* (May 1926): 232. Alice Tye was Indian Commissioner W.M. Graham’s cousin, secretary, and keen supporter.

¹⁸¹ John Ayley to Alonzo Wright, Conservative M.P. for Ottawa County, 29 December 1884, Glenbow, Lucas Family Fonds, M699/1.

department's insistence that employees be married was undoubtedly informed by concerns of morality but as surely as any capitalist employer the DIA benefited from the reproductive labour, and further from the unpaid productive labour, of the wives of employees.¹⁸²

The DIA insisted on a high level of obedience from its employees be they women or men. Yet, remarkably, the instructions it presented to its employees in the field were often unclear, incomplete, or inadequate. In many cases these omissions were deliberate. For example when Commissioner Dewdney sent instructions to the newly appointed agent to the Tsuu T'ina and Nakoda he stated "[t]here are of course many things that cannot be touched upon in a letter of general instructions to agents, and in some cases I do not think it would be prudent to do so, as in dealing with indians Cast Iron rules cannot always be exercised in the interest of the Government."¹⁸³ Almost a quarter century later, when Kamloops-Okanagan Agent Archibald Irwin requested instructions, his superior, Superintendent A.W. Vowell, was informed by DIA headquarters "on the subject of the appointment of chiefs, I beg to say that there does not appear to be any reason why such instructions should issue from the Department direct, as it is believed that you understand perfectly."¹⁸⁴ Just why the agent and superintendent would request instructions if they did indeed "understand perfectly" is not explained. The DIA established the framework for

¹⁸² In another example of economy interfering with the apparent objectives of the DIA Edgar Dewdney commented "There is no proper accommodation on this [Blood] reserve for married men and as we are forcing our employees to be such I would strongly urge that authority be granted for the erection thereon of suitable buildings..." Dewdney to SGIA, 8 June 1886, LAC, RG 10, vol. 3752, file 30321.

¹⁸³ Dewdney to W. De Balinhard, 19 August 1885, LAC, RG 10, vol. 3716, file 22,838-1. Whereas De Balinhard was told "[s]trict measures must be taken to keep Indians at home, and to prevent them from visiting Calgary or elsewhere for immoral or other purposes" he was not told how he should accomplish this. For an almost identical letter sent to another agent in western Canada see Looy, "The Indian Agent": 180.

¹⁸⁴ McLean to Vowell, 28 December 1910, LAC, RG 10, vol. 3944, file 121,698-54.

surveillance but beyond establishing general guidelines regarding the nature of the surveillance and supervision to be undertaken the agent was given, for good or ill, considerable leeway in the application of policy even if his interpretation of policy might inevitably lead to discipline or dismissal for incompetence or disobedience. Even in D.C. Scott's ninety-two point instructions of 1913 mentioned above there is detail concerning what the agent should do but leaves how this should be done at the discretion of the agent.¹⁸⁵

The panoptic machinery employed by the DIA was maintained through observation at every level of its hierarchy. Like the surveillance of Native people, the disciplinary observations of those senior in the hierarchy were recorded in considerable detail. The primary method maintained by the administrative centre to judge the work of its agents was, unremarkably, through its various written reports. Agents were expected to keep and submit monthly a travel diary, daily journal, general report, expense report, and schools reports. Each year they were to prepare a tabular statement of "agricultural and industrial statistics." They were to keep a record of all correspondence, cheques, and vouchers and to submit all letters to Ottawa, one subject per letter, in the proper form and only on stationery sanctioned previously by the DIA.¹⁸⁶ Tardiness in the submission of the requisite reports was viewed as "an act of insubordination" and a "grave dereliction of

¹⁸⁵ D.C. Scott, "General Instructions to Indian Agents in Canada", 25 October 1913, LAC, RG 10, vol. 10020. Where, for example, Scott states that "[t]he Indians should be encouraged to settle on their reserves, and, where feasible, to engage in farming, stock raising, etc." how the agent should go about encouraging this activity is not explained and so apparently open to at least some discretion. The interpretation given here diverges from that of Hana Samek who accepts Scott's view that DIA policy was well defined and that this was a benefit to new employees of the department. Samek, *The Blackfoot Confederacy*: 23. Samek's generous view here parallels that presented by Frederick Abbott, Secretary to the U.S. Board of Indian Commissioners, in 1915. Abbott, *The Administration of Indian Affairs in Canada*: 26.

¹⁸⁶ "Instructions to Indian Agents," with J.D. McLean to A.W. Vowell, 7 March 1910, LAC, RG 10, vol. 4048, file 360,377; Canada, Special Joint Committee, *Report and Evidence*: 181. For directions regarding one subject per letter see Reed, circular, 23 February 1889, LAC, RG 10, vol. 1137.

duty”¹⁸⁷ and could in some instances result in the withholding of salary.¹⁸⁸ Through written reports errors in accounting could be spotted¹⁸⁹ and unjustifiable generosity curbed.¹⁹⁰

While the department took all reports, vouchers, and statements seriously, the agent’s annual reports were the most significant of all textual material that he submitted.¹⁹¹ It was within these reports that the agent provided the statistical data that was compiled in Ottawa into its, in some years, several hundred page tabular statements that were included in its published *Annual Reports*. The quantity and detail of data displayed in the tables peaked during the twentieth century before World War I, but in all years they graphically, and publicly, display the results of surveillance.¹⁹² The “tabular statements” measured and compared by agency, and in some years for some locations, by individual, everything considered significant by the DIA: fourteen types of grains, roots,

¹⁸⁷ L. Vankoughnet, circular, 10 April 1890, LAC, RG 10, vol. 1134; L. Vankoughnet, circular, 11 April 1893 and A.E. Forget, circular, 22 December, 1893 LAC, RG 10, vol. 1137.

¹⁸⁸ J.D. McLean, circular, 4 July 1908, Glenbow, Blackfoot Agency Fonds, M 1785, vol. 5, file 2.

¹⁸⁹ For errors in agent’s cash books see for example J.D. McLean to Gooderham, 31 May 1907, Glenbow, Blackfoot Agency Fonds, M 1785, vol. 2, file 7 and McLean to Sibbald, 13 March 1906, file 8. The following year the department noted a problem with Agent Sibbald’s stock returns. McLean to Sibbald, 21 February 1907, vol. 2, file 7. On at least one occasion a former agent seems to have had the last word regarding departmental complaints of record keeping irregularities. While DIA Secretary McLean wrote agent Gooderham complaining that there “appears to be an error in connection with the issues on the South Reserve” the document has “was not wrong” written across it in blue pencil, perhaps by Gooderham’s son, himself a long serving Indian agent, when he was a volunteer at the Glenbow Archives. McLean to Gooderham, 9 December 1908, vol. 2, file 5.

¹⁹⁰ J.D. McLean to Gooderham, 11 August 1908, Glenbow, Blackfoot Agency Fonds, M 1785, vol. 5, file 2. The department was concerned that Gooderham made too many cash advances to the Siksika which it believed might serve to encourage them to go into debt.

¹⁹¹ The tabular statements, which form a significant portion if not a majority of the material in the published *Annual Reports*, are in some years several hundred pages long. This material is problematic for historians, as will be discussed below, but it is also of unparalleled value. Like all texts related to colonial encounters, these tables must be read “against the grain” to discover their significance. This dissertation is written with the understanding that the perceived dichotomy between “quantitative” and “qualitative” history is largely a creation of historians rather than their sources.

¹⁹² As mentioned above, by 1914 the tables included the number who wore “civilized clothes”. It seems likely that the paper shortage of World War I was the determining factor in the initial decision to reduce the size of the published reports but even with the war-time demand eased, they never again approached the level of detail in evidence before the war.

and fodder planted and harvested; the quantity of seventeen distinct types of livestock and poultry kept; eighteen varieties of agricultural instruments and vehicles; and nineteen classes of buildings and the sources and values of income among other data.¹⁹³

Not only did the tables allow the DIA to display the apparent progress of its “wards” but it permitted it and other interested observers to easily compare one group to another. Additionally the presentation of the data in tabular form projected an air of scientific objectivity that furthered the image of the DIA’s reformatory project as itself rational, well-informed, and incontestable. Like all tables though, the DIA’s tabular statements were far from neutral.¹⁹⁴ The construction and combination of categories did not necessarily have any meaning to the peoples they were supposed to describe but the particular measurements and the judgments related to progress and success that emerged as the result of these tables informed the degree of remedial action believed necessary. These could only be based on the values of the colonizers. Further, while Indigenous people were invariably blamed for any failure to meet expectations, the tables are mute on the inherent contradictions within DIA policies and procedures that mitigated against the realization of these expectations.

The possibilities for errors in agents’ calculations of reserve production or their valuations of other sources of income were undoubtedly abundant. Especially in British Columbia where, as mentioned above, the agent might only rarely visit some reserves the

¹⁹³ It should be noted though that the DIA wanted not only the quantity of crops sown and harvested for example, but regular progress reports on all aspects of agricultural operations. In 1894, for example, departmental headquarters asked all agents for reports on the attention that was given by Native people to their root crops and to tasks such as weeding and thinning etc. Forget, circular, 28 August 1894, LAC, RG 10, vol. 1137.

¹⁹⁴ Dean Neu and Richard Therrien have provided a provocative survey of the application of related techniques that they refer to as “the genocidal use of the softwares of government, especially accounting”. Neu and Therrien, *Accounting for Genocide: Canada’s Bureaucratic Assault on Aboriginal People* (Black Point, NS: Fernwood Publishing, 2003): 180.

total reported quantities of fish removed from lakes and streams or potatoes and carrots pulled from the ground have to be suspect. Yet these kinds of errors were among those least likely to be noticed by the DIA. Since the scientific appearance of the statistical statements would be jeopardized by inconsistencies more severely than by simple misreporting, the department went to some lengths to remove potential objections of this sort with apparently little concern for accuracy.

In 1901, the department complained that “in certain agencies sums are set down as income which would be absolutely incommensurate to the support of the Indians of those agencies.” While it is possible that tabular reports were more accurate after this admonition, as has been argued elsewhere, it is just as likely that agents began, without necessarily having any supporting evidence, to estimate income data upwards in order to meet the demands of their superiors that incomes be “at least, enough to support the number of people in the band.”¹⁹⁵

In 1902, British Columbia’s Indian Superintendent A.W. Vowell reported that “as usual, in nearly every instance” the statistical statements “were more or less inaccurate.” The next year, however, Vowell was pleased to report that these statements “in accordance with the desire of the department, were received in good time and were as nearly as possible in the required form.”¹⁹⁶ While this miraculous turn-around is possible, the issue seems not to have been one of accuracy so much as balancing the books and maintaining the appearance of precision.

¹⁹⁵ J.D. McLean, circular, 28 May 1901, LAC, RG 10, vol. 1327. James Burrows, “‘A Much Needed Class of Labour’ ”: The Economy and Income of the Southern Interior Plateau Indians, 1897-1910, *BC Studies* 71 (Autumn 1986): 30.

¹⁹⁶ Canada Department of Indian Affairs, *Annual Report*, 1902: 280 and *Annual Report*, 1903: 314.

In southern Alberta, a higher level of surveillance meant that the data should have been more accurate, but problems with regard to inconsistencies were nonetheless common there as well. In order to help the DIA tie up loose ends, the agent to the Nakoda was asked to account for the origin of the potatoes planted on the reserve in the spring.¹⁹⁷ Siksika agent J.H. Gooderham, seems not to have understood the importance that the DIA placed on consistency and was chastised for altering the categories created by the department and for not explaining what happened to four saw mills that appeared on the annual report he submitted the previous year.¹⁹⁸ The same year the DIA found it necessary to inform agents that the column “total value of real and personal property” should indeed be the aggregate of those items.¹⁹⁹

Where inconsistencies in the reports, or factors pointing to a failure of DIA supervision, could not be removed, they had to be explained, even if only by deflecting blame to someone else. For example it was argued that a decrease in population in British Columbia in 1897 was “in some cases...entirely owing to inaccuracies in previous census returns. This must certainly be the case, as the year shows an advance in improved sanitary measures, and in the Indians’ mode of living”.²⁰⁰ Certainly, the department wanted to avoid illustrating that these “advances” were unsuccessful, even if it meant purposely manipulating the data.²⁰¹

¹⁹⁷ Forget to Agent, 10 August 1896, Glenbow, Sarcee Indian Agency Fonds, M1837, vol. 1, file 4.

¹⁹⁸ J.D. McLean to J.H. Gooderham, 22 June 1910, LAC, RG 10, vol. 4048, file 358,888. Gooderham seems to have missed the point when he defended his alterations of what was supposed to be a standardized accounting system. Gooderham to McLean, 27 June 1902. Similarly, Stoney agent Fleetham combined the categories created by the DIA.

¹⁹⁹ Secretary, DIA, circular to all agents, 5 June 1910, LAC, RG 10, vol. 1327.

²⁰⁰ DIA, *Annual Report*, 1897: 189.

²⁰¹ On this point see Maureen Lux, *Medicine that Walks*: 141.

Agents were instructed in the form that their reports and statements should take, that the various columns should balance, and not to change the headings.²⁰² There was, however, little advice regarding how they were supposed to accomplish a detailed compilation of all production, construction, goods owned, each dollar earned from all sources in addition to personal attributes, levels of education, and religious sentiment of all reserve residents under their jurisdiction. Certainly this micro-measurement would have been somewhat easier in Treaty 7 where the agent normally lived on the reserve and had assistance from other employees. Additionally, annuity payment time and ration distribution days provided opportunities for census taking, and list making of various sorts that were unknown in British Columbia.²⁰³ But even here the task could be hopeless. In 1907, for example, Agent Fleetham reported the total income of the Nakoda “from all sources amounted to \$26,016.96 besides amounts earned in southern Alberta during the year which it is impossible to ascertain.”²⁰⁴

Needless to say, preparation of their annual reports caused considerable consternation to employees. As an agent from the Williams Lake Agency in British

²⁰² Agents were instructed: “You will please fill up the different columns with the most accurate information which it is possible for you to obtain on the various subjects to which they refer.” L. Vankoughnet, circular, 11 April 1892, LAC, RG 10, vol. 3871, file 89250. See also L. Vankoughnet, circular, 11 April 1893 and Forget, circular, 20 April 1894, LAC, RG 10, vol. 1137; Hayter Reed, circular, 14 September 1889 and Forget, memorandum, 25 April 1893, vol. 1134. Hayter Reed cautioned agents to ensure that the sum of the production totals for individuals could be reconciled with the band totals. Reed to Agent, September 1890, vol. 1134. Even with these instructions, however, at times reports had to be returned to the agents for correction. L. Vankoughnet, circular, 1 March 1893, vol. 1134.

²⁰³ Agents were supposed to use the opportunity presented by annuity payments to make lists of all those who lived with more than one wife. Forget, circular, 19 December 1893, LAC, RG 10, vol. 1137. This supervisory advantage was lost, however, with the reduction or discontinuance of rations as was particularly evident with the Nakoda who had the option of acquiring food by hunting when the department restricted rations. Here, Dewdney reported: “[w]ith regard to making out a Roll of the tribe I may state that consequent upon the stoppage of rations, not many Indians will be found on the Reserve but your instructions shall be carried out as far as possible.” Dewdney to SGIA, 30 April 1884, LAC, RG 10, vol. 3680, file 12349.

²⁰⁴ DIA, *Annual Report*, 1907: 192.

Columbia complained "I am at this present moment nearly on the verge of lunacy.

Annual reports - wh[ich] should be in today (but wh[ich] wont) and a table of statistics (wh[ich] I can not give) to accompany the same."²⁰⁵ Never the sensitive diplomat,

Inspector Wadsworth stated of the Tsuu T'ina "I know of no better way to count these Indians than to drive them into a carral[sic], and allow them to come out by families, then taking their names and classifying them, even this small band will not be counted without force being used".²⁰⁶

As James Burrows has already noted, the nature of statistics might very much have depended on the methods employed by the agent collecting them.²⁰⁷ Clearly, not all agents had the same levels of dedication, enthusiasm or energy. Kamloops-Okanagan agent, Archibald Irwin who seems to have had little interest in the detail of administration or record keeping, is a case in point.²⁰⁸ Liberal supporter Irwin was appointed agent shortly after the elections of Wilfrid Laurier as Prime Minister and Liberal Hewitt Bostock as M.P. at Kamloops. Some in the area supported Irwin's appointment stating that he was "far above the average British Columbian and in every way suited to fill the position of Indian Agent."²⁰⁹ The *Kamloops Sentinel* proclaimed that Irwin "is intimately acquainted with every part of the country covered by the Kamloops Agency, and he has a

²⁰⁵ Wm. Laing Meason to Thomas Elwyn, 30 August 1884, BCA, MS-0218.

²⁰⁶ Wadsworth to Dewdney, 13 August 1882, LAC, RG 10, vol. 3610, file 3525. See also Titley, *The Frontier World of Edgar Dewdney*: 50.

²⁰⁷ Burrows, " 'A Much Needed Class of Labour' ": 38.

²⁰⁸ Irwin was a Liberal party supporter and ex-teacher from Ontario who was the last agent to administer the combined Kamloops-Okanagan agency, serving from 1897-1911. He was asked by supporters to run for the provincial legislature, but was unsuccessful on two occasions. *Kamloops Inland Sentinel*, 24 June and 15 July 1886, and 28 June 1890. Irwin was involved in ranching and contracting and in the two years prior to his appointment as Indian agent he was mining recorder at Granite Creek. *Kamloops Inland Sentinel*, 14 September 1897, Supplement: 1. Before becoming an Indian agent, he was forced to resign from teaching positions at schools in Cache Creek and Nicola for failing to provide the level of supervision expected by the parents of his students. *Colonist*, 10 and 15 April 1877, 15 May 1880.

²⁰⁹ *Kamloops Inland Sentinel*, 29 October 1897: 7.

pretty thorough knowledge of the Indians.”²¹⁰ Others, however, complained of the dismissal of Conservative officials and the appointment of Liberals like Irwin. An “ex-Liberal” charged that a “more unpopular and disreputable appointment could not be made. It is well-known that Mr. Irwin has no qualifications for the position.”²¹¹

In a study devoted primarily to the administration of Irwin’s successor, J.F. Smith, Trefor Smith referred to Irwin as “incompetent,” and claimed that the agency suffered from his neglect.²¹² Certainly there is evidence of Irwin’s inability to oversee this vast territory. In the last few years of his tenure, Irwin was accused by Secwepemc chiefs of never coming to their reserves, despite his promises, and of being “good for whiteman, very bad for Indian.” Chief Basil David complained: “there is an agent, Mr. Irwin, what is he for? I am in trouble and I go to the Agent and he says ‘tomorrow I will come’ and months pass and he come not and my trouble increases.”²¹³ At one locale at least, Irwin

²¹⁰ *Kamloops Inland Sentinel*, 14 September 1897, Supplement: 1.

²¹¹ *Kamloops Standard*, 13 October 1897: 2. Conservative supporter W.F. Wood was originally replaced by Liberal J.B. Leighton and then by Irwin.

²¹² Trefor Smith, “John Freemont Smith and Indian Administration in the Kamloops Agency, 1912-1923”, Paper presented at the B.C. Studies Conference, Kelowna, 1994: 3. While Irwin is perhaps the most glaring example of incompetence and neglect from the B.C. interior, he is certainly not alone. The agent for the neighbouring Williams Lake Agency, in chronicling his trials and tribulations wrote: “1. Express to say that a girl (not Indian pure or of course I should have gone) had been beaten nearly to death by her Father for being with Child - & her Papa a J.P. - request from her to go to see - would have been 3 or 4 days riding & work. Answer Go to hell!

2. Express to say that that same girl had died? - Indians wanted me to go - about a weeks riding. same answer.” Wm. Laing Meason to Thomas Elwyn, 30 August 1884, BCA, MS-0218.

One of two successors to Irwin in the Kamloops Agency was also believed to have helped himself to money belonging to Native people as Agent J.F. Smith confirmed “[i]t is clear, however, that Mr. Drummond received the money on behalf of the Indians to pay Mr. Fernie which he has not done.” This problem was still not reserved a decade later. J.F. Smith to Asst. Deputy and Secretary, 23 June 1913, LAC, RG 10, vol. 4052, file 370,341-2.

²¹³ “Dr. McDougall’s Notes on a Meeting with the Indians on Bonaparte Reserve”, 12 October 1909, LAC, RG 10 vol. 3750, file 29858-10; John McDougall, “General Report,” 1909, vol. 4020, file 280,470-3.

was accused of visiting the reserve only once in the fifteen years he was agent.²¹⁴ He was similarly accused by a Methodist missionary of rarely visiting reserves.²¹⁵

Irwin was further charged by settlers of being “more interested in driving around with the Liberal candidate than in attending to his business as Indian agent.”²¹⁶ Regarding Native lumber operations, DIA Inspector, J.G. Ramsden reported that Irwin “appeared to have little or absolutely no supervision over the transactions” and the mill owners scaled and calculated logs bought to them by Secwepemc loggers without any accounting of the same.²¹⁷ Another inspector, K.C. McDonald, “found Kamloops Office in a very unsatisfactory condition. There being no system of keeping accounts of transactions on behalf of the various Bands, and as a result it has been very difficult to get definite information with respect to the Agency”.²¹⁸ Rev. John McDougall, sent by the DIA from his mission to the Nakoda in Treaty 7 to investigate disturbances in the Kamloops-Okanagan Agency, and to determine reserve lands that could be alienated for settlement, found Irwin “altogether unfit”.²¹⁹

²¹⁴ Phil Oppenheim to E.B. Drummond 15 March 1911, LAC, RG 10, vol. 1311. This is in reference to a reserve six miles south of Ashcroft.

²¹⁵ Methodist Rev. J.E. Rendle to Vowell, 8 June 1905, LAC, RG 10, vol. 3816, file 57045-1.

²¹⁶ R.C. Armstrong, J.P., to J.D. McLean, 21 February 1912, LAC, RG 10, vol. 3945, f121,696-64.

²¹⁷ J.G. Ramsden to J.D. McLean, 22 November 1909, LAC, RG 10, vol. 1311. Ramsden offered further that “[i]t appears to me that this agency should be divided and put in the hands of two painstaking officials, who have sympathy with the Indians and who will consider it their duty to conserve all their rights.”

²¹⁸ McDonald to Secretary of DIA, 23 September 1910, LAC, RG 10, vol. 1311. That Irwin was not able to provide an explanation for his negligence that was satisfactory to his superiors led to this investigation of his agency. McLean to Inspector K.C. McDonald, 8 June 1910.

²¹⁹ John McDougall, “General Report,” 1909 and J. McDougall to Deputy Superintendent General of Indian Affairs, 25 January 1910, vol. 4020, file 280,470-3. McDougall’s roll as an employee of the DIA hired to reduce reserve lands will be discussed in the following chapters.

At first glance it seems remarkable that Irwin was not dismissed long before February 1911.²²⁰ Even after McDougall's 1909 report, after he and Inspector Ramsden later noted irregularities in a land surrender that Irwin supervised, and following years of complaints from settlers and church officials, Irwin was permitted to continue in his job for well over a year.²²¹ It is clear that the surveillance network was functioning well but that Irwin could remain in office for more than a decade before any "incompetence" would be seriously challenged by his superiors is perhaps an indication that his technical job performance was not the fundamental concern of the DIA.

Irwin's own surveillance of the sprawling Kamloops-Okanagan agency coincided with growing federal-provincial tension over reversionary interest in reserve lands and the eventual refusal of the province to allot or confirm reserves. Naturally, this was met with increasing frustration by interior First Nations. While Irwin's lack of administrative skill, or inclination, was offered as the reason for his dismissal, it was the widespread vocalization of grievances by Secwepemc and Okanagan leaders that shook the liberal humanitarian facade of the DIA. Irwin's dismissal may well have had more to do with his inability to calm the concerns of the First Nations in his area than his other failings.²²² It seems indeed that everything was "all right if they are quiet" and that "the only good Indian is a sleeping Indian" since this would most inexpensively facilitate Anglo-Canadian control of Indigenous lands and resources. Archibald Irwin was not able to keep

²²⁰ McLean to Irwin, 10 February 1911, LAC, RG 10, vol. 3944, file 121698-54. A hand written note on lower left corner, initialed H. C. R. [H.C. Ross], states "Dismissed Feb 8, 1911, but this was not known until after Feb 10."

²²¹ The land surrender at Long (now Kalamalka) Lake will be discussed in detail in chapter 6.

²²² As Inspector Ramsden reported there is "[I]ittle wonder there were complaints and unrest among the Indians here. I find the Indians have implicit confidence in the Government and it is only when after repeated complaints have been ignored, or their interests neglected that they become dissatisfied and troublesome." J.G. Ramsden to J.D. McLean, 22 November 1909, LAC, RG 10, vol. 1311.

interior groups subdued in the face of the growing assault on their territories and their political, cultural, social and economic structures.

Even after Irwin's dismissal, however, rather than responding to Indigenous concerns, the DIA sought what Trefor Smith has referred to as an "administrative solution" to the growing dissent of Native peoples.²²³ Secwepemc and Okanagan affronts to what were seen as inherent truths and inevitable progressiveness of liberal capitalism went beyond the realm of what was considered possible to dispute and were therefore treated as irrational. Irrespective of Irwin's level of competence, he was, at least in part, a scapegoat sacrificed to maintain the appearance of the success of DIA surveillance and the quietude it was designed to deliver.

Irwin's successor was a very different man. John Freemont Smith too was married, educated, active in local politics, and most likely owed his appointment in large part to his party affiliation but there were few other similarities. Irwin was a Caucasian Liberal party supporter and ex-teacher from Ontario while Smith was a Black shoemaker-farmer-pro prospector who was born in Fredricksted, St. Croix. and educated in Denmark, Sweden, and at a Jesuit college in Liverpool.²²⁴ He was highly involved in the Kamloops Central

²²³ Trefor Smith, "A Very Respectable Man: John Freemont Smith and the Kamloops Agency, 1912-1923", MA Thesis, Simon Fraser University, 1993: 16. The agency was split up as discussed above and probably the only black man in the service of the DIA and not coincidentally a Conservative supporter, J.F. Smith, was appointed agent at Kamloops. While Smith was by most accounts a conscientious and energetic agent and undoubtedly sought to assimilate into White Anglo-Canadian culture, he was nonetheless often disparaged by his neighbours and opposition politicians. See T.J. Cummiskey to J.D. McLean, 27 March 1913, enclosing Lt. Col. Charles Flick to T.J. Cummiskey 21 March 1913, LAC, RG 10, vol. 4048, file 357,520; Canada, House of Commons, *Debates*, vol. CXXVI (1917): 654; Canada, Special Joint Committee, *Report and Evidence*: 181 and Henry Dennison to H.H. Stevens, 17 April 1919, enclosed in E.J. Ashton, Commissioner, Soldier Settlement Board, to D.C. Scott 20 May 1919, LAC, RG 10, vol. 7535, file 26154-1.

²²⁴ Harold Forsell, "Law Enforcement of Pioneer Days in South Central British Columbia", unpublished manuscript, n.d.: 13-14. This contains what the author claims is a dictation to J.J. Morse signed by Smith in 1931 and is held in the Kamloops Museum and Archives (KMA); *Kamloops Inland Sentinel*, 9 October 1934: 1, 6. After arriving at Kamloops in 1884, Smith opened a shoe store there and then another north of

Conservative Association and was a correspondent in favour of his party to the local newspaper.²²⁵ He was also active in the Moral Reform Association and the Children's Aid Society, and taught shoe making at the Kamloops Indian Residential School.²²⁶ Motivated by his convictions as a practicing Catholic and active moral reformer, Smith was more likely to energetically support the larger reform projects of the church and state, even when these were in conflict with perceived local interests. Smith resigned from most of his official positions after his appointment as Indian agent, but became active again after his retirement. He was elected president of the Kamloops Agriculture Association at age 76 and did not retire as secretary of Board of Trade until he was 77. He was two weeks short of his 84th birthday when he died at his desk.²²⁷

There is little doubt that Smith knew Irwin. In addition to his holding the position of instructor at the Kamloops Indian Residential School while Irwin was Indian agent, they

the city at Louis Creek. *Kamloops Inland Sentinel*, 7 August 1884 and 16 March 1886. He uncovered gold, silver, mica, and coal deposits, and even the sometimes adversarial Liberal-leaning *Kamloops Inland Sentinel* referred to him as "a well known and reliable prospector." *Kamloops Inland Sentinel*, 22 and 29 April 1886 and 14 January 1893; Mary Balf, "Mica Mining," n.d., Newspaper article binder, no. 171, KMA; Forsell, *Law Enforcement*: 13-14; Canada, Department of Indian Affairs, "Kamloops Record Book, Leases, Water Rights, Surrenders, Alluvial Deposits, 1893-1912": 2-10, LAC, RG 10, vol. 1326 and *Kamloops Inland Sentinel*, 8 July 1893. He served as postmaster at Louis Creek, was active in the Farmers' Institute, served as secretary of the Kamloops Board of Trade and was elected alderman. *Kamloops Inland Sentinel*, 12 October 1894; Ken Favorholdt and John Stewart, "Adult Education for Farmers," *Kamloops Daily News*, 25 November 1988: S4 and *Kamloops Inland Sentinel*, 14 February and 15 July 1902. In the early years the organization was known as the "Inland Board of Trade."

²²⁵ Ballot, Kamloops Central Conservative Association, 1907, Whitfield Chase Papers, Accession #70-37-2, item 61, KMA; *Kamloops Inland Sentinel*, 7, 10, and 17 April 1896 and 9 October 1934: 1, 6.

²²⁶ Forsell, *Law Enforcement*: 14; *Kamloops Inland Sentinel*, 19 October 1897. Smith was also a tireless booster of economic development in the Kamloops area, particularly the North Thompson region, and met with Premier McBride to propose a route from the North Thompson to the Yellow Head pass to enable the shipment of supplies needed in the construction of the Grand Trunk Pacific Railroad. See for example: *Kamloops Inland Sentinel*, 8 June 1894, 2-30 November 1894, 22 November 1895, 22 August - 17 December 1897 (one letter each week), December 1904: Supplement and 19 June 1908.

²²⁷ *Kamloops Inland Sentinel*, 18 March 1927, 14 February 1928, and 9 October 1934 and *Vancouver Province*, 6 October 1934. The last two citations also include general biographies of Smith. At the time of his appointment as Indian agent Smith had lived in the Kamloops area for over 26 years.

served together on the executive of the Kamloops District Rifle Association.²²⁸ It seems unlikely, though, that there was much if any consultation between the two in their roles as Indian agents. The year that separated their terms, the political differences between the two, and the conditions under which Irwin left reduce the likelihood that any substantive consultation took place.²²⁹

Where Irwin's ineffectiveness in keeping Indigenous complaints from the public eye eventually caused his dismissal, it was Smith's skin colour that that caused some anxiety in settler society. There is little doubt that Smith's blackness significantly limited his access to power and prestige. In the organizations he participated in he was most often secretary, rarely president. It is probably true that a White man with similar energy, drive, and unwavering faith in dominant political and economic ideologies of his day would have risen more swiftly in the structures of power, but Smith's solution was to immerse himself in those structures, not often to challenge them.

In 1896 Smith appealed to the people of Kamloops: "Let us like true Britishers (I will not say bury because it never lived in this province) continue to close our eyes against race and creed prejudice, and look at the case in the light of fair play and simple justice."²³⁰ Significantly, Smith made these comments in support of remedial legislation proposed by Charles Tupper's Conservatives in relation to federal funding of Catholic schools in the politically divisive Manitoba schools question. Even though this issue was primarily responsible for the fall of Tupper's short lived administration later in the year,

²²⁸ *Kamloops Inland Sentinel*, 19 October 1897 and 3 February 1903.

²²⁹ After Irwin's dismissal in February 1911, the position was left vacant for several months until William Neild was officially appointed in August. Neild retired after less than six months. J.D. McLean to A. Irwin 10 February 1911, "Correspondence Relating to Elections in the Kamloops Agency, 1896-1912," LAC, RG 10, vol. 3944, f121,698-54 and J.D. McLean to K.C. MacDonald, Inspector of Indian Agencies, 26 July 1911, "British Columbia Superintendency, Inspector of Indian agencies, 1910-11," LAC, RG 10, vol. 1311.

²³⁰ *Kamloops Inland Sentinel*, 7 April 1896.

Smith's support of minority francophone Catholics was admissible within the prevalent social discourse, even if unpopular. Smith would not overtly contest the boundaries of the hegemonic understandings of racial hierarchy, even though to many his mere presence was inappropriate.

There is little doubt that Smith saw himself more closely aligned to White settlers than Native people in the Kamloops area. Writer and archivist Mary Balf claimed that he referred to himself as "the first white man to explore the North Thompson — if by white you mean non-Indian."²³¹ Not everyone could, however, close their eyes to Smith's skin colour. When the commander of the local militia at Salmon Arm wanted to alienate a portion of the Adams Lake band's reserve on the shores of Shuswap Lake for a rifle range he wrote:

I do not think that if it could be avoided, that nigger Smith be employed [to arrange a lease] as the officers of my regiment consider that white men should fill these official billets and decline to meet anything in the way of colour. We have none of any personal objection to Smith only he is in a position which makes intercourse with whites often necessary and when national defence is under consideration we would confer with men of our own race if possible.²³²

In 1917, J.G. Turriff complained in the House of Commons that "there has never been any very great good feeling between our Indians and our coloured people in Canada." The appointment of Smith, "a darkey", had resulted in "a great deal of dissatisfaction." Turriff then tried to defame Smith by claiming he was illiterate and had

²³¹ Mary Balf, "John Fremont Smith," n.d., Newspaper article binder, KMA; *Kamloops Inland Sentinel*, 19 February 1966: 3.

²³² T.J. Cummiskey to J.D. McLean, 27 March 1913, enclosing Lt. Col. Charles Flick to T.J. Cummiskey 21 March 1913, LAC, RG 10, vol. 4048, file 357,520.

to employ his daughter to write his correspondence.²³³ Ten years later W.E. Ditchburn, Indian Commissioner for British Columbia, reported to a Special Joint Committee of the Senate and House of Commons that Smith had been “A very good agent; a very respectable man,” but there was “not the slightest doubt” that the Native people in the Kamloops agency preferred a “whiteman” as their agent.²³⁴ Ditchburn provided no evidence for this assertion.

When Smith suggested the Kamloops band lease land to a Chinese expatriate, as opposed to alienating it for the settlement of White soldiers, H.T. Dennison, an adversary of Smith’s on the Kamloops Board of Trade wrote to his M.P.: “It would be a shame if this negro Agent is allowed to have Chinamen mixing with these Indians.”²³⁵ There were those who resented Smith’s modest attainment of success in a world reserved for Whites even though he seems to have behaved with the decorum considered appropriate to one in his relatively comfortable economic position.²³⁶ Together he and Irwin occupied the post of agent in this region for a quarter century.

²³³ Canada, House of Commons, *Debates*, vol. CXXVI (1917): 654. Minister of the Interior W.J. Roche countered that the opposition to Smith was only from “a comparatively few Indians” and that he was “up to the average of any white man who has been our agent.” Smith’s daughter, Beatrice, remained in the employ of the DIA at least into the 1930s.

²³⁴ Canada, Special Joint Committee, *Report and Evidence*: 181. The Special Joint Committee was established to investigate the claims of the Allied Tribes, an Indigenous political organization that will be discussed in subsequent chapters. Ditchburn’s comments were in response to a line of questioning concerning a request from Indigenous witnesses and their allies that First Nations be consulted in the selection of Indian Agents. Ditchburn, apparently ignoring the obvious point that Indigenous people had been working out differences for millennia, responded that “It would not be practical....Because you would never get the Indians to agree.” Both Ditchburn and the Committee members moved to shift the reasons for any grievance away from lack of consultation and onto Smith as “unfortunately a negro appointed Indian agent over the Indians in the Kamloops agency”. There is more on Indigenous demands for consultation and views of Smith below.

²³⁵ Henry Dennison to H.H. Stevens, 17 April 1919, enclosed in E.J. Ashton, Commissioner, Soldier Settlement Board, to D.C. Scott 20 May 1919, LAC, RG 10, vol. 7535, file 26154-1. A hand written note in the corner of this letter states that Dennison wished to become Indian agent at Kamloops.

²³⁶ It should be noted that even this modest attainment of success was unique. In his capacity of stipendiary magistrate, for example, Smith was referred to as “the only member of a coloured race sitting in a white man’s court.” *Vancouver Province*, 6 October 1934.

The turnover of DIA employees in the Treaty 7 region was considerably higher than in the Kamloops and Okanagan agencies, but there was no single cause. Between May 1897 and January 1898, for example, eight employees including two agents left the employee of the DIA: five resigned, one was dismissed for “irregularities and maladministration”, one was dismissed for “incompetency” and one was let go for “political partisanship”.²³⁷ Even those who left the department of their own accord had a variety of reasons. Peigan Agent Springett, was at least honest when he recognized that “I cannot do my duty to the Department and at the same time maintain friendly relations with neighbouring Settlers”.²³⁸ He chose to resign, in part at least, because he recognized the contradiction between doing what was in the best interest of the government’s wards and in its primary objective of opening their territories to non-Indigenous settlement.

In the Treaty 7 region an employee’s incompetence, indiscretion, or inability to subdue resistance was far more readily apparent within the far tighter weave of DIA surveillance. In southern Alberta, agents, because of treaty and other obligations, had far more responsibilities²³⁹ but could also be removed for far less indiscretion than that

²³⁷ “Return of names of all persons who having been in the employ of the Government (in connection with the Department of Indian Affairs) in the Northwest Territories, have ceased to be in that employ since 1896”, n.d. [1898?] LAC, RG 10, vol. 3984, file 168921.

²³⁸ A.R. Springett to Indian Commissioner, 9 November 1891, LAC, RG 10, vol. 3865, file 84,546. At thirty years age Spriggett was also concerned with the lack of future possibilities in the department and with staff reductions and increased workload being proposed by Indian Commissioner Reed. While Spriggett proposed reserve foreman J.W. Smith, who he had previously maligned, to replace him, Reed reported that there was “not one man out of five hundred possessing all the qualifications required to carry out, with regard to the Piegans, the Department’s policy...” In the end, Dewdney recommended that Agent Pocklington move from the Blood to Peigan reserve and that former NWM Policeman A.G. Irvine take up the position of agent on the Blood reserve. Reed to DSGIA, 26 November 1891 and Dewdney to Vankoughnet, 5 December 1891, LAC, RG 10, vol. 3865, file 84,546. For Springett’s earlier feud of Smith as “lazy” and “altogether to irrepressible” and stating that if the department kept him he would like a transfer see Springett to Reed, 2 May 1889, LAC, Hayter Reed Papers, MG 29 E 106, vol. 18, file “Personnel, R-Z”.

²³⁹ When Blackfoot agent Magnus Begg reported that only one Métis woman, Nancy Bird, had chosen to take scrip and withdraw from the treaty, he was chastised by Reed: “permit me to inform you that I myself regret that this woman should have been allowed to withdraw and all the more so because it seems to me

demonstrated for nearly fourteen years by Archibald Irwin.²⁴⁰ Even in Treaty 7

though, agents could still cause considerable damage in some circumstances.

In 1896, Tsuu T'ina agent S.B. Lucas was investigated for financial irregularities. As Commissioner A.E. Forget reported "the fact, as confessed by the Agent that no notes of any kind had been kept of the various transactions made by him on behalf of the Indians, although they amounted in the aggregate to over a thousand dollars during the last two years, was so unbusiness-like as to be open to grave suspicion."²⁴¹ Lucas had, more than six years earlier, come into conflict with Methodist missionaries at Hobbema and was repeatedly warned about public drunkenness, not because this might interfere with his ability to perform his duties but because the "odor upon the breath, of liquor, would at once attract the attention of an Indian, make him think it is less of an offence than it has been represented."²⁴² Even though Dewdney had "great sympathy" for him and was "anxious to assist him out of his difficulties...but there is a limit, when matter is laid before parliament, [he] may have to dispense with services of Mr. Lucas."²⁴³ Lucas retained his position, though, and was transferred to the Tsuu T'ina reserve in 1891.

that this might have been so easily avoided had you taken any pains to study + to understand the "Indian Act". Nancy Bird's husband remained in the treaty so according to the patriarchal rules of the Act, she too should remain because of her marriage. Reed to Begg, 27 July 1886, LAC, RG 10, vol. 3595, file 1239, pt 15.

²⁴⁰ Former NWM Policeman and then agent to the Siksika, G.W. Wheatley, for example, was discharged for lending flour to a local trader. Only when SGIA John A. Macdonald intervened was his reinstatement directed. Dewdney to Pocklington, 14 January 1884 and Hayter Reed to SGIA, 18 February 1884, LAC, RG 10, vol. 3672, file 10,837.

²⁴¹ A.E. Forget to DSGIA, 4 February 1896, Glenbow, Lucas Family Fonds, M699/6.

²⁴² Reed to Lucas, 11 December 1889, Glenbow, Lucas Family Fonds, M699/4. See also Reed to Lucas, 8 January 1889. Lucas was also accused by Methodist missionaries John Nelson and E.B. Glass of criminally neglecting the medical needs of the people in his agency.

²⁴³ Dewdney to Rev Canon Newton, Edmonton, 31 May 1890, Glenbow, Lucas Family Fonds, M699/4. For his part, Lucas complained that "the real cause of" his trouble was the "desire to make concessions to and not to endanger the support of the Methodist Church [in the upcoming election]. In short, as I now hope to show you my removal is made not because my duties have not been performed but because the performance

It was not too long before he got into difficulty there as well. In enforcing DIA policy prohibiting off-reserve movement without permission, the NWMP reported that they had “escorted” a party of 150 Tsuu T’ina back to their reserve, as discussed in the previous chapter, the police found it necessary to remain present on the reserve since “the Indians state they will not remain on the reserve with Mr. Lucas.”²⁴⁴ This time Reed stated regarding the trouble that “none exists beyond a certain amount of discontent incidental to the process of getting them into working more after the manner among the Crees, than they have hitherto done. On the whole Lucas has succeeded better than I expected”.²⁴⁵ While Lucas complained that he was “bothered to death with Indians”, he was again able to retain his position.²⁴⁶

Finally, the complaints regarding financial irregularities mentioned above surfaced and combined in 1896 with related complaints by the Tsuu T’ina.²⁴⁷ Even then Reed did not call for his dismissal but rather recommended that he be transferred to an “office entailing less responsibility than that at present held by him.”²⁴⁸ Instead, however, the following year Lucas retired. Through all, Lucas maintained that he had done nothing wrong. It may indeed be the case that he was wholly or in part, simply the victim of fallout from the coercive policy of the DIA regarding the off reserve restriction of movement and the reduction of the supply of foodstuffs. To admit that the policies of the

of those duties did not please two very lazy and good for nothing missionaries.” Lucas to Alonzo Wright, M.P. Ottawa County, 21 January 1891, Glenbow, Lucas Family Fonds, M 699/4.

²⁴⁴ NWMP Inspector A. Ross Cuthbert to NWMP Commissioner Herchmer, 3 June 1892, LAC, RG 18, vol. 67, file 454.

²⁴⁵ Reed to Dewdney, 27 June 1892, LAC, RG 18, vol. 67, file 454.

²⁴⁶ Entry for 5 July 1892, Glenbow, Lucas Family Fonds, M 699/8, Daily Journal at Sarcee Agency, 1892.

²⁴⁷ Bull Head was reported to have accused Lucas and an interpreter of “enriching themselves” from the logging and haymaking efforts of the Tsuu T’ina by accepting payment from Whites for allowing them onto the reserve to remove these goods. A.E. Forget, Commissioner, to DSGIA, 4 February 1896, Glenbow, Lucas Family Fonds, M699/6.

²⁴⁸ Reed to Acting SGIA R.W. Scott, 18 September 1896, LAC, RG 10, vol. 3961, file 145,473.

DIA were unworkable would have been contrary the understandings that informed the liberal capitalist framework. While the conditions were quite different, and regardless of what he may or may not have done, Lucas, like Irwin, was sacrificed to preserve the illusion of the success of the supervisory accomplishments of the DIA.

Ultimately, then, in both regions agents were responsible for all details related to the reserves and their residents, both Indigenous and not, in their region. This formidable surveillance project was to be accomplished with parsimony while at the same time without inciting overt resistance. Failure to achieve either objective might embarrass the DIA or federal politicians, cause increased public scrutiny, and eventually bring DIA objectives and policy into question. This was fatal to the career of the employee held responsible.

With all of the potential pitfalls, one might wonder why anyone would choose such an occupation. Even before the wage reductions that accompanied the cut-backs of 1896 the wages paid to Indian agents were not exorbitant. In Treaty 7 Agent Pocklington complained that he could not afford to get married on his salary,²⁴⁹ while at Kamloops, it was reported that “it is very hard to get an Indian Agent appointed here on account of not being able to get any person to accept it at the salary offered by the Department.”²⁵⁰

Still, local political associations thought it advantageous to put forward particular individuals,²⁵¹ even if once hired employees were warned that “endeavouring to bring

²⁴⁹ Pocklington to Reed, 15 August 1886, LAC, RG 10, vol. 3712, file 20,523.

²⁵⁰ D. MacDonald to K.C. McDonald, 7 July 1911, LAC, RG 10, vol. 1311. Some agents appear to have taken work with the DIA to get some experience in farming before taking it up on their own account as mentioned above.

²⁵¹ For an example involving a Conservative Association see James Patterson, former Farming Instructor at Blackfoot Crossing, to T. Farrow, M.P for North Huron 2 August 1880 and T. Farrow to Col. Dennis, 2 August 1880, LAC, RG 10, vol. 3716, file 22,529. For examples involving Liberals see “The Peigan

political influence to bear upon the Minister” in seeking promotion would “probably result in serious consequences to the offender.”²⁵² Likewise agents were not permitted to use their considerable purchasing power to extract political favours from nearby merchants. In 1913, for example, F.B.C. Metge, of the Belly River Store, was required to sign an affidavit certifying that there was “no truth in the report that Indian Agent Hyde of the Blood Reserve made it a condition on my receiving Indian Orders that I vote and work for A.L. Sifton at the coming election for the Alberta Legislature.”²⁵³

Like political parties who wanted individuals in public service who would in turn support their electoral aspirations, the churches recommended individuals who would promote their sectarian interests.²⁵⁴ Similarly, the people most affected by the disposition of a particular agent also wanted some say in his selection. The perspective of Native people, however, seems not to have had any effect in the employment of any agent. When Secwepemc chief Bazile from St’uxwtews or the Bonaparte Band stated in 1910 that “[w]e do not want a British Columbia white man as our Agent. All our Indians say the same thing,” it seems unlikely he anticipated the appointment of a British Columbia Black man.²⁵⁵ In the 1930s Secwepemc chiefs reported that J.F. Smith “was in most ways a good agent” but complained that they had not had a similarly competent agent since and that they still had no input in their selection:

Agency”, *Macleod Gazette*, 8 November 1897, copy in LAC, RG 10, vol. 3732, file 26585 and J.A. Grant to SGIA, 29 January 1903, LAC, RG 10, vol. 4004, file 222812-2.

²⁵² Forget, Circular to officials of the Indian Department in the Northwest, 2 March 1894, LAC, RG 10, vol. 1137.

²⁵³ FBC Metge, Belly River Store, affidavit, 1 April 1913, Glenbow, Blood Indian Agency Fonds, M1788, vol. 13, file 99. The issue of benefits to merchants near a reserve will be discussed in a later chapter.

²⁵⁴ [Anglican] Bishop of Rupert’s Land to J.A. Macdonald, 25 August 1882, LAC, RG 10, vol. 3609, file 3262. See also section on churches above.

²⁵⁵ John McDougall, “Minutes of meeting held with Indians of Bonaparte, Pavilion and Fountain reserves on the 11th, 12th, 13th, and 14th August, 1910,” LAC, RG 10, vol. 3750, file 29858-11: 7. The St’uxwtews chief’s name is alternatively spelled Bazile, Basile, and Basil in various documents.

we selected a man who is well known to us, speaks our tongue and writes our writing, he is an honourable and trustworthy man of education, his name was forwarded to Ottawa, we were not granted the privilege of selection and so our troubles continue under an Agent who knows not our ways, speaks not our tongue and cares less.²⁵⁶

On the Piikani reserve, the 1893 reductions of food stuffs led to an incident in which reserve residents broke into the ration house to secure additional food. When farm instructor Henry Nash tried to interrupt their mission he was wounded in several places.²⁵⁷ Nevertheless when agent Pocklington was transferred out of the agency later in the year, Nash was recommended to fill the position even though it was recognized that there “might possibly, in the opinion of the Superintendent General, be an objection [from the Piikani] to his being placed in the position of Agent.”²⁵⁸ It seems to have been, in fact, Nash’s willingness to enforce DIA policy in regard to the reduction of rations, despite Piikani objections, that delighted the DIA in the first place. Reed confirmed that he had “every confidence that before long Mr. Nash will make himself popular among his Indians, and do much to advance that policy which so successful elsewhere, we have been endeavoring to apply to the Indians of Treaty 7.”²⁵⁹ It appears that Indigenous people in both regions had good reason to ask as St’uxwtews (Bonaparte) chief Bazile did in 1909: “What is the Agent for, does he stand for the white people or the Indians?”²⁶⁰

DIA Surveillance, Indigenous Employment, and Cooperation

Among the DIA’s permanent employees, those deployed to reserves: agents, farm instructors, issuers, stockmen and others were on the bottom rungs of the hierarchy. But,

²⁵⁶ Francois Silpahan et al. to R.B. Bennett, 5 July 1932, LAC, RG 10, vol. 7941, file 32-154.

²⁵⁷ Entry for 10 March 1893, Daily Journal at Sarcee Agency, Glenbow, Lucas Family, M 699/8, File 1893 and correspondence in LAC, RG 10, vol. 3900, file 99,482.

²⁵⁸ Vankoughnet to T.M. Daly, SGIA, 5 June 1893, LAC, RG 10, vol. 3732, file 26,585.

²⁵⁹ Reed to DSGIA, 3 July 1893, LAC, RG 10, vol. 3900, file 99,482.

²⁶⁰ “Dr. McDougall’s Notes on a Meeting with the Indians on the Bonaparte Reserve, October 12th, 1909”, LAC, RG 10, vol. 3750, file 29858-10.

over time, Native people themselves filled a variety of surveillance positions below these in the power structure. As with their engagement by the police discussed above, the DIA employed Indigenous people, to extend its web of surveillance, to reduce the costs associated with non-Native employment, and to encourage the further acceptance of Anglo-Canadian structures and values by the employees themselves. Indigenous workers served in a number of capacities from servants, mail carriers and interpreters to assistants to stockmen, farmers and issuers and to scouts and detectives.²⁶¹

More significant than all of these to the success of the DIA's project and to the future survival of First Nation communities was the imposition of alien political structures and leaders chosen by methods unknown and untested by those directly effected. With the degradation and perversion of indigenous political systems that accompanied DIA surveillance, leaders more supportive of DIA policies, or at least less likely to resist, were imposed on First Nation communities.²⁶² It is here where DIA surveillance most clearly matches the similar procedures in other disciplinary situations, discussed in chapter one, where "a synaptic regime of power" is exercised "*within* the social body, rather than *from above* it".²⁶³

²⁶¹ In response to the fears of ranchers that a reduction in rations was causing Indigenous people to kill their cattle, Hayter Reed issued instructions in 1893 that agents should employ "Indian scouts as detectives". In response Blood agent James Wilson hired two Kainai men to act in this capacity. Reed to DSGIA Vankoughnet 11 March 1893 and Wilson to Reed, 16 March 1893, LAC, RG 10, vol. 3894, file 97,443.

²⁶² Elected chiefs and band councils and by extension the Assembly of First Nations are all constructions of the federal government. Piikani ceremonialist Reg Crowshoe and psychologist Sybille Manneschmidt confirm that the characteristics and abilities deemed necessary for a leader were altered with the institution of the reserve system. "Now they have become arms of the federal government and its administration." Crowshoe and Manneschmidt, *Akak'stiman*: 17. Kiera Ladner agrees that for the Siksika "nationalism was drastically altered by the colonial experience" but argues that the late 1960s and 1970s were witness to a resurgence that 'was not, however, a total rebirth of the old, nor was it a product of an imagined new' but a syncretic blend of the two. Despite the forces aligned to prevent such an outcome then, Siksika political structures were never completely lost. Kiera Ladner, "Women and Blackfoot Nationalism", *Journal of Canadian Studies* 35, 2 (Summer 2000): 49, 55.

²⁶³ Foucault, *Power/Knowledge*: 39.

As early as 1858, the Aborigines Protection Society recommended that “[t]o accomplish the difficult but necessary task of civilizing the Indians...it would seem indispensable to employ in various departments of Government a large proportion of well-selected men, more or less of Indian blood...who might...exert a greater moral influence over their race than we could possibly do...”²⁶⁴ While the DIA did not take up this advice to the extent suggested by the A.P.S, department involvement in selecting leaders for Native communities was far more effective, insidious, and as a further benefit, served as a constant fracture in the ability of these communities to organize.

In constructing his 1879 regulations, discussed above, G.M. Sproat noted that “the Head Chief will be practically a sub-agent”. The work of councilors, he said, “whose presumed acquaintance with the “Queen’s mind” and knowledge of the white men’s ways and laws would connect their efforts agreeably with those of the Government”.²⁶⁵ Hayter Reed’s recommendations of 1885 that ushered in the pass system, included a proposal that the “tribal system...so far as is compatible with the Treaty” be abolished. In the case of “rebel tribes”, who Reed argued broke their treaties, the positions of chiefs and councilors should be eliminated altogether so that “our instructors & employees will not then be hampered by Indian consultations & interferences but will administer direct orders & instructions to individuals”. Dewdney, Vankoughnet, and Macdonald all agreed with Reed’s suggestions though Macdonald was clearly concerned with quietude when he cautioned that “this must be done carefully so that the chiefs may no be able to rouse a

²⁶⁴ F.E. Chesson, Secretary A.P.S. to E.B. Lytton, Secretary of State for the Colonies, n.d., encl. in Lytton to Douglas, 2 September 1858 in *Papers Connected*: 14.

²⁶⁵ G.M. Sproat, Reserve Commissioner, “Rules and regulations framed by the Nekla-ka-a-muk Council sitting at Lytton British Columbia the 17th July 1879 for their own people,” LAC, RG 10, vol. 3696, f15,316.

hostile feeling among their Indians.”²⁶⁶ In the end, the department seems to have recognized that a continuation of a form of the “tribal system” where chiefs and councilors had to be approved by the DIA served both to advance the government’s agenda as Sproat suggested and by giving the appearance of self-government would tend to reduce the possibility of resistance.

While rule of Indigenous peoples was rather more direct in Canada than elsewhere in the former British empire, the need to recruit local leaders sympathetic to imperial goals was recognized much more generally. As Frederick Cooper states, “[t]he only way to administer the large spaces and dispersed populations of Africa was to co-opt local elites into doing the dirty work. ‘indirect rule’ was a fact in Africa—as it had been in many other empires—long before it was a doctrine.”²⁶⁷ Kanienkehaka (Mohawk) scholar Taiaiake Alfred argues that even today it is rare for “generous men and women who hold fast to the traditional way...to obtain positions of authority or influence within the current colonial structure.” For Alfred, “Native governments must be made legitimate within their communities. The only way to accomplish this is by rejecting electoral politics and restructuring Native governments to accommodate traditional decision-making, consultation, and dispute resolution processes”.²⁶⁸ Other scholars and Indigenous leaders

²⁶⁶ Reed “Memorandum for the Hon^{ble} the Indian Commissioner relative to the future management of Indians”, 20 July 1885 and Dewdney to Macdonald, 1 August 1885, LAC, RG 10, vol. 3710, file 19550-3. Macdonald’s comments are in the margins of Dewdney’s letter.

²⁶⁷ Frederick Cooper, “Lessons of Empire”, *Items & Issues* (Social Science Research Council) 4, 4 (Fall/Winter 2003): 5. As Roger Louis similarly argued, following Ronald Robinson, it is collaboration coupled with resistance that “determine[s] the incidence, the form, and the rise and fall of imperialism” Wm. Roger Louis, “Introduction” in *Imperialism: The Robinson and Gallagher Controversy* (New York: New Viewpoints, 1976): 2. See also Ronald Robinson, “Non-European Foundations of European Imperialism: Sketch for a Theory of Collaboration” reprinted in this volume.

²⁶⁸ Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (Oxford: Oxford University Press, 1999): 30, 45, and 136. Russell Means, characteristically direct, similarly stated that “ever since the colonial process began in this hemisphere there have been those amongst us the invaders have been able to buy, coerce or dupe into working against their own people. This is after all a classic tactic of colonialism.

too have illustrated the disruptive experience of introduced political structures and the unsuccessfulness of imposed electoral systems.²⁶⁹ In western Canada, and especially in British Columbia, the elective structure was imposed gradually and existed in parallel with other structures and systems, some of which pre-existed the arrival of the DIA. While the department's official reason for this somewhat restrained approach was that western peoples were not advanced enough for electoral politics it was also concerned about what it perceived as the attendant politicization that the imposition of such a system might create.²⁷⁰ The department was careful too about how it allowed its form of democracy to develop and who it permitted to fill the elected positions.

When Black Plume was elected Piikani Chief in 1901 he, like all those whom the DIA permitted to ascend to that position, signed a declaration that he would "report all infractions of the laws and regulations at the earliest opportunity to the Indian Agent over

Russell Means "The Sell-Outs: Notes for a Speech at Alfred University" in Ward Churchill ed. *Critical Issues in Native North America*, vol II. (Copenhagen: International Work Group of Indigenous Affairs, 1991): ii. On this point see also Métis author Bonita Lawrence, "Real" *Indians and Others*: 228. Howard Adams argues that any freedom that has resulted from accepting these foreign values is simply "the privilege of eating at the master's table, assuming his attitudes and adopting his behavior." It is this internalization, as discussed above, that according to Adams serves to further, "militate in favour of white decisions." Adams, *Tortured People*: 118-119.

²⁶⁹ See for example, Wally McKay, *Instruments of Governance: Restoring First Nations Governments*, (Prepared for CESO Aboriginal Services, June 1999) Wally McKay is a former chief of the Sachigo Lake First Nation, in Northern Ontario, and has also been Ontario Regional Chief and Vice-Chief, Assembly of First Nations (AFN), Grand Chief, Nishnawbe-Aski Nation (NAN), Chair of the Ontario First Nations Police Commission (OFNPC) and a candidate for National Chief of the AFN in 1994 so unlike Alfred he has been operating within the mainstream First Nations political structure. According to McKay "It would be fair to state that all First Nation communities have experienced serious forms of divisions amongst themselves as a result of elections." Academics too have recognized the problems inherent in imposing a political structure on indigenous peoples. As Cornell and Kalt contend, "[f]or many American Indian tribes, there is a real possibility of a mismatch between their formal governments and the standards of political legitimacy found in their cultures." Stephen Cornell and Joseph P. Kalt, *Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations*, (Cambridge: Harvard Project on American Indian Development, John F. Kennedy School of Government, Harvard University, 1992): 17-18. Ben Reilly and Andrew Reynolds argue that in the global theatre not only have imposed electoral systems failed to subsume existing structures, but served to impede stability. Ben Reilly and Andrew Reynolds, *Electoral Systems and Conflict in Divided Societies* (Washington, DC: National Research Council, 1999): 24.

²⁷⁰ Satzewich and Mahood, "Indian Affairs and Band Governance": 54-55. See also Tobias, "Indian Reserves in Western Canada": 151.

me; and that I will strive to advance the interests of all the Indians of my band morally and financially, both by precept and example...²⁷¹ Nineteen years later in 1920, Philip Tomma had to sign a similar declaration to assume the position of Chief of the Kamloops Band.²⁷² There can be no doubt, then, that this conception of “chief” in its evocation by the DIA was part of its surveillance network for at least the extent of the period covered by this work. Chiefs were responsible to the “Indian Agent over” them in the same way that the agent was responsible to an inspector.²⁷³ All could be removed from their positions if they did not live up to the department’s expectations.

Even before they ever got to the point of signing declarations, though, “elected” chiefs had to be endorsed by their agent or some higher level official and approved by the Governor General in Council. In preparation for his visit to the Kainai in 1900, for example, David Laird asked for, and received permission to appoint a successor to the recently deceased Red Crow “providing the Indians’ nominee be acceptable”.²⁷⁴ Crop Eared Wolf was selected unanimously and signed the usual declaration but by 1907 had fallen out of the DIA’s favour when he led the opposition to a surrender of reserve land promoted by Inspector Markle.²⁷⁵ Markle wanted the department at Ottawa to write to

²⁷¹ Black Plume’s “Declaration of a Chief or Councilor”, 14 October 1901, LAC, RG 10, vol. 3940, file 121,698-16.

²⁷² Philip Tomma’s “Declaration of Chief or Councilor”, 7 June 1920, LAC, RG 10, vol. 7941, file 32-154.

²⁷³ This is not to say that the individuals mentioned here, or any particular elected chief or councilor was necessarily no more than an instrument of the state, but as Alfred reminds us: “Native people struggle to resist the co-optation of their historical sense. But the fact remains that in order to negotiate a withdrawal from the colonial relationship they must still interact with the state, which uses all kinds of incentives to prevent Native leaders from representing traditional understandings.” Alfred, *Peace, Power, Righteousness*: 48.

²⁷⁴ Laird to McLean, telegram, 11 September 1900 and McLean to Laird, telegram, 11 September 1900, LAC, RG 10, vol. 3939, file 121698-3.

²⁷⁵ Laird to DIA Secretary, 24 October 1900, Crop Eared Wolf to Laird, 28 May 1907, Laird to Crop Ear Wolf, 30 May 1907, R.N. Wilson to Indian Commissioner, 6 June 1907, Markle to Indian Commissioner, Winnipeg, 7 June 1907 and J.A. McKenna to Secretary, DIA, 11 June 1907, LAC, RG 10, vol. 3939, file

Crop Eared Wolf and Thunder Chief, another opponent of the surrender, and inform them that if they “continue in this line of action” they will be removed from office and replaced with leaders “who would more quickly take up advanced ideas and be a help to the Department instead of a hindrance”.²⁷⁶ While the department found the course advocated by Markle, the removal of Crop Ear Wolf “simply because he was unfavorable to a surrender an objectionable practice”, it nevertheless recommended that the agent ascertain whether the Chief was leading “an intemperate life” apparently in the hope of finding a less disagreeable grounds for his removal.²⁷⁷ It seems that the RNWMP was later approached to help prove a charge of intemperance against Crop Eared Wolf but Supt. Primrose objected “if the Indian Dept., wish to do any work of this nature, I think they had better do it themselves...Speaking of Crop Eared Wolf as I know him I should be very sorry to seem him deposed from his office.”²⁷⁸

With the deaths of minor chiefs Old Moon and Many Dust on the same reserve in 1906 Laird recommended that agent Wilson be given permission “to appoint a progressive man for the position for an indefinite term.”²⁷⁹ Similarly when recommending Left Hand to lead Kainai “Band H” Laird stated that Agent Wilson reported that Left Hand “had been a leader of the progressive party on the Reserve and one of the staunchest

121698-3. Crop Eared Wolf was Red Crow’s adopted son and younger brother of his second wife. Dempsey, *Red Crow: Warrior Chief*, 2nd ed. (Saskatoon: Fifth House, 1995): 59.

²⁷⁶ Markle to Secretary, DIA, LAC, RG 10, vol. 7541, file 29,103-1 pt.1.

²⁷⁷ H.C. Ross to Deputy Minister, 19 June 1907, LAC, RG 10, vol. 3939, file 121698-3, LAC, RG 10, vol. 3939, file 121698-3.

²⁷⁸ Supt Primrose to Commissioner, NWMP, 4 March 1909, LAC, RG 18, vol. 1622, file 69.

²⁷⁹ Laird to DIA Secretary, 6 May 1905, LAC, RG 10, vol. 3939, file 121698-3. Not only did the individual that was chosen have to be approved of by the DIA, but also continued to hold the position at the department’s pleasure, for an indefinite period in this case or in other situations for a period determined by the DIA.

supporters of the Department for 12 or 15 years.”²⁸⁰ A similar state of affairs existed in the interior of British Columbia. As in Treaty 7, in order to be appointed by the DIA, “elected” chiefs had to be declared “progressive”.²⁸¹ On the other hand when an agent found that a chief’s “usefulness” was gone he could be removed from office.²⁸² Similarly, if an elected chief opposed DIA proposals to alienate reserve land for non-Native settlement he could easily be deposed. In November 1908, a document “surrendering” the Long Lake reserve to the DIA was signed by seventeen adult male members of the Okanagan Band. Recently deposed Chief Pierre Michel wrote to agent Irwin complaining about the sale. When Irwin did not respond, Michel wrote to the Deputy Superintendent General of Indian Affairs in Ottawa complaining that:

When Mr. Irvin, [sic] the Agent demanded of me if I was going to sell that land or not I informed him that I could not sell it myself as most of the preple[sic] was against the selling of that land. Mr. Irvin, [sic] the Agent then told me that I could no longer be Chief, that Isaac Harris would be Chief in my place.²⁸³

Long-serving DIA clerk H.C. Ross recommended that “it would be best to pay no attention to this letter, and probably nothing further will be heard from the writer.”²⁸⁴

Harris was replaced but a partner in the questionable land deal, T.J. Cummiskey was

²⁸⁰ Laird to Secretary, DIA, 28 March 1906, LAC, RG 10, vol. 3939, file 121698-3.

²⁸¹ In recommending Seymore to replace Leon on the Neskonlith reserve, Agent Irwin reported that he was “one of the most industrious and progressive Indians of the band”. Irwin to n.p., n.d. April 1903, extract, LAC, RG 10, vol. 3944, file 121, 698-54.

²⁸² Archibald Irwin to A.W. Vowell, 2 April 1903, LAC, RG 10, vol. 3944, file 121,698-54. This case involving Francois Silpahan involved the sale of logs without a permit and is discussed in the section on the permit system.

²⁸³ Pere Nequalla to Deputy Superintendent General of Indian Affairs, 7 December 1908, LAC, RG 10, vol. 3944, file 121698-54. A postscript to this letter states “Interpreted by Johny Alec an educated Indian, fluent in both languages.” It is not known who wrote it. Peter Carstens claims Michel signed his name Nequalla to attract attention. Whatever his motives the name was clearly meant to evoke the memory of Nkwala, Okanagan chief during the fur trade period. Michel was also referred to as Machell or Michelle. Carstens, *The Queen’s People*: 120. The Long Lake reserve was one of ten pieces of land that this Okanagan group retained. More will be discussed regarding this surrender in chapter six.

²⁸⁴ H.C. Ross to DIA Secretary, 20 January 1909, LAC, RG 10, vol. 3944, file 121698-54.

appointed inspector by the DIA who wasted little time in by-passing new Okanagan agent J.R. Brown, deposing Chief Logan, dissolving the band council, and threatening to jail any who objected.²⁸⁵ Even though the department informed Cummiskey that his actions were “of no legal effect”, Chief Logan was, within two weeks, deposed for intemperance.²⁸⁶ While there was resistance to this act from the Okanagan and their advocate, and former NWM Policeman, J.H. Christie, Cummiskey reported that “I cannot allow squaw men immoral halfbreeds or other evil inclined whitemen to dictate a policy to me.”²⁸⁷

While chiefs and councilors were elected, then, this apparent extension of liberal democracy to First Nations people was little more than a chimera. The positions of elected chiefs and councilors, if not always the individuals who served in these capacities themselves, were without question part of the structure of colonialism and its network of disciplinary surveillance. This network, focused on Indigenous peoples, and more formidable and long lasting than any similar network in Canadian history, was successful in removing the original inhabitants from their lands and resources but, perhaps unremarkably, was unsuccessful in achieving the stated objectives of the DIA. Certainly the inherent contradictions in policy and the chasms between objectives stated and tactics employed mitigated against success. While the DIA regularly spoke of promoting self-sufficiency, it took nations of independent peoples and enmeshed them in a web of

²⁸⁵ J.H. Christie, *Indian Affairs in British Columbia*, (N.P: Self-published, 1916) NWp/970.5/C554, BCA; T.J. Cummiskey to J.D. McLean, 15 May 1912, and “Report of the Committee of the Privy Council”, 21 June 1912, LAC, RG 10, vol. 3945, f121,696-64. The article by Christie contains the testimony of several band members.

²⁸⁶ McLean to Cummiskey 10 June 1912, Report of the Committee of the Privy Council, 21 June 1912, LAC, RG 10, vol. 3945, file 121, 696-64.

²⁸⁷ Cummiskey to McLean 11 October 1912, LAC, RG 10, vol. 3945, file 121, 696-64.

regulation, restriction, and incompetent, inadequate, and inappropriate “assistance”.

As John McDougall reported, Indigenous people:

are without any part in the ordinary franchise of the other people who are now dwelling on the lands of their fathers; that the Indians are despotically made to conform to laws and regulations which they have no voice in creating and that thus they are under the beck and nod of an Indian agent or provincial magistrate or constable in matters concerning which the white man beside them is given a free hand. Right here the best and strongest and most industrious and progressive of these Indians are in despair[sic]. They find themselves robbed of their manhood. They are put on the level with the basest and lowest of their own people and they are placed far below the plane conceded to the basest and vilest and most degenerate of the white people. Such a condition these Indians cry out for deliverance from.²⁸⁸

Through its surveillance network, the DIA created a body of knowledge about Indigenous people that served to justify its policies and the legislation its officers were charged to implement as illustrated in this chapter. For a variety of reasons discussed above this knowledge did not necessarily have much in common with actual living Indigenous people let alone what these people knew about themselves. Still, the department was not only reticent about releasing this information to those who were the objects of its surveillance but was guarded about what got into its record in the first place. The information that it presented to the public in its annual reports was intended to display a benevolent, just, and well-informed federal department that was unquestionably operating for the benefit of all. If read against the grain, though, the prodigious record left by departmental officials more clearly demonstrates the department’s efforts at indoctrinating Indigenous people with a foreign set of values that frequently held little value for them.

²⁸⁸ McDougall to Frank Oliver, Minister of the Interior, 22 September 1910, LAC, RG 10, vol. 4020, file 280,470-2.

As a residual effect of the treaty and the different circumstances east of the Rockies, the DIA's hierarchical structure was much more extensive in Treaty 7 than in the Kamloops and Okanagan regions. While the DIA's supervision in the British Columbia interior had dramatic impact the thicker supervisory configuration in southern Alberta ensured that, in this period at least, day to day activity was subject to less scrutiny in the former than in the latter. While not to understate the situation in B.C., the demoralizing permit system, for example, did not and could not operate in the same way that it did east of the Rockies. At the same time, in the British Columbia interior, there was more opportunity for the department's field operatives to apply policy generously if they chose but also for their incompetence or malicious behaviour to continue unaltered.

In both regions, the bulk of the department's energies was directed at reforming and reconfiguring all aspects of the personal and public lives of Indigenous people, families, and communities to better facilitate Anglo-Canadian settlement. But again, because of the tighter weave in the disciplinary surveillance network in southern Alberta this was more quickly and dramatically felt there. In both regions as well, there was limited or no consultation with Indigenous people that might have permitted the incorporation of their wishes or allowed their input into decisions that would affect the lives of their descendents for generations to come. In addition, there was an evident and purposeful manipulation of those few democratic structures established for Indigenous people and a cooption or attempted destruction of those egalitarian structures that preexisted the arrival of DIA supervisors. All of this further illustrates of how exclusionary liberalism operated in western Canada.

The DIA had a lust for economy and followed a practice of hiring employees for their willingness to comply with the minutiae of its policy rather than any practical expertise and then of saddling them with a mass of duties that even energetic and capable men could not possibly execute completely. As a result, assistance to Indigenous people that might prove useful in adapting to changes wrought by non-Indigenous settlement in their territories was unlikely.

In the British Columbia interior, economic adaptation to a new economy that included formerly non-Native pursuits, occurred long before the imposition of DIA facilitators into the area. In 1879 Indian Reserve Commissioner G.M. Sproat confirmed that while Native people in Ontario had much cultivated land, those in B.C. had far more cattle and horses. "I have noticed in the parliamentary discussions that members speak slightingly of our Indians as wild, unimportant tribes... Our Indians are far ahead of those in any other province except Ontario, and I should think, might soon beat them."²⁸⁹ Even before this it was recognized that reserve lands were "not now nearly sufficient for their grazing purposes."²⁹⁰

In the interior of B.C., then, Indigenous peoples incorporated farming into their economies without the burden of DIA assistance. While these economies were undoubtedly jeopardized by the growth of government interference, had unadulterated support been the impetus for the massive DIA payroll in western Canada rather than disciplinary surveillance in the interest of the non-Native settlers, there seems little reason why members of the First Nations of Treaty 7 could not have been equally successful as ranchers. Unfortunately the settlers' liberal capitalist framework significantly restricted

²⁸⁹ Sproat to Vankoughnet, 5 February 1879, LAC, RG 10, vol. 3678, file 11687.

²⁹⁰ Powell to Minister of the Interior, 4 February 1874, LAC, RG 10, vol. 3605, file 2813.

any possibility of success for the duration of this period and beyond. At the same time, it ensured that the original residents of the Treaty 7 region provided employment and generated considerable wealth for others.

While there is no attempt here to present an explicitly counterfactual argument there is little doubt that the surveillance network of the DIA operated counter to the interests of Indigenous people. It is difficult to know how the Treaty 7 nations would have responded to changing circumstances after 1877 had they not been interfered with by the DIA. Certainly if the massive amounts of money spent to maintain supervision and to reform Indianness had been turned instead to any less paternal and self-serving modes it is doubtful that the results could have been much worse. As it was, by 1920, after over forty years of DIA “assistance” and the isolation of Native people onto reserves that were progressively cut out from under them, W.M. Graham was forced to admit “I might as well be frank with you now and tell you that the Department work is going back, particularly in Alberta.”²⁹¹

More than half a century later a well respected educational trust based in the United Kingdom referred to the DIA as “a huge and costly vested interest” that might “wittingly or unwittingly, obstruct the movement of power and resources to the Indians”.²⁹² Even with the continuing and massive disciplinary apparatus at the disposal of the DIA, coupled with that of the churches and the coercive efforts of the police, Indigenous peoples in both southern Alberta and the interior of British Columbia, despite the array of forces concentrated to mitigate such an outcome, continue as distinct cultures and

²⁹¹ W.M. Graham to D.C. Scott, confidential correspondence, 13 April 1920, LAC, RG 10, vol. 4070, file 427063-A1.

²⁹² Robert MacDonald “Our Indians Get a Rough Deal U.K. Report Says”, *Toronto Star*, 31 August 1974.

Nations.²⁹³ They are, though, in a much worse economic, physical, and psychological position than they should be as they move to give their assertion of sovereignty form. The present position of First Nations as they move toward Indigenous governance in different ways and with different ultimate visions in mind has undoubtedly been made even more difficult by the incessant drive to further restrict the land base available to them in the period under consideration here. The continual reduction of Indigenous territories and reserves and the restriction of people to and on them did, though, facilitate both disciplinary surveillance and the advance of exclusionary liberalism. This restriction of the land base is a primary focus of the remainder of this study.

²⁹³ Thomas Berry makes a similar point regarding indigenous peoples in North America generally. While it would be difficult, Berry says to “find a people who over such a long period have undergone such destructive influences, yet have survived and preserved their identity so firmly.” They have “established a creative response rooted in [their] ability to sustain life in its moment of high tragedy and to continue the basic path of [their] human development in its most distinctive aspects.” Thomas Berry, “The Indian Future”, *Cross Currents* 26, 2 (Summer 1976): 135.

CHAPTER FIVE

“Indians have really no right to the lands they claim”¹:

The British Columbia Interior and the Treaty 7 Region to 1877

The disciplinary surveillance network described in previous chapters clearly operated to facilitate the expansion of Anglo-Canadian liberal capitalist values, structures, and interests as “normal”, natural, and beyond reproach. At the same time, it worked to exclude or restructure the economic, political, social, and spiritual tenets of Indigenous cultures. The continuous operation of this network, well past the end date of this study, has had numerous and far reaching effects that those of us living at the beginning of the twenty first century are still forced to navigate. The most significant physical impact of this surveillance network is related to the transfer of land from Indigenous to settler control. By reducing the land base available to First Nations, liberal Canada severely restricted the ability of Indigenous people to provide for themselves and their families while at the same time operated to undermine all other aspects of culture. The reduction of Indigenous territory clearly served the interests of settler society and, perhaps even more than the restriction of movement and of all on and off reserve activities, is a helpful illustration of the impact of exclusionary liberalism in practice.

With the mythology of racelessness firmly imbedded in Canadian culture as already discussed, it seems self-evident that this country’s policies and actions related to First Nations territories would be consistently presented as dissimilar if not inherently more

¹ Joseph Trutch to Acting Colonial Secretary, 28 August, 1867 in *Papers Connected*: 41-2. A fuller context for this quote is established below.

moral than those of the United States.² As Minister of the Interior David Mills stated succinctly in his first annual report following the signing of Treaty 7 “[t]he conclusion of this Treaty...is certainly a conclusive proof of the just policy of the Government of Canada toward the aboriginal population.” This, Mills opined, was especially clear, at “a time when the Indian tribes immediately across the border were engaged in open hostilities with the United States troops”.³

Indian Policy in Canada and United States

Certainly it appears that many on both sides of the border believed that Canada’s methods were superior to those practiced in the United States.⁴ Yet the reasons for this assessment are rooted more in Canada’s ability to manage both its relations with Indigenous people and its release of information than in its magnanimity. An investigation of Canada’s “system of managing Indian affairs” in 1914 by the Secretary of the Board of Indian Commissioners in the United States found that in Canada there was an on-reserve Indian population of 98,774 and estimated that another 5,000 were living off reserve. It was also estimated that there were a further 50,000 “half breeds” making the total aboriginal population approximately 143,774. This population was distributed over 4,930,608 acres of reserve lands for a total of 34.3 acres per capita. The comparable population in the US was just over double in number but the reserved land included 71,916,041 acres or approximately 239.7 acres per capita.⁵ By this reckoning,

² Owram, *Promise of Eden*: 125-6; Greg Kelly, “Class, Race, and Cultural Revolution: Treaties and the Making of Western Canada”, *Alberta* 1, 2 (1993): 29-30 and Samek, *Blackfoot Confederacy*: 178-9.

³ Canada. Department of the Interior. *Annual Report*, 1877: xvii.

⁴ Samek, *Blackfoot Confederacy*: 178-9.

⁵ Abbott, *The Administration of Indian Affairs in Canada*: 21. Abbott also noted that reserved lands in Canada were broken up into 1,570 separate parcels administered in 107 agencies. In contrast, In the United States, there were only 193 reservations and 118 agencies. In Canada, therefore, not only was the potential

the United States was almost seven times more “generous” in the lands it allowed indigenous people to retain than was Canada.⁶ While there is little doubt that the policies followed by the United States were often more dramatic and direct than those north of the border, this also made its intent more obvious to contemporaneous reporters and to some later commentators alike.⁷

Unquestionably, both countries sought to alienate Indigenous territories for the benefit of non-Native settlers and as a result, by the early twentieth century, the reserved lands represented only a tiny portion of original holdings on both sides of the border. A remarkable difference, though, is that Canadians have far more consistently been able to convince themselves that their methods were in the best interests of all concerned. Still, the face of Canadian liberalism, and its ability to mask its primary objectives is clear

for surveillance and management far greater due to smaller reserves and more administrative units per capita but the potential for economic independence was inhibited on diminutive Canadian reserves.

⁶ Samek reports a version of these figures from the same source but makes no comment. Samek, *Blackfoot Confederacy*: 24. Even if only on reserve population is included for Canada the acreage per capita is still only 49.9 acres making Canada 4.8 times less generous than the United States. The intention here is only to expose an apparent fissure in Canada’s liberal façade not to elevate American policy. During the period in which the General Allotment Act, popularly known as the Dawes Act, was in operation from 1887 to 1934 in the United States land reserved for Native peoples was reduced from 136 million acres to 52 million acres. Leonard Carlson, “Federal Policy and Indian Land: Economic Interests and the Sale of Indian Allotments, 1900-1934”, *Agricultural History*, 57, 1 (Jan. 1983): 33-4. The stated objective of the Dawes Act was assimilation to be achieved in large part through the individual assignment of collectively held tribal lands. Though the veiled intent was clearly, like Canada’s policy, the transfer of Indigenous territory to non-Indigenous control. On this point see C.E.S. Frank, “Indian Policy”: 227. It should also be pointed out that getting accurate populations is difficult as discussed elsewhere here in relation to the Treaty 7 area. This problem also exists in relation to the United States due in part to the non-cooperation between the US Census Bureau and the BIA. Roger Nichols, *Indians in the United States and Canada: A Comparative History* (Lincoln: University of Nebraska Press, 1998): 254.

⁷ While Hana Samek, for example, recognizes some of the problems created by policy and its application in Canada she otherwise follows a tendency to venerate the Canadian situation apparently to bring the American one into sharper relief. Samek, *Blackfoot Confederacy*. For an alternative to this trend, specifically in regard to land that indigenous peoples have been able to retain and that includes Australia as well as Canada and the United States, see Robert White-Harvey, “Reservation Geography and Restoration of Native Self-Government”, *The Dalhousie Law Journal*, 17, 2 (Fall 1994): 587-611. See also chapter one above for other less than flattering interpretations of Canadian policy vis-à-vis the United States. For an interesting recent study of Blackfoot territory which became the borderland region of which the Treaty 7 area is a part, see Sheila McManus, ““The line which separates”: Race, Gender, and the Alberta-Montana Borderlands, 1862-1892”, Unpublished Ph.D. Dissertation, York University, 2001.

enough in the historical record.⁸ For example, Indian Commissioner J.A.N.

Provencher publicly announced in 1874 that the:

Indians of this Continent have always been considered, if not as proprietors, at least as occupants of the soil. It was always understood that they had rights as owners and that the Crown would first have to extinguish those rights to afterwards assure full possession of the land. From this point of view there is a double right and a double interest which cannot be settled without the free consent of those interested.⁹

Liberal Canada's understanding of Indigenous rights and interests, though, was clarified three decades later with the succinct comments of Frank Oliver, the cabinet minister responsible for policy and its application from 1905 to 1911, "if it becomes a question between the Indians and the whites, the interests of the whites will have to be provided for."¹⁰ Where British Columbia was continually able to deny the existence of Aboriginal title, the American states had no such impact. In both countries the central government took on the responsibility for Indigenous peoples, but as Roger Nichols points out in his comparative study of Canada and the United States, "Ottawa did not follow through on its responsibilities."¹¹

⁸ Indigenous land claims activists like Andy Paull in British Columbia were denied leave to train for the bar in the early twentieth century, while similar activists in neighbouring Alaska faced no such restrictions. William Paul obtained a law degree and then went on to serve in the Alaskan territorial legislature while participating in Indigenous organizations and his Tlingit people's land claim. See Hamar Foster, "Letting Go the Bone": The Idea of Indian Title in British Columbia, 1849-1927", in *Essays in the History of Canadian Law*, vol. VI, *British Columbia and the Yukon*, ed. Hamar Foster and John McLaren (Toronto: University of Toronto Press, 1995): 28-29.

⁹ Canada, Department of the Interior, "Report of the Department of the Interior, for the year ended 30th June, 1874" in Canada, *Sessional Papers*, 1875, paper 8: 56.

¹⁰ Canada, House of Commons, *Debates*, 74 (1906): 950. This is also cited in Titley, *Narrow Vision*: 21. While various levels of government were committed to protecting the interests of Whites as Oliver's comments confirm, Whiteness should not be seen as an uncomplicated category. As Sheila McManus has argued, Whiteness, even among the most favoured sub-set that included those of British and Northern European descent, where hierarchically arranged in order of desirability. McManus, "The line which separates": 175-183. McManus also investigates the measurement and judgment of the immigrant population and illustrates that it too was part of the same sort of disciplinary surveillance apparatus discussed throughout her work and this dissertation. McManus: 156.

¹¹ Nichols, *Indians in the United States and Canada*: 322.

Indigenous Lands and Settler Interests

The non-Native population whose interests were paramount grew very rapidly in British Columbia after it joined Canada. Between 1871 and 1921, its numbers increased from just over 10,000 to nearly 500,000. The early twentieth century witnessed particularly rapid non-Native expansion throughout the province as population growth in the decade ending in 1911 exceeded the previous thirty years combined. In the census district that included Kamloops, the population more than tripled between 1891 and 1911. For the province as a whole, revenue from lands and forests increased fivefold in the five years after 1901. In the Okanagan area at the turn of the century, less than 7,500 acres were devoted to orchards but a mere seven years later 100,000 acres were engaged in fruit production.¹² Clearly, all of this meant increasing pressure on the lands and resources of First Nations people even though some groups and individuals were able to incorporate aspects of the onslaught into their array of economic strategies.

As dramatic as the non-Native population growth in B.C. was, though, it paled in comparison to the population explosion in western Canada east of the Rockies. The population of the Northwest Territories was 18,000 in 1871 but had grown to almost 1.35 million by 1921. Between 1901 and 1921 this region, when coupled with Manitoba, accounted for 45% of the country's total population growth and its residents grew from 5% to 22% of Canada's total. The population of Alberta alone was over 588,000 by 1921 representing a growth of over 800% since 1901.¹³

¹² Calculated from Canada, *Census of Canada, 1931*, Table 1a (Ottawa: J.O. Patenaude, 1936): 350 and *Canadian Annual Review*, 1908: 515-23. See also Martin Robin, *The Rush for Spoils: The Company Province 1871-1933* (Toronto: McClelland and Stewart Limited, 1972): 99.

¹³ Canada, *Census of Canada, 1890-91*, Vol. 1 (Ottawa: S.E. Dawson, 1893), table VI: 369 and *Census of Canada, 1931*, table 1a: 350. The figure for 1921 was calculated as the sum of the populations given for

With a few notable exceptions, these European or European-descended immigrants brought with them particular understandings concerning the efficacy of capitalist relations of production and the natural justness of liberal doctrine, both of which were alien within Indigenous lifeways. These immigrants to western Canada also brought with them a belief in the incontrovertible truth of western science and, of particular interest in relation to territory, they came with specific conceptions of space which, over time, had a significant impact on the splinters of land that Indigenous peoples were able to retain and the uses to which they could be put.

Application of Scientific Geography in Western Canada

In British Columbia the provincial government passed the Land Amendment Act in 1879 which codified the survey system and required all lands including “Indian reserves” to be set out in a rectangular fashion.¹⁴ The geography of B.C. did not yield quite so easily to the square survey as the prairie west did. Still, Indian Reserve Commissioner Gilbert Malcolm Sproat complained that he was told by British Columbia’s Chief Commissioner of Lands and Works (CCLW) that the “[n]atural boundaries for Indian reserves cannot be accepted, being in violation to the “Land Amendment Act 1879”.¹⁵ Sproat argued that the reserves in question were assigned before the Act came into force and that he attempted “to secure, as far as possible, such regularity of shape, in surveyed districts but to make it compulsory might have the effect, in some places, of causing an

Alberta and Saskatchewan. See also Friesen, *The Canadian Prairies*: 511; Palmer with Palmer, *Alberta A New History*: 78 and John Herd Thompson, *Forging the Prairie West* (Toronto: Oxford University Press, 1998): 71.

¹⁴ See Provincial Bill of 1879, No. 16 in LAC, RG 10, vol. 3679, file 12,068. See also Cail, *Land, Man, and the Law*: 63-4 and W.A. Taylor, *Crown Lands: A History of Survey Systems* (Victoria: Registries and Titles Department, Ministry of Sustainable Resource Management, 1975): 20. The specifics of B.C.’s township system were similar to the dominion’s 1872 Homestead Act.

¹⁵ G.M. Sproat to Superintendent General of Indian Affairs (SGIA), 27 May 1879, LAC, RG 10, vol. 3679, file 12,068. There is a brief biographical note on Sproat above in chapter 3.

unnecessary area to be assigned.”¹⁶ Nevertheless, even with these material risks, the square survey continued to be employed in establishing reserves.¹⁷ B.C. was unique in western Canada, however, in that crown land could be alienated even before it was surveyed.¹⁸

The fixing of boundaries and the increasing array of forces aligned to restrict First Nations people within them after 1877 are clear illustrations of state power operating overtly in the interests of Euro-Canadian settlers at the expense of Native residents. But the less overt mapping, representation, and boundary marking procedures themselves were no more benign. The boundaries of the regions under discussion here, and of the reserves they contain are, as Ian McKay has stated in reference to the “molecular checkerboard of quarter-sections” reserved for individual Euro-Canadian newcomers, clear manifestations of “a social ideology set down on land and hence made part of everyday western experience.” These reminders “of Euclidean geometry and panoptical state power” should not be under-estimated.¹⁹ The normalization of Western science, its reification, its apparent unassailability, and its presumed superiority to all other ways of knowing the world made every contesting system, value, or ideology inferior, decadent, or savage. In western Canada, the contesting cultural structures of First Nations people, their ways of knowing the land, of understanding the potential of its resources, and of

¹⁶ G.M. Sproat to CCLW, 24 May 1879, LAC, RG 10, vol. 3679, file 12,068.

¹⁷ By 1913 the expense of carrying out surveys of this sort made it clear that had the survey process begun again in B.C. it was unlikely that the township system would be used. Robert Cail, *Land, Man, and the Law*: 63.

¹⁸ Cail, *Land, Man, and the Law*: 69. Interestingly when Native people claimed that reserves were insufficient and took possession of Crown Lands under the provisions of the Land Act the B.C. Government argued that claims of insufficient land “has no foundation” and requested he DIA irrigate reserve lands which “would leave them no excuse for squatting upon Government and private lands.” “Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 4th. day of October, 1895”, LAC, RG 6, vol. 89, file 5742.

¹⁹ McKay, “The Liberal Order Framework”: 641.

describing boundaries could be, and often were, brushed aside. In addition, the non-adherence to European cultural frameworks added further fuel to the newcomers' belief in the inherent inferiority of Indigenous peoples.

While Ian McKay begins to examine these ideas in the period of interest here, they have been most thoroughly explored by scholars whose interest lies with the earliest European incursions into non-European lands. As a cultural theorist interested in the early period of non-Native exploration Barbara Belyea maintains "we tend to assume that our perception of geographic patterns is a direct understanding of natural phenomena—that we are accurately seeing what is there".²⁰ We tend not to consider the impossibility of describing or defining lands in a way that is not filtered by culture. Simon Ryan confirms "once one begins ... one is involved in a cultural and linguistic activity that cannot refer outside itself to an unmediated reality".²¹ Land is perceived according to what are seen as its defining features. These may include its economic potential, its historic importance, its spiritual significance, or its natural beauty, but always these features are given their meaning through the culture of the group doing the describing or defining. Ryan explores how space is constructed within "the context of the colonial enterprise." Similarly, Edward Soja recognizes the socially constructed nature of spatiality but contends that this construction is never free of material influence: "Time and space, like the commodity form, the competitive market, and the structure of social classes, are represented as a natural relation between things, explainable objectively in terms of the substantive physical properties and attributes of these things in themselves, rather than as a

²⁰ Barbara Belyea, "Mapping the Marias: The Interface of Native and Scientific Cartographies", *Great Plains Quarterly*, 17 (Summer/Fall 1997): 178.

²¹ Ryan, *The Cartographic Eye*: 4.

‘continuous, homogeneous, cracked and fragmented space-time’ rooted in the capitalist labour process.”²²

Linda Tuhiwai Smith argues that space is often viewed in the West as unchanging and unrelated to time. While outside the parameters of her study, this way of thinking allowed the establishment of military and NWMP posts, missions, logging camps, mining operations, roads, rail lines, Indian reserves, Department of Indian Affairs agencies and treaty areas as apolitical constructions rather than as part of the colonial process of delineating and controlling space. Smith points to the extent of epistemological differences between Indigenous peoples and the newcomers to their territories by noting that the Maori use the same word for time as for space.²³

Paul Carter, a scholar of Australia, argues that there is no basis from which to assume that “Aborigines” moved in the same historical space as the Europeans - a space constituted culturally, according to social, economic, and above all intellectual criteria”.²⁴ As Barbara Belyea reminds us, “Native geographical knowledge was not simply sketchy, provisional information that scientific survey could confirm, correct, or supersede.” Native peoples had “spatial and topographical concepts” that varied from those of the first European travelers, but were no less valid.²⁵

While European science, mathematics, geometry, modes of classification, and manners of observation, served (and continue to serve) to legitimize and naturalize the

²² Edward Soja, *Postmodern Geographies: The Reassertion of Space in Critical Social Theory* (London: Verso, 1989): 120-1, 124.

²³ Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (New York and Dunedin New Zealand: Zed Books and University of Otago Press, 1999): 50-52.

²⁴ Paul Carter, *The Road to Botany Bay: An Essay in Spatial History* (London: Faber and Faber, 1987): 325. This text is insightful and thought provoking in places, but there is a often a tendency to construct arguments of the “straw man” variety.

²⁵ Belyea, “Mapping the Marias”: 165-6.

segmentation of the land of western Canada in a particular Euro-Canadian way, there was only sporadic and superficial recognition that the people that already lived there constructed and represented this space in an entirely different, though no less legitimate way. This creation of an apparently universally understood spatiality served the interests of the colonizers well. As Ryan explains, "Constructing a monolithic space...allows imperialism to hierarchise the use of space to its own advantage. In imperial ideology the Aborigines do not have a different space to that of the explorers; rather they under-utilize the space imperialism understands as absolute."²⁶ At the same time, as Michel de Certeau confirms "[t]he division of space makes possible a *panoptic practice* proceeding from a place whence the eye can transform foreign forces into objects that can be observed and measured, and thus control and 'include' them within its scope of vision"²⁷

Those who arrived as part of the massive incursion of non-Natives into both southern Alberta and the British Columbia interior, then, came armed with their own understandings of space and the way it should be segmented, demarcated, mapped and used. They arrived also with culturally produced knowledge of the natural resources of western Canada and their relative values. Importantly, they came with an unshakable belief both in the organic nature of their own understandings and that other ways of knowing, ordering, or describing the world were inferior if not nonsensical or absurd. This, in turn, served as justification for the paramountcy of settler interests and the first of these "interests...to be provided for" was the provision of land.

²⁶ Ryan, *The Cartographic Eye*: 4. It should be understood here that, following Foucault, power was not exercised through scientific discourse but was an inseparable aspect of it. Scientific discourse stands on its own as a form of power. See Foucault, *Archaeology of Knowledge*: 55.

²⁷ de Certeau, *Practice of Everyday Life*: 36.

While this was accomplished by different means according to local conditions, surveillance always played a role and the results were not dissimilar. Whereas indigenous ownership of the land and its resources was considered abrogated by treaty in Alberta this same ownership was, for the most part, simply denied in British Columbia. In both regions, though, the resident First Nations were restricted first to fragments of their pre-contact territories and then to splinters of fragments. Yet these splinters were presented as generous contributions to Indigenous families and communities.

As Deputy Superintendent General of Indian Affairs D.C. Scott offered in 1912, “[t]he system of reserved lands had been of incalculable benefit to the Indians, who require secure foothold on the soil”.²⁸ Scott went on to warn, “great caution should be shown in regard to any plans for separating the Indian from his land or for giving him the power to alienate his inheritance.”²⁹ Indigenous people, this line of reasoning asserted, were incapable of understanding individual ownership or of making such weighty decisions as whether to sell land, a logic that served both the colonizers as a group and individual liberal citizens quite well.

Neither Canadian liberalism nor the market economy demanded that First Nations title to land be recognized. Instead, liberal Canada determined that Indigenous people were not capable of participation in its political structures or in understanding the purity and innate rightness of individual land ownership. As a result, they were excluded from

²⁸ Scott, “Indian Affairs, 1867-1912”: 623-4. The remaining splinters of land were not, however, equally distributed amongst the western First Nations. According to Scott, and the department’s calculations in 1912, the Alberta Indigenous population retained land valued at \$8,696,189 while British Columbia First Nations, with over three times the reported population, were able to preserve land worth only \$4,387,491.50. While it should be remembered that these are valuations based on non-Native assumptions any potential benefits that might be attained by sale or even leasing of land are nonetheless necessarily inconsistent.

²⁹ Scott, “Indian Affairs, 1867-1912”: 623.

the order of bilateral negotiations that were held between Canada and the United States, Britain, or even the Hudson's Bay Company in regard to land and resource issues. Non-Native newcomers seized for themselves, with limited consultation even where there were treaties, absolute authority to determine who could and would lawfully own land.³⁰ Further, as will be shown below, while the DIA was able to restrict the ability of First Nations people to sell their land, they were quite proficient at alienating it themselves when settlers demanded and conditions made it possible. While often, though not always, consent of a sort was obtained, this was regularly acquired under questionable circumstances as will be illustrated below.³¹ All of this was presented as being, in the long run, in the interest of Indigenous people. Clearly though it was those within the settler elite who benefited the most. As Robert Cail noted: [f]rom the 1860s until at least 1910 there was scarcely a public figure in British Columbia who did not acquire large holdings of agricultural, pastoral, or mineral lands. Similarly Peggy Martin-McGuire explores the investments in land, including formerly Indigenous land, in the prairie west by senior DIA officials during the Laurier era.³²

³⁰ Even where there were treaties Indigenous people did not own the land but had usufructuary rights at best and even these rights were restricted by DIA policy. Discriminatory land policy was not, though, isolated to Native people. For example, when Long Poyyou filed a preemption record for 160 acres in the Cariboo region of B.C. and made improvements, he was told that under Sec 127 of the Land act, Chinese farmers, whether naturalized or not, could not preempt land. Harvey and Davis, *New British Columbia Investments, [land sales] to Attorney General, Aug 30, 1910, B.C.A, GR 429, box 18 file 2.*

³¹ For a brief overview of early legislation regarding the issue of consent see Peggy Martin-McGuire, *First Nation Land Surrenders on the Prairies, 1896-1911* (Ottawa: Indian Claims Commission, 1998): 18-20. Throughout this work, Martin-McGuire raises a variety of significant points regarding this issue and the extent to which there was informed consent to surrenders of land in the period under discussion in this dissertation. Since it is the issues related to the consent -- or lack of consent -- for surrender, after the establishment of reserves themselves, that perhaps most all uncovers the working nature of the liberal hegemony in Canada it will be discussed in much more specific detail below.

³² Cail, *Land, Man, and the Law*: 14 and Martin-McGuire, *First Nation land Surrenders*: 15-16, 42, 493-4 and 497-8.

As non-Native newcomers moved into Indigenous territories, Native people were able to retain only small portions of their original territories and even these were regularly under threat. As discussed in chapter two, while families made homes and lives for themselves on reserves they were nonetheless designed as strategic hamlets where individuals could be de-Indianized. As a result of this important reformatory objective of DIA policy, reserves were marginally protected against sale to speculators, at least without the Crown's concurrence. Reserves were, though, subject to various sorts of intrusions. Some of these were deemed illegal and some were state approved. Throughout the period under discussion here at least, reserves provided handy depositories for all sorts of commodities and resources that required minimal legal effort, on the part of either neighbouring White settlers or larger-scale capitalists, to extract. Additionally, reserves offered captive markets for local entrepreneurs and distant businesses and served as depositories of land if required for roads or railways. Further, reserves could be employed to advance imperial expansion or, as in the case of World War One, for military purposes to help enhance Canada's place within the former British Empire. Reserves also provided Indigenous bodies when necessary for military purposes or the labour needs of farmers or business owners. Finally, they provided employment for a wide range of non-native employees from high ranking DIA officials and police officers to temporary on-reserve labourers and an extensive array of employees in between. So, while reserves may have been designed primarily as instruments of reform and normalization they also provided a number of other significant economic benefits to an expanding Canadian liberal

capitalism even while the people who lived in these areas were struggling to make homes.³³ All of this, of course, began before 1877.

British Columbia Before 1877

In the area that would become the province of British Columbia the perceptual shift from its construction as a locale suitable only for trade in animal skins to one of settlement was precipitous. The institution mandated to encourage the transition, the Hudson's Bay Company (HBC), was not particularly interested, so not very successful, in encouraging this transition.³⁴ However, only a year after the H.Y. Hind and John Palliser Expeditions established the post-fur trade potential of the parkland region of the North West Territories events in British Columbia marked the beginning of the end of the fur trade and HBC control there as well. In 1858, as many as 30,000 non-Native gold seekers entered British Columbia with dreams of finding wealth in the Fraser River watershed.³⁵

³³ That reserves could also provide Indigenous families with a relatively safe haven as already mentioned is not in dispute, but the construction of Indigenous oases was not a motivation in their creation. The point here is that reserves provided significant benefit to the Canadian state and individual citizens regardless of how they were simultaneously and increasingly disparaged in the twentieth century.

³⁴ The interests of the HBC focused on the trading of furs and the resources of the regions' Indigenous inhabitants were in direct opposition to a settler economy. As HBC Chief Factor and future governor of Vancouver Island and British Columbia James Douglas confirmed in 1849, "the interests of the Colony, and Fur Trade will never harmonize, the former can flourish, only ... by establishing a new order to things, while the fur Trade must suffer by each innovation" James Douglas to Governor, Deputy Governor, and Committee, of HBC, 18 October 1838, in E.E. Rich ed. *The Letters of John McLoughlin, First Series, 1825-38* (Toronto: Champlain Society, 1941), 242. During the HBC period in British Columbia Indigenous people were ranked by traders according to their economic strategies and their apparent value to the fur trade. Even though the production of Indigenous fishers was vital to the survival of the traders these groups, identified as salmon tribes, were described as poverty stricken, indolent, and effeminate whereas hunters were wealthy, hardworking and masculine. This argument, and a provocative examination of the ways in which traders' texts and the representations they contain were wrought by culture, gender, and class, is fully developed in Vibert, *Traders' Tales*.

³⁵ While the Fraser River gold rush was not enormous by international standards, the influx of thousands of miners, most far more loyal to U.S. than British authority, encouraged the British crown to move by the early winter of 1858 to revoke the HBC's exclusive trading rights and to establish the mainland colony of British Columbia. Barman, *The West Beyond the West*, 66 and 71 and Margaret A. Ormsby, *British Columbia: a History* (Vancouver: Macmillan Company of Canada, 1958): 145 and 163.

Gold mining activity clearly marked a shift in the relationship between Indigenous peoples and the newcomers to their territories. This new encounter was marked not by exchange or by a necessary accommodation meted out, even if begrudgingly by fur traders, but by the get rich quick and get out mentality of the violence prone gold seekers.³⁶ In the wake of the gold rushes came a growing number of White settlers as discussed above. There were many contours to the growth of non-Native settlement in British Columbia across time and geography but everywhere the paucity of potential agricultural land was a major source of conflict.³⁷

The process of alienating land and isolating its Indigenous owners on reserves began well before 1877, particularly for those whose territories held special value to the newcomers.³⁸ In British Columbia, though, beyond fourteen agreements initiated on Vancouver Island and a half century later the northeast region included in Treaty 8, there was not even a pretence of gaining First Nations consent.³⁹ For reasons that remain somewhat contentious, James Douglas moved to a different policy regarding land and

³⁶ For a brief treatment of the activities of the gold seekers and their relations with Indigenous people see Fisher, *Contact and Conflict*: 95-102.

³⁷ In British Columbia only three percent of the land or 6.5 million acres is classified as arable or potentially arable. Cail, *Land, Man, and the Law*: 19 and Barman, *The West Beyond the West*, 5.

³⁸ The first Indian reserve, ironically at approximately the site of the provincial legislature, was established by 1851 when HBC surveyor J.D. Pemberton acknowledged its existence. Harris, *Making Native Space*: 27.

³⁹ There were nine purchases near Fort Victoria and around the south coast of Vancouver Island in 1850, two in the vicinity of the Company's coal operations at Fort Rupert in 1851, two in the agriculture areas of the Saanich Peninsula, where Douglas also had an interest in a saw mill, in 1852 and two at the Coal operations at Nanaimo in 1854. Hudson's Bay Company, Fort Victoria, "Register of land purchases from Indians", BCA, MS-0772, mf A01285(6). Copies of the agreements, with the exception of those at Nanaimo appear in *Papers Connected*: 5-11. On Douglas and the sawmill see also Harris, *Making Native Space*: 19. The precise meaning of the fourteen treaties, initiated by the Colonial Office and entered into by James Douglas have caused considerable debate on a number of fronts over the years. Even at the time there was debate within both the HBC and the Colonial Office regarding whether resident First Nations had some prior legal claim to land, by British standards, or whether their rights extended to occupancy only. See Harris, *Making Native Space*: 18-19. Treaty 8, entered into in 1899 has been described by Arthur Ray as an "anomaly". Arthur Ray, "Treaty 8: A British Columbia Anomaly", *B.C. Studies* 123 (Autumn 1999): 5-58. Together, the fourteen "Fort Victoria" or "Douglas" Treaties and Treaty 8 were the only treaties in existence in British Columbia until the Nisga'a Treaty at the end of the twentieth century.

Indigenous peoples by the time he assumed the governorship of the mainland colony.⁴⁰ Douglas envisioned that “anticipatory reserves” should be assigned in advance of settlement. These would promote self-sufficient Native communities and so allow for their cost efficient management.⁴¹

Reserves in British Columbia were clearly designed as reformatory institutions from the outset. E.B. Lytton, Secretary of State for the Colonies, asked Douglas if “it might be feasible to settle them permanently in villages; with such settlement civilization at once begins. Law and Religion would become naturally introduced amongst the red men”. Lytton added that “by indirect taxation on the additional articles they would purchase they would contribute to the Colonial Revenue”. He concluded by stating that “Sir George Grey has thus at the Cape [of Good Hope in Southern Africa] enabled to locate the Kaffirs in villages, and from that measure...I trust that the posterity of those long barbarous populations may date their entrance not the pale of civilized life.”⁴²

Douglas agreed that “they should be placed under proper moral and religious training, and

⁴⁰ James Douglas to E.B. Lytton, 14 March 1859 in *Papers Connected*: 16-17. Part of the reason for this, on Vancouver Island anyway, was apparently a shortage of funds with which to purchase Native lands as Fisher suggests. Fisher *Contact and Conflict*: 151-3. But there seems to be more to it as both Paul Tennant and Cole Harris convincingly argue. For them, Douglas came to see the treaties on Vancouver Island as ineffective instruments in providing just compensation for Indigenous people. The rights provided by the fourteen agreements: “liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly” were increasingly restricted in the wake of non-Native settlement. Further, the very areas where treaties were signed witnessed the worst social problems because of their proximity to White settlement. Assimilation, then, was seen to be the end objective of any policy related to Indigenous people. Harris argues further that with the fourteen purchases Douglas had enough agricultural land to fulfill the HBC’s obligation to establish a settlement and to protect the company’s coal interests at Nanaimo and Fort Rupert. Moreover, Douglas could not defend much more territory at the time and so the efforts and time involved in treaty making were not worth the effort. Therefore, Harris asserts, any change of mind was likely for practical as opposed to theoretical reasons. Tennant, *Aboriginal Peoples and Politics*: 26-30 and Harris, *Making Native Space*: 21, 26-7, 33.

⁴¹ James Douglas to Secretary of State for the Colonies, 9 February 1859, *Papers Connected*: 15-17. On this point see also, Harris, *Making Space*: 34. These communities were, of course, self-sufficient before the arrival of the HBC so in this case self-sufficiency meant within the parameters established by, and subject to the requirements of, settler society.

⁴² Lytton to Douglas, 30 December 1858, *Papers Connected*: 15.

left, under the protection of the laws, to provide for their own maintenance and support.” For Douglas, these enclaves were temporary measures only, or as political scientist Paul Tennant states, they would serve “essentially as way stations or half-way houses.”⁴³

Many scholars have been generous to Douglas and his policy, often citing his 1863 instructions to Colonel R.C. Moody, Chief Commissioner of Lands and Works (CCLW): “in laying out Indian Reserves the wishes of the Natives themselves, with respect to boundaries, should in all cases be complied with” as evidence of his generosity.⁴⁴ The significant point in the context of this study is, though, as Clarence Karr has rightly argued, the result of Douglas’ efforts was that Native people in B.C. had “fewer rights, less land and less protection than most of their counterparts in the rest of Canada”.⁴⁵

While there is some debate concerning the results of Douglas’ administration there are far fewer differences in interpretation concerning the period following his retirement in 1864 and the transfer of the responsibility for lands to Joseph W. Trutch.⁴⁶ While

⁴³ Douglas to Lytton, 14 March 1859, *Papers Connected*: 16-17; Tennant, *Aboriginal Peoples and Politics*: 30. For allotments in the Douglas era in the British C interior see Harris, *Making Native Space*: 37-44. For a survey of reserves in the Okanagan in this period see Duane Thomson, “Opportunity Lost: A History of Okanagan Reserves in the Colonial Period”, *Okanagan Historical Society Report* 42 (1978): 43-52 and Thomson, “A History of the Okanagan”: 111-119. On the Douglas period see also Fisher, *Contact and Conflict*: 153-160 and Cail, *Land, Man, and the Law*: 1-18.

⁴⁴ Douglas to R.C. Moody, CCLW, 27 April, 1863, *Papers Connected*: 26-7. Robin Fisher argues there can be no dispute with Governor Douglas’ instructions regarding how reserves were to be defined since he made the statement with such regularity. Fisher, *Contact and Conflict*: 154 and 68-9. For an approach that is very generous to Douglas see Cail: 179. For a brief historiography see Tennant, *Aboriginal Peoples and Politics*: 32-8. For a more recent treatment see Harris, *Making Native Space*: 34-44.

⁴⁵ Clarence Karr, “James Douglas: The Gold Governor in the Context of His Times,” in *The Company on the Coast*, ed. E. Blanche Norcross (Nanaimo: Nanaimo Historical Society 1983): 77.

⁴⁶ After spending his early childhood in Jamaica, Joseph W. Trutch moved with his family back to England. He served an apprenticeship working on the Great Northern and Great Western railways and with the California gold rush of 1849 he was, in his mid twenties, on his way to the west coast of North America. After nine years working as a surveyor and farmer in the United States he moved north to British Columbia in 1859 and was soon working as a surveyor and engineer on government contract. He admired capitalists and worked to amass a personal fortune of his own. Trutch brought with him to British Columbia a degree of American frontier mentality and the developmental mindset of his of his profession. His views of

Douglas accepted the innate superiority of Europeans and their cultures, he also adhered to the view that indigenous people were redeemable and civilizable.⁴⁷ Trutch, on the other hand, has been referred to as the “archetypical colonist” who viewed Indigenous people as “bestial rather than human”.⁴⁸ In contrast to Douglas’ statements that the boundaries of reserves should be defined by the resident First Nation, Trutch declared that:

Indians have really no right to the lands they claim, nor are they of any actual value or utility to them; and I cannot see why they should either retain these lands to the prejudice of the general interest of the Colony, or be allowed to make a market of them either to Government *or to individuals*.⁴⁹

Not only did the First Nations of B.C. have no right to the reserves already assigned because, in Trutch’s view, these lands remained unused but, moreover, they were erroneously defined in the first place.⁵⁰ The results of these contentions are aptly illustrated in Secwepemc and Okanagan territories.

Two reserves were located in the Kamloops and Shuswap Lake areas by Gold Commissioner Wm. Cox on instructions from Douglas and pointed out by two Secwepemc identified as Chiefs Che-louis and Nisquinilth respectively in the fall of 1861. Soon after Trutch took over responsibility for lands in British Columbia he sent surveyor Walter Moberly to examine these reserves and the latter found that they

Indigenous people were consistently negative. See for example, Robin Fisher, *Contact and Conflict*: 160-161 and Cole Harris, *Making Native Space*: 45-46.

⁴⁷ See for example Douglas to Lytton, 14 March 1859 in *Papers Connected*: 16-17. On this point also see Harris, *Making Native Space*: 33.

⁴⁸ Fisher, *Contact and Conflict*: 161-2. Even Trutch, though, tried to present British Columbia’s policy in a charitable light, when he stated to the dominion that the policy of the British Columbia Government to 1871 was “essentially benevolent towards the Indians” and that “they have yet partaken on equal, and in some cases on more than equal, terms with our white people in all the advantages of civilization which we have brought to them”. Trutch to Secretary of State for the Provinces, 26 September 1871 in *Papers Connected*: 99-101.

⁴⁹ Trutch to Acting Colonial Secretary, 28 August, 1867 in *Papers Connected*: 41-2.

⁵⁰ Trutch to Acting Colonial Secretary, 28 August, 1867 in *Papers Connected*: 41-2.

contained what he believed to be an unreasonable area of 600 square miles.⁵¹ Trutch concurred that the land reserved was “entirely disproportionate to the numbers or requirements of the Indian Tribes to which they are represented to have been appropriated by Mr. Cox” and that “it is very desirable that it should be placed in possession of white settlers as soon as practicable.”⁵² Surveyor Edgar Dewdney was then dispatched to remap the reserves and as a result, by the fall of 1866, a considerable reduction in Secwepemc reserve land had taken place. A forty mile stretch of the Thompson River and considerable territory to the north was reduced to three parcels, one set aside for the “Kamloops Tribe” and two for the “Shuswap Tribe.” Six hundred square miles had become no more than fifteen.⁵³ Similarly, reserves at Okanagan Lake, reported to include twenty square miles, or 12,800 acres of “what might be considered the only real agricultural and grazing land in the country”, became 842 acres at the foot of the lake, near present day Penticton, and two reserves at the head of the lake totalling about 2,600 acres in all.⁵⁴

⁵¹ Walter Moberly to J.W. Trutch, 22 December 1865, *Papers Connected*: 33-34. Moberly thought it “quite out of the question that Governor Sir James Douglas could have given Mr. Cox instructions to make such extensive reservations....”

⁵² Trutch to the Colonial Secretary, 17 January 1866, *Papers Connected*: 32.

⁵³ Dewdney to Trutch, 8 November 1866, *Papers Connected*: 37-39 and British Columbia, *Government Gazette*, 6 October 1866. The *Gazette* notice also appeared on 5 Jan 1867 and is copied as “Kamloops and Shuswap Indian Reserves” in *Papers Connected*: 164. See also “Kamloops and Shuswap Indian Reserves,” *British Colonist*, 23 November 1866, p. 3. In 1871 the two reserves at Shuswap Lake were reported as comprising 3,112 and 1,900 acres respectively. British Columbia, “Return of all Indian Reserves (Surveyed) in the Province of British Columbia,” *Journals of the Legislative Assembly of British Columbia*, 1st Parliament, 2nd Session (1872-3), vol. II. See also Fisher, *Contact and Conflict*: 163. For a map of the original six hundred square mile reserve see Harris, *Making Native Space*: 40.

⁵⁴ “Mr Turnbull’s Report” enclosed in J.C. Haynes to the Chief Commissioner of Lands and Works, 28 November 1865 in *Papers Connected*: 35-6; Thomson, “History of the Okanagan”: 118-123 and Harris, *Making Native Space*: 37-9 and 58-9. Duane Thomson argues that the Okanagan were clearly aware of the value placed on their lands by Europeans when they chose the best bottom land as their original reserve. A smallpox epidemic a few years prior to the reserve reductions by Haynes helps to explain, at least in part, the lack of resistance to these reductions. Thomson, “Opportunity Lost”: 46-49 and “The Response of the Okanagan Indians”: 102-103.

In addition to his direct influence on reserve reductions, Joseph Trutch was one of a three person B.C. delegation that traveled to Canada in 1870 to negotiate British Columbia's entrance into Confederation as the sixth province. In this capacity he is the likely author of article thirteen of the Terms of Union which states in part that:

The charge of the Indians, and the trusteeship and managements of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union⁵⁵

As a result, the form of liberalism being cultivated by Trutch would guide land policy in British Columbia well past the end date of this study. At least some legislators in B.C. publicly presented their concerns regarding the position of Native peoples within Confederation. During the debates on British Columbia's entry into Canada in the spring of 1870, Henry Holbrook, soon to replace Trutch as the province's Chief Commissioner of Lands and Works, said:

The Indians, also, should be secured the same protection that they have under our own Government. They are now content with us, and with the way in which the laws are administered, and it is quite possible that they may hereafter be a source of great trouble, if they are not considered as well as white men.⁵⁶

⁵⁵ "Terms of Union 1871" rpt. in R.S.B.C. 1979, Vol.7 (appendices), 85. There is general agreement amongst scholars that have commented on this issue that Trutch was responsible for the inclusion of Article 13 if not its author. See for example Fisher, *Contact and Conflict*: 176, Harris, *Making Native Space*: 73, Tennant, *Aboriginal Peoples*: 43, and Cail *Land, Man, and the Law*: 186.

⁵⁶ Henry Holbrook, 10 March 1870, British Columbia, Legislative Council, "Debate on the Subject of Confederation Within Canada", appendix A of James E. Hendrickson, ed., *Journals of the Legislative Council of British Columbia, 1866-1871*, vol. V of *Journals of the Colonial Legislatures of the Colonies of Vancouver Island and British Columbia 1851-1871* (Victoria: Provincial Archives of British Columbia, 1980): 461. A day later, Registrar General Edward Alston stated: "though I do not take pleasure...in revolution, political hatred, agitation, and blood and thunder generally, I am not disposed to regret the occurrence of the difficulty in Red River, for it will teach the Canadian Government, and Imperial Government, and all Governments, that though you may buy and sell territories you cannot transfer the human beings therein, like so many serfs and chattels, to a fresh allegiance with impunity; that the consent of the people must be first obtained; and that though the soil may be sold, the soul is free." Edward Graham Alston, 11 March 1870, "Debate on the Subject of Confederation": 481.

When Holbrook presented a resolution asking “for protection for them under the change of government”, attorney General H.P.P. Crease responded, “[i]f the Indians had no better protection than the Hon. Magistrate from New Westminster, I should not envy them their protection”.⁵⁷ Some were concerned that the Canadian reserve system would destroy local economies while others were worried that implementing such a system would foster Indigenous resistance and argued that Native people in B.C., therefore, should be exempt from Canada’s Indian policy.⁵⁸ Still others argued that the debate itself should not take place, lest Indigenous peoples themselves find out about it, “we cannot keep back from the Indians anything that happens here, and it will have a bad effect.”⁵⁹

It is difficult to determine if the Federal Government was blissfully ignorant, chose to ignore, placed little emphasis on, declined to take the time to investigate, put other issues ahead of, or was simply incompetent regarding B.C.’s policies regarding First Nations people and their lands.⁶⁰ Certainly, the situation was different in the Pacific

⁵⁷ Holbrook and Crease, 25 March 1870, “Debate on the Subject of Confederation”: 567.

⁵⁸ See for example the comments of Thomas Basil Humphreys and Dr. John Sebastian Helmcken, 25 March, “Debate on the Subject of Confederation”: 567-568.

⁵⁹ Francis Jones Barnard, 25 March 1870, “Debate on the Subject of Confederation”: 568. In the end, Holbrook’s resolution failed by a vote of 20-1.

⁶⁰ Paul Tennant argues that the dominion representatives were uninformed about the situation in B.C., had information withheld from them by Trutch, and assumed that policy in British Columbia was in accord with the Royal Proclamation of 1763. Tennant: *Aboriginal Peoples and Politics*: 44. Similarly Robin Fisher contends that Trutch and the B.C. delegation deliberately misled the dominion representatives. Fisher *Contact and Conflict* 176-8. Cole Harris too is fairly generous to the dominion government which he says was “inclined to be liberal in its treatment of them [Indigenous people], and completely ignorant about British Columbia”. Harris, *Making Native Space*: 74. Robert Cail agrees that the dominion was “ignorant of the actual situation” since it did not even make the same explicit provisions to extinguish Aboriginal title as it had in the Manitoba Act a year previous to B.C.’s entry into Confederation. Cail notes though that Canada was forewarned that B.C.’s policy was not as beneficent as Trutch led the dominion to believe. Cail, *Land, Man, and the Law*: 185-9. Legal scholar Ha mar Foster suggests that the argument regarding Ottawa’s ignorance of British Columbia’s policies is a “plausible interpretation” but points out also that this issue seems not to have been considered important enough to elicit significant discussion. Foster also suggests that the dominion may have been motivated to be ignorant of B.C.’s position in regard to

province than in the prairie west. Firstly, when British Columbia entered Confederation it retained control of the land and resources within its borders but Alberta would have to wait twenty five years after it joined Canada in 1905 before it was granted similar rights. Further, since British Columbia became part of Canada as a province rather than a territory, the division of powers established by the BNA Act, restricted Ottawa from unilaterally confirming reserves or promising reserves in the terms of treaties as it was doing in the North West Territories. Finally, with the exception of what is now southern Manitoba, because settlement began earlier in British Columbia than elsewhere in western Canada, some settlers already had legally established property interests in the province prior to its entry into Canada and the dominion's assumption of responsibility for Indian affairs.⁶¹ Together, Canada's lack of authority over lands and resources in the province and already vested settler interests there helped to ensure that British Columbia would consistently argue that no Aboriginal title to land existed. As a result of the view of the local settler government that any Indigenous rights to land were of a usufructuary nature only, there was no need to enter into treaties to remove the burden of title as was occurring in the prairie west.⁶² Clearly, as has been advanced in regard to other areas, Aboriginal title was primarily a political rather than a legal issue.⁶³

Indigenous lands because of its desire to win concessions on the transcontinental railway. Hamar Foster, "Letting Go the Bone": 57 and 60.

⁶¹ On these points see Hamar Foster, "Letting Go the Bone": 58-60. In British Columbia the policy of surveying reserves "synchronously with the settlement of the districts by the whites" seems certainly to have operated to further reduce the extent of lands Indigenous people in B.C. were able to retain. B.W. Pearce to Colonial Secretary, 16 October 1871 in *Papers Connected*: 102-103.

⁶² See for example Fisher, *Contact and Conflict*: 175-178; Cail, *Land, Man, and the Law*: 185-194; and Tennant, *Aboriginal Peoples and Politics*: 46-52. It should be noted that before 1875 the nature of title was discussed quite openly but by the time Treaty 7 was signed there was also tendency on the part of Canada to obfuscate or to avoid publicly discussing it. On this point see Larner, "The Kootenay Plains": 124-128.

⁶³ Vizenor, *Fugitive Poses*: 181.

In short, the province's position, as articulated by Attorney General George Walkem in 1875 was that under its policy "Natives were encouraged to mingle with and live amongst the white population with a view of weaning them by degrees from savage life, and of gradually leading them by example and precept to adopt habits of peace, honesty, and industry". Indigenous people were encouraged to work as labourers which would expedite their assimilation and serve the interests of the worker starved province. As Walkem confirmed, "[r]eserves of agricultural land for such labourers would be worse than useless, for if they got them they would be bound to occupy and cultivate them, and this they could not do without loss to themselves and loss of valuable and trained labour to the Province."⁶⁴ Nevertheless, British Columbia's lack of any coherent policy, beyond hastily opening up First Nations territories to White settlers, was soon evident.⁶⁵ While Trutch regularly argued that the policy in B.C. was to allot ten acres of reserve lands per family, the new province could not, or would not, supply a comprehensive list of reserves already defined or a census that would allow for any calculation of even this meagre allowance of land.⁶⁶

⁶⁴ George A. Walkem, "Report of the Government of British Columbia on the Subject of Indian Reserves" in *Papers Connected*, Appendix: 1-9.

⁶⁵ On British Columbia's policy prior to its entry into Canada, John Robson, who would later become British Columbia's ninth premier, opined "the Canadian Indian policy has been characterized as good, even by American statesmen. Our own policy is not with the name. I consider it to be a blot on the Government." John Robson, 25 March 1870, "Debate on the Subject of Confederation": 567.

⁶⁶ Later in 1871 when the Secretary of State for the Provinces requested statistics on Native peoples and reserve lands, Lt. Governor Trutch responded that he would send "as soon as complete, which however will not be for some considerable time yet, as the copying of the maps of Indian Reserves is a lengthy [sic] undertaking." Trutch to Secretary of State for the Provinces, 5 October 1871, *Papers Connected*: 101. In November, though, he did include a list of surveyed reserves compiled by CCLW B.W. Pearse consisting of 82 reserves with a combined 28,437 acres. *Papers Connected*: 101-06. Somewhat remarkably, two years later in 1873, CCLW R. Beaven, requested that the dominion government's Indian Superintendent in B.C., I.W. Powell, supply the province with "a return shewing the name and number of individuals and families in every Indian tribe and the total Indian population and number of families in each District in this Province - specifying the name and locality of all Indian Reservations claimed by me on behalf of the various tribes..." Since Canada had been trying to get this information from the province, Powell naturally replied

Much has been made of the avariciousness of Trutch and colonial policy in B.C. especially in comparison to that of the dominion government, which is generally depicted as well intentioned if ill informed. Certainly it is clear from actions in the Kamloops and Okanagan regions that the Article 13 guarantees of a “policy as liberal as that hitherto pursued by the British Columbia Government” was not a particularly generous condition even in the sense that generosity was understood by the government at Ottawa.⁶⁷ But it is important to point out, as both Paul Tennant and Cole Harris do to a degree and as will be discussed below, that the Government of Canada was far more interested in protecting and promoting the interests of its liberal citizens than in pursuing a just and equitable settlement with Indigenous peoples regarding their lands and resources.⁶⁸ That Macdonald had Trutch appointed as the new province’s Lieutenant

that this was “quite unattainable except under the most extraordinary circumstances certainly not now at my command” and referred Beaven back to provincial records. I.W. Powell to R Beaven, CCLW, 19 April 1873, B.C.A, GR-0868, Department of Lands and Works, Correspondence Inward to the Chief Commissioner of Lands and Works, 1871-1883, box 1, file 6. See also Cail, *Land, Man and the Law*: 195. Indian Reserve Commissioner A.W. Vowell confirmed in 1909 that “[n]o records of reserves were kept” prior to 1871 and that the only “evidence obtainable” consisted of plans that included reserves but which were mostly undated. A.W. Vowell to Secretary, DIA, 19 February 1909, LAC, RG 10, vol 1283. Interestingly the Okanagan reserves were not included in the list supplied by Trutch in 1871. Recent research by Cole Harris has identified 140 reserves that were laid out during the colonial period though that did not necessarily survive as reserves in 1871. Harris argues that by “accident or design” the abbreviated list added to the subsequent ambiguity concerning reserve lands in the province. Harris, *Making Native Space*: 64-67 and appendix.

⁶⁷ “Terms of Union 1871” rpt. in R.S.B.C. 1979, Vol.7(appendices), 85. Robin Fisher argues that “the colony’s policy was considerably less than liberal”. Fisher, *Contact and Conflict*, 177. Similarly Robert Cail states that the policy “was not “as liberal as” the dominion policy pursued in Manitoba and the Northwest Territories, nor “as liberal as” the centuries-old policy pursued by England in her other colonies in North America” Cail, *Land, Man, and the Law*, 187. These scholars follow the lead of David Laird, Minister of the Interior, who commented in 1875, that the federal framers of the Terms of Union “could hardly have been aware of the marked contrast between the Indian policies which had, up to that time prevailed in Canada and British Columbia respectively.” Laird continued: “the continuance by the Dominion Government of British Columbia of the liberal policy heretofore pursued by the Local Government, seems little short of a mockery of their [aboriginal peoples’] claims.” David Laird, Memorandum to the Privy Council, 2 November 1874, rpt. “Annual Report of the Department of the Interior, 1875”, Canada, *Sessional Papers*, 1876, p. xli-xlv.

⁶⁸ Cole Harris remains fairly generous to the dominion position and especially to its Indian Reserve Commissioner G.M. Sproat but convincingly argues that for the dominion “[l]egal principle, the honour of the Crown, or a fine sense of fiduciary responsibility were not in the equation: rather this was pragmatic

Governor is perhaps an indication that the differences between the two levels of government should not be overstated.

The dominion and British Columbia governments had precisely the same objective: to facilitate the use of Indigenous lands, resources, and bodies by White, preferably British Protestant, citizen settlers. The difference between the two was that British Columbia applied exclusionary liberalism in a far more direct if not reckless manner. Whereas Canada preferred to protect the interests of its citizens by persuading or placating Indigenous peoples, British Columbia demonstrated little interest in masking its intentions or even in reducing the potential for Indigenous resistance.⁶⁹ While the dominion government preferred the establishment of reserves as an intermediary step as discussed above the province wanted to skip this step and move right to assimilation into settler society.⁷⁰

As a result of this tactical disagreement, conflict between the two governments began soon after B.C.'s entry into the Canadian federation and consequently the more substantive Indigenous concerns, like aboriginal title, were pushed to the background. As Deputy Provincial Secretary Charles Good confirmed in 1876 "...the dispute about the Indian Reserves ...took its rise in the different views entertained by the Governments of the Dominion and of this Province respectively, as to the amount of Land that should be

politics, much in the tradition of the Colonial Office". Harris, *Making Native Space*: 98. Paul Tennant also makes the important point that liberal Canada's assumption of responsibility for Indigenous peoples and their lands did not "result in any reversal of Trutch's policies". Tennant, *Aboriginal Peoples and Politics*, 44-5.

⁶⁹ Cole Harris goes part of the way here when he points out that "Ottawa and Victoria disagreed on means, not ends." Both, he says, "equated the civilization of Natives with their incorporation into the immigrant economy." Harris, *Making Native Space*: 94.

⁷⁰ For British Columbia's explanation of this difference see G.A. Walkem, Attorney General for B.C., Memorandum to Lieutenant-Governor in Council, 17 August 1875 rpt. in "Report of the Government of British Columbia on the Subject of Indian Reserves", *Papers Connected*, appendix, 1-9.

allotted to each Indian family". While the province wanted to maintain Trutch's ten acres per family policy the dominion asked that eighty acres be set aside.⁷¹

Through the end date of this study at least, the dominion government was clearly more interested in resolving differences with the province than in a just settlement, even to the extent that the numbered treaties were just, with Indigenous peoples. The final goal of removing First Nations from their land and resources and the understanding of them as incapable of participating as liberal individuals was not in dispute. The differences were based in the extent of land that should be reserved to function as reformatory space.

Indigenous Resistance to 1877 in the British Columbia Interior

Surveillance by missionaries and others throughout the province indicated Indigenous dissatisfaction for more than a decade prior to 1877 and the potential for resistance resulting from insufficient lands was already observed by dominion representatives as well.⁷² In 1874, for example, the DIA's Superintendent Powell explained the situation: "the interior Indians in addition to considerable progress in raising cereals, are very generally the possessors of cattle horses, sheep, pigs etc." so that reserves set aside were not adequate to their needs.⁷³ The same year an Oblate priest at Okanagan Mission, Father C. J. Grandidier, offered his opinion that if "afraid to forsee"

⁷¹ Charles Good, Deputy Provincial Secretary to Archibald. McKinlay, Indian Reserve Commissioner, 23 Oct 1876, B.C.A, GR-0494, British Columbia, Provincial Secretary, Correspondence and Reports of the Indian Reserve Commission, box 1, file 2. See also LAC, RG 10, vol. 3605, file 2907. In the end, the amount of twenty acres was agreed upon.

⁷² For complaints transmitted to the Dominion government by missionaries in the period before 1877 see for example LAC, RG 10, vol. 3605, file 2806 and file 2959 pts. 1 to 5 and vol. 3611, file 3756-1. As early as 1866 it was reported that the Secwepemc were burning grass lands that they felt were taken from them unjustly. *British Columbian*, 25 Jul 1866. For a good collection of documents and interpretations regarding "the Chilcotin War" see Great Unsolved Mysteries in Canadian History Project, *We Do Not Know His Name: Klatsassin and the Chilcotin War*, <<http://www.canadianmysteries.ca/sites/klatsassin/indexen.html>> (7 July 2007).

⁷³ I.W. Powell to Minister of Interior, 4 February 1874, LAC, RG 10, vol. 3605, file 2813.

the consequences Indigenous people “are deprived of their fathers’ land without any hope of redress.... We may have very serious disturbances, which it might be impossible to suppress”. Superintendent Powell concurred, “it would be too great an undertaking on my part to guarantee quietude on the part of the Indians” and suggested that “liberal grants of land to those really requiring them will greatly modify, if not entirely destroy such a condition, and ensure at least resignation to their present lot.”⁷⁴ Seven Secwepemc chiefs petitioned Powell and argued that they had been patient but their reserves were laid out “without our agreement and in some places against our will as if we had been slaves and had no rights to our lands.” They warned that “if our land question is not soon settled, and our just requests not listened to, ill feelings and irritation will prevail to such an extent that one cannot foretell the consequences.”⁷⁵

When Powell decided to travel to the interior to investigate the grievances, Provincial Secretary John Ash notified him that the B.C. Government did not think any outbreak was likely and that it did not “consider it necessary to offer you [Powell] any advice on the subject.”⁷⁶ Powell’s visit to the Kamloops and Okanagan regions did serve to defuse the situation for a time by presenting the dominion as interested in Indigenous concerns, but Canada’s decision to compromise with the province by accepting a twenty

⁷⁴ C.J. Grandidier in *Victoria Standard* 28 August 1874. Also reprinted in British Columbia, *Sessional Papers*, 1875: 680-681. See also Powell to Provincial Secretary, 15 August 1874, *Papers Connected*: 139-140. Canada, “Report of the Department of the Interior, for the year ended 30th June, 1876” in Canada, *Sessional Papers*, 1877, Paper 11: 32 and Powell to Attorney General for British Columbia, 6 November 1873, 29 December 1873 and 12 January 1874, *Papers Connected*: 121-6.

⁷⁵ Adrien, Chief of Adams Lake Band, and six other Shuswap Chiefs to Powell, undated, LAC, RG 10, vol. 3617, file 4590C. James Teit argued that with the lack of treaties and the failure to confirm reserves “the Okanagan and Shuswap tribes made a compact to attack the Whites and drive them out of their territories. This was frustrated by the strong influence of Chief *Tcelahitsa* of the Douglas Lake band”. Boas and Teit, *Coeur d’Alene, Flathead and Okanagan Indians*: 223 and 236-237.

⁷⁶ John Ash, Provincial Secretary, to Superintendent of Indian Affairs, 30 January 1874, *Papers Connected*: 127.

acre per family formula in establishing reserves demonstrates that their primary concern was agreeable relations with British Columbia.⁷⁷

Despite the conciliatory approach taken toward the province, DSGIA L. Vankoughnet, reported that “[t]he non-recognition, however, in some instances, by the provincial government, of the title of the Indians to lands *occupied* by them, has for some time agitated the minds of the Indians of this Province. Some of these lands have already been, and others are being sold without reference to the Indian title thereto”.⁷⁸ Grandidier recognized the potential pitfalls of such a policy when, in regard to a settler wanting to purchase a section of the South Thompson River in Secwepemc territory he warned that this would be

detrimental to the rights of the Indians and would certainly be sure to excite the Indians to the verge of madness. As long as they do not see the land sold they may have some hopes of obtaining it by peaceful means but if once it is sold then their hopes will vanish and the consequences may be very serious.⁷⁹

Establishment of the Joint Reserve Commission

It was potential threat to the quietude and orderly alienation of Indigenous lands that led the dominion and province to seek formal resolution of their differences. At the beginning of 1876 the two governments agreed to create a three person commission, one each appointed by British Columbia and Canada and the third named jointly to investigate “the Indian reserve question”. These commissioners were to “have special regard to the

⁷⁷ For a discussion of Powell’s tour of the interior in the summer of 1874 and Indigenous response see Harris, *Making Native Space*: 81-6. The following year First Nations along the Fraser river wrote to Superintendent Lenihan that they were unwilling to accept funds from the Canadian government to celebrate Victoria Day because of its lack of ability to influence the province on the land issue.

⁷⁸ Canada, “Annual Report of the Department of the Interior, for the year ended 30th June, 1877” in Canada, *Sessional Papers*, 1878, paper 5: 16.

⁷⁹ Grandidier to Lenihan, 18 July 1875, extract included in Lenihan to David Laird, 5 Aug 1875, LAC, RG 10 vol. 3625, file 5225.

habits, wants and pursuits of each Indian nation, to the amount of territory available in the country occupied by them, as well as to the claims of the White population.”⁸⁰

Further, to protect provincial reversionary interests to reserves that were already established but that might be recommended for reduction by the commission, the dominion agreed to temporarily suspend the section of the Indian Act that required Indigenous consent be attained before a reserve could be alienated or reduced and gained royal assent to this end. Hamar Foster suggests that Sproat recommended this move to facilitate the work of the commission by alleviating the need to win surrenders before dealing with already established reserves. It would also satisfy British Columbia in that any lands removed from existing reserves would revert to the province as opposed to the dominion.⁸¹ Clearly then, liberal Canada chose to promote settler claims at the expense of the rights of Indigenous communities and individuals. Further, by narrowing the parameters of the investigation to reserve size as opposed to title or even treaties, it made this choice before the commission even began its investigations. By 1877 Canada had agreed to deny the rights and protections guaranteed, in principle at least, east of the

⁸⁰ Canada, Department of the Interior, “Annual Report of the Department of the Interior for the Year Ended 30th June 1876” in Canada, *Sessional Papers, 1877*: xv-xvi and LAC, RG 10, vol. 3611, file 3756-2, “Report of a Committee of the Honorable the Executive Council, Approved by his Excellency the Lieutenant Governor on the 6th Day of January 1876. By Nation the agreement referred to “all Indian tribes speaking the same language”. For more on the establishment of the IRC see Harris, *Making Native Space*: 98-103; Fisher, *Contact and Conflict*: 188-190 and Cail, *Land, Man and the Law*: 207-08.

⁸¹ Canada, *Canada Gazette, 1877*, vol. 10: 799 and “Addendum Interior” in *Statutes of Canada, 1877*: cxxvii. This proclamation exempted all reserves in British Columbia from sections twenty five through twenty eight of the Indian Act which dealt with consent. Charles Ford, Deputy Provincial Secretary to A. McKenzie, Victoria, 26 October 1876, B.C.A, GR-0504, Provincial Secretary, file 2. The dominion appointee to the Commission, G.M. Sproat noted that while consent of a sort was obtained previously in British Columbia, it was “in many cases not much more than a farce.” B.C.A, MS-0257, file 15. G.M. Sproat, “Memorandum to the Minister of the Interior”, 29 September 1876: 46-52, B.C.A, MS-0257. Hamar Foster notes that Sproat’s recommendation in this regard was likely based in his belief that conforming to the Act would retard the progress of the Commission. The fiduciary obligation of Canada in regard to Indian reserves was not recognized as legally enforceable until 1984. Foster, “Letting Go the Bone”: 63-64 and 84, fn 187.

Rockies. As long as any opposition that arose did not threaten to unmask the liberal façade, Canada would not raise the issues of title or rights in British Columbia.⁸²

The Treaty 7 Region Before 1877

As has been discussed elsewhere, a number of factors coalesced in the mid to late nineteenth century to reconstruct the prairie west from a domain of fur traders to a space in which other economic potential, more hospitable to colonial expansion, might be exploited.⁸³ The increasing paucity and rising prices of farmland in Canada West by the 1850s focused Canadian imperialist vision on the western plains. This focus was sharpened considerably by 1858 when expeditions commissioned by the Canadian and British Governments reported positively on the presence of a northern fertile belt if negatively on the arid southern region, subsequently known as Palliser's Triangle.⁸⁴

Further, the threat of American expansion northward had never quite disappeared even after the establishment of the boundary between British and American territory with the Treaty of Washington in 1846. In addition, the Hudson's Bay Company charter was due for renewal in 1859 and a British parliamentary committee created to inquire into this

⁸² Robin Fisher makes a similar point. Fisher, *Contact and Conflict*: 188.

⁸³ See for example: R. Douglas Francis, *Images of the West: Responses to the Canadian Prairies* (Saskatoon: Western Producer Prairie Books, 1989); Owrarn, *Promise of Eden*; Palmer, *Alberta A New History*: 30 and Friesen, *The Canadian Prairies*: 107. This striking shift in the perception of the imperial value of the plains and parkland regions of the prairie west had dramatic consequences for Indigenous people in the ensuing decades. It should be remembered, though, that while resident First Nations became increasingly cognizant of the shift in value of this territory to the colonizers, there was not a parallel modification in their own understanding of the economic value or potential of their territories according to these foreign economic constructs. Carter, *Aboriginal People*: 103-04.

⁸⁴ These expeditions were led by University of Toronto Professor Henry Youle Hind and Captain John Palliser respectively. Paliser's Triangle included all but the furthest west regions of Treaty 7. With the inauguration of dry-belt farming practices by the 1880s even this arid belt began to come under pressure from Eastern Canadian colonialists. Carter, *Lost Harvests*: 59-60. Even in these initial exploratory thrusts into Blackfoot territory it was clear that the goodwill of the resident First Nations was required for the success of the missions. See for example Irene Spry, *The Palliser Expedition: An Account of John Palliser's British North American Expedition 1857-1860* (Toronto: The Macmillan Company, 1963): 107-08. For the Hind Expedition see H.Y. Hind, *Narrative of the Canadian Red River Exploring Expedition of 1857 and the Assiniboine and Saskatchewan Exploring Expedition of 1858* (1860) (Edmonton: M.G. Hurtig, 1971). Hind's map showing the fertile belt follows page 222 of volume 2.

issue identified that change of administration, including a union of Canada with the Red River and Saskatchewan regions, was necessary for successful settlement of the West.⁸⁵ As the vanguard of imperial expansion, the HBC had served as far as it could and it was time for other strategies and institutions to take its place. Certainly, the HBC would be rewarded for its service.

By 1863, control of the HBC was assumed by individuals interested not in trade with Indigenous peoples but in profits that could be made from the sale of its proprietary rights. Since the Company was loath to bear the costs of colonization on its own and since the British government too was unwilling to accept responsibility, the newly reorganized HBC had to wait until after Confederation when the Canadian Government had the resources available to acquire this territory.⁸⁶ With the transfer of this land in 1870, the HBC was rewarded with, in part, five percent of the fertile belt or about 6.6 million acres.⁸⁷

Significantly, in addition to the generous compensation in land, the HBC was relieved of its responsibility for the Indigenous hunters and trappers that had created its wealth in the first place. Section 14 of the Order in Council that transferred the lands controlled by the HBC to the dominion confirmed that

Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the Company shall be relieved of all responsibility in respect of them.⁸⁸

⁸⁵ Friesen, *Canadian Prairies*: 110; Chester Martin, "Dominion Lands" Policy, ed. Lewis H. Thomas (Toronto: McClelland and Stewart, 1973): 4.

⁸⁶ Ray, Miller, and Tough, *Bounty and Benevolence*: 46-47.

⁸⁷ Friesen, *Canadian Prairies*: 183 and Martin-McGuire, *First Nation Land Surrenders*: 26.

⁸⁸ Great Britain, "Order of Her Majesty in Council Admitting Rupert's Land and the North-Western Territory into the Union," 23 June 1870, in Maurice Ollivier, *British North America Acts and Selected Statutes, 1867-1962* (Ottawa: Roger Duhamel, Queen's Printer, 1962): 161. This is also significant in that it recognizes that there was an existing responsibility that needed to be transferred.

Pressure to wrest the territory east of the Rockies from Indigenous control was applied from other quarters as well in the 1870s. The construction of a rail link to the Pacific coast was a primary feature of the agreement that brought British Columbia into Confederation in 1871 and by 1876 the new province was threatening to secede from the union due to both the delay in construction and the route proposed by the dominion.⁸⁹ East of the Rockies, Treaty 6 was created, in part, to facilitate railway and telegraph construction through the region toward B.C..⁹⁰ A railway would also provide the additional benefit of permitting the movement of troops into British Columbia or anywhere east as a show of force against Indigenous opposition, a point driven home by the Métis resistance of 1869-70.⁹¹

The Métis and their allies ended their resistance believing that their grievances had been addressed, but the spirit of the Manitoba Act was soon reversed. Similarly the essence of the first of the numbered treaties was abrogated soon after they were signed. All of this serves to illustrate the contradictions between the public presentation and the actual methods applied by an expanding liberal Canada once surveillance had revealed that any immediate threat of open resistance had passed.⁹² While these events had little

⁸⁹ Barman, *West Beyond the West*: 104-106.

⁹⁰ Canada, Department of the Interior, *Annual Report of the Department of the Interior*, 1876: x.

⁹¹ It was the transfer of regulatory control over Rupert's Land and its inhabitants from the H.B.C. to Canada, the marking off of land by surveyors, the attempted political takeover by Macdonald's appointee as Lt. Governor before the arrangement concluded, and the absence of consultation or even significant concern for the region's inhabitants that provided the impetus for the resistance at Red River in 1869-70. See for example, Mayfield, "The North-West Mounted Police and the Blackfoot Peoples": 61-62.

⁹² It is true, as Ray, Miller, and Tough have argued, that the archival record associated with these events indicates the Canadian Government's recognition of territorial rights. Ray, Tough, and Miller, *Bounty and Benevolence*: 53-57. Clearly, though, the ways in which Canada applies these understandings is indicative of the simultaneous abrogation of these same rights. The literature on the events at Red River ranges from acceptance of liberal Canada's position demonstrated in Donald Creighton's view that the transfer would support the railway and to attract the immigration which would bring "the old primitive culture of Red River to an end." Donald Creighton, *The Dominion of the North* (Toronto: Macmillan, 1957): 314. It is

direct impact on the region that became southern Alberta they indicated how the liberal policies of the dominion government would be applied in this region. So, when the North West Mounted Police arrived in the area and established Fort Macleod in 1874 and Fort Calgary in 1875 and ushered in the conspicuous expansion of Anglo-Canadian values in this region, the template was already in place.

Several years before Lt. Governor and Special Indian Commissioner David Laird and his military entourage arrived at Blackfoot Crossing to inform the First Nations resident between there and the Rockies of the Government's intentions, there were already complaints from regions further east where treaties had already been executed. As Indian Commissioner J.A.N. Provencher confirmed "[a]lready the Indians who were parties to the two first treaties, begin to find that the conditions then made will not suffice for their requirements, and are not equivalent to the rights and privileges which they relinquished in favor of the Government." Provencher reported to Minister of the Interior Laird that:

it is undoubted that by an interpretation put by the Indians on the words of the Commissioners that they, who were present at the Treaties Nos 1 & 2, were led to expect many more benefits than were expressed in those two

similarly illustrated in Stanley's utilization of the notions expressed by the frontier thesis, despite his expressed rejection of this framework, that the events of 1869-1870 were primarily a manifestation of "the clash between primitive [though filled with the democratic impulse provided by the frontier] and civilized people". Stanley, *The Birth of Western Canada*: vii. On this point see Frits Pannekoek, *A Snug Little Flock: The Social Origins of the Riel Resistance 1869-70* (Winnipeg: Watson & Dwyer, 1991): 7. W.L. Morton too, while generally more sympathetic to western concerns, does not deny the civilization/barbarism dichotomy. W.L. Morton, "The Canadian Metis", *The Beaver* (Outfit 281, September 1950). Thomas Flanagan and Gerhard Ens continue the tradition established by Creighton arguing that the Canadian Government was magnanimous in their dealings with the Métis. They conclude that "The Dominion government did indeed provide the benefits promised to the Metis by the Manitoba Act and related legislation....it is clear that, if they [the Métis] chose to leave Manitoba, it was not because they were deprived of land." Flanagan and Ens, "Metis Land Grants in Manitoba: A Statistical Study", *Histoire Sociale/Social History* 27/23 (1994): 87. D.N. Sprague, on the other hand, argues that the Government did as little as possible to ensure quietude while at the same time ensuring that White settlers could acquire land as easily as possible regardless of prior agreements with the region's aboriginal peoples. Sprague, *Canada and the Métis*. See for example Sprague's chapter on "Amending the Manitoba Act": 109-127.

Treaties; and in the meantime they almost accuse the Representatives of Canada of obtaining their consent under false pretences...such charges, however ill founded, may raise difficulties in the future. All these Indians are in communication with each other and the dissatisfaction of any whether with or without reason cannot fail to exercise an influence on the minds of others...it is none the less important, in the interest of the tranquility of the future, to prevent all pretexts at defiance on the part of the Tribes with whom the Government may find it advisable to conclude new Treaties.⁹³

In the interests of “tranquility” and to “prevent all pretexts at defiance” and so facilitate the acquisition of the First Nation territory through treaty further west the signatories to Treaties 1 and 2 were awarded concessions regarding annuity payments and reserve size.⁹⁴ The distinction between what was promised at the treaty negotiation and what was written down, and the primary objective to remove land from First Nation control had to remain hidden from the Blackfoot and other Indigenous nations to the west.

There was also a growing concern by 1877 that the Lakota under the leadership of Sitting Bull, who had moved into the Canadian Cypress Hills area in November 1876 after their defeat of the American Seventh Cavalry under Colonel George Custer, might ally with the Blackfoot. At the same time the Nez Percé, also pursued by the US army, had moved closer to Canadian territory.⁹⁵ Finally, Secwepemc and Okanagan dissatisfaction over the lack of security of their land holdings and settler fear that they might resort to military action, as discussed above and below, caused concern in some quarters at least. At the same time the First Nations that became party to Treaty 7 were only beginning to get a hint of what was in store for them. For example, while NWMP

⁹³ Canada, Department of the Interior, “Report of the Department of the Interior for the Year Ended 30th June, 1874 in Canada, *Sessional Papers*, 1875: 53 and 55 and J.A.N. Provencher, Indian Commissioner, to Minister of the Interior, 31 December 1873, LAC, RG 10, vol. 3608, file 3084.

⁹⁴ Canada, Department of the Interior, “Report of the Department of the Interior for the Year Ended 30th June, 1874 in Canada, *Sessional Papers*, 1875: 53 and Morris, *Treaties*: 338-42.

⁹⁵ Canada, Department of the Interior, “Annual Report of the Department of the Interior for the Year Ended 30th June 1877” in Canada, *Sessional Papers*, 1878: xv-xviii.

Assistant Commissioner J.F. Macleod told the Blackfoot that the police had “not come to take their land from them”, the NWMP proceeded, without consultation, to construct the posts mentioned above. More significantly, as Barbara Mayfield notes, the presence of these forts tended to offer an increased sense of security to potential non-Native settlers and so enhanced the likelihood of their coming to or remaining in Blackfoot territory.⁹⁶ Even Crowfoot, who has been depicted by some as having a trusting friendship with Macleod and the NWMP, seems to have been hedging his bets when he reportedly told missionary John McDougall that while “he was much pleased with the change that the coming of the Mounted Police had brought in all the West...he would depend upon me [McDougall] to inform him of anything in the future that would be of interest to him and his people.”⁹⁷

As expressed in their nine-point petition to Lt. Governor Morris, the Blackfoot were concerned about incursions into their territories by Métis and Cree hunters who had moved west to hunt buffalo.⁹⁸ But in response to the articulation of these concerns at the Treaty 7 meetings at Blackfoot crossing in 1877, David Laird stated that “the Commissioners could not agree to exclude the Crees and half-breeds from the Blackfoot

⁹⁶ NWMP, “Annual Report of the NWMP”, 1874: 64, cited in Mayfield, “The North-West Mounted Police”: 115-118.

⁹⁷ John McDougall, *Opening the Great West: Experiences of a Missionary in 1875-76* (Calgary: Glenbow-Alberta Institute, 1970): 15. While there could be an element of self-congratulation on the part of McDougall here, Crowfoot’s decision to turn to him, as Barbara Mayfield has recognized, is illustrative of “the ambivalent worth of British Canadian law and order” to the Blackfoot. Whereas Crowfoot may have been satisfied with the initial role of the NWMP in their dealings with whiskey traders he seemed less confident about their long term impact on Blackfoot sovereignty. Mayfield: 117-8. On the friendship between Macleod and Crowfoot see Hugh Dempsey, *Crowfoot: Chief of the Blackfeet* (1972) (Halifax: Goodread Biographies, 1988): 80. Current Treaty 7 elders endorse the view that while Macleod’s efforts in dispatching American whiskey traders was appreciated his role in the relative peace in the few years prior to Treaty 7 has been over-stated. Treaty Seven Elders and Tribal Council, *True Spirit and Original Intent*: 50. More will be said about Macleod and his role below.

⁹⁸ “Petition of the Chokitapix or Blackfeet Indian Chiefs to Lieut. Gov. Morris, President of the Council for the North West Territories,” PAM, Alexander Morris Fonds, MG 12 B 1, no. 1265.

country; that they were the Great Mother's children as much as the Blackfeet and Bloods, and she did not wish to see any of them starve." Laird stated, though, that the Indian Act guaranteed prosecution for trespassing on reserves.⁹⁹ In other words, Canada would only protect First Nations interests in the ways that those interests were, and would be, defined by the representatives of the State.

While the First Nations of western Canada were beginning to get a glimpse of the teeth behind the mask of liberal colonialism, some non-Indigenous commentators at least remained blissfully ignorant. A correspondent for New York's *The World* commented that in the United States there was a "probability of an Indian war all over the plains from Dakota to Texas, a war, too, which has been in reality inspired by repeated breach of treaty obligations" whereas "under British rule not only has the Indian not remained a foe but actually become an ally". The correspondent informed the DIA that if they could send him "the principles governing your Department and the system whereby they are put in practice would not only be of present interest, but, also, of possible practical benefit." The reporter seems to have uncritically accepted the data provided in the DIA's *Annual Reports*. In his subsequent article he offered: the "treaties of 1871 were fairly performed... Indian title to these lands is acquired in Canada, and any inconvenience or danger such as might arise from attempting to pass over the territorial rights of the bands has been avoided.... It is to the credit of Canadian politicians and ministers that not even during the corruption of the late Dominion Administration were the Indians abused, plundered, or neglected."¹⁰⁰ Canadians, spared from the more visible form of imperialism

⁹⁹ Canada, Annual Report of the Department of the Interior for the year ended 30 June 1877: xxxix-xl.

¹⁰⁰ G.F. Lanigan to Commissioner of Indian Affairs, 19 July 1874, LAC, RG 10, vol. 3611, file 3676 and *World*, 7 Aug 1874. Copy in LAC, RG 10, vol. 3611, file 3676.

occurring in the United States could already congratulate themselves for the application of their brand of liberalism.

Treaty 7 and the Interior of British Columbia Before 1877 Compared

There were, then, both similarities and differences in the positions that Indigenous people found themselves in the interior of British Columbia and the southern portion of what would become Alberta. In neither place did the resident First Nations, despite attempts such as the 1875 Blackfoot petition, have any substantial or decisive input into the transfer of authority over their territories or even themselves. But when British Columbia joined with the dominion of Canada an institutional framework, informed by Anglo-Canadian values, was already in place. As a result, there was no question for those negotiating its inclusion into Confederation that this colony already held title to its public lands. Here as well, unlike the North West Territories, there was no attempt to extinguish title or resolve the differences regarding reserves prior to the arrival of non-Native settlers.¹⁰¹ Further, in the prairie west, the dominion government had a much freer hand in determining policies related to the proportion of land that would be retained by First Nations as reserves.

The reserves set aside in the western numbered treaties were indeed significantly larger than those allowed by Joseph Trutch, but in many ways Trutch's actions were rather more forthright than his federal counterparts. None of the three pillars of liberalism: individual liberty, protection of private property, or equality are evident in the actions taken by Trutch or his successors towards Indigenous people in British Columbia, but neither are they in those of the dominion government. What is evident is that

¹⁰¹ On these points see Foster, "Letting Go the Bone": 58.

administrators in British Columbia simply rejected the notion that there was any onus on them to pursue these liberal objectives in the case of Indigenous people even though they did attempt to justify their policies to non-Native advocates outside of B.C.. Canada, on the other hand, as will be discussed throughout the remainder of this dissertation, made Herculean efforts, to explain why any benefits liberalism had to offer would have to be delayed, modified, or circumvented. Further, it went to some lengths to present this exclusion of Indigenous people from these benefits as in the best interests of the First Nations concerned. For example, while there was a form of consultation involved in the treaties these negotiations were constructed by Canada on considerably less than equal, or even honourable, terms. Additionally, the reserves guaranteed by Treaty 7 were soon reduced, under circumstances that were less than legitimate, even as that legitimacy was framed by the dominion. The liberty of First Nations people was no less severely restricted by a complex of legal, extra-legal, and blatantly illegal means in southern Alberta than it was in British Columbia.

It is impossible to know how far the colonial or provincial governments in British Columbia, had they been in a position to act on their own, would have gone in attending to their particular strategies to remove land from First Nations control. It is important to recognize, though, that British Columbia rarely misrepresented its intentions in the same way that the dominion did. It is clear that Trutch recognized that the appearance of generosity could deflect all sorts of criticism levelled by non-Natives outside of B.C.¹⁰² and certainly he believed that in reducing reserves B.C. would have “to convince the

¹⁰² This point is evident in his correspondence to officials in the Colonial Office, the dominion, and various benevolent and missionary organizations. See for example Trutch’s response, now as Lt. Governor, to the Bishop of Columbia’s criticism in Trutch to Secretary of State for the Provinces, 26 September 1871, *Papers Connected*: 99-101.

Indians that the Government only intend to deal fairly with them and the whites, who desire to settle on and cultivate the lands that they (the Indians) have really no right to and no use for.”¹⁰³ Yet, there was little attempt to convince First Nations that further alienation of their land was in their own best interests. Finally, we cannot know if Trutch would have called for overt military force if it were necessary to carry out his objectives. There were incidents where colonial force was demonstrated to impress Indigenous people in B.C., but these shows of force were not appreciably different than displays by the NWMP in other parts of Canada.¹⁰⁴

The intention here is certainly not to rescue Trutch from the depths of his own racial arrogance, myopia, or shallow insight, or to paint him as somehow a friend of the “Indians”. Rather the argument here is that the distinction between the “Indian policies” of the federal and B.C. governments has perhaps been overstated. In fact, viewed from the beginning of the twenty first century, the results of the apparent generosity of the federal government in southern Alberta and the avarice of the provincial government in the B.C. interior are not significantly different except in one important way. By refusing to extinguish aboriginal title, the governments of B.C. seem to have unwittingly left the First Nations there with an even stronger and clearer claim to land and resources than the peoples who were party to the numbered treaties.

British Columbia in 1877

By early in 1877 British Columbia was already positioning itself to disband the Joint Reserve Commission by claiming that it was, for the most part, an inefficient,

¹⁰³ Trutch to Acting Colonial Secretary, 28 August 1867, *Papers Connected*: 41-43.

¹⁰⁴ See Chapter 1 on this point also, for example, Chris Arnett, *The Terror of the Coast: Land Alienation and Colonial War on Vancouver Island and the Gulf Islands 1849-1863* (Burnaby: Talonbooks, 1999); Barry Gough, *Gunboat Frontier* and Harris, *Making Native Space*, 22 and 58.

senseless, and expensive method of dealing with the land concerns of Indigenous peoples.¹⁰⁵ Partly as a result of the ensuing uncertainty the JRC had been held up in Victoria until early summer when, for reasons initially unknown to the commissioners, they were told to hurry to the Kamloops area. By the time they reached New Westminster they were informed by Superintendent Lenihan, “that the Indians in the Kamloops district had shown lately such signs of dissatisfaction that immediate action to calm their minds was necessary”. When the Commission arrived at Kamloops in June a “large Okanagan meeting was being held” and, according to Sproat, the Secwepemc leadership at Kamloops decided that they would attend the Okanagan meeting since “they themselves had waited so long that the Commissioners must on this occasion wait for them.” To ensure that everyone was clear on who was in charge of not only the content but the form of the Commission’s work the Commissioners “sent them a message that we were not ready for a conference, and that they need not hurry away from their meeting but were to attend to their business whatever it was, and afterwards, come and see us.” Sproat went on in a less self-confident tone, though, to report on what he knew about the nature of the meeting, who the participants were and that there were a number of representatives from “uneasy tribes from the American territory”.¹⁰⁶

Sproat reported that messengers were traveling from the US to meet with the Okanagan and other First Nations in B.C., apparently to seek their cooperation in a

¹⁰⁵ “Report of a Committee of the Privy Council, 23 February 1877,” LAC, RG 10, vol. 3597, file 1353. The province concluded that the work of the Commission “should be restricted to those places where the whites and Natives are living in close proximity, and to those localities where the Indians are dissatisfied with the area of land of which they now hold possession.” Since the remaining areas were far removed from immediate potential settlement reserve lands there could be determined in due course by Indian Superintendents, acting for Canada, and the CCLW on behalf of the province.

¹⁰⁶ Sproat to SGIA, 30 June 1877, LAC, RG 10, vol. 3650, file 8497. White settlers in Secwepemc territory were also alarmed by the news that there seemed to be a coalition of Indigenous groups forming.

concerted action. The concern regarding potential alliance with First Nations in the United States who were “engaged in active hostilities against the troops of the United States Government” was not dissimilar to the fear that led in part to Treaty 7 discussed above.¹⁰⁷ In July, Commissioners McKinlay and Sproat expressed their fear of war to both Victoria and Ottawa.¹⁰⁸ The same month Justices of the Peace, John A. Mara and John Tait wrote to the Commission stating they had previously considered “those who have been prophesizing an outbreak as “Alarmists”, but now we are compelled to admit that there is serious ground for alarm.”¹⁰⁹ Sproat concurred that while Fr. Grandidier “had always been regarded by me as an alarmist...But after examining the question for some weeks for myself, I came to the conclusion that he had some grounds for his alarm.” Sproat commented further on information he gathered from settlers married to Native women “that the Indians had combined this year for some purpose or other, not a pleasant purpose to judge from their changed demeanour.”¹¹⁰

Sproat was also critical of the province’s position:

What can people in Victoria, living securely under the guns of the fleet, know of the position of scattered settlers in remote parts of the province, living practically at the mercy of the Indians who outnumber them? The burden of quelling Indian outbreaks will rest on Canada.”

¹⁰⁷ Sproat to Minister of the Interior, 1 November, 1877, LAC, RG 10, vol. 3656, file 9111 and Canada, Department of the Interior “Annual Report of the Department of the Interior for the year ended 30th June 1877” in Canada, *Sessional Papers*, 1878: xix.

¹⁰⁸ Anderson to E.A. Meredith 21 July 1877, LAC, RG 10, vol. 3651, file 8540 and vol. 3596, file 1279, McKinlay and Sproat to Provincial Secretary, 21 July 1877. There is more on this issue in both of these files.

¹⁰⁹ Mara and Tait to the Indian Commissioners, 13 July 1877, LAC, RG 18, vol. 30, file 789-902. While as discussed above the NWMP only entered B.C. on very rare occasions, this letter was forwarded to them as well.

¹¹⁰ Sproat to SGIA, 27 August 1877, LAC, RG 10, vol. 3653, file 8701.

The reserve allotments previously allowed by B.C., Sproat argued, brought the province to the brink of “war immediately, and [the placement of] a large standing army”.¹¹¹ He went on that since 1874, with “the aggravation to the Indians of seeing the further occupation by whites of lands all around them which rose rapidly in value through the whole district, it would have been an act of wilful blindness and an offence against common sense to expect to find the Indians in any other mood than one of grievous dissatisfaction.” The Secwepemc and Okanagan were incensed that the fragments of land that remained to them “were too small for themselves and children, and that white men were hemming them in on all sides. White men could get what land they pleased and the most easy terms; the Indians were restricted within narrow boundaries.”¹¹²

The commissioners recognized “a confederation has... been entered into by the heads of the several tribes, the object of which is apparently to urge their land claims the more forcibly through union” and they moved quickly to allot reserves “to break up, if possible, the union and to deal in detail severally with the various questions in issue.” By dealing relatively generously with groups in the North Thompson region and at Adams Lake, historically among the more isolated of Secwepemc communities, they were able to fracture the “nascent confederacy” among the Secwepemc and between them and the Okanagan.¹¹³ Their actions relieved immediate hostilities and reduced the urgency for cooperation among the Secwepemc. A month later the commissioners were able to boast that “[b]y taking a Steamboat into Shuswap Lake where there are no settlers, we managed

¹¹¹ Sproat to SGIA, 20 July 1877, LAC, RG 10, vol. 3653, file 8599½.

¹¹² Sproat to SGIA, 27 August 1877, LAC, RG 10, vol. 3653, file 8701.

¹¹³ Entries for 9 July and 16 July 1877 in “Journal of the Proceedings of the Commission for the settlement of the Indian Reserves in the Province of British Columbia continued from Vol 1, remaining in the office of the Indian Department of Victoria”, LAC, RG 10, vol. 3659, file 9500. On the isolation of northern Secwepemc see James Teit, *The Shuswap*: 467-468.

to satisfy Niscanilth, Adrienne and Louis (of the Lake), who otherwise must have been provided with lands on the South Thompson, among the settlers resident there". They confirmed that the "union among the Shuswap which we have succeeded in breaking up" was accomplished while "not giving up more than a reasonable quantity of land. " Thus Sproat and the commissioners were able to avoid reaffirming the reserves established on the South Thompson during the Douglas era.¹¹⁴

In the fall of 1877 the Victoria based *British Colonist* newspaper reported that while the work of the Reserve Commission was:

made immensely more difficult by the effect of the American Indian war not far from the southern frontier of the Province...the Shuswap Indian chiefs who were disposed to be troublesome have been won over by the kindness, good judgment and skilful management of the Commissioners....¹¹⁵

Managing the situation and relieving the potential for overt resistance while giving the appearance of consultation is well illustrated by the machinations of the Joint Reserve Commission in the B.C. interior. Further, it is clear from the Commission's work that all of this was to be accomplished while denying as little land and as few resources as possible to the incoming settlers. Finally, like all reserves, the boundaries of the ones confirmed here were meant to define the border between Whiteness and Indianness or civilization and aboriginality but where the line would be located on the map was soon contested.¹¹⁶

¹¹⁴ McKinlay and Sproat to Provincial Secretary, 22 August 1877, LAC, RG 10, vol. 3596 file 1279. For more on the Joint Reserve Commission's work in the Secwepemc and Okanagan Territories see, for example, Harris, *Making Native Space*, 120-135 and Thomson, "A History of the Okanagan", 130-138 and Robin Fisher, "An Exercise in Futility: The Joint Commission on Indian land in British Columbia" *CHA Historical Papers*, 1975: 83-85.

¹¹⁵ *Daily British Colonist*: 2 Sep 1877: 3. The *Colonist* also opined that the work "would be more difficult" in the Okanagan.

¹¹⁶ Sheila McManus makes a similar observation in regard to the Blackfoot. McManus, "The Line Which Separates": 123

Almost immediately, Superintendent Powell felt compelled to inform his superiors in Ottawa that “many complaints are being made both by white settlers and Indians respecting the boundary of Reserves lately set aside by the Commission.” For their part, Powell noted, “Indians complain that the boundaries have not been pointed out to them, and in some sections where there are white settlers, complaints are made by them that their lands are claimed by Indians...”¹¹⁷

Whitfield Chase, Alexander McBryan, D.G. Macpherson, and C.E. Williams, settlers at Shuswap, sent a petition to the provincial government complaining of a reserve located in the South Thompson area adjacent to their farms.

The position of the reservations, they being on every side of us, will induce the passing to and fro constantly of trains of lawless savages, who will throw down our fences leaving them open, allowing animals to stray upon our crops and elsewhere; by their dogs our poultry will be exterminated and our pigs and young stock worried and destroyed. Our fruit and our gardens will be plundered almost under our eyes, and every implement and article of value must be under bolts or the eyes of its owner, or be forever lost.

While they had hoped that any neighbours they had “would be of the civilized races” now they complained that “our property, on the improvement of which we have expended upwards of a decade of our most vigorous manhood, will be confiscated, for property with such surroundings will be utterly valueless in the market.”¹¹⁸

Reserve commissioners McKinlay and Sproat wrote in response:

Couched as their statement is in exaggerated language, and laying down principles which cannot be approved, it will tend to give the Canadian Government, who are the Trustees and Guardians of the Indians, a wrong

¹¹⁷ Powell to SGIA, 9 January 1878, LAC, RG 10, vol. 3657, file 9197.

¹¹⁸ KMA, vertical files, Whitfield Chase file, item 2, Whitfield Chase, et al., Petition to the Provincial Parliament of British Columbia, 24 January 1878 and British Columbia, *Sessional Papers*, 1878: 451. For a contemporary news item on this see *Colonist*, 1 May 1878. For a brief popular examination of this issue see Elizabeth Duckworth, “Whitfield Chase and the Indians”, *Kamloops Daily News*, 4 December 1993: B11.

impression of the sentiments of the white settlers in the interior as regards the Indians".¹¹⁹

The commissioners were concerned that the liberal façade might be jeopardized by “exaggerated language”, but in a letter to the *Colonist* the settlers fired back using liberal mandates to defend their position:

The public will judge if we asked for more than what in justice we may demand. The act we complained of was unquestionably illegal and consequently should become void, as no state, unless a despotism, arrogates to itself the prerogative of destroying private property, or taking legitimate value from it only by fair and equitable indemnification....¹²⁰

Perhaps remarkably, at least one of the authors of the petition, Whitfield Chase, had an Indigenous wife who Chase’s family history identifies as Per-soons the daughter of a Nez Percé father and Secwepemc mother. Per-soons was not only the mother of Chase’s ten children, but her father had provided him with horses that helped build the Chase ranch.¹²¹

The Treaty 7 Region in 1877

Prior to 1877, Indigenous peoples of the western plains had already negotiated a number of agreements for peace and for trade with neighbouring First Nations.¹²² In American territory, the U.S. government responded to a planned railway route and the

¹¹⁹ McKinlay and Sproat, un-addressed copy, 9 January 1878, KMA, vertical files, Whitfield Chase file, item 1, A. Also in LAC, RG 10, vol. 3657, file 9193. In response to a complaint by Alex McBryan, one of the petitioners, the Commissioners also pointed out that settlers would have access to the timber on the reserve for construction or for fuel. A condition that they argue would have been unlikely had their neighbours been other non-Indigenous settlers. McBryan to F.G. Vernon, CCLW, 29 September 1877 LAC, RG 10, vol. 3657, file 9193. An undated and unsigned report of the Commissioners on this incident is also in this file.

¹²⁰ “The South Thompson Reserves”, *Daily British Colonist*, 1 May 1878: 3.

¹²¹ Chase, though, seems to have been uncomfortable with his wife’s identity and renamed her Betsy Tovilenck. Joyce Dunn, *A Town Called Chase* (Penticton, B.C.: Theytus Books, 1986): 33-36.

¹²² For the oral record of seventeenth to nineteenth century alliances see Wilton Goodstriker’s introduction to Treaty 7 Elders and Tribal Council et.al., *True Spirit and Original Intent*: 5-11.

influx of White settlers into Montana by signing three treaties with the First Nations there, including the Blackfoot by 1870.¹²³

In the region of the plains and foothills that became Canada, both the First Nations and the dominion recognized that some arrangement would have to be made with the other but the conditions under which the Federal Government managed to secure Treaty 7 are questionable and contentious. One survey of academic treatments of the Treaty argues: “[t]he academic arguments support the position that the Aboriginal people of Treaty 7 were either deliberately or unintentionally deceived.” These authors state further that “[t]he claim that the Canadian government bargained in good faith is no longer acceptable; the evidence to the contrary is far too great”. They admit though, that “[t]he degree of the deception is more difficult to determine.”¹²⁴

One of the authors surveyed and one of the most prolific writers on the Treaty 7 region, Hugh Dempsey, like many who preceded him puts great stock in what he

¹²³ The Blackfoot were not signatories to the 1851 Treaty of Fort Laramie but since a portion of their lands was included in the treaty area these lands were described in the treaty. “The Treaty With the Blackfoot Indians” or Lane Bull’s Treaty was signed in 1855 and ratified the following year. The other two treaties, of 1865 and 1868, remained unratified by the US Senate. The Senate, it seems, was less concerned about a negotiated settlement than the armed resistance to settler incursions into Blackfoot territory that resulted in a military campaign against the Blackfoot in the so-called “Blackfeet War”. For more detail on these treaties see Ewers, *The Blackfeet*: 205-253; Samek, *Blackfoot Confederacy* 12-13; McManus, “The line which separates” “: 107-08; and Mayfield, “The North West Mounted Police and the Blackfoot Peoples”: 15.

¹²⁴ Treaty Seven Elders and Tribal Council, *The True Spirit and Original Intent of Treaty 7*: 325. There is a range of opinion among those who agree that there was deception involved in securing the treaty. At one end of the spectrum is Hugh Dempsey who does not perceive any deliberate prevarication by either the dominion or its treaty commissioners. He prefers an interpretation that attributes misunderstanding to omissions and lack of explanation. Hugh Dempsey, *Crowfoot*, 93-107 and Dempsey *Red Crow* 107-118. There are other recent accounts that are far more supportive of the colonialist position. In his biography of Macleod, Michael Craufurd-Lewis contends that while it became “fashionable” in the 1990s to claim that First Nation participants in the Treaty negotiations were unaware of the intent of the commissioners and that the Commissioners misled or deliberately falsified their agenda and while this might be supported by “the inherited memories of dead and gone elders....More admissible evidence would seem to refute those claims....The claim that J.F.M. deliberately lied is totally unsupported, even by thrice- removed hearsay evidence”. Craufurd-Lewis, though, offers little evidence to support his positions. Michael Craufurd-Lewis, *Macleod of the Mounties: The North American Saga as Seen Through the Life of a Scottish-Canadian Hero* (Ottawa: Golden Dog Press, 1999): 201-2.

perceives as the Treaty 7 First Nations' faith and trust in the NWMP, and particularly

Col. J.F. MacLeod. He cites Macleod:

As surely as my past promises have been kept, so surely shall those made up by the Commissioners be carried out in the future. If they were broken I would be ashamed to meet you or look you in the face; but every promise will be solemnly fulfilled as certainly as the sun now shines down upon us from the heavens."¹²⁵

To the extent that Dempsey is correct, and that the respect for Macleod and the NWMP was widespread and not isolated to Crowfoot and a few others, future events would illustrate that this trust was misplaced.

In an 1878 meeting with Chief Crowfoot, Macleod stated that he "fully explained the terms of the Treaty". To this explanation Crowfoot "said that he did not like it and had not heard of it before..." Crowfoot stated further "had I known that Five dollars were all that we were to receive, I would not have taken the Treaty." Macleod seemed unable to accept that perhaps Crowfoot had seen through the liberal façade presented by him and the other commissioners: "[s]ome person must have been telling you lies - I did not expect that my old friend Crowfoot would talk to me in this manner. What I promise I always do. You have trusted me since I came to this country and I am curious to know why you talk to me in this way."¹²⁶ A year later Crowfoot seems again to have reconsidered his endorsement of the treaty. In 1879 he stated that he had refused to touch the pen at the 1877 treaty signing ceremony and when he asked Constantine Scollen the significance of this, the priest replied:

¹²⁵ Morris, *Treaties*: 275 cited in Dempsey, *Red Crow*: 118.

¹²⁶ Col. J.F. Macleod, "Interview between Lieut. Col. Macleod and the Blackfoot Tribe", LAC, RG 10, vol. 3658, file 9399 ½. This is undated but is stamped 1 November 1878 at the Department of the Interior. A few years later though, Macleod, privately at least, did complain that he was "not at all satisfied" with the efforts that Canada was making to alleviate hunger faced by Indigenous people in the west. J.F. Macleod to Mary Macleod, 3 June 1880, Glenbow, J.F. Macleod Fonds, M 776/10, Letters to Mary Macleod.

I explained to him that when making a bargain the contracting parties draw it up in writing and sign their names so as to make it binding, and as the treaty was a bargain between the Government and the Indians and the latter could not write they were made to touch the pen which was the equivalent to signing their names. "Ah! Said he, they are out there for I did not touch it." Of course I explained to him that he had taken the money and that was enough, but I dare say after all, the old gentleman still had his own opinion.¹²⁷

By 1888, any respect that First Nations people may have had for Macleod was wearing thin. According to NWMP Supt. Neale, Kainai Chief White Calf "said he thought it was strange that [now] Judge Macleod could always attend to the Whites and would not come to hear the Indians".¹²⁸ To Dempsey, though, "the Mounted Police had proven to be honourable representatives of the Queen, and now the treaty would give the Blackfoot all the protection and help they would need for years to come."¹²⁹

At the meetings at Blackfoot Crossing that led to Treaty 7, however, everything was stacked against an honourable diplomatic agreement for a number of reasons. Firstly, the treaty document itself was already written. Further, what the parties sought was in contradiction and this together with poor translation and unfamiliar concepts, makes it improbable that First Nations understood the underlying intentions of the colonial government even if these were fully disclosed to leaders that actually represented all resident First Nation groups both of which are suspect at best. As well, it must be

¹²⁷ Scollen to A.G. Irvine, Assistant Commissioner, NWMP, 4 May 1879, LAC, RG 10, vol. 3695, file 14942. In July of 1879 Dewdney, though, continued to paint the image of a conciliatory Crowfoot. According to him Crowfoot told him that a number of young Blackfoot men "told him he should not have made the Treaty, but when he heard that I was coming and that the Government were sending some food, he called them together and asked if he was not right. He said if I had not made the Treaty we could not have gone begging for food to the Government." Regarding farming Dewdney reported: "After I explained to Crow Foot what I was sent up to do, and what I wanted him and his Indians to do, he aid, "I will do it, I will Farm; this is the first time I have said it; I mean it; I want to farm..." " Dewdney to Col. S. Dennis, Deputy Minister of the Interior, 22 July 1879, LAC, RG 10, vol. 3696, file 15266.

¹²⁸ P.R. Neale, "Notes of an interview between the Chiefs of the Bloods and North Peigans, and Messrs Pocklington and Springett of the Indian Department and Supt P.R. Neale, Commanding N.W.M. Police in the Macleod District.", 2 February 1888, LAC, RG 18, vol. 19, file 249-88.

¹²⁹ Dempsey, *Crowfoot*, 107.

remembered that Treaty 7 was “negotiated” against the visible and implied threat that force might be applied at any time.¹³⁰

From the beginning of the meetings at Blackfoot Crossing in September 1877, J.F. Macleod appears to have been out of his depth. In response to a request from the Minister of the Interior regarding the “the number of Chiefs and Headman belonging to the Blackfoot, Stoney and Carcee[sic] Tribes which it is proposed to treat this year” Macleod admitted “[i]t is very difficult on account of the changes which are continually taking place amongst the Indian and more especially now when they are not obliged to hold together under recognized heads for the purpose of protection to ascertain exactly who are the Chiefs as distinguished from Head men or Councillors.”¹³¹ In other words, only weeks before the treaty meetings were set to commence the leadership with whom the dominion government would negotiate was unclear.

Certainly, those who represented the dominion wanted to afford particular individuals the privilege of speaking for their fellows. For example, Crowfoot was elevated to spokesperson for the entire Blackfoot Confederacy because of the apparently conciliatory approach that he had displayed in other meetings with the NWMP and missionaries.¹³² As a result, the NWMP and other officials promoted him to a position of pre-eminent leader to both better fit their understanding of political formations and to help facilitate their own objectives at the meetings.¹³³ Perhaps for similar reasons, Chiefs

¹³⁰ Walter Hildebrandt and Sarah Carter make the important point that the Indigenous leadership was well aware that the American government was using its military to massacre Indigenous people there. Treaty Seven Elders et al *True Spirit*: 198.

¹³¹ LAC, RG 10 vol. 3651, file 8576, J.F. Macleod to D. Mills, Minister of the Interior, 26 July 1877

¹³² For an overview of some of the meetings Crowfoot had with these officials see Dempsey, *Crowfoot*: 77-86.

¹³³ Dempsey, *Crowfoot*: 94-5. As Dempsey notes, the notion of a democratic form of governance in which there was no overall leader was incomprehensible to the Canadian representatives at Blackfoot Crossing.

Bear's Paw, Jacob Goodstoney, and Chiniquay were allowed to speak for the entire Nakoda Nation.¹³⁴ Whereas Macleod appears to have chosen who would speak for the three Blackfoot nations, Methodist Missionary John McDougall seems to have chosen who would speak for the Nakoda. As Nakoda Chief John Snow confirms, "whether our Chiefs and Councillors who attended fully represented the entire Stoney Tribe. There is every indication they did not."¹³⁵

Missionaries operating in the region had already been actively involved in preparing the ground for a positive reception of the treaty commissioners and the settlers that would arrive in their wake. For example Methodist missionary John MacDougall, who would later play a prominent role in recommending reserve reductions in the British Columbia interior, was engaged in 1874 to prepare Indigenous people in this region for the arrival of the NWMP to their lands.¹³⁶ A couple of years later, as McDougall's colleague John Maclean, who referred to McDougall as a "Pathfinder of Empire" confirmed: "[t]he services of John McDougall were sought and utilized in preparing the Indians and assisting at the making of the Treaty."¹³⁷ The McDougalls established what historian John

He also acknowledges that Crowfoot was not altogether uneasy with his ascension at the hands of those on the other side of the table even though there were others, like Kainai Chief Red Crow who had been granted greater authority by his people. According to the oral testimony of Many Guns supplied to Jane and Lucien Hanks in 1938 "Cft [Crowfoot] was always a good friend of the Whites." He stated further that "[o]ne great reason why everyone disliked Cft" was that he accepted a \$700 per annum and a free pass as payment from the CPR to allow their track to be built on Blackfoot land. "Cft handed over the land without consulting the other chiefs.... That is why Cft died young." Glenbow, Lucien M. and Jane R. Hanks Fonds, M8458, box 1, file 3, Many Guns via Mary Royal, 1938,; p.89, 102. Underline in original. See also, L.M. Hanks and J.R. Hanks, *Tribe Under Trust: A Study of the Blackfoot Reserve of Alberta* (Toronto: University of Toronto Press, 1950): 7-14.

¹³⁴ Larner, "The Kootenay Plains": 177-9. As Larner points out it may just be that these were the leaders of the Nakoda groups who were, by chance, present at the time of the Treaty talks. In any case, that they could properly have spoken for the entire Nakoda Nation is doubtful.

¹³⁵ Chief John Snow in *The Mountains are our Sacred Places*: 35-6.

¹³⁶ Larner, "The Kootenay Plains": 155-9.

¹³⁷ Maclean, *McDougall of Alberta*: 111. The inclusion of the phrase "Pathfinder of Empire" in the title of this account is apt. See pages 98-110 for more on the efforts of McDougall and his father George in

Larner has referred to as “a duchy on the upper Bow” and sought to draw the various Nakoda groups away from their favoured territory in the Bighorn-Kootenay Plain area further north. From the beginning McDougall was resolute that all of the Nakoda be covered under Treaty 7 and so potential congregants for his mission on the Bow River.¹³⁸ While this centralization served McDougall’s interest by making it easier for him to minister to the Nakoda in a location close to his home and mission it had the profound effect that land assigned would not include the Bighorn-Kootenay Plains area.¹³⁹ Overall, McDougall seems to have seen no conflict in his role as missionary to the Nakoda and emissary for the government that wanted to usurp their territory.

It seems evident that government representatives, both missionary and secular, were at best woefully ignorant of Indigenous political structures and used this ignorance to their own advantage. There is little evidence to support a proposition that either went any distance to ensure that any First Nation representative, even those that they helped to construct, adequately appreciated their intentions. The emissaries of the state, then, created a body of knowledge concerning the meaning of the treaty. At the same time, through the disciplinary surveillance network employed in their interests, an affiliated knowledge concerning Indigenous polities and their leadership was assembled. Both were meant to reduce the potential of resistance to the treaty. Government representatives followed the path of least resistance in order to facilitate the coming of settlers. As a

assisting with Treaties 6 and 7. For the role of McDougall from the oral record of Treaty 7 first Nations see Treaty 7 Elders et.al., *True Spirit*: 78-80, 118-119, 122-123. There seems to be no evidence that any missionary sought to explain the precise meaning of the treaty or any of its key terms.

¹³⁸ Larner, “The Kootenay Plains”: 155-9. Larner suggests that McDougall mis-reported Nakoda populations in 1875 by including only those resident at Morleyville and not the larger numbers further north in the mountains thus excluding them from the initial signing of Treaty 6. See also: Dempsey: *Crowfoot*: 82; Treaty 7 Elders and Tribal Council, *True Spirit*: 264-266.

¹³⁹ Larner: “The Kootenay Plains”: 157-159. This view aligns with the oral record as presented by Nakoda Chief John Snow in *The Mountains are our Sacred Places*: 35.

result, each party at the meetings had a different understanding of what the treaty meant seems beyond dispute.¹⁴⁰ Whereas for settler representatives this was a once and for all real estate transaction, for the First Nations it was primarily a peace treaty in which they agreed to allow limited settler use of their territories.¹⁴¹

Undoubtedly, Treaty 7, like all the numbered treaties, represents the textual basis for the transmission of First Nations territory to Canadian colonial control. As a result of the brevity of the text of the Treaty, while several paragraphs longer than the Douglas Treaties in B.C., debates surrounding intent and the extent of deception and understanding will undoubtedly continue to rage for some time to come. The position advanced here is that while the Treaty 7 First Nations viewed the treaty as a diplomatic exercise, for the state it was little more than a coercive and exploitive instrument even while it was presented as benevolent.¹⁴² As Dorothy Jones has commented on US Treaties “[o]ne of the marks of colonialism is that it bends traditional diplomatic structures to exploitive ends....The only check [in a diplomatic system] is the assumption of countervailing force. When that is absent, as it invariably is in situations of colonialism, the whole treaty system becomes a weapon in the arsenal of the stronger power”.¹⁴³ The treaty document did, however, give colonial expansion an air of legitimacy, at least in the

¹⁴⁰ Even Craufurd-Lewis, who is unwilling to recognize the distinction between hearsay and oral tradition, or to acknowledge even the possibility of coherence or value of Indigenous cultures generally, is forced to admit that while the written treaty is “all very succinctly and legally expressed” it is “[n]ot so easy, however, to translate into a rather basic aboriginal language and not so easily comprehended by those who are culturally unfamiliar with the concept of mutant land-ownership.” Craufurd-Lewis, *Macleod of the Mounties*: 201.

¹⁴¹ Treaty 7 Elders and Tribal Council, *True Spirit*: 111-145.

¹⁴² Indigenous negotiators sought to create an environment that would allow the continuation of their distinctive institutions and structures and so ensure the survival of their respective cultures in all of their aspects. On this point see for example Richard Price, *Indian Treaty Relationships* (Edmonton: Plains Publishing, 1991): 48. Price, though, places far more emphasis the “misunderstandings” involved in the treaties rather than the purposeful misrepresentation that is being argued here.

¹⁴³ Dorothy Jones, *License for Empire: Colonialism by Treaty in Early America* (Chicago, University of Chicago Press, 1982): xii.

minds of Euro-Canadian settler-citizens and more recent apologists of the colonial encounter.¹⁴⁴

Land Retained in the Text of Treaty 7

In regard to the fragments of territory in which the Treaty 7 First Nations were expected to contain themselves, the text of the treaty provided that “reserves shall be assigned them of sufficient area to allow one square mile for each family of five persons.” The Nakoda were assigned a reserve in “the vicinity of Morleyville”; the Piikani “on the Old Man’s River, near the foot of the Porcupine Hills, at a place called “Crow’s Creek”; and the Siksika, Kainai, and Tsuu T’ina were allocated a reserve together that comprised a strip of land on the north side of the Bow and South Saskatchewan Rivers averaging four miles in width and stretching approximately two hundred miles from a point twenty miles upstream from Blackfoot Crossing to the junction of the South Saskatchewan and Red Deer Rivers. Also, for a period of ten years, a one mile wide strip on the south side of the Bow and South Saskatchewan was allotted together with a band on both sides of the South Saskatchewan (now Oldman) River back upstream to the Little Bow.¹⁴⁵

There is no evidence that any government or church representative operated against the immediate interests of settler society to explain to the Treaty 7 First Nations either the degree to which original territories would be alienated or the extent to which they would

¹⁴⁴ It was convenient for these settler-citizens and later apologists to ignore the contradiction noted by G.M. Sproat, reserve commissioner in British Columbia: “Is there not some inconsistency in regarding Indians as wards and at the same time as communities capable of making treaties? These Indians are inhabitants of Canada, and like ourselves, are subjects of the Queen, and it is not easily seen how a treaty can be made with a people who are fellow subjects within our own governmental area.” Sproat, “Indian Affairs”, Memorandum to the Minister of the Interior, 29 September 1876: 58, B.C.A, Add, MSS-0257, file 2.

¹⁴⁵ *Copy of Treaty and Supplementary Treaty No. 7*: 4. On the agricultural potential of the reserve lands see Dempsey, *Crowfoot*: 104.

be isolated from them.¹⁴⁶ Indeed, the explicit exclusion of economically valuable land from even the ten-year moratorium is illustrative of whose interests were protected by the treaty.¹⁴⁷ Further, as Dempsey points out, these reserve lands included some excellent hunting grounds but they had perhaps the least agricultural potential of any lands on the Canadian plains.¹⁴⁸ Further still, in the case of the Kainai as discussed in chapter two and below, under-enumeration resulted in even further diminishment of reserve land.

An additional problem with the reserve allotments was that in some cases these lands were already home to non-Native settlers. Edgar Dewdney reported, for example, that three settlers, who he identified as Olsen, King, and Armstrong, had settled on land that the treaty commissioners subsequently set aside for the Piikani. These settlers informed Dewdney that they “had no idea that the Indians would want” this land. Further, they claimed that Col. Macleod told them “that he thought they were outside the limits of any Reservation, and to continue to cultivate and make improvements”. It seems Macleod, not familiar with the territory, confused this land for another piece “near the base of the Rocky Mountains”.¹⁴⁹ The two settlers that had made improvements prior to the signing of the Treaty were compensated financially for Macleod’s error.¹⁵⁰ Similar compensation was provided to settlers on other Treaty 7 reserve lands as well.¹⁵¹

¹⁴⁶ For more on the divergent understandings regarding reserves see *Treaty 7 Elders and Tribal Council, True Spirit*: 254, 284 and 287-288. These authors make the important point that the Indigenous participants were permitted to identify large territories at the treaty meetings and had no reason to believe that they would be restricted to small fragments of these lands.

¹⁴⁷ *Copy of Treaty and Supplementary Treaty No. 7*: 4. The text of the treaty explicitly does not include lands that contained an identified coal seam. That Laird rushed off to investigate a coal seam at the conclusion of the treaty meetings is indicative of his own priorities. On this point see *Treaty Seven Elders and Tribal Council, True Spirit*: 290-291.

¹⁴⁸ On the agricultural potential of the reserve lands see Dempsey, *Crowfoot*: 104.

¹⁴⁹ Dewdney to Vankoughnet, 13 December 1879, LAC, RG 10, vol. 3701, file 17478.

¹⁵⁰ While Armstrong made improvements “after it was well known that the “Piegan” Indians wished to secure this Reserve” Olsen and King began making improvements before the meetings at Blackfoot Crossing. Olsen had built a house, dairy, corral, stables and in 1879 had at least forty acres of crops. King

In addition to delineating reserve lands, the text of Treaty 7 outlines the state's view of compensation to be awarded to First Nations for alienation of their territory. This compensation included, among a few other things, the distribution of small numbers of livestock and agricultural instruments, an annuity for each person included in the treaty, an annual allowance for ammunition and a salary for teachers. The text also guaranteed the "right to pursue their vocations of hunting throughout the tract surrendered" which would be "subject to such regulations as may from time to time, be made by the Government of the country...saving and excepting such tracts as may be required or taken from time to time for settlement, mining, trading" or other purposes for which the Government saw fit to authorize.

For these benefits and permission to continue to occupy fragments of their original territories, the Treaty 7 First Nations, according to the text of the Treaty, agreed not only to give up the vast majority of their territory but also to engage in surveillance of each other: "they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the country so ceded."¹⁵² This was to allow for the far more efficient operation of

had cultivated about twenty-five acres but had fenced about 320 acres and had 500 logs cut and ready for building. While remuneration was approved for Olsen and King who had made improvements prior to the signing of Treaty 7 in the amounts of \$1200 and \$1000 respectively, Olsen initially refused to vacate the land and buildings forcing DIA farmer, Samuel Bruce, to construct his own house on the reserve for the winter. LAC, RG 10, vol. 3701, file 17478, Dewdney to Vankoughnet, 13 December 1879 and Dewdney to Vankoughnet, 24 December 1879.

¹⁵¹ For example for D.J. Cochrane's claim on the Kainai reserve see LAC, RG 10, vol., 3577, file 421 and for the F.L. French claim at Blackfoot Crossing see LAC, RG 10, vol. 3692, file 13964.

¹⁵² *Copy of Treaty and Supplementary Treaty No. 7* : 6. Métis scholar Howard Adams makes a similar point: "Not only were they forced to obey the oppressive laws of their colonizer, but they were required to act as stool pigeons against their people. Adams, *Prison of Grass*: 67. Adams does not, unfortunately, differentiate as clearly as he might between the text of the treaty and indigenous understandings of what was agreed to.

power from within First Nations communities rather than solely from above as has been discussed in earlier chapters.

The mandates of a liberal dominion government were thus fulfilled by the text of the treaty. The liberty and property of the anticipated White settlers would be protected while the appearance of fairness to First Nations could be presented while they were being excluded from equality. In fact, Laird felt compelled to justify that while the goods and annuities promised in the text of the treaty “may to some appear excessive” the net cost would be less than for goods provided by either Treaty 4 or 6.¹⁵³ At the same time, the Treaty provided for further levels of surveillance through the restrictions of the reserve system and self-observation to maintain the interests of settler society.

As this chapter has demonstrated, Canada’s skill at managing the information it created in relation to Indigenous peoples helped to mask the exclusionary operation of liberalism in the west. This ability allowed it to appear far more generous and progressive than not only its neighbour to the south but also its own Pacific province. Nevertheless, the textual record it created demonstrates that as settler immigration to western Canada surged at the beginning of the twentieth century, it was their interests and their ways of looking at the world, including their ways of conceiving geographic space, that superseded Indigenous understandings and individual and community wellbeing. The naturalization of settler conceptions, including the creation of an apparently universally understood spatiality, and the reconstruction of Indigenous knowledge as irrational and illegitimate, served the interests of the colonizers well. While these interests were

¹⁵³ David Laird, from a report in the *Globe*, 4 October 1877, quoted in Morris, *Treaties*: 262.

promoted by different means according to local conditions, surveillance consistently played a role in the reduction of Indigenous lands in both regions.

Pre-conceived notions of Indianness reinforced by knowledge constructed through surveillance served to justify the exclusion of Indigenous people from the right to own land and to equal participation in political structures guaranteed by liberalism, both of which incoming settlers took for granted. The splinters of land that the original owners of western Canada were allowed to retain as reserves in 1877, whether by treaty or by the actions of reserve commissioners, were themselves soon under pressure from various points.

By the time British Columbia joined with Canada in 1871 it already held legal title to its public lands while British based understandings had already shaped its institutional framework. British Columbia was more direct and less circumspect in its actions related to Indigenous people, but both it and Canada similarly laboured to clear them from the territory demanded by incoming settlers. Despite common goals, tactical disagreements between the two governments were soon evident and came to overshadow the most substantive Indigenous concerns, including aboriginal title. Throughout the period covered by this study, Canada was markedly more eager to come to an amicable arrangement with the province concerning lands left to Indigenous people than to ensure equality of treatment, even in comparison to the rights and land base that remained to First Nations east of the Rockies. Canada was not about to let a consistent application of its own policies regarding indigenous title, treaties, or reserved lands sour its relationship with B.C.

In southern Alberta, First Nations did not have to weather dominion – provincial tactical disputes concerning their future but the coalescence of a number of factors ensured that pressure to wrest territory from their control was applied for a variety of reasons from a number of quarters in the 1870s. Here, Canada had much more freedom in determining the proportion of land retained by First Nations as reserves and these were indeed established on significantly larger basis than was allowed in B.C. Yet in many ways Canada's actions, both in establishing and later reducing these reserves, were rather less forthright than those of British Columbia. Where Joseph Trutch and the settler governments in British Columbia simply denied the possibility that Indigenous people had any right to or use for the lands they occupied, Canada, with its broader constituency and international considerations, went to great lengths to explain why any benefits liberalism had to offer had to be delayed, modified, or circumvented. Further, it expended considerable effort to explain why the exclusion from these benefits and the incessant reduction of their lands by means that were questionable at best, were in the best interests of the First Nations concerned.

In neither region was the alienation of land and resources passively accepted. First Nations engaged in a variety of actions to protect their interests. They participated in the treaty process, presented their situation to the reserve commissioners, and pursued a range of other avenues within the legal framework established by liberal Canada. When these efforts endangered settler interests or threatened to expose the exclusionary operation of liberalism Canada simply enacted new legislation or found some means to explain why Canadian laws or rights guaranteed to others should be circumvented. In the decades after 1877, once settlers began to arrive in western Canada in greater numbers and the pressure

to further restrict the land base available to First Nations increased, the federal government developed a variety of tactics and rested on an assortment of justifications to facilitate the further transfer of previously reserved land to incoming settlers. Like Joseph Trutch, Canada evidently continued to believe that Indigenous people “have really no right to the lands they claim”.

CHAPTER SIX

“whatever the Government saw fit to give them”¹:

The British Columbia Interior, 1877 to 1927

The years following 1877 in Secwepemc and Okanagan territories were marked by an acquisitive province facing off against a similarly acquisitive but somewhat less reckless dominion. Both agreed that Indigenous people should be excluded from the benefits attendant to liberal citizenship, at least until they could be suitably reformed. The primary difference was that the province wanted an accelerated process and generally less First Nation land retention. While Canada continued to disapprove of British Columbia's haste in preparing the ground for the growth of settlement, it nonetheless agreed to evade the important issues of title and Indigenous rights, issues that required settlement by treaty east of the Rockies. The conflict between the two levels of government, then, was isolated to the relatively safe question of reserve size.

In 1878, the dominion representative on the Joint Reserve Commission, G.M. Sproat, reported that in the District of Yale the average reserve included “about 18 ½ acres to each male adult”.² The First Nations in this region had begun raising livestock and harvesting crops during the fur trade and so could demonstrate a greater use of the land that Euro-Canadians could understand than could coastal groups whose economies

¹ A. Bridgman to DSGIA Pedley, 9 April 1907, LAC, RG 10, vol. 4035, file 307426.

² G. M. Sproat, *Memorandum* (on Indian Reserves in the District of Yale), (N.P.: n.p. 1878): 10, CIHM microfiche 16195. Reporting a slightly larger 19 ½ acres in the *Colonist*, Sproat explained that reserves were established on the basis of “4 1/2 acres of arable land per male adult, 6 1/2 acres of good grazing land and 8 1/2 acres of second class grazing land per head of stock.” “South Thompson Reserve”, *Daily British Colonist*, 2 May 1878. Sproat, again, seems to be displaying an attitude thoroughly enmeshed in settler mindset and the superiority of settler economic strategies here. He first of all does not recognize any contradiction in allowing more land for livestock than human beings in establishing the land base that First Nations would be allowed to retain nor the inequitable situation that such a formula would create across the province between nations of primarily fishers and those that included more farmers.

were more centred on the products of the ocean and rivers. Further, as Duane Thomson has already identified, interior First Nations were far less reticent in their demands to various state officials than were those in other parts of the province.³ As a result, reserves were generally larger than those closer to the coast. While Sproat suggested that since “an animal owned by an Indian will eat as much as an animal owned by a white man” there may come a time when it will be necessary to advise Indigenous people to limit their stock “in the interest both of the Indians and of the public.”⁴ Still this average was less than 3% of the square mile guaranteed to each family of five by Treaty 7.

While the Joint Commission seems to have been effective in advancing the goals of minimizing reserve allocations and limiting resistance, it was replaced by Sproat as sole commissioner in the spring of 1878 in the wake of provincial complaints of unreasonable expenditure. Sproat soon came into conflict with both provincial authorities and, when he publicly aired his views regarding how “Indian affairs” could be better managed, Superintendent Powell as well.⁵ In the summer of 1879 Sproat participated in a meeting of the Nlha7káp̓mx which developed a civil code and plans for future education and health care. While it seems clear that Sproat was operating well within the confines of both Canadian law and the long term objectives of dominion policy, as discussed in chapter four, settlers in the area and other prominent citizens felt that by working with the

³ Thomson, “A History of the Okanagan”: 117.

⁴ Sproat pointed out that “the number of animals rather than the mere number of men” should be a factor in determining the size of grazing lands. Sproat, Report as Joint Commissioner, 26 February 1878, LAC, RG 10, vol. 3657, file 9360. On the point of land use and interior reserve size see for example Paul Tennant, *Aboriginal Peoples and Politics*, 33. In 1877, Indigenous farmers provided the garden products required by the reserve commissioners. Sproat, *Memorandum (on Indian Reserves)*: 9. There is a brief biographical sketch on Sproat in chapter 5.

⁵ Sproat to Powell, 11 November 1879 in DIA, *Annual Report*, 1879: 146-148; Powell to J.A. Macdonald, 9 October 1879; Sproat to Powell, 14 November 1879 and Powell to Sproat, 11 December 1879, LAC, RG 10, vol. 3679, file 12068. See also Cail, *Land, Man, and the Law*: 216-217.

Nlha7kápmx as a collectivity rather than with constituent bands, Sproat promoted a potential military threat.⁶ While Sproat rejected these concerns, by the end of the year Macdonald put him under Powell's supervision and by the following spring, he had resigned.⁷

While there were a number of applicants for Sproat's position, Trutch, in his capacity as "Confidential Agent at Victoria of the Dominion", informed Ottawa that Chief Commissioner of Lands and Works, and Premier, G.A. Walkem, and Indian Superintendent Powell agreed on the suitability of County Court Judge, and Trutch's brother in law, Peter O'Reilly.⁸ Trutch supported O'Reilly's appointment as well "if he is available" and recommended that in order to attract O'Reilly or some other suitable candidate for the position the wages and status of the position should be raised.⁹ As a result, O'Reilly would be paid \$3,500 per annum. This was \$500 a year more than Powell, \$300 a year more than Dewdney or Vankoughnet. and almost three times the wages of any Indian agent in either the prairie west or British Columbia.¹⁰

⁶ Douglas Harris argues that the Nlha7kápmx were also trying to cause the provincial government and local settlers to live by the rule of law as well. Douglas Harris, "The Nlha7kápmx Meeting at Lytton, 1879, and the Rule of Law, *BC Studies*, 108 (Winter 1995-96): 5-25. Also see Cole Harris, *Making Native Space*: 155-165. For Sproat's description of what was resolved at the meeting and a defense of his actions see Sproat to SGIA, 3 March 1880, LAC, RG 10, vol. 3711, file 19581.

⁷ Harris, *Making Native Space*: 162; Cail, *Land, Man, and the Law*: 217 and Douglas Harris, "The Nlha7kápmx Meeting". For Sproat's new position as subordinate to Powell see LAC, RG 10, vol. 3711, file 19581, Macdonald to Vankoughnet, 7 July 1880.

⁸ Acting Minister of the Interior, Memorandum to the Privy Council, July 1880, LAC, RG 10, vol. 3711, file 19581. One applicant was former HBC clerk at Victoria and future Indian agent at Kamloops J.W. McKay who had B.C. Premier G.A. Walkem's support. LAC, RG 10, vol. 3711, file 19581 Walkem to Trutch, 10 May 1880, Powell to Vankoughnet, 12 May 1880 and correspondence in vol. 3701, file 19279. Walkem said, however, that he would be satisfied with the appointment of O'Reilly.

⁹ Vankoughnet in DIA, *Annual Report, 1978*: 15 and Trutch to J.A. Macdonald, 19 May 1880, LAC, RG 10, vol. 3711, file 19581. Macdonald agreed that O'Reilly's salary should be equal to what he earned as a Judge. J.A. Macdonald to Vankoughnet, 7 July 1880, vol. 3711, file 19581.

¹⁰ "Report of a Committee of the Privy Council" 5 April 1881, LAC, RG 10, vol. 3716, file 22195. Salaries are from tabular statements in DIA *Annual Report, 1881*. It should be noted that because reserve commissioners previously received travel allowances they always earned in excess of \$3000 per year so

Trutch was concerned about the autonomy that had been granted to Sproat

which led into mistakes of most positive character which have occasioned much dissatisfaction amongst the white population of the districts he visited and material wrong to individuals in many instances, as I am informed and which mistakes it seems now difficult, if not impracticable, to correct and undo.¹¹

At Trutch's suggestion, then, O'Reilly would operate on his own discretion to a degree but only on the "joint suggestions" of the CCLW, representing British Columbia and the Indian Superintendent, representing Canada "as to the points to be visited and reserves to be assigned by you [O'Reilly] to the Indians". All allotments required confirmation by both of these officers and in the event of a dispute, the Lt. Governor would arbitrate.¹²

O'Reilly's role as the front line agent for an expanding settler society is significant in its own right. According to the compilations of Kenneth Brealey, at the time of his retirement as reserve commissioner in 1898, O'Reilly's efforts had produced almost two thirds of all reserves allotted that would subsequently be confirmed.¹³ For all of his eighteen years circumscribing Indigenous lands, successive provincial governments were far more amenable to the allotments that he recommended than they had been to those put

while O'Reilly's salary represented an increase over his predecessors this is not as substantial as it might appear.

¹¹ Trutch to J.A. Macdonald, 19 May 1880, LAC, RG 10, vol. 3711, file 19581.

¹² Report of Privy Council, 19 July 1880 and DIA to Patrick[sic] O'Reilly, 9 August 1880, LAC, RG 10, vol. 3716, file 22195 and Vankoughnet to Walkem, telegram, 22 July 1880, BCA, GR-0868, Department of Lands and Works, Correspondence Inward to the Chief Commissioner of Lands and Works, 1871-1883, box 4, file 34. For his part Powell argued that the new arrangement would "greatly tend to a renewal of the unsatisfactory condition of affairs which existed prior to the appointment of the first Commission" since the Commissioner would be recognized by the First Nations as not holding final authority. He argued further that the CCLW and other elected representatives of the provincial government would be far more likely to be swayed by the opinion of voter/settlers, a small number of whom would carry significantly more weight in the somewhat thinly populated areas of the province, than federal employees of the DIA. Powell to SGIA, 23 August 1889, LAC, RG 10, vol. 3716, file 22195.

¹³ Kenneth Brealey, "Travels From Point Ellice: Peter O'Reilly and the Indian Reserve System in British Columbia", *BC Studies*, 115-116 (Autumn/Winter 1997-98): 222. As of 1898, O'Reilly had allotted 654 of 1003 of reserves that were later confirmed and played a part in the establishment of almost 200 more, representing in total nearly three quarters of the province's total reserved lands in area.

forward by either the Joint Commission or Sproat alone.¹⁴ Even before British Columbia entered Confederation, O'Reilly had acted on Trutch's request that he reduce reserves in Secwepemc and Okanagan territory "within such limits as you may consider proportionate to the numbers and requirements of the Indians resident thereon."¹⁵ Whether through Trutch's influence, his own social ambitions and economic interests or his understanding of the actual "requirements" of the communities he visited, O'Reilly continued as reserve commissioner to be well short of generous. This parsimoniousness was amplified by the eagerness of the province to narrowly restrict Indigenous communities and the refusal of the dominion to make any meaningful objection.¹⁶

Still, the incessant adjustments in reserve size and location caused considerable uncertainty, not only for Indigenous people, but also for their non-Native neighbours. In 1885, for example, the Victoria based *Colonist* warned: "The Indians of the province have

¹⁴ For example the province accepted all but two reserves O'Reilly confirmed in his first year in the field. Cail, *Land, Man, and the Law* 215; Harris, *Making Native Space*: 184. There is a fulsome survey of O'Reilly's methods and First Nations response in Chapter 7 of Harris' study. As Fisher has pointed out, no JRC or Sproat allotted reserve was approved before Sproat's resignation in 1880. Fisher "An Exercise in Futility": 91. Thomson, though has offered an important clarification by indicating that many of these reserves, at least in the Okanagan, were approved later. Thomson, "A History of the Okanagan": 147.

¹⁵ *Papers Connected*: 50-51, Trutch to O'Reilly, 5 August 1868 and O'Reilly to Trutch 29 August 1868. Trutch conveyed his ten acre per family limits in his instructions to O'Reilly. While O'Reilly did find some reserves "out of all proportion to their requirements" his allotments here were in excess of ten acres per family. For reductions by O'Reilly in Secwepemc and Okanagan territory before 1871 see Rev. J.B. Good to Governor Musgrave, 19 December 1870, Good to Colonial Secretary 3 February 1871, and Philip Hankin to J.B. Good, 13 March 1871, *Papers Connected*: 86-91.

¹⁶ Fisher, *Contact and Conflict*: 199-201; Brealey, "Travels From Point Ellice": 225-226 and Harris, *Making Native Space*: 169-215. Brealey offers a contrast to those more enthusiastic in their attempts to portray Sproat as an advocate or even a conduit for a "Native voice". Not only is it difficult to compare the allotments of the various commissioners as Brealey points out, but Sproat's generosity has perhaps been overstated as discussed above. For Cole Harris' interpretation of Sproat's actions here see *Making Native Space*: 165-66. Harris argues that Canada was restrained, "whatever its preference in the matter" from exercising "its fiduciary responsibility for Native people in British Columbia". He argues that due to the long term goal of the dominion of creating a "prosperous, white British Columbia", clearly parallel to the province's own, British Columbia's recent and not altogether fully reconciled entry into Confederation, the realities of electoral politics, distance between Ottawa and Victoria, and the ongoing conflict regarding the railway restrained the dominion from pursuing its obligations to indigenous peoples. Certainly the dominion did little to enforce the policy regarding Indigenous lands that it followed elsewhere in Canada.

claim to the land which a due regard for the public safety should deter the government, the house and the people from ignoring.”¹⁷ Indian Superintendent Powell felt compelled to complain to British Columbia Premier William Smithe about “lands which the Provincial Government have refused to confirm as reserves” and, that in the Okanagan, provincial pronouncements “calculated to mislead in a correct consideration of this matter.”¹⁸ British Columbia’s legislative assembly though, was not deterred and decided to recommend “to the dominion government the re-arrangement of Indian Reserves, so that the agricultural and timber lands not used or required by them may be thrown open to settlers, and the Indians located upon wild lands equally suitable for the purposes for which they require them.” The dominion reminded the province that considerable effort and much expense had been incurred in setting aside reserves to that point and offered the “opinion that the Reserves cannot now be altered without the consent of the Indian Proprietary.”¹⁹ While the dominion did find ways around the consent issue later in the period under consideration here, of immediate concern for Indigenous people, and escalating the insecurity of unconfirmed reserves with unstable boundaries even further, was that some of these reserve lands which Superintendent Powell noted “were gravely promised” and “solemnly assigned to them, have been alienated and sold” without the agreement of either the First Nation concerned or the Canadian Government.²⁰ Since the

¹⁷ *Colonist*, 26 August 1885.

¹⁸ Powell to Chief Commissioner of Lands and Works, 9 December 1884, British Columbia, *Sessional Papers*, 1885: xx, after p. 410 and DIA, *Annual Report*, 1886: 96.

¹⁹ Report of the Executive Council of British Columbia, 17 January 1884 and Report of a Committee of the Privy Council, 30 May 1884, LAC, RG 6, vol. 56, file 960.

²⁰ Powell to Chief Commissioner of Lands and Works, 9 December 1884, British Columbia, *Sessional Papers*, 1885: xx, after p. 410 and DIA, *Annual Report*, 1886: 96.

Kamloops and Okanagan areas were particularly suited to ranching and farming, reserves in this area were under particular pressure from settler society.²¹

In the Okanagan, in addition to refusing to confirm reserves already laid out, recommending their reduction, or simply selling them out from under resident First Nations, the province also sought to eliminate commonages that the reserve commissioners established to meet the winter requirements of the cattle of Indigenous and non-Native ranchers alike.²² So when British Columbia received a request from the dominion that a reserve be established for an Okanagan community on the west shore of Okanagan Lake, it seized the opportunity to make the new reserve contingent upon the reduction of other Okanagan lands and the elimination of a twenty five thousand acre commonage.²³

Superintendent Powell continued to write critical letters throughout O'Reilly's tenure, and sometimes disapproving voices were added by officials in Ottawa as well, but British Columbia MP's persistently argued that reserves were already too large, especially

²¹ For examples of a reserve sale at Shuswap Lake and provincial support for the sale see Smithe to Powell, 9 May 1884; Powell to Smithe, 13 May 1884; Smithe to Powell, 5 June 1884 and Powell to Smithe, 5 July 1884 in British Columbia, "Return to an Order of the House for a return of all lands set apart for Indians in this Province subsequent to the return made to this House on 13th January, 1873, with the names of the tribes and the number of Indians for whom each reserve had been made; and a return of the reserves which have been made to the Chief Commissioner of Lands and Works, but not assented to by him", in British Columbia, *Sessional Papers*, Third Session, Fourth Parliament, 1885: ii-v (following p.410). This return also contains correspondence concerning other reserve sales in the Kamloops and Okanagan regions and elsewhere in British Columbia. Also DIA, *Annual Report*, 1886: 85. For further examples in the Okanagan see Harris, *Making Native Space*: 190-191 and 212-213.

²² Report of Committee of Privy Council, 27 October 1888, LAC, RG 10, vol. 3704, file 17867. The province argued that the establishment of commonages was beyond the authority of either the JRC or Sproat as sole commissioner. The commonages referred to here were at the head of Okanagan Lake and in the Nicola regions. This file contains more information on the conflict regarding the establishment of the West Bank Reserve.

²³ The Okanagan reserves set out by W.G. Cox under instructions from Douglas in 1861 were already reduced by J.C. Haynes at the behest of the Colonial Office probably with the provincial legislature's urging in 1865. These reductions, though, were offset to a degree by the JRC which increased the reserve to 25,539 acres and added a 24,724 acre commonage. The additions, though, included much less arable land. Thomson, "A History of the Okanagan": 115-118 and 134-135. For a brief synopsis on the Okanagan commonages see Harris, *Making Native Space*: 198 and Thomson, "A History of the Okanagan": 142.

in the interior, and that these lands should be taken over and sold to Whites.²⁴ Further, Ottawa's tightfistedness concerning the expenses involved in conducting surveys at least sometimes threw even those reserves where there was agreement between the two levels of government into jeopardy.²⁵

With the work of defining reserves generally believed to be complete, O'Reilly retired in February 1898 and was replaced by Arthur Welleslie Vowell, who divided his attention between his duties as reserve commissioner and Indian superintendent.²⁶ At the end of the nineteenth century, the total land reserved in British Columbia amounted to 718,568 acres. While this was considerably more than the 28,437 identified at the time of B.C.'s entry into Confederation it remained barely fifteen percent of land reserved per person in the Treaty 7 region.²⁷ To the dominion, the reserve map of British Columbia seemed all but drawn.

In 1901 though, the province once again made it known that it wanted to reduce the size of reserves. Premier James Dunsmuir stated that this was justified because in

²⁴ See for example Canada, House of Commons, *Debates*, 28 March 1892: 511-524 and "Indian Lands in British Columbia" *Globe and Mail* 29 March 1892 in LAC, RG 10, vol. 3871, file 88891.

²⁵ In 1895 for example O'Reilly wrote to the Superintendent General of Indian Affairs that B.C.'s Chief Commissioner of Lands and Works had agreed to additional lands for some Secwepemc and Tsilhqot'in groups "but it is doubtful how long this authority will remain in force...no doubt pressure will be brought to bear upon the government to induce the Chief Commissioner to accede to the wish of the settlers, if the reserves are not promptly defined." The same year, when surveyor Green refused to accede to further reductions in his salary O'Reilly reiterated that "if lands are not secured this season, they will undoubtedly go to settlers". O'Reilly to SGIA, 29 April 1895 and O'Reilly to DSGIA, May 21 1895, LAC, RG 10, vol. 3938, file 120710-1.

²⁶ Vowell had replaced I.W. Powell as Superintendent for British Columbia in 1889. DIA, *Annual Report, 1898*: 248. Vowell's personnel file is at LAC, RG 10, vol. 3829, file 61939. On the attitude concerning reserve allotments being virtually finished see Harris, *Making Native Space*: 219.

²⁷ In contrast to the 216.7 acres person that remained in reserves in the Treaty 7 area only 28.7 acres was retained in B.C. For reasons discussed above, though, land retention in the Kamloops and Okanagan areas was more than three times the provincial average at 90.6 acres. Compiled from DIA, *Annual Report, 1896*: 68-83, 151, 154, 193, 201, and 203. Cail argues further that while the 10,727 cultivated acres on B.C. reserves represented a small portion of total lands reserved, the land under cultivation by White settlers as a proportion of all lands preempted would have been no higher. Cail, *Land, Man, and the Law*: 226.

some cases at least “very valuable agricultural lands are held by a very small number of Indians.” He argued that to him it appeared that previous orders in council in regard to reserves intended “as there was a diminution or augmentation in the number of a tribe, to decrease or increase the boundaries of a reserve.”²⁸ Clearly he was aware that the Indigenous population had declined across the province. A few years later the DIA’s Superintendent Vowell was informed:

[t]he impression of the Hon. the Chief Commissioner is, that at present the Indians are holding too much land. The increase in the area under reserve for Indian purposes is considerable, in face of the fact that the Indian population has decreased. The relinquishment of lands at present under reserve for Indian purposes, and not necessary, must therefore be dealt with before any application for additional reserves can be entertained.²⁹

In addition to reserve size, provincial claim of reversionary interest, that would allow lands removed from reserves to revert to British Columbia and not to Canada, continued to frustrate Indigenous ability to retain reserve lands and to complicate relations between the two levels of government. The province claimed that reserves were only held in trust by the dominion and that any “unused” land should revert to British Columbia.³⁰ But if the dominion moved to lease or sell reserves for whatever reason this

²⁸ James Dunsmuir to Clifford Sifton, 2 February 1901 in British Columbia, *Sessional Papers* 1901, 581. Dunsmuir also recommended the establishment of a joint commission, similar in make up to the 1876 JRC.

²⁹ R.A. Renwick, Deputy Commissioner of Lands and Works to Vowell, 12 September 1907, LAC, RG 10, vol. 3750, file 29858-10. For an example of settlers in the interior who agreed that reserves were too large see for example Archibald Irwin, Kamloops - Okanagan Indian Agent, to Vowell, 23 Mar 1908, LAC, RG 10, vol. 3750, file 29858-10.

³⁰ As mentioned above, the dominion agreed, with the formation of the JRC, to temporarily suspend Indian Act requirements that Indigenous consent be secured before any reserve alienation could be approved since British Columbia was concerned that, under the Indian Act, a surrender would cause a reversion of the reserve to the dominion rather than the province. The 1899 provincial statute granting reversionary interest was incorporated into section 80 the Consolidated Land Act of 1908. British Columbia, “An Act to Amend the “Land Act”, *Statutes*, 1899, 62 Vict., c.38, s. 9 (amending c. 113 s. 72 of the RSBC) and *Statutes*, 1908, 8 Edw. VII, c.30, s. 80. In 1911 British Columbia gave itself greater autonomy in this regard by providing that the Executive Council could choose to dispose of any provincial interests in land in any way it chose. British Columbia, *Revised Statutes*, 1911, 2 Geo V, c.129, s.127. For a brief overview of some of these points see Cail, *Land, Man and the Law*: 227-230. The province was incensed when the dominion leased

was sufficient evidence, in British Columbia's view, that the land in question was surplus to the needs of the First Nation concerned and should revert to provincial control. Similarly, if the province could manufacture a situation to illustrate reserve land was not being used by the resident First Nation, it pressed its case that this land should be returned to the province so that it could be sold to settlers.

In the fall of 1907, with continued disagreements over reserve size, reversionary interest, and Indigenous rights, even if in the long run the dominion spoke of these more than acted in their protection, British Columbia notified Superintendent Vowell that since by its view already "the Indians are holding too much land" it did "not feel warranted in authorizing any further reserves for the benefit of Indians until some adjustment of the entire Indian Reserve question has been arrived at" between B.C.'s Lands and Works Department and the DIA.³¹ Further, the disputes related to reversionary interest and reserve size delayed even the confirmation of reserves already established. All the while White settlement continued and pressure on reserve lands increased.

When Vowell took over as reserve commissioner in 1898 he thought the job "would be completed at an early date" but by the first decade of the twentieth century he reported "now I am of opinion that it will never be finished as long as there are any considerable number of Indians to attend to." Also, while the various commissioners set aside reserves in the period since 1877, Indigenous communities were most often not strictly confined to

coal seams on the Nanaimo reserve in 1895 arguing that this was provincial property. Harris, *Making Native Space*: 219. Similarly, the province protested the dominion transfer of Tsimshian reserve lands at Prince Rupert to the Grand Trunk Pacific for its terminal in 1907. J.C. Hopkins ed. *Canadian Annual Review of Public Affairs, 1908*. (Toronto: Annual Review Publishing Company, 1908): 526. For the continued negotiation on reversionary interest after 1913 on the lower mainland see LAC, RG 10, vol. 11078, file 167/34-7-6

³¹ R.A. Renwick, Deputy Commissioner of Lands and Works to Vowell, 12 September 1907, LAC, RG 10, vol. 3750, file 29858-10 and Vowell, in "Report of the Indian Reserve Commissioner", DIA, *Annual Report, 1908*: 273.

these spaces but could use the larger unoccupied contiguous lands to range cattle and/or to harvest food products or other resources. With increased settlement and fencing, though, this was no longer possible and these communities came to “realize that what at first seemed satisfactory is altogether inadequate to meet their necessities.”³² As Vowell confirmed: “[m]eanwhile the country is being settled very rapidly, and lands all over the province are being occupied as homesteads, &c., by incoming settlers interfering more or less with the hunting and fishing grounds of the Indians.”³³

At the root of the dispute between Canada and British Columbia at the turn of the century was that the province, in its efforts to facilitate the prompt occupation of the territory west of the Rocky Mountains, saw no reason to stall the transformation of Indigenous assets into settler wealth. The dominion, also determined to ensure that this territory would soon benefit White settlers, mineral interests and manufacturers, envisioned a transformation period in which Indigenous people could be trained to best serve the interests of settler society. Such a strategy required the maintenance of at least a portion of reformatory space. Still, the size of that space was placed in jeopardy by Canada as well as by B.C. By 1908, the dominion’s DSGIA, Frank Pedley too advanced the position that while Canada had previously opposed settler alienation of reserve lands “[c]onditions, however, have changed” throughout the country so that now in places reserves were “seriously impeding the growth of settlement, and there is such a demand as to ensure profitable sale, the product of which can be invested for the benefit of the Indians and relieve *pro tanto* the country of the burden of their maintenance, it is in the

³² Vowell to Frank Pedley, DSGIA, 22 January 1907 in DIA, *Annual Report, 1907*: 262-3.

³³ Vowell in DIA, *Annual Report, 1910*, 252.

best interests of all concerned to encourage such sales.”³⁴ The dominion, then, had also come to adopt the position that not only must Indigenous people be reformed to better suit settler society but the resources that they had been able to retain should be employed to finance that reformation.

The dominion continued to plead with British Columbia that if the latter was unwilling to create reserves then at least lands in question should be excluded from settlement until any improvements made and “right to occupancy have first been satisfactorily arranged with the Indians interested”.³⁵ Still, because of parallel interests and long term goals throughout the period under discussion here Canada continued to be more interested in the concerns of British Columbia and in promoting the interests of citizen settlers than those of whom it had excluded from its formal political process and denied the right to chose their own destinies.

Churches and Indigenous Lands in British Columbia

Like the two levels of government, Churches in Canada and their representatives, as discussed earlier, had similar long term goals related to Indigenous peoples even if individual missionaries sometimes acted to promote First Nations interests.³⁶ Throughout

³⁴ Frank Pedley in DIA, *Annual Report, 1908*: xxxv.

³⁵ J.D. McLean to R.A. Renwick, Deputy Minister of Lands for B.C., 23 September, 1911, LAC, RG 10, vol. 3750, file 29858-11.

³⁶ For an example of differences between the two levels of government and the Methodist Church in B.C. see the almost seventy seven page “Letter from the Methodist Missionary Society to the Superintendent-General of Indian Affairs respecting British Columbia Troubles.” LAC, RG 10, vol. 3818, file 57837. In response, O’Reilly commented regarding the “interference” of Methodist missionaries and argued that “endless complaints” from Indigenous people would continue, “above all, until the clergy of all denominations are prohibited from interfering in any other than spiritual and educational affairs.” O’Reilly to SGIA, 5 May 1886. By 1891 SGIA Edgar Dewdney was able to report that while there had been “considerable difficulty...in managing the Indians, owing to exaggerated ideas instilled into their minds as to their land rights by evil counselors and mischief-makers, actuated no doubt by sinister motives” now all Native people on the north-west coast were “pacified” by the department’s reassurance that it was doing all it could. DIA, *Annual Report, 1891*: xxviii. Future organized resistance would show that Dewdney was overly confident in this regard, but even much later, non-Natives would be blamed for fomenting agitation.

the period under discussion here officials of the various Christian churches regularly involved themselves in the alienation of First Nations land.

A key figure involved in Indigenous land issues in the British Columbia interior, as in the Treaty 7 region, and an important constituent of the surveillance network was Methodist missionary John McDougall.³⁷ McDougall had already been hired by the DIA in 1905, and paid \$10 a day plus expenses, considerably more than any Indian agent or inspector in western Canada, “to do special work for the Department in negotiating for the surrender of portions or the whole of certain Indian reserves” in the North West Territories.³⁸

In 1909 he was “sent to British Columbia to examine carefully the reserves in and south [of] the railway belt, as to their area, fitness for agriculture or other purposes, the number of Indians on each, what, in his opinion, should be sold as well as to look into the moral and general condition of the Indians.”³⁹ Adherence to Anglo-Canadian values and pursuance of what was deemed appropriate moral behaviour would be rewarded with more generous recommendations regarding the future of reserve lands. Concerning the Okanagan reserves near Kelowna, McDougall determined that “Indians are low down in the scale” of morality and that the two reserves in the area, totalling 3,208 acres that had been allotted by O’Reilly in 1888, should “be surrendered by them and these sold for their

³⁷ McDougall’s role in other economic issues and his enigmatic advocacy on the part of Indigenous peoples will be discussed in the next chapter. There is a brief biographical sketch of McDougall in chapter three.

³⁸ Oliver to Pedley 14 August 1905 and Pedley to Inspectors & Indian Agents in N. W. Territories, 29 August 1905 LAC, RG 10, vol. 4020, file 280470-2. In order to protect the liberal façade DSGIA Pedley made it clear that the disposal of these lands would be in the “best interest” of the Indigenous communities concerned. Prior to this McDougall had also been employed by the government of Canada as a “special delegate to Great Britain” to lecture on issues related to immigration and as a commissioner investigating Doukhobor land claims. Canada, House of Commons, *Debates* 16 December 1907: 688.

³⁹ DSGIA to Secretary, DIA, 4 January 1909, LAC, RG 10, vol. 4020, file 280470-2. In B.C. McDougall was to be paid \$6 per day plus expenses.

good as well as that of the white settlement in the vicinity.”⁴⁰ At top end of Okanagan Lake McDougall found that “these Vernon Indians are the worst in the country” and that portions of the reserve at the head of the lake “most suitable for small fruit farms, could be taken from reserve without causing serious harm to these Indians.” Other reserves at Long (now Kalamalka) Lake could be “disposed of” entirely.⁴¹ In southern Secwepemc territory near Enderby he found the Splats’in (Spallumcheen) to be “generally moral” and “steadily making progress in civilization” but still recommended a number of reductions and sales “for the benefit of the Indians”.⁴² In the fall of 1909 McDougall reported to his DIA employers which reserves, in his opinion, could be turned over to settlers. While he recommended the reduction of many thousands of acres of reserve land in the Kamloops and Okanagan districts in only two cases did he recommend small additions.⁴³

The First Nations in the interior were clearly unaware of McDougall’s land alienating agenda. While at least some of the Indigenous leadership was not initially interested in McDougall’s inspections they were “told by whites that Mr. McDougal[sic] is a very good man, and has been sent here on an important mission, and now they are

⁴⁰ McDougall, “Interim Report Re Indian Reserves Near Kelowna B.C.” enclosed with McDougall to Oliver, 17 April 1909, vol. 4020, file 280470-2. Information on the two reserves, identified as Okanagan reserves 9 and 10 can be found in DIA, *Annual Report, 1901*: 106-107 and Canada, Royal Commission on Indian Affairs for the Province of British Columbia, *Report, Okanagan Agency, Tables A2 and B1* (Victoria: Acme Press, 1916): 700-705.

⁴¹ McDougall, “Interim Report Re Vernon Indian Reserves” enclosed with McDougall to Oliver, 17 April 1909, LAC, RG 10, vol. 4020, file 280470-2.

⁴² “Interim Report Re Indian Reserves Near Enderby B.C.” enclosed with McDougall to Oliver, 17 April 1909, vol. 4020, file 280470-2. Information on these reserves, identified as Spallumcheen reserves 1, 2, and 3 can be found in DIA, *Annual Report, 1901*: 106-107 and Canada, Royal Commission on Indian Affairs for the Province of British Columbia, *Report, Okanagan Agency, Tables A1 and B1*: 700-705.

⁴³ The two locations where additions were recommended were at Spence’s Bridge where “their village was wiped out and their reserve practically destroyed” by a land slide and at Lytton where “quite a number of Indians have been squatted on Government lands and improved these for many years”. Report included with McDougall to DSGIA, 26 January 1910, LAC, RG 10, vol. 4020, file 280470-3.

very anxious to see him.”⁴⁴ It is likely that McDougall’s visit came to be seen as a response to petitions sent to the DIA by interior leaders in July 1908 and March 1909. As discussed above, there was general dissatisfaction with Agent Irwin but the main issues presented in the petitions were the need for better education and health care, and the concern that “our country has been appropriated by the whites without treaty or payment.” They wondered if they had “been treated thus because we welcomed the White as a brother, believed what he said, and asked nothing from him”. They clearly recognized that the treatment meted out to them was at variance with what had occurred “with our fellow Indians of Alberta, Eastern Washington and Idaho”.⁴⁵ In the winter of 1909-10, Chief John Whistamnitsa wrote from Spence’s Bridge:

We were very glad to see Mr McDougall around here last summer, and fall. He examined a good many of our reservations (all the best ones) and had some conversations with us. We laid no formal complaints before him regarding anything as we thought he was not here for the purpose of receiving or considering such. As he has been back some time now - we thought you might be in a position to advise us as to whether anything will be done for us soon along the lines of our petitions to you. Any communication you send I will at once place before the other chiefs. We are still holding meetings discussing our necessities and the land question &c.⁴⁶

⁴⁴ J.A. Teit, for John Whistamnitsa, Chief at Spences Bridge Band and others, 24 April 1909 vol. 4020, file 280470-2. For a brief biographical sketch on Teit, see chapter two.

⁴⁵ Charles M. Chewéligh et al Petition to SGIA, 21 Jul 1908; John Whistemnitsa et al petition of 8 chiefs from Nicola and Spences Bridge, 18 Jan 1909. Irwin blamed the discontent on the agitation of outsiders, in this case Squamish Chief Joe Capilano, and argued that “it is so well known that Indians have been liberally dealt with...that I think comment is unnecessary”. Vowell concurred with Irwin’s letter “which I think deals quite fully with the mater and with which I quite concur, and I have no doubt that Mr. Irwin’s statement concerning the conditions of these people is correct and his reasoning seems to me most logical.” Irwin to Vowell, 11 September 1908 and Vowell to McLean, 15 September 1908, LAC, RG 10, vol. 4038, file 329,350.

⁴⁶ Chief John Whistemnitsa [witnessed by Teit] to SGIA, n.d but received 31 January 1910, LAC, RG 10, vol. 4038, file 329,350.

The DIA responded by stating that “the Department continues to give attention to the matters brought forward in your Petition” and hoped that a doctor and some provisions for education would soon be forthcoming but made no mention of land issues.⁴⁷

By the fall of 1910 McDougall reported, as discussed in chapter three, that Indigenous people had “awakened” to their actual position in liberal Canada. They had none of the rights of citizens now living in their ancestral territories, regardless of how debased those citizens were. Nor did they have any input into the laws or policies that they were obliged to conform to. McDougall argued that if it were not for their

sublime faith in Ottawa [as a Christian government] and the patience this has engendered there would have been most serious trouble re this between the Indians and the whites, because of the overbearing impudence and outrageous conduct of the latter.⁴⁸

He claimed finally that Native people that he had met with wanted fee simple title to their lands, abandonment of the reserve system and its attendant Indian agents, withdrawal of the Indian Act and the extension of citizenship to them. If these conditions were not met, McDougall forecasted, “the native tribes will continue to seek help outside of your Department, and both natives and white people will become more unsettled and nervous, and possibly desperate and rash consequences will ensue.”⁴⁹

While some officials may have agreed with McDougall’s assessments, the dominion government was clearly unprepared to have them made public or divulged to

⁴⁷ McLean to Whitemnitsa, 15 February 1910, LAC, RG 10, vol. 4038, file 329,350.

⁴⁸ John McDougall to Frank Oliver, Minister of the Interior 22 Sept 1910, LAC, RG 10, vol. 4020, file 280470-2. See chapter three for an example of the pacifying effects of Christianity.

⁴⁹ John McDougall to Frank Oliver, Minister of the Interior 22 Sept 1910, LAC, RG 10, vol. 4020, file 280470-2.

the subjects of the inquiry.⁵⁰ McDougall served the interests of his employers well, but his personal contradictions are evident when he broke the tight reign that the DIA kept on information by furnishing copies of his report to individuals outside the department. It is unclear whether or not he deliberately passed on this material to individuals lobbying for some modicum of justice for Native people, but when a copy of his report turned up in the hands of Bishop Perrin of the Friends of the Indians in British Columbia he denied giving it to anyone “associated with the movement on behalf of Indians in B.C.”⁵¹

The whole point of McDougall’s work was not to augment reserves but rather to facilitate the disposal of the most agriculturally valuable lands for the benefit of White settlers. McDougall was chosen because of his ability as a missionary to survey the situation and gather the information required by the DIA to justify a reduction in lands while at the same time presenting an image of benevolence to ensure Indigenous quietude.⁵² While dominion officials consistently referred to reserve reductions and sales as benefiting First Nations, the recipients of these compassionate acts could not be allowed access to the reasons for, or the results of, McDougall’s surveillance. A decade

⁵⁰ Pedley wanted to know if McDougall had “furnished the Indians with a copy of his report...and if so, under what authority he took this action.” Pedley to McLean, 9 March 1911, LAC, RG 10, vol. 4020, file 280470-2.

⁵¹ Perrin to DIA, telegram, 1 March 1911; Oliver to Perrin 8 March 1911 and Perrin to Oliver, 9 March 1911, LAC, RG 10, vol. 4020, file 280470-2. Perrin wanted to use the report in meetings with provincial authorities but told Oliver that the “Friends of Indians have regarded information as confidentially furnished by an official of your department and not to be used except with your approval.” Clearly, these “friends” were only willing to go so far. McDougall admitted to delivering copies of his report to the Premier and Minister of Lands in B.C. and one to a doctor in Hazelton but stressed that this latter was “most loyal to the Department”. McDougall to McLean, 14 March 1911.

⁵² McDougall’s various appointments also seem clearly to be based on patronage and his friendly relations with prominent Liberals like Frank Oliver in particular.

later, with the short memory and revisionist tendencies of those with political power, it was argued that “practically all that Mr. McDougall asked for was given”.⁵³

The work of missionaries in reducing Indigenous territories should not be understated. Writing in the 1960s, Wilson Duff, former Curator of Anthropology at the British Columbia Provincial Museum (now RBCM), estimated that by the early twentieth century fully nine out of ten Indigenous people were “nominally Christian”.⁵⁴

Significantly, the missionary effort was not a simple imposition of foreign ideas but, like colonialism itself, was a dialectic and adaptable encounter. As Susan Neylan reminds us in her work on the Tsimshian “the reception to it [Christianity], transformation by it, and further dissemination of it was also the work of First Nations themselves”.⁵⁵ The rapid acceptance of Christian teachings, even if not always to the same degree or for the same reasons, and Indigenous participation in the promulgation Christianity is significant. The work of missionaries seems, overall, to have divided communities and dulled the potential for resistance in British Columbia even while some missionaries and their churches advocated for what they believed to be justice of Indigenous people. Still, resistance in connection with land issues did continue to take on a number of forms and levels of organization in the Kamloops and Okanagan regions.⁵⁶

⁵³ W.E. Ditchburn, Chief Inspector of Indian Agencies, to D.C. Scott, DSGIA, 31 December 1920, LAC, RG 10, vol. 4047, file 357411-2. Chief Inspector Ditchburn seemed a little unclear on, or chose to ignore, the actual thrust of McDougall’s work. In asking for a copy of McDougall’s report he commented that “it may be necessary for me to point out some facts to Mr. Teit if he, on behalf of the Interior Indians, makes application for any *further* extensive allotments.” My emphasis.

⁵⁴ Wilson Duff, *The Indian History of British Columbia: The Impact of the White Man*, new ed. (Victoria: RBCM, 1997): 128. Duff also note that by the 1939 census, only twenty eight individuals were reported to retain “aboriginal beliefs”.

⁵⁵ Susan Neylan, *The Heavens are Changing: Nineteenth-Century Protestant Missions and Tsimshian Christianity*. (Montreal and Kingston: McGill-Queen’s University Press, 2003): 7.

⁵⁶ Neylan argues that while the diversity of positions adopted by various Canadian and church officials mitigated against any unified response, the Tsimshian were united on issues related to protection of their

Indigenous Resistance in British Columbia Before World War One

Often the resistance was local in nature and in response to local conditions. Frequently, community leaders would balk at valuations placed on land alienated for railway or other purposes and refuse to allow contractors onto reserves before payment was received.⁵⁷ They might also simply refuse to consent to a lease as the Okanagan at Penticton did in 1910 when DIA Inspector K.C. MacDonald noted in response, “a general impression seems to exist among the Indians that an attempt is being made throughout B.C. to take their lands from them, and as a consequence they are very slow to accept any assurance to the contrary.”⁵⁸ At times, interior leaders also acted in concert to press for a particular local issue.⁵⁹

Broader organization took form by 1906 when representatives from the interior and south coast met at Cowichan and delegated three leaders: Chief Joe Capilano of Squamish, Chief Charley Isipaymilt of Cowichan, and Chief Basil David of the Bonaparte (Stuctwesemc) Secwepemc to travel to London to present their concerns to the British monarchy at the centre of empire. While they met with King Edward, the British elected government informed the delegates that this was a Canadian issue so redress should be sought there. In the period leading to World War I, though, organized resistance in B.C. primarily found expression in three groupings: the Indian Rights Association which consisted primarily of Coastal First Nations, the Nisga’a and a few other nations from the

territories. *The Heavens are Changing*: 274-277. The collusion of missionaries like McDougall in Canada’s efforts to remove Indigenous people from even the meager pieces of land that remained to them in British Columbia is beyond the scope Neylan’s study.

⁵⁷ A. Irwin to Inspector K.C. MacDonald, 18 August 1910, LAC, RG 10, vol. 1311.

⁵⁸ K.C. MacDonald to Secretary, DIA, 1 August 1910, LAC, RG 10, vol. 4050, file 362466-1A.

⁵⁹ In 1908, for example, Secwepemc Chiefs Louis of Kamloops and Basil of Bonaparte (Stuctwesemc), and Okanagan Chief Chilheetsa of Nicola went together to the DIA in Ottawa to present their case for an additional reserve at Loon Lake. DSGIA Frank Pedley, Memorandum for File, June 1908, LAC, RG 10, vol. 3750, file 29858-10.

north coast, and finally the Interior Tribes which included among others the Nlha7kápmx, Secwepemc, and Okanagan. The end of the first decade of the twentieth century witnessed a flurry of organized activity and in 1909 the Interior Tribes began meeting on a regular basis and appointed James Teit as Secretary.⁶⁰

In 1910 a large delegation from the Interior Tribes met with Prime Minister Laurier at Kamloops, as mentioned in chapter two, and presented him with a memorial that the *Kamloops Sentinel* referred to as “an excellently drawn up presentation of their case in support of their demand for treaties....”⁶¹ The memorial condemned the policies of the B.C. Government as “utterly unjust, shameful and blundering in every way.” In addition it asserted that interior First Nations:

never accepted these reservations as settlement for anything, not did we sign any papers or make any treaties about same. They thought we would be satisfied with this, but we never have been satisfied and we never will be until we get our rights.⁶²

⁶⁰ “What the Indians Want”, *Victoria Colonist*, 27 March, 6 and 13 July, and 30 August, 1906; JA Teit, “British Columbia Indian Land Question. Notes for Mr. Brewster”, 31 May 1917, LAC, RG 10, vol. 3821, file 59335 pt.4; Canada, Special Joint Committee of the Senate and House of Commons Appointed to Inquire into the Claims of the Allied Indian Tribes of British Columbia, as Set Forth in their Petition Submitted to Parliament in June 1926, “Report and Evidence” in Appendix to the *Journals of the Senate of Canada*, First Session of the Sixteenth Parliament, 1926-27: 133 (hereafter Special Joint Committee, “Report and Evidence”); Shuswap Nation Tribal Council, *The Shuswap: “One People with One Mind, One Heart and One Spirit”* (Kamloops: Shuswap Nation Tribal Council, 1989): 12 and Thomson, “A History of the Okanagan”: 152. Two years earlier, in 1904, Chief Chilheetsa from Douglas Lake and Chief Louis from Kamloops traveled to Europe along with Oblate priest Fr. LeJeune. Although this delegation was unable to meet with King Edward VII it did have an audience with Pope Leo XIII in Rome. Organized activity spread throughout the province in this first decade of the twentieth century as Nisga’a formed the Nisga’a Land Committee and as members of the newly formed Indian Rights Association, sent a petition to the English government in 1909. More significant than the petition is that the Indian Rights Association included coastal groups like the Haida who with their spokesman ordained Methodist Missionary Peter Kelly, had not previously engaged in political activity of this sort. In 1910 the IRA presented a statement of Facts and Claims to the Department of Justice. For an overview of Indigenous organization and political activity in British Columbia in the early part of the twentieth century see R.M. Galois, “The Indian Rights Association, Native Protest Activity and the “Land Question” in British Columbia, 1903-1916”, *Native Studies Review* 8, 2 (1992): 1-34.

⁶¹ *Kamloops Sentinel*, 26 August 1910 cited in Shuswap Nation Tribal Council, “Memorial”, <<http://www.shuswapnation.org/memorial.html>> (15 July 2007).

⁶² Chiefs of the Shuswap, Okanagan and Couteau Tribes of British Columbia, “Memorial to Wilfrid Laurier” British Columbia Archives, NWp/970.5/M533.

The memorialists also patiently tried to explain that their territories were not dissimilar to large farms from which they gained their sustenance in the hope that this reasoning would strike a chord with settler representatives as discussed in chapter two. Laurier seemed to offer a positive response to the presentations of the interior delegation by suggesting that the only way to resolve the land title issue was before the Judicial Committee of the Privy Council (JCPC) and to this end he said, "I will take steps to help you."⁶³ Since the dominion government felt that "the Indians will continue to believe they have a grievance until it has been settled by the Court" it appears that Laurier did apply some pressure to Premier Richard McBride and his provincial Conservatives.⁶⁴

In 1911, a delegation of nearly one hundred community leaders from the north and south coast and the southern interior met with Premier McBride to encourage him to acknowledge aboriginal title and to allow adequate reserves. Incredibly, McBride commented that until a few months previous he was not aware of any dissatisfaction and criticized the delegation for accepting the ill-conceived counsel of non-Indigenous advisors. He contended further, that aboriginal interest in land was limited to "a mere right to occupancy."⁶⁵ Not wanting the issue of title to be raised in court, McBride blocked access to the JCPC for fear that if the court ruled in favour of the First Nations it:

would have a most disastrous effect on our financial standing and would jeopardize the very large sums of money already invested in this Province by English and other investors.

⁶³ Canada, Special Joint Committee, "Report and Evidence", xix.

⁶⁴ Canada, Special Joint Committee, "Report and Evidence", 10-11. See also Cail, *Land, Man, and the Law*: 232.

⁶⁵ Canada, Special Joint Committee, "Report and Evidence", 9-11; George Edgar Shankel, "The Development of Indian Policy in British Columbia", unpublished Ph.D. dissertation, University of Washington, 1945: 194-195; Cail, *Land, Man, and the Law*: 232 and Tennant, *Aboriginal Peoples*: 88.

I think you will agree with me that this is too serious a matter to be submitted to the determination of any court, however competent from a legal point of view. In other words, the considerations involved in this matter are political considerations and not legal questions. It is a question of policy and not legal rights. The Government of British Columbia therefore cannot agree to submit to determination even by the Privy Council [of] a question of policy of such importance.⁶⁶

Both the Canadian and British Governments appear to have been more than willing to refer the matter to the JCPC though there was concern that if the case went to court, British Columbia would be the defendant. Any pressure brought to bear by the dominion at the end of the first decade of the twentieth century came to an end with Laurier's electoral defeat at the hands of Borden's Conservatives in 1911 as the new dominion government proved to be even more conciliatory to the Conservative government in British Columbia. Indigenous organizing in B.C. continued, though, as communications between organizations improved. In 1912, Kamloops Agent J.F. Smith attended "a monster meeting of Indians from nearly all over the province, on the Kamloops reserve". In 1913, a large meeting was held at Spence's Bridge.⁶⁷

While First Nations organized, non-Native advocacy groups also became increasingly active. In March 1910 the Conference of Friends of the Indians of British Columbia was formed and in August retained lawyer Arthur E. O'Meara as council and presented its own memorial to Laurier. In September the Moral and Social Reform Council of Canada added its voice in support of the Friends and the two groups met with

⁶⁶ McBride to Laurier, 19 November 1910, BCA, GR-0441, box 149, file 1. McBride went on to say that the only issues that his government ever contemplated sending to the Privy Council for adjudication were "questions as to the rights of the Dominion and the Province in the lands reserved by British Columbia for the use of the Indians" not the rights of Indigenous people in those lands.

⁶⁷ J.F. Smith, Kamloops Agent, "Journal, 1912", entries for 14 and 15 March 1912 and LAC, RG 10, vol. 1325c and "Journal, 1913" entries for 28 May 1913, vol. 1325d.

the Prime Minister and the SGIA in October and the Friends with the Government of B.C. in December.⁶⁸

Arthur O'Meara was perhaps the highest profile of non-Native advocates and became one of the primary legal advisors to the organized First Nations' leadership in British Columbia for almost two decades until his death in 1927. He had practiced law in Ontario for 20 years before becoming a deacon and missionary beginning in 1906.⁶⁹ In a 1908 address in Vancouver, O'Meara told his audience that even though the First Nations of British Columbia "did not surrender any title claimed by them in the reserved lands or in any other lands in the district", the province continued to act as if the only rights that existed were its and Canada's and that "Indian tribes had no rights at all".⁷⁰ O'Meara's direct advocacy on behalf of Indigenous groups coupled with his activity in promoting Indigenous issues to interested non-Native audiences. It seems most likely, as George Shankel suggested, that McBride's critical comments to the leaders who interviewed him in 1911 concerning their acceptance of the "pernicious advice of unscrupulous whites" were aimed at O'Meara.⁷¹ His activities so rankled the provincial government that Attorney General Bowser employed Pinkerton's Detective Agency to observe his activities.⁷²

⁶⁸ Canada, Special Joint Committee, "Report and Evidence", 53-54. The MSRCC was more powerful than the Friends overall but also was more conservative in its goals.

⁶⁹ E. Palmer Patterson II, "Arthur E. O'Meara, Friend of the Indians," *Pacific Northwest Quarterly* (1967) 91-92. For a more recent survey of O'Meara's work see Mary Haig-Brown, "Arthur Eugene O'Meara: Servant, Advocate, Seeker of Justice", in *With Good Intentions: Euro-Canadian and Aboriginal Relations in Colonial Canada*, ed. Celia Haig-Brown and David A. Nock (Vancouver: UBC Press, 2006).

⁷⁰ A.E. O'Meara, Lectures on "The Indians title to the Lands of B.C." delivered at Aberdeen School, Vancouver, 22 April 1910, BCA, MS-0421.

⁷¹ Shankel, "Development of Indian Policy": 194-195.

⁷² This point is explored further in chapter three above.

For their part, dominion officials, similarly could not believe that Native people were capable of understanding the significance of title or Indigenous rights. To do so would undermine both their justification for not entering into international agreements, as they would have with other sovereign nations, and for their continued surveillance to facilitate both reform and the alienation of land and resources. A reoccurring theme that runs through the textual historical record on resistance in British Columbia and elsewhere is that, according to dominion officials, any disaffection or disquiet must have been fomented and sustained by those classified as outsiders.

In 1910, for example, the department sent a circular “referring to unrest among the Indians of British Columbia owing to agitation by certain white people with reference to the Indian title to lands.” To this, the DIA’s Inspector Ditchburn, responsible for the region that included large portions of Secwepemc and Okanagan territories, responded that he would reassure Indigenous residents that the department would look after their interests in this matter “and that no necessity exists for independent action on their part, and that to take the law into their own hands would” only “prejudice their case.”⁷³ To agents under his direction, Inspector Ditchburn wrote that he had received information from Ottawa:

with reference to the unrest which has prevailed among the Indians of British Columbia for some time, due to the impression that exists in the minds of many of them that their rights to lands in the Province are being encroached upon. This belief is being made use of by certain whites who are carrying on a systematic campaign for the purpose of uniting the Indians in an independent movement for the settlement of the land question.⁷⁴

⁷³ W.E. Ditchburn, Inspector of South West Inspectorate to DIA Secretary, 15 July 1910, LAC, RG 10, vol. 1312.

⁷⁴ Ditchburn to Indian Agent at Alberni, 18 July 1910, LAC, RG 10, vol. 1312. This letter includes a note that it was sent to all agents and asks them to notify Indigenous people under their supervision “that every effort will be made to secure for them the fullest measure of justice. They should also be informed that no

To be sure, there were, in the years before World War I, various individuals and organizations that crossed the boundary between “Indian” and “White” spheres of interest at a variety of levels, if only by listening to advocates like O’Meara and then going on about their lives. Some of these “advocates” differed only in the strategy and tactics that they believed would expedite assimilation but these too were constructed as interfering agitators. Still others, like James Teit and one or two others, though, more firmly crossed the boundary and lived in First Nations communities and immersed themselves in Indigenous political and economic struggles.

Some non-Native advocates, on the other hand, were so only reluctantly. For example Justice of the Peace at Keremeos, R.C. Armstrong, wrote to express Okanagan concerns regarding the ineptitude of Agent Irwin but concluded his letter by stating, “I do not want to be bothered with this but I have lived so long among them that they come to me to write for them.”⁷⁵ Others took the matter up with more exuberance. In 1907 Lawyer A. Bridgman requested any treaty that might apply to the Okanagan or Secwepemc and pointedly asked: “when did the Indians referred to enter into a treaty with the British or Canadian governments whereby they surrendered their rights to this territory in consideration of whatever the Government saw fit to give them? These Indians get no treaty money, no schools, no benefits whatever from any Government.”⁷⁶ Bridgman

necessity exists for independent action on their part, and that to take the law into their own hands can only tend to prejudice their case.”

⁷⁵ R.C. Armstrong, Justice of the Peace, to Sec, DIA, 21 February 1912, LAC, RG 10, vol. 3945 file 121696-64.

⁷⁶ A. Bridgman to Pedley, 9 April 1907, LAC, RG 10, vol. 4035, file 307426. Pedley replied that several schools had been established in the region and that there were doctors appointed to “attend to the Indians”. To this Bridgman raised a thorny issue to which the DIA was not prepared to respond “extinguishment of the Indian Titles will prove a matter of grave interest to this Province, and possibly to the Dominion

continued to act for the Secwepemc and Okanagan and soon worked in concert with another advocate, James Halbold Christie. Bridgman and Christie both worked to overturn an extra-legal land sale of the Okanagan's Long Lake reserve.

Long Lake Surrender

The events surrounding the so-called surrender and sale of the Okanagan reserve at Long Lake are illustrative of the lengths to which liberal Canada was willing to go to appropriate even the fragments of territory remaining to First Nations. The procedures employed to alienate this land similarly display the operation of the disciplinary surveillance network, and the rewards meted out to the reformed and the exclusion of those who were not. None of this, though, was unique to Okanagan territory or to British Columbia but part of a phenomenon evident throughout western Canada.

In her study of twenty five reserves surrendered for sale in the prairie west Peggy Martin-McGuire explored the legal foundations of the Crown's obligations, the provisions of any relevant treaties, relevant case law and legal opinion, DIA policy and the role of key government officials, and a variety of other factors. She found patterns of abuse of authority, minorities making decisions regarding the reduction of reserved lands, lack of informed consent, blatant self interest, departmental control of proceeds from land sales but less than energetic collection procedures, and a variety of other factors that serve to demonstrate that the procedures and events, and apparent breaches of trust, discussed below in regard to Long Lake are not isolated.⁷⁷

Government". J.D. McLean, DIA Secretary, to Bridgman, 18 April 1907, Bridgman to McLean, 24 April 1907 and McLean to Bridgman 2 May 1907, LAC, RG 10, vol. 4035, file 307426.

⁷⁷ Martin-McGuire, *First Nation Land Surrenders on the Prairies, 1896-1911*. There are examples of all of these throughout this study but the parallels between the Long Lake situation and the Peguis First Nation's (formerly the St. Peter's Indian Band) St. Peter's reserve near Selkirk Manitoba are especially notable. See

In June of 1907, a Vernon newspaper editor, John Kennedy, wrote to Kamloops Okanagan Agent Irwin asking to purchase the 128 acre reserve at the north end of Long (now Kalamalka) Lake offering forty dollars per acre. This amount, he said, was “satisfactory to the Indians” and according to Irwin was “a good price for the land”. Irwin sent the request off to Superintendent Vowell in Victoria saying that the reserve was initially allotted as a fishing station but that it was now used only by “one old man”. Once Kennedy was able to acquire a “quit claim”, by which the province gave up its claim to reversionary interest, the DIA authorized Irwin to take a surrender vote from the Okanagan. In October 1908 Irwin forwarded the surrender document, with its seventeen signatures to Victoria. While it is not clear how Irwin decided who would be allowed to vote in this surrender, his annual report for the year ending in March 1909 shows the Nkamaplix Okanagan (Okanagan band) population at 225 of which there were 73 men between 21 and 65 years of age. Seventeen, then, is a long way from a majority of adult male members of the First Nation involved. Nevertheless, the surrender was approved by an Order in Council in November 1908.⁷⁸

While the matter seemed settled to the satisfaction of the DIA, within a few weeks a number of grievances, including questions concerning irregularities involved in the surrender, began to surface. Recently deposed Nkamaplix (Head of Okanagan Lake)

Martin-McGuire: 210-213, 285-290, and 378-387. See also Indian Claims Commission, *Peguis First Nation Inquiry Treaty Land Entitlement Claim* (Ottawa: Indian Claims Commission, 2001).

⁷⁸ Kennedy to Irwin 27 June 1907. This letter is torn and a piece is lost but “me” is likely the missing word. Also Irwin to Vowell, 5 July 1907 and Kennedy to Frank Oliver, SGIA, 8 June 1908 enclosing the Order in Council of 15 May 1908 in which British Columbia provided Kennedy with the quit claim grant under section 80 of its Land Act. For this, Kennedy was to pay \$2.50 per acre and a \$10 crown grant fee. Pedley to Vowell, 7 July 1908; Irwin to Vowell, 15 October 1908 and Order in Council, 16 November 1908, LAC, RG 10, vol. 4014, file 271322-1. A copy of the surrender document is with J.H. Christie to Pedley, 4 August 1909. For population statistics see DIA, *Annual Report*, 1909: 38-39. The Long Lake reserve was one of ten reserves remaining to the Okanagan Band, one of seven First Nations currently part of the Okanagan Nation Alliance.

Okanagan Chief, Pierre Michel, wrote to DSGIA Frank Pedley that a “large majority” of the community had opposed the “surrender or sale” and claimed that after the meeting held to discuss the surrender he was taken by Agent Irwin to a magistrate in Vernon where Irwin “demanded of me if I was going to sell that land or not I informed him that I could not sell it myself as most of the people was against the selling of that land — Mr Irwin the agent then told me that I could no longer be chief that Issac[sic] Harris would be chief in my place.” Michel claimed further that while Harris had been “posing as Chief” he was “not a member of this Band in accordance with the Indian acts”.⁷⁹

The department, never quick to respond to the protests of its Indigenous apprentices unless there was some threat to its liberal façade, seems to have accepted the advice of its long time clerk H.C. Ross that “it would be best to pay no attention to this letter, and probably nothing further will be heard from the writer.”⁸⁰ Indeed, the department did not hear from Michel again but a few weeks later it did receive a letter from lawyer A. Bridgman, who had already been acting on behalf of Okanagan and Secwepemc communities and dealing with department reluctance to share information for a year at least.⁸¹

⁷⁹ Pere Nequalla to Deputy Superintendent General of Indian Affairs, 7 December 1908, LAC, RG 10, vol. 4014, file 271322-1. Typed copy in vol. 3944, file 121698-54. A hand written addition to this letter states “Interpreted by Johnny Alec an educated Indian, fluent in both languages.” It is not known who actually penned the letter. Peter Carstens claims Michel signed his name Nequalla to attract attention. Whatever his motives, the name was clearly meant to evoke the memory of Nkwala, Okanagan chief during the fur trade period. Carstens, *The Queen's People*: 120. Michel was also referred to as Machell or Michelle and his “Indian name” was reported to be Hlakay. Cummiskey to McLean, 19 July 1912, LAC, RG 10, vol. 3945, file 121698-64. The Long Lake reserve was one of ten pieces of land that the Nkamaplix Okanagan, most often referred to simply as the Okanagan Band in the textual historical record, retained.

⁸⁰ Ross to Secretary, 20 January 1909, LAC, RG 10, vol. 3944, file 121698-54.

⁸¹ In February 1908 Bridgman requested documents regarding the establishment of the Nkamaplix reserve but Indian Superintendent and Reserve Commissioner A.W. Vowell, informed him that he could not see his “way clear to send you a copy of the Minutes of decision.” It was explained by the DIA in Ottawa that “it is not desirable to supply copies of the minutes of decision to any persons” because these were meant to “define the locality and approximately the limits and areas of Indian reserves” final limits are “determined

Bridgman was told by Irwin that Chief Michel had been deposed by an Order in Council but asked on what authority Irwin could appoint Harris to the position of chief. Harris, Bridgman was informed by a number of the Nkamaplix Okanagan, was not entitled to even live on the reserve because he was not a member of the Nkamaplix community. When the DIA asked its agent for clarification, Irwin responded that Michel had resigned rather than risk deposal for intemperance and that Harris was indeed a member of the band and while he "would have made an excellent Chief" his interim appointment by Irwin came to an end when the majority voted for Baptiste Logan.⁸²

In the meantime, the province's decision to build a road along the shore of Long Lake and through the reserve and the subsequent transmission of misinformation regarding the status of the road by provincial authorities in the spring of 1909, first held up Kennedy's possession of the land in question and then caused the department to withdraw from the sale altogether.⁸³ DSGIA Pedley informed Kennedy unceremoniously that "the Department is not prepared to consider your application for purchase of this reserve." The DIA stated though, that it was "willing to acquire the alleged interest of the

when surveyed." But when Bridgman requested plans of the Okanagan reserves, as McLean said would be made available, he had still not received them almost six months later despite numerous requests to various levels in the DIA bureaucracy. Bridgman to Vowell 20 February 1908, Vowell to Bridgman, 2 March 1908, McLean to Bridgman 11 March 1908, Bridgman to Pedley 26 August 1908, LAC, RG 10, vol. 3750, file 29858-10.

⁸² Bridgman to Pedley, 12 February 1909, LAC, RG 10, vol. 3944, file 121698-54; McLean to Vowell, 20 February 1909; Irwin to Vowell, 8 March 1909; Vowell to McLean 10 March 1909, LAC RG 10, vol. 3944, file 121698-54. Vowell was satisfied with this explanation. Other grievances, though, remained concerning individuals on the reserve that had no right to be there and the uncertainty regarding band finances. Bridgman to McLean, 23 Mar 1909. It should be pointed out here, as McLean confirmed "the Department does not interfere with the appointment of chiefs in British Columbia, the system being practically hereditary". Irwin, though, seemed to have been under the impression that an electoral system was in place and the department declined to clarify the matter to Irwin but rather left it to Vowell since "there does not appear to be any reason why such instructions should issue from the Department direct, as it is believed that you have a perfect understanding of their Department's views in this matter...". Irwin to Vowell, 13 Dec 1909 and McLean to Vowell, 28 December 1909.

⁸³ See correspondence in March to June of 1909 in LAC, RG 10, vol. 4014, file 271322-1.

Province” in this reserve and then “sell the lands by public competition.”⁸⁴ Kennedy was incredulous but his claim to the land was soon jeopardized further by continued agitation by the Nkamaplix Okanagan.⁸⁵

In July an Okanagan delegation went to visit Methodist Missionary John McDougall in Kamloops and repeated what Chief Michel had told the department already, that the majority were opposed to the surrender.⁸⁶ By the beginning of August the issue had been picked up by another non-Native advocate, J.H. Christie, a former NWM Policeman who would be in the midst of Okanagan struggles for some time to come.⁸⁷ Christie forwarded a “formal protest” to the department on behalf of the Okanagan in which the authors identified a variety of irregularities involved in the surrender. The protest pointed out that the list of those in favour of the surrender included some who were placed on the list without their knowledge or were not present and did not delegate authority to have their names added. Others, it was alleged, held lands in the United States or were not members of the Nkamaplix Okanagan. Still other signatures were

⁸⁴ Pedley to Kennedy, 17 June 1909, LAC, RG 10, vol. 4014, file 271322-1.

⁸⁵ Kennedy maintained that there “must be some mistake” since his recent letters “were not applications to purchase but were simply requesting your department to close up the deal as per treaty arranged by me with the Indians June 1907....” Kennedy to Pedley, 25 June 1909, LAC, RG 10, vol. 4014, file 271322-1.

⁸⁶ McDougall to Secretary, DIA, 22 July 1909, LAC, RG 10, vol. 4014, file 271322-1. McDougal simply transmits the concerns presented by the Nklamaplix Okanagan here and offers no opinion on the matter while reassuring the department that their agent was present.

⁸⁷ James Halbold Christie led an interesting life before ending up in the Okanagan. Born a Scot, Christie was a former soldier, one of the first members of the NWMP and then worked for General Strange as foreman of the Military Colonization Ranch near Calgary during the mid-1880s. Soon tired of managing a “cow ranch” Christie turned to mining in the Peace River region of B.C. and then led an expedition across the Olympic Mountains funded by the *Seattle Press* in 1889-90. By the early 1890s, Christie had preempted land in the Okanagan, was living with an Okanagan woman and seems to have divided his time between ranching, mining, and logging through the first decade of the twentieth century at least. R.S. Nelson, Sub Inspector, Vernon to Robert Hitchman, 20 October 1947 and D.B. Smith to Grace Worth, 8 November 1965, BCA, vertical files, mf reel 28-1934; J.H. Christie Correspondence in BCA, MS-0676, vol. 5; James Christie, “Service Record” LAC, RG 18, vol. 3320, file 118 and “The Olympics”, *Seattle Press*, 16 July 1890. See also Grace Worth, “James Halbold Christie, Lest We Forget”, *Report of the Okanagan Historical Society*, 34 (1967): 157-172. This explores some of the interesting aspects of Christie’s life but differs in the details with some of the other sources.

apparently gathered by misrepresenting the nature of what was being agreed to.

Enclosed with the letter were affidavits confirming the irregularities and a list of those opposed to the surrender of the reserve that included more than twice the number of names as the original, if manufactured, surrender document.⁸⁸ This seems, finally, to have got the department's attention and by early October Inspector J.G. Ramsden was sent from Toronto to work alongside John McDougall in an investigation of the situation.⁸⁹

During the course of their inquiry, Ramsden and McDougall allowed Irwin and even Kennedy to question witnesses. Kennedy and his partner, T.J. Cummiskey, were also permitted to submit written statements. Nevertheless, the investigation found that the points raised in Christie's formal protest were valid and also unearthed a number of other irregularities.⁹⁰ Irwin admitted that he had no official list of band members let alone one of those eligible to vote. Further, it was found that a majority of voters left the meeting in protest before the ballot because they were not in favour of the sale. Others were clearly confused about whether they were voting for a sale of the reserve or an exchange of another piece of land. Some, like Isaac Harris, who Irwin had appointed as temporary

⁸⁸ Christie to Pedley, 4 August 1909, LAC, RG 10, vol. 4014, file 271322-1. A copy of the original surrender document is also included here.

⁸⁹ S. Stewart, Asst. Secretary, to Ramsden, 9 October 1909 LAC, RG 10, vol. 4014, file 271322-1. Superintendent Vowell was initially requested to make the investigation.

⁹⁰ "Investigation Re Surrender of Long Lake Reserve", 28 October 1909, LAC, RG 10, vol. 4014, file 271322-1. Irwin employed Isaac Harris, whose own membership in the Nkamaplix Okanagan was dubious at best, as his personal interpreter during these proceedings. While Ramsden recognized that Kennedy's presence at this investigation could be open to question, Kennedy complained that he was not given sufficient notice, and only heard of the proceedings from Irwin a few days earlier. John Kennedy, Affidavit, 3 November 1909. Even though Ramsden identifies Cummiskey and Kennedy as "prospective purchasers" of the reserve the federal government later claimed to have no evidence that Cummiskey was connected with Kennedy. Canada, House of Commons, *Debates* 1912-1913, vol. CIX: 4420.

chief, had their membership in the Nkamaplix challenged while others on Irwin's list were found to be under-age.⁹¹

Still others claimed to have been paid by Kennedy to round up signatures in favour of the surrender. Ramsden and McDougall found that not only were there irregularities but that no direct vote was taken on the surrender. Ramsden reported that Christie had "done the Department a real service" and "that his manner and conduct" were "praiseworthy". Under the weight of this evidence the DIA had little choice but to rescind the surrender.⁹² The issue, though, was not closed.

Within a few months, Irwin presented a petition to the department requesting that Baptiste Logan, who replaced Harris as Chief, be deposed for intemperance. The petition was signed by Harris but apparently not by a majority of the Nkamaplix and the action was not supported by DIA officials in Ottawa.⁹³ By the end of 1911, however, T.J. Cummiskey, Kennedy's partner in the questionable surrender and sale deal, had been appointed Inspector of Indian Agencies for the region that included the Kamloops and Okanagan agencies. Within a few months, Cummiskey by-passed new Okanagan agent J.R. Brown, deposed Chief Logan, dissolved the band council, and threatened to jail any

⁹¹ McDougall to McLean, 6 November 1909 and "Investigation Re Surrender of Long Lake Reserve", 28 October 1909, LAC, RG 10, vol. 4014, file 271322-1. In a referendum taken at the inquiry, over seventy five percent of the voting members of the Nkamaplix requested Harris' removal from their reserves. Former Chief Michel claimed that it was Harris' marriage to the "half-breed daughter of [local rancher] Cornelius O'keef[e]'s wife" and O'Keefe's "interest with the Agent" that allowed Harris to remain on Nkamaplix reserve number three even though there was never a vote to confer membership. Pere Nequalla to SGIA 7 Dec 1908, LAC, RG 10, vol. 3944, file 121,698-44. For his part, Harris claimed that it was his work as a special provincial constable that encouraged Bridgman and Christie "who are no good make lots of trouble for me among the Indians". Harris to Oliver, 30 Nov 1909, LAC, RG 10, vol. 4046, file 354,669-2.

⁹² "Investigation Re Surrender of Long Lake Reserve", 28 October 1909; Ramsden to McLean and McDougall to McLean, 6 November 1909 and Order in Council, 27 December 1909, LAC, RG 10, vol. 4014, file 271322-1.

⁹³ A. Irwin to J.D. McLean, 9 April 1910; H.C. Ross to Deputy Minister of the Interior, 19 April 1910 and McLean to Irwin 4 May 1910, LAC, RG 10, vol. 3944, file 121698-54.

who objected. He claimed he had the support of Secwepemc Chief Louie and Okanagan Chief Chilheetsa in the action.⁹⁴

Representatives of the Nkamaplix Okanagan claimed that Cummiskey had support for the land deal and for his internal political machinations from residents on the reserves who had no right to be there.⁹⁵ With the assistance of Christie, they wrote to Ottawa and asked the department to “kindly inform Mr. Cumisky [sic] that we don’t want him to interfere with our Chief as he is a Good Chief to us and we don’t want any other Chief here to interfere with us.... Cumisky [sic] is no good being under the influence of whiskey when he comes here.”⁹⁶ To this, Cummiskey countered that Logan had not made any “progress” on the reserve and had “created a code of immorality”. Any discontent, he claimed, was largely the result of the agitation of “halfbreed Tom Linley” a reserve resident assisted by “Squaw man J. Christie”. He concluded he could not “allow squaw

⁹⁴ J.H. Christie, *Indian Affairs in British Columbia* (N.P.: n.p., 1916), BCA, NWp/970.5/C554 and T.J. Cummiskey to J.D. McLean, 15 May 1912, LAC, RG 10, vol. 3945, file 121,696-64. The article by Christie contains the testimony of several Nkamaplix Okanagan. Cummiskey had already demonstrated that he was prepared to use intimidation and other extra-legal means to acquire Okanagan land for settler use. For an example at Westbank see Chief Charles and Sub-Chief Tomat to Pedley, 23 February 1912; McLean to Charles and Tomat, 7 March 1912; Charles and Tomat to Secretary, DIA, 15 March 1915 and McLean to Brown 23 March 1912, LAC, RG 10, vol. 4057, file 388,960. Duane Thomson makes the important point that while the reserve at Long Lake was relatively small its disposal “is indicative of the type of pressure that unscrupulous persons covetous of Indian land could bring to bear.” Thomson, “History of the Okanagan”: 149.

⁹⁵ J.H. Christie, *Indian Affairs in British Columbia*. Band councilor Louie Tonasket stated that “the half-breeds are his [Cummiskey’s] friends. They are all helping him for to give Cummiskey and Kennedy our reserve on Long Lake. Them and the Nigger Sambo are the people we have tried for years to get our Agents to put off our reserve.” James Logan confirmed that “Nigger Sambo,” a man of unknown lineage, was acting as “policeman and spy. He is a brute. He will eat people up, and is a good friend to Cummiskey.” Clearly, there were more racial distinctions on this reserve than simply who was Indian and who was not. Tonasket is also referred to as Konasket in some documents.

⁹⁶ Chief Baptiste Logan and 21 other members of the Head of the Lake [Okanagan] band to Deputy Superintendent General of Indian Affairs, 15 May 1912, LAC, RG 10, vol. 3945, file 121,696-64. The Nkamaplix who were interviewed by Christie resented the interference by Chilheetsa into their affairs. James Logan stated that Chilheetsa “told us in our meeting with Cummiskey that he had been made King of all the reserves by the Government at Ottawa, and that we had to do and mind what he told us.” Band members also claimed that Michel, or Lane Pere as they referred to him, was involved “in the deal to sell the Long Lake reserve to Cummiskey and Kennedy” and that his dismissal by Irwin was supported by the band. Cummiskey’s reported fondness for drink earned him the nickname “whiskey Cummiskey”.

men, immoral halfbreeds or other evil inclined whitemen to dictate a policy to me.”⁹⁷

Concerns about Cummiskey were even raised in the House of Commons but while he was rebuked for not following proper procedure, within two weeks Logan’s removal for intemperance was approved by the Governor General in Council and the charges against the inspector “were found not to be justified.”⁹⁸ Logan was succeeded by a reinstated, and apparently reformed, Pierre Michel, who began sending minutes of band meetings directly to the inspector.⁹⁹

In the decade and more that followed the October 1909 investigation, during which time he claimed that he continued to pay taxes to the province on the land at Long Lake, Kennedy hired a lawyer and pursued a variety of strategies. Together they produced a 1907 agreement, apparently signed by an Okanagan Chief identified as Chewile and his son Seymour Edward confirming that there was an agreement of sorts for the land

⁹⁷ T.J. Cummiskey to J.D. McLean, 11 October and 15 May 1912, LAC, RG 10, vol. 3945, f121,696-64. Christie’s continued to agitation on behalf of the Okanagan also ensured the fury of Cummiskey’s successor as inspector A. Megraw. Sarah Carter notes that the term “squaw man” was used in the Treaty 7 region and elsewhere in the prairie west to identify men who lived outside the bounds established by settler society. These men were increasingly blamed by the media, the police, and government officials for a variety of offences and, as was the case with J.H. Christie discussed here, for agitating Indigenous people against DIA policies. Sarah Carter, “Categories and Terrains of Exclusion”: 154.

⁹⁸ J.D. McLean to T.J. Cummiskey, 10 June 1912; Report of the Committee of the Privy Council, 21 June 1912, LAC, RG 10, vol. 3945, file 121,696-64 and Canada, House of Commons, *Debates*, vol. CIX (1912-13) col. 4420. There are many examples of chiefs being unjustly removed from office with little evidence of any transgression other than the advice of the agent. When the removal from office of chief Francois Scotty of the Ashcroft band, as recommended by J.F. Smith, resulted in a petition for reinstatement signed by several interior chiefs, provincial constables, and a justice of the peace, Smith asked that the dismissal be overturned. The DIA responded: “[y]ou might take a lesson from the present instance not to make a recommendation for deposal of either a chief or a councilor without also mentioning whatever there may be in his favour.” Apparently so that the quality of its decision making process would not be revealed, the department stated that it would not consider Scotty’s reappointment for at least a year. J.F. Smith to J.D. McLean 1 December 1916; Report of Privy Council, 28 December 1916; Petition to the Superintendent General of Indian Affairs, 30 January 1917; J.F. Smith to J.D. McLean, 9 February 1917 and J.D. McLean to J.F. Smith, 24 February 1917, LAC, RG 10, vol. 7941, f32-154.

⁹⁹ T.J. Cummiskey to J.D. McLean, 19 July 1912 and Chief Pierre Michelle, 10 September 1912, vol. 3945, 121,696-64. The minutes were sent over Michel’s name but were written by Oblate Father, P. Conan. Harris continued to serve as interpreter and policeman. W.E. Ditchburn to D.C. Scott 22 August 1917, LAC RG 10, vol. 4014, file 271322-1A.

although there is no indication that the signatories had the authority to enter into an agreement of this kind nor does it seem to have been confirmed by the Okanagan until the questionable surrender meeting of October 1908.¹⁰⁰ In 1909 Kennedy's initial claim that the 1908 meeting confirmed a land sale was revised to bring it in line with the findings of Ramsden and McDougall that the gathering was held to confirm a land exchange. Kennedy eventually entered into a lease for the land.¹⁰¹

In 1913, Kennedy claimed that the slow pace of the DIA was at the root of his problems concerning the Long Lake land. What scuttled the deal that he claimed he had with the Okanagan, though, was "that they had been tampered with and put up to make untrue statements" by J.H. Christie. He went so far as to claim, without providing any evidence, that the former Mountie was arrested for complicity with famous train robber Bill Miner.¹⁰²

The same year, following Cummiskey's untimely death, Major A. Megraw was appointed as DIA inspector for the region that included the Kamloops and Okanagan agencies. It was soon apparent that Megraw was no more a benevolent overseer than was his predecessor. When a lease of 2,000 acres of Okanagan reserve land, arranged by Megraw, was opposed by new chief Casto Louie and others, Megraw wrote the chief to

¹⁰⁰ Peter Carstens chooses the spelling Chwail or Chewilah and notes that there is little information on this individual either in the textual record or in the oral tradition of the Okanagan. Carstens, *The Queen's People*, 119. This agreement was witnessed by future DIA Inspector T.J. Cummiskey. Pringle and Guthrie to Oliver 22 May 1911 including "Chewile agreement" of 25 June 1907, LAC, RG 10, vol. 4014, file 271322-1.

¹⁰¹ Pringle and Guthrie to Oliver, 19 May 1911, Pringle and Guthrie to Oliver 22 May 1911, and E.L. Newcombe, Deputy Minister of Justice to DSGIA, 18 August 1911, LAC, RG 10, vol. 4014, file 271322-1; Kennedy to D.C. Scott, DSGIA, 18 March 1918 and A. McGraw, Inspector of Indian Agencies, to W.A. Orr, in charge of Land Branch, Ottawa, 5 September 1919, vol. 4014, file 271322-1A.

¹⁰² Apparently in order to add authority to his simply reported this "as a matter of news" while editor of a Vernon newspaper. Kennedy to Minister of Interior, 26 February 1913, LAC, RG 10, vol. 4014, file 271, 322-1.

tell him “you have been deposed” and that he would find a chief who would take “orders from me and from no one else.”¹⁰³ Christie again stepped in and circulated Okanagan complaints in the Senate and House of Commons where they were brought forward by opposition M.P. Frank Oliver.¹⁰⁴ J.A.J. McKenna was instructed to make an investigation of the lease and found it to be “not for the benefit of the Indians”. The lease was subsequently cancelled, but only after Henderson’s crop of wheat was harvested.¹⁰⁵ The removal of Louie as chief was allowed to stand.

It seems clear that the Okanagan had little trust in Megraw but the department benefited from its disciplinary surveillance network and was able to work through apparently reformed and compliant reserve residents, like Isaac Harris and the rehabilitated Pierre Michel, to fracture the unity of opposition.¹⁰⁶ When the department tried to compile a band census in 1918, not surprisingly with the assistance of Isaac Harris, former chief Casto Louie and the 78 year old Louie Tonasket refused to participate. For their recalcitrance they were, according to Christie, jailed by inspector

¹⁰³ Casto Louie to W.J. Roche, 5 May 1916 and Megraw to Casto Louie 5 July 1916, copies in J.H. Christie, *Correspondence Between J.H. Christie, Armstrong B.C. and Department of Indian Affairs*, (N.p: n.p., 20 April 1917): 1-2, NWp/970.5/C554c, BCA. Louie’s first name is also reported as Casto, Gastan, and Gasto. Inspector Cummiskey died as a result of strain induced internal bleeding sustained while pushing the baggage filled automobile of the McKenna - McBride Commission up the hills of the Okanagan agency. See also de Pfyffer, introduction to J.H. Christie, *Okanagan Indians*: 82-4.

¹⁰⁴ J.H. Christie, *Okanagan Indians and Canada*, House of Commons, *Debates*, vol. CXXVII (1917): cols. 2341-44. That this issue was taken up by Oliver, in light of his actions and words regarding Indigenous people elsewhere seems an example that these issues were valuable to Canadian politicians for the political capital that could be extracted.

¹⁰⁵ Canada, House of Commons, *Debates*, vol. CXXVII (1917) col. 1379 and J.H. Christie, *Okanagan Indians*.

¹⁰⁶ When Christie arrived at the Penticton reserve for hearings concerning grievances regarding the expropriation of 400 acres of land by the Department of Agriculture, he found that Harris and Michel had been interviewing band members prior to the initiation of formal proceedings that were to be held by Ditchburn. According to Christie these interviews “completely changed the status of affairs on the reserve....the previously united majority of the band split in four different factions...”. This confusion operated against the satisfactory resolution of the band’s complaints and assisted the department’s support of Megraw. Chief Inspector W.E. Ditchburn to D.C. Scott, LAC, RG 10, vol. 4050, file 362466-1A; Canada, House of Commons, *Debates*, vol. CXXVII (1917) col. 1379 and J.H. Christie, *Okanagan Indians*.

Megraw. Christie published another article on behalf of the Okanagan and appealed for clemency for Louie and Tonasket.¹⁰⁷ Christie's advocacy had clearly become an irritant to the department as well as to Kennedy and Megraw and the latter went to some length to besmirch his reputation even contacting his former employers at the NWMP in the attempt to find damning evidence.¹⁰⁸

While Louie and Tonasket were eventually released, and their case as well as that of Cummiskey's removal of Logan was presented in the House of Commons on several occasions, the issue that started the whole story of the cut-off lands at Long Lake would take three generations to resolve. The Okanagan never entered into another surrender for their reserve at Long Lake but the actions of the Canadian government facilitated its alienation without their consent.

As a result of the work of the Royal Commission on Indian Affairs for the province of British Columbia, the Long Lake Reserve was "cut-off" and in July 1922 was sold to Kennedy.¹⁰⁹

¹⁰⁷ J.H. Christie, *Okanagan Indians*.

¹⁰⁸ See correspondence between Kennedy and Megraw in LAC, RG 10, vol. 11302. There seems little doubt that Megraw's continuing support for Kennedy's position, following Cummiskey and Irwin's, helped to resolve the dispute with the Okanagan in the former's favour. Megraw even wrote to the RNWMP hoping to validate a rumor that Christie had shot his thumb off "in a fit of cowardly malingering while on the N.W.M.P force to get out of a dangerous patrol." McGraw to Commissioner, RNWMP, 18 January 1917 and Assistant Commissioner, RNWMP to McGraw, 23 January 1917, LAC, RG 18, vol. 3320, file 118. There is nothing in Christie's service file to substantiate such a claim, as the RNWMP informed Megraw. Indeed his other activities before and after his service as a policeman suggest this is very unlikely. See correspondence between Megraw and Kennedy in early 1917 as they are unable to come up with anything substantial with which to denigrate Christie. LAC, RG 10, vol. 11302, file "Okanagan Long Lake Land".

¹⁰⁹ Canada, House of Commons, *Debates*, vol. CXXVII (1917): 2341-2344; Department Affairs, Memorandum, 26 March 1917, LAC, RG 10, vol. 4014, file 271322-1 and McLean to Kennedy, 19 July 1922, vol. 4014, file 271322-1A. Eventually the removal of this reserve was declared illegal and the Okanagan were paid compensation after seven decades of struggle. J.H. Christie, *Okanagan Indians*: 87-91; Carstens, *Queen's People*: 121, 291. It should be noted that Christie seems to have been significantly radicalized by his experience and frustration with the various levels of the DIA hierarchy involved. While he seems never to have recommended stepping outside the law, his personal journey from a military commander and later North West Mounted Police officer sent to receive Sitting Bull into Canada in 1876 after the defeat of Custer at the Little Big Horn, and foreman of the Military Colonization Ranch between

The McKenna - McBride Commission

The Royal Commission, also known as the McKenna-McBride Commission, was established after Prime Minister Borden appointed J.A.J. McKenna of Winnipeg as Special Commissioner in 1912 to: “investigate claims put forth by and on behalf of the Indians of British Columbia, as to lands and rights and all questions at issue between the Dominion and Provincial Governments.”¹¹⁰ The negotiations between McKenna and Premier McBride to establish the commission, though, resulted in a narrowing of the frame of reference. Now the commission would work solely to “settle all differences between the governments of the Dominion and the Province respecting Indian lands and Indian affairs”. Already “the claims put forth by and on behalf of Indians” would be outside the parameters of the commission, illustrating Canadian acquiescence to the settler interests represented by the Government of British Columbia.¹¹¹

British Columbia agreed to give up its reversionary interest in all reserves confirmed or established by the commission. Further, according to the agreement, land could only be removed, or “cut off”, from already established reserves with the consent of the First Nation involved and if this was granted the land would be sold at auction with

the Blackfoot reserves and Calgary was indeed a long one. Near the end of his life, a neighbour referred to Christie as “anxious to bring about socialism in Canada.” Worth, “James Halbold Christie”: 158, 162, and 172. See also de Pfyffer, introduction to J.H. Christie, *Okanagan Indians*: 77.

¹¹⁰ Robert Rogers, SGIA, to the Governor General in Council, 10 May 1912, LAC, RG 10, vol. 4044, file 344441. McKenna had earned an LL.D. and had previously served the DIA as its inspector of Catholic schools in the North West Territories.

¹¹¹ “Memorandum of Agreement arrived at between J.A.J. McKenna, Special Commissioner appointed by the Dominion Government to investigate the condition of Indian Affairs in British Columbia and the Honourable Sir Richard McBride as Premier of the Province of British Columbia” in “Orders-in-Council and Agreement re: Powers and Functions of The Royal Commission on Indian Affairs for British Columbia”, LAC, RG 10, vol. 3821, file 59,335, Part 4. Also Canada, Royal Commission on Indian Affairs for the Province of British Columbia, *Report of the Royal Commission on Indian Affairs for the Province of British Columbia*, vol. 1 Victoria: Acme Press, 1916): 10-11. Hereafter, Canada, Royal Commission, *Report*. As Reuben Ware has pointedly identified: “From the point of view of the governments, the Indians were only incidental to the main problem.” Ware, *The Lands We Lost: A History of Cut-Off Lands and Land Losses From Indian Reserves in British Columbia* (Vancouver, Union of B.C. Indian Chiefs, 1974): 47.

half the proceeds going to the province and the remainder to be held in trust by the Dominion “for the benefit of the Indians”. The commission would include two representatives each from the dominion and the province and a chairman selected by these appointees. They would travel the province, gather information from witnesses and submit a report that would finalize reserve boundaries.¹¹² In the spring of 1913, Nathaniel W. White of Shelburne, Nova Scotia and J.A.J. McKenna were named to the commission on behalf of the dominion while James A Shaw of Shuswap B.C., and D.A. Macdowall of Victoria, were appointed by the province. E.L. Wetmore was chosen as the chairman.¹¹³

Since the goal of the commission was to mend the relationship between the two levels of government, and since the province would not give up on its contention that land in B.C. was “unburdened by any Indian title”, McKenna agreed “as far as the present negotiations go, it [the issue of title] is dropped”.¹¹⁴ In a similar vein, the commissioners were informed by the Privy Council that, “[t]he Minister is of the opinion that it would be inadvisable to burden the commission with the investigation of all matters that might be brought to their attention by Indians, many of which would be of slight importance not affecting the relation of the two Governments.” Indigenous peoples’ concerns would be heard, but they were to be specifically informed that the commissioners could not act on these matters.¹¹⁵ As a Secwepemc leader said later of consultations concerning Native

¹¹² Canada, Royal Commission, *Report*: 10-11. There was no necessary compensation to the individual First Nation or community that lost reserve land by the work of the commission. Memorandum of agreement between McKenna and McBride in LAC, RG 10, vol. 4093 file 600250 and vol. 3821, file 59,335 pt. 4.

¹¹³ DIA, *Annual Report*, 1913, xxiv.

¹¹⁴ Cited in Canada, Special Joint Committee, “Report and Evidence”: 9.

¹¹⁵ PC 1401, 10 June 1913 in “Orders-in-Council and Agreement re Powers and Functions of The Royal Commission On Indian Affairs For British Columbia”, LAC, RG 10, vol. 3821, file 59335, part 4, copy in BCA, GR-1323, drawer 8, file 457-8-12, reel B2082 and Canada, Royal Commission on Indian Affairs for the Province of British Columbia, *Confidential Report of the Royal Commission on Indian Affairs for the Province of British Columbia* (Victoria: Acme Press, 1916): 3.

land matters generally, “to keep matters simple the party most affected was left out of negotiations.”¹¹⁶

It did appear, though, that there would be some protection afforded by the Royal Commission since reserves would only be reduced “with the consent of the Indians, as required by the Indian Act.”¹¹⁷ But at the same time, the commissioners realized that seeking consent “would tend to make the future progress of the Commission very disagreeable, and be apt to raise hostility in the minds of the Indians towards the Commissioners and their work”.¹¹⁸ While McKenna confirmed that under the agreement made with the province “no diminishment of existing reserves shall be made without the consent of the Indians”, eventually provision was made to reduce reserves without this requirement.¹¹⁹

From their base in Victoria, the commission toured the province gathering information from Indigenous informants and hearing presentations from chambers of commerce, boards of trade and individual settlers. While the primacy of White settler interests is clear from the recommendations and results of the McKenna - McBride Commission, the textual record of evidence taken in Secwepemc and Okanagan territories

¹¹⁶ George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Don Mills: Collier-Macmillan Canada, 1974): 30.

¹¹⁷ Canada, Royal Commission on Indian Affairs, *Report*: 10-11 and “Orders-in-Council and Agreement re: Powers and Functions of The Royal Commission on Indian Affairs for British Columbia”, LAC, RG 10, vol. 3821, file 59,335, Part 4.

¹¹⁸ E.L. Wetmore to W.J. Roche, SGIA, 1 December 1913, LAC, RG 10, vol. 4050, 362466-1A.

¹¹⁹ J.A.J. McKenna to Robert Rogers, Minister of the Interior and Superintendent General of Indian Affairs, 26 October 1912, BCA, GR-1967 and Canada, “An Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province”, *Statutes of Canada*, 1919, second session, and 1920, c.51: p. 313-314. This Act is also known as “The British Columbia Indian Lands Settlement Act” and is also transcribed in Ware: 204-205. It follows similar enabling legislation passed by the province in 1919. British Columbia, “An Act to provide for the Settlement of Differences between the Governments of the Dominion and the Province respecting Indian Lands and Indian Affairs in the Province of British Columbia”, *Statutes of British Columbia*, 1919, c.32. This is also transcribed in Ware: 202-203.

provides further examples of both exclusionary liberalism and disciplinary surveillance in operation. The commissioners identified the wishes of White settlers, listened to their observations concerning Indigenous people, and examined first hand the economic potential of reserves that could be alienated for their benefit. While Indigenous witnesses spoke of their desire for increased reserve land and better access to resources the commissioners were free to exclude matters “brought to their attention by Indians” from their deliberations. That Isaac Harris was chosen as interpreter in collecting much of the Indigenous evidence in these areas is revealing in itself.

Evidence taken by the commissioners at Shuswap Lake indicates that the results of encroaching White settlement and subsequent restrictions to hunting and fishing were most troubling to the Secwepemc living there. According to Francois Silpahan of the Qw7ewt (Little Shuswap) Secwepemc community, “It is not on our reserve only that our hard feelings commence; it is for land outside the reserves. There the whitemen have stopped us. They stopped us from getting deer and birds, and stopped us fishing.” He sought, though, to reassure the commissioners that his community did, “not intend to do anything but we asked the Government at Ottawa to help” with these problems. Francois Pierrish of Sk’emtsin (Neskonlith) said, “we want to go out to hunt, and sometimes we want to go out to fish. We would like to be peaceable all through this Country so that we will come home allright.” Sexqeltqi’n (Adams Lake) Chief Narcisse complained that with the increasing number of White settlers, there was no longer pasture land available outside the reserves and insufficient inside, “Just at the beginning of the year we had to sell part of our stock in order to limit the stock to the measure of the pasturage.” Antoine Tawhalst, also of Sexqeltqi’n, confirmed: “My land is lots and the Government has

confined me to a small spot and fixed my land so that I should dig in that little spot for my living.”¹²⁰

Similar concerns and explanations were presented in the Okanagan as well. Chief Baptiste George of the Nk’Mip (Osoyoos, Inkameep) Okanagan pointed out that “my forefathers nor myself never received one cent” for alienated territory. The Nk’Mip reported that they too were restricted by not only surrounding settlers but also by their economic strategies. While the Nk’Mip were encouraged to grow fruit like neighbouring White settlers they believed this folly, “No we will raise stock. We can always sell cattle.’ Then they call us lazy because we do not do what they do.”¹²¹ Chief Edward Clemah of Splats’in (Spallumcheen) a Secwepemc community within the Okanagan Indian Agency attempted a strategy similar to the Secwepemc in their earlier memorial to Laurier in explaining that their economic strategies were not that different, “We are just like you are - We all eat off the land just like the whitepeople or chickens. They all eat off the land.”¹²²

Dominic Buckleypeach of Penticton was even more direct:

It is not because the whiteman has come that we make a living - we have been living before the whiteman came, and now you ask us how we get along. We get along from the land - it is our father and mother - we get our living just like milk from the land, therefore we have no land to sell - it

¹²⁰ Canada, Royal Commission on Indian Affairs for the Province of British Columbia, Transcript of Evidence Submitted to the Royal Commission on Indian Affairs for the Province of British Columbia, 1913-1916, Kamloops Agency: 43, 19, 34, and 30. The evidence given by Indigenous Communities at Shuswap Lake was translated by Isaac Harris.

¹²¹ Canada, Royal Commission on Indian Affairs for the Province of British Columbia, Transcript of Evidence Submitted to the Royal Commission on Indian Affairs for the Province of British Columbia, 1913-1916, Okanagan Agency: 77 and Thomson “A History of the Okanagan”: 151.

¹²² Canada, Royal Commission on Indian Affairs, Evidence, Okanagan Agency: 8.

would be just like selling our bodies. We cannot sell any land until the Man who made the land comes back.¹²³

Many of the Secwepemc and Okanagan seemed to understand that the objective of the McKenna McBride Commission was to reduce the pieces of land that remained to them and went to some effort to explain that they did not have any excess land. Others, like Chief Edward Clemah wondered how reductions were possible and went a step further to ask “Is the Queen’s word no good?” The commissioners were rarely interested in answering questions posed by Indigenous witnesses to clarify concerns regarding existing reserves. In response to one such question Chairman Wetmore retorted “We are not here to be examined by the Indians. We are here to examine the Indians...Do you know that we could place you in prison for not answering our questions?”¹²⁴

The McKenna-McBride Commission and Local Settler Representatives

Even before the McKenna - McBride Commissioners traveled to the interior to meet with Secwepemc, Okanagan, and settler representatives, the Kamloops Board of Trade argued that while “there was no wish to work any injustice to the Indians” the Secwepemc living across the Thompson River from Kamloops, “would be better off if removed from near the city and would benefit largely from the proceeds of the sale of the lands.” The single dissenting voice was that of the board’s secretary, and future Indian Agent, John Freemont Smith who argued that the “Indians were here first and their rights

¹²³ Canada, Royal Commission on Indian Affairs, Evidence, Okanagan Agency: 75. This quote inspired the title for a book published by the Okanagan. Lee Maracle, Jeannette C. Armstrong, Delphine Derickson, and Greg Young-Ing, *We Get Our Living Like Milk from the Land* (Penticton: Theytus Books, 1993).

¹²⁴ Canada, Royal Commission on Indian Affairs, Evidence, Okanagan Agency: 10-11. Wetmore said these words to Sam Pierre from the Splats’in (Spallumcheen) Secwepemc community.

must be considered first".¹²⁵ Despite Smith's objections, the Board prepared a resolution to Premier McBride requesting "the removal of the Indians" from the Kamloops reserve. The Board pointed out that not only was, "the proximity of the reserve to the city inimical to the interests of the community, but it also gives opportunity for providing liquor to the Indians and thus furnishes great scope for crime, which has been so prevalent of late amongst the Indians". The board argued further, that while the reserve contained 32,000 acres only 200 acres were cultivated.¹²⁶ The Board clearly drew the link between settler society's construction of an Indigenous population with a propensity to immorality and the unacceptable under-utilization of farm land.¹²⁷

¹²⁵ *Kamloops Inland Sentinel*, 15 November 1907: 1. It is pressure of this sort throughout western Canada that led Frank Oliver to present amendments to the Indian Act in 1911, together derisively referred to as "The Oliver Act", that allowed the expropriation of reserve lands by municipalities, other authorities, and even private companies for the purpose of public works and also permitted the alienation of any reserve in or near a town of over 8,000 people. In neither case was the consent of reserve residents required. Canada, "An Act to Amend the Indian Act", *Statutes of Canada*, 1-2 Geo. V (1911), c.14. These amendments were to sections 46 and 49a respectively. See also Leslie and Maguire, *Historical Development of the Indian Act*, 109-110 and Martin-McGuire, *First Nations Land Surrenders: xxii-xxiii*. According to Oliver, "the Indian by standing on his treaty rights does himself an ultimate injury as well as does an injury to the white people, whose interests are brought into immediate conjunction with the interests of the Indians." Canada, House of Commons, *Debates*, 1910-1911, 26 April 1911: 7827. It was settler pressure rather than this amendment to the Indian Act itself that resulted in reductions to reserves near towns by the McKenna-McBride Commission in British Columbia. By the "British Columbia Indian Lands Settlement Act" of 1920 the necessity of consent was removed for all reserves reduced or cut-off by the Commission, as discussed elsewhere in this chapter, so there was no need to refer to the Indian Act.

¹²⁶ *Kamloops Inland Sentinel*, 24 December 1907: 6.

¹²⁷ In addition to citing alcohol abuse as a reason to alienate land, liquor fines under the Indian act were a significant source of revenue. Rev. John McDougall pointed out that "it is a matter of financial profit to everybody concerned to tempt, and sell to, and fine the Indians for using intoxicants. There seems to be every effort made to catch the Indian and make money out of him, but little or any effort is put forth to catch and punish the man that sells the liquor to the Indian. From what I saw and heard from reliable testimony, it looks, at the present time, as if the liquor seller, police, constable and magistrate[sic] and Government are all in league to exploit the Indian who uses liquor. The whole system is an out-rage on common justice." John McDougall, "General Report": 3, LAC, RG 10, vol. 4020, file 280470-3. A considerable portion of Smith's time as agent was taken up with judicial activity concerning liquor and a constable was appointed to aid in bringing contraventions of the Indian Act's liquor provisions to trial. Smith's actions in the control of liquor were commended by inspector Megraw. See for example J.F. Smith, "Agents Journal", 29 January, 7 May, 13 August, 9 November and 19 December 1914; 22 January 4, 6 and 19 February, 8 March, 12 April, 21 May, 2 and 24 June, 2 July, 7, 8 and 18 August and 25 September 1915, LAC, RG 10, vol. 1325 and Canada, Department of Indian Affairs, *Annual Report*, 1916: 118.

The Board of Trade's presentation to the McKenna - McBride commissioners was virtually identical to the resolution they forwarded to McBride in 1907. There was not universal settler support for their position, though. Major J.M. Harper, denounced the plan as a "mere land grabbing scheme." The local newspaper agreed and claimed that uncultivated reserve land was not the primary cause of land shortages but rather it was the fault of land speculators who kept large tracts of land from use "to the detriment of local, provincial and national prosperity for the purposes of personal gain". J.F. Smith, as Indian Agent, argued that selling the reserve would be "seriously detrimental" to the Secwepemc at Kamloops.¹²⁸

Nevertheless, the Board presented its case to the commissioners to have Kamloops Reserve One alienated in the "best interests" of both the Secwepemc and the settler community. Kamloops lawyer F.J. Fulton, former Minister of Lands in McBride's cabinet, clearly articulated the oft presented position that Indigenous interests were very much offset by those settler citizens: "the Indians as the original inhabitatnts [sic] of this Province, are entitled to some consideration, still under modern conditions I don't think they should be allowed to hold back the development of the Province."¹²⁹

When asked if Indigenous people should be confined to reserves, though, Fulton recognized their importance to the local economy: "Indians must go off their reserves in order to get work." Another witness, Capt. T.H. Worsnop disagreed and reported that "in

¹²⁸ *Kamloops Inland Sentinel*, 13 October 1913: 1 and 4 and 24 October 1913: 4. Margaret Ormsby noted that Kamloops was advertised by speculators in 1911 as "the Los Angeles of Canada." Margaret Ormsby, *British Columbia: A History* (Vancouver: Macmillan Company of Canada, 1958): 358-9.

¹²⁹ Canada, Royal Commission on Indian Affairs, Evidence, Kamloops Agency: 3 and 6-7. Fulton was also the son in law of Premier Davie and a future Canadian M.P. While he agreed with the Board of Trade's argument regarding the ease by which liquor could be procured so close to White settlement and this was supported by Commissioner McDowell, Commissioner Shaw pointed out that Native people were not getting liquor in town but rather "they usually have it peddled to them by low-class white men" who would travel to wherever they could make a sale.

Ontario a system almost amounting to compulsion had been adopted to make the Indians more progressive. They were practically compelled to cultivate their lands". He noted further that there was no such policy in British Columbia and recommended "something should be done here to arouse the interest of the Indian in the advantages of citizenship and industry."¹³⁰

The meeting with the Salmon Arm Board of Trade also provides some illuminating evidence for historians if not for the commissioners. When asked if he thought Indigenous people would make successful fruit farmers, Board of Trade member James Evans suggested that they should be allowed to make their own decisions in this regard but that he had "worked with Indians and have had them working with me, and the Indians are as good or better than white men when they are on a farm." A problem facing his Native neighbours, Evans suggested when prompted by Commissioner McKenna, was that they held land collectively rather than individually "The Indians in their present state, are as close to Socialism as it is possible to get." Evans thought that they would have to be educated to understand the benefits of individual land tenure, "I would deal with the Indians as I would deal with a child. I would not give them a title to any part of it until I found they were capable of taking care of it." But when asked by McKenna, "is it a fair comparison to make between an uneducated whiteman and an Indian?" Evans responded, "No, because the whiteman is better equipped as regards brain power." Evans, in what could not have been more than a few minutes before the commission, laid out the core of settler understandings that justified both their exclusion from the liberal rights extended to

¹³⁰ Canada, Canada, Royal Commission on Indian Affairs, Evidence, Kamloops Agency: 7; *Kamloops Inland Sentinel*, 21 October 1913: 5. Worsnop stated later that he meant to recommend more "encouragement" not "compulsion".

their settler neighbours and the reduction of the lands that remained to them. Liberal notions of individual liberty and the protection of private property saturate Evans' words but since both he and his settler society determined that these were beyond the comprehension of Indigenous people, equality could not be permitted. By this understanding, to allow otherwise would simply be irrational. While it might be possible for Indigenous people, in time, to become liberal citizens they were somehow not as well equipped intellectually and therefore parental control would be a lengthy if not indefinite state.¹³¹ There were, though, a few opposing voices.

As already discussed, Kamloops agent J.F. Smith was perhaps the only Black Indian agent. Even though he was religious, Conservative, and perceived himself as part of liberal settler society, his skin colour ensured that he lived on the fringes of that society. While other agents in British Columbia supported Indigenous retention of reserves, Smith, perhaps because of his own position in society, seemed to regularly act based on a sense of justice that was less self-serving than most of his contemporaries. Regarding the Secwepemc reserve at Kamloops, Smith stated simply that it was "necessary for the reasonable requirements of the Indians." The reason it was not cultivated was because there was insufficient access to water for irrigation. In response to Smith's comments Commissioner McDowell retorted, "well then, if they don't use it how can you say that it is necessary for their requirements?"¹³² McDowell's logic was clear, since the Secwepemc at Kamloops had survived without cultivating this land they had demonstrated that it was beyond their requirements. Notions of "progress" or

¹³¹ Canada, Royal Commission on Indian Affairs, Evidence, Kamloops Agency: 10-13.

¹³² Canada, Royal Commission on Indian Affairs, Evidence, Kamloops Agency: 147. J.A. Shaw from Shuswap and D.A. McDowell from Victoria were the provincial representatives on the commission. The questioning of Smith took place in Victoria after the commissioners had been to Kamloops.

“advancement” that might be brought about by irrigating the land were not part of the syllogism. In reference to the Qw7ewt (Little Shuswap) Secwepemc reserves, Smith again had to elucidate the water shortage that plagued both Indigenous and non-Indigenous farmers in the British Columbia interior to explain the lack of cultivated land. In addition, in refusing to agree that the reserve at Scotch Creek was “not reasonably required” because “from the proceeds of the sale of the timber they would be able to clear the land where their village is, so as to enable them to make homes and cultivate their land...the timber is worth more than the land” Smith identified a non-agricultural value to the Secwepemc that the commission was reluctant to hear.¹³³ Commission Chairman E.L. Wetmore proclaimed, “They don’t seem to be able to handle the land[s] they have, either that or they dont [sic] attempt to utilize them.” The Chairman was regularly confused about which reserve was being discussed and often, as in this case, the commissioners missed the point.¹³⁴

In late November, only a few weeks after leaving Shuswap Lake, and after only six months on the job, Wetmore resigned from the commission stating: “While I found the work monotonous and uninteresting, I cannot say that so far it has been strenuous.” In the Kamloops agency, Wetmore confirmed that the commissioners and their entourage traveled mostly by, “automobile over good roads” and “had all the time comfortable hotels to stop at.” He was concerned, though, that in the next season they would be in the northern parts of the province and in the Williams Lake area where they would, “have to take our outfit along and camp as such stopping places as are along the road are of such a

¹³³ Canada, Royal Commission on Indian Affairs, Evidence, Kamloops Agency: 173.

¹³⁴ Canada, Royal Commission on Indian Affairs, Evidence, Kamloops Agency: 171. For examples of Wetmore’s confusion in the Kamloops Agency see Evidence, Kamloops Agency: 150, 155, and 174.

character that I am advised that I would find it very unpleasant and running a great risk to stop at any of them.”¹³⁵ It would seem unlikely that Wetmore could possibly comprehend Indigenous lifeways or to empathize with Indigenous concerns

Results of McKenna - McBride

Together, the parameters established for the commission, the cultural location of the commissioners, the leading questions and belligerent attitudes, the often very brief visits to reserves, and the economic interests of witnesses from settler society, mitigated against the possibility of any clear understanding of Indigenous land use and therefore the “reasonable requirements” of interior First Nations. From the evidence presented it is clear that the Secwepemc and Okanagan were already becoming increasingly restricted to the fragments of their territories that had been reconfigured as reserves. While their representatives patiently tried to explain to the commissioners the importance of retaining the pieces that remained the commissioners were in no position to understand what they heard.

Concentrated in time, the work of the McKenna - McBride Commission demonstrates settler society’s understanding that any social, political, cultural or economic philosophy other than that informed by liberal capitalism was perverse. The reports of the commission are textual displays of Western scientific knowledge laid out in tabular form with maps that fundamentally ignored Indigenous boundaries to conform to the square survey. Other understandings and other geographic boundaries were nonsensical to the commissioners and their audience.

¹³⁵ E.L. Wetmore to Louis Corderre, Secretary of State, 29 November 1913, BCA, British Columbia, Provincial Secretary, Correspondence in from the Royal Commission on Indian Affairs in British Columbia, GR-0672, box 1, file 27.

The commission continued the imperialist tradition of drawing up maps and subdividing land to illustrate ownership but clearly Indigenous people had not yet accepted the sort of spatial zoning fundamental to liberal capitalism. This is not to suggest that there was no recognition of areas of sovereignty clearly understood between First Nations, but rather that the individualization of land, the possessive component of human stewardship over it, and the necessity of drawing lines on pieces of paper to prove ownership were foreign. As Sk'emtsin (Neskonlith) Secwepemc elder Mary Thomas affirms, "we knew where our hunting grounds were, our fishing grounds, and we claimed that area and that was it."¹³⁶ Indigenous people had come to understand the settlers' penchant to subdivide land, but many still trusted the federal government to live up to its promises and obligations.

In British Columbia as a whole, the commission cut-off 47,058.49 acres of reserve lands but added 87,291.17 acres. It appeared, then, that the commissioners recognized the importance of allowing the retention of much of the existing reserve land after all. However, the commission estimated the value of the additions at \$444,838 but placed the reductions at \$1,522,704. Over the next few years the trend toward a little more, but much less valuable reserved lands continued. The commission reported that the total reserved land in B.C. was 666,640.25 acres and had an estimated value of \$19,890,000. Several years later, the DIA reported an increase in total reserve acreage to 729,258 but, even with the inflation of the World War One period valued it at only \$12,865,194.¹³⁷ Further,

¹³⁶ Mary Thomas, Interview with Joyce Dunn at Chase, British Columbia, 1982. Tape recording in possession of author.

¹³⁷ Canada, Royal Commission on Indian Affairs, *Report*: 26; Canada, DIA, *Annual Report*, 1920: 42-3 and 48-9. It should be noted in addition that the purchasing power of the dollar dropped by almost half from 1916 to 1920. Leacy, *Historical Atlas of Canada*, "General Wholesale Price Index," series K33.

McKenna later commented that even if the recommendation for reductions was rejected, a position that he himself soon came to advocate contrary to the commission's official report, the additions would only amount to a three acre increase per person which he stated "would be still less than one-third of the per capita allotment of the prairie Indians."¹³⁸

In the Kamloops Agency, the commission recommended that 3,498.53 acres, valued at \$130,814.40 be cut off and that new reserves totaling 1,477 acres, and valued at \$7,385 be allocated.¹³⁹ Much of the reduction, 2,165 acres valued at \$77,375, was reserved to the Qw7ewt (Little Shuswap Lake) Secwepemc.¹⁴⁰ In the agriculturally valuable Okanagan Agency the commission added 2,600 acres at \$13,000 but recommended by far the largest reductions in the province at 18,536.8 acres, valued at between \$418,959.91 and \$671,211.51.¹⁴¹ Here, the reserve at the head of Okanagan lake survived intact, three small reserves, including that at Long Lake, were eliminated and the large reserve at the south end, between Summerland and Penticton was reduced by 14,000 acres and lost its entire shoreline on Okanagan Lake.¹⁴²

On Okanagan reserve three, on the rail line south of Armstrong, where the commissioners found 160 acres of "[g]ood farm land excellently utilized" and fenced,

¹³⁸ J.A.J. McKenna, "Clear the Way for Development", Vancouver *Province*, 25 February 1918. McKenna recommended against the cut-offs by 1918 because of their potential to "inflame a condition now happily quiescent" and moreover the required Indigenous consent would be "very difficult" to obtain.

¹³⁹ Canada, Royal Commission on Indian Affairs, *Report*: 177. For reserve by reserve valuations see also LAC, RG 10, vol. 10240, file 901/30-1-9.

¹⁴⁰ British Columbia, Provincial Secretary, Correspondence in from the Royal Commission on Indian Affairs in British Columbia, GR-0672, box 3, file 6: 356, 383, and 339. Kamloops Reserve One was reduced by 383 acres.

¹⁴¹ Canada, Royal Commission on Indian Affairs, *Report*: 177. The Commission explained that the lower estimate was calculated by not applying any value to two reserves without water.

¹⁴² Canada, Royal Commission on Indian Affairs, *Report*: 715-722. The Penticton band had been resisting the reduction of their reserve on Okanagan Lake since 1910 at least when the department tried to negotiate a surrender for an experimental fruit farm. The issue was not resolved, at least in the eyes of non-Native governments until 1945. See correspondence in LAC, RG 10, vol. 4050, file 362466-1A.

Isaac Harris had constructed a “roomy and substantial residence thereon with good farm outbuildings”. As might be expected, they found Harris “a very reliable and progressive man.” Perhaps as a reward for Harris’s long history of appeasement to government officials and his adherence to Anglo-Canadian liberal values, the commissioners decided to recommend that Okanagan reserve three be conveyed to Harris, who the majority of the Nkamaplix Okanagan said was not even a band member. As a further act of irony, the allotment of this reserve would not “prejudice or affect any right or interest” which Harris had as a “member” of the Nkamaplix Okanagan “or any interest he now has or may hereafter acquire in any lands or other property or moneys of the Band.” This reserve continues to be referred to as the “Harris” Reserve.¹⁴³

Even within the relatively narrow parameters that were set for the commission, its work came under attack from opposition MPs. When former SGIA Frank Oliver rose in the House of Commons to voice his concerns about the work of the Royal Commission it was not the interests of First Nations that were the objects of his concern, though, but those of settlers. He referred to the commission as an arrangement whereby the dominion and provincial governments could divide up lands “as they saw fit” without reference to either the provincial legislature or the federal parliament. “As a specimen of autocratic government and disregard of the rights of the people and of their representatives, I think that stands absolutely in a class by itself”.¹⁴⁴ Others were more concerned about the administrative costs incurred.

¹⁴³ J.G.H. Bergeron to the Superintendent General of Indian Affairs, 20 November 1913, enclosing “Interim Report No. 16”, BCA, GR-0672, box 1, f21 and McKenna-McBride Commission, *Report*: 700-13. Page 711 contains the recommendation that the reserve 3 “be conveyed to Isaac Harris”. See also Carstens, *Queen’s People*: 121 and 291.

¹⁴⁴ Canada, House of Commons, *Debates*, 1917: 1898.

When the commission disbanded at the end of June 1916, after three years of work, it had amassed total expenses of \$317,797.68 including \$159,255.76 in salaries and \$62,490.92 in living expenses.¹⁴⁵ Salaries alone, then, amounted to more than the value of all land that the commission recommended removing from reserves in the entire Kamloops agency. In the year ended 31 March 1916, Commission Chairman Nathaniel White, earned a total of almost \$13,000, more than 2½ times that of Duncan Campbell Scott.¹⁴⁶

The issues related to Secwepemc and Okanagan land and leadership through the period of the McKenna - McBride Commission's work demonstrate several important points. While there were many complaints against Isaac Harris, his outward countenance, individual cultivation of land, and support for government policies ensured that he would inevitably be judged as more advanced than other reserve residents by those at all levels in the DIA hierarchy. As a result, he would come closer than other reserve residents to being included in any benefits of Canadian society.¹⁴⁷ Occasionally men like this were even compared favourably against the "average whiteman", but this was only to illustrate how far they towered above other Indigenous people in the view of settler society. "Indianness" was gradated but conceiving of this as a simple linear hierarchy serves only to obfuscate a complex inter-relationship of obedience, appearance, perception, self-

¹⁴⁵ Canada, Annual Report of the Department of Indian Affairs, *Annual Report*, 1916: xxxvii; Canada, House of Commons, *Debates*, 1920: 788.

¹⁴⁶ Canada, House of Commons, *Debates*, 1917: 1898. The Chairman of the Commission received a \$25 per diem and a \$10 per day living allowance awarded to all commissioners for every day of the year. The other commissioners got a \$20 per diem in addition to the living allowance. One M.P. commented in the House of Commons that he had "heard that their chief avocation was joy-riding up and down the country in the most outrageous manner." Another questioned the allowance of generous living expenses when it cost only \$5 per day to stay in Victoria's plush Empress Hotel and much less in other less well appointed establishments. *Debates*, 20 April 1917: 653 and 1898.

¹⁴⁷ For photographs of Isaac Harris and Baptiste Logan see: de Pfyffer, introduction to J.H. Christie, *Okanagan Indians*: 80-1.

interest, and imagination not to mention the web of race, gender, and class which were all clearly constructed within Anglo-Canadian cultural frameworks. At the same time, however, the model had to appear to be a simple linear one in which the instruments of normalization could be seen as equitable, and even necessary, lest the insulation that obscured the precise nature of liberalism be compromised.

While the interests of Whites, even White workers and small holders, would be protected to a degree, they could not appear to be favoured at the merciless expense of Native people. Cummiskey was rebuked for not following procedure, but then his recommendations were executed. Megraw's illegal lease was terminated, but only after the lessee had harvested his crops. The machinations of Cummiskey and Megraw were clearly outside stated DIA policy, but they managed to limit opposition, which was an underlying imperative. Irwin was dismissed, apparently for incompetence, but at the root of his incompetence was his position as a Liberal bureaucrat in a Conservative regime unable to contain Indigenous resistance.

Despite the earlier laudatory opinions of Ramsden it clearly became far too dangerous to accept the views of Christie and those for whom he advocated. It was far more fitting to the liberal agenda to reward the likes of Isaac Harris who always acted in concert with the department's agents and inspectors, worked as a constable among the Okanagan, and was clearly less Indian in the eyes of English Canada's representatives. For them, that he was not a member of any Okanagan community held little import.

Ironically, though Irwin was finally dismissed, the McKenna - McBride Commission recommended the Long Lake reserve be cut off, approving Irwin's original assessment that it was not needed by the Okanagan. By manipulating internal divisions on

the Okanagan reserves, gaining the support of more conciliatory leaders, and by installing people into positions of supervision who many community members claimed had no right on the reserve, Cummiskey succeeded in keeping resistance on the reserve contained. Irwin, incapable of successfully executing the same sorts of maneuvers, lost his job.

The McKenna - McBride Commission did not, for more than two decades at least, resolve federal/provincial differences. Many of the reserves in the Kamloops and Okanagan agencies were within the railway belt and were soon confirmed to be beyond the mandate of the commission to dispense with.¹⁴⁸ Further, the commission's work, and eventually its report when they were finally permitted access to it only exacerbated First Nation concerns and grievances.

Indigenous Resistance and the Issue of Consent in British Columbia

During the four years leading to the tabling of the Royal Commission's report, the Interior Tribes and the Nisga'a continued to call for a judicial decision regarding Indigenous rights before the reserve question was resolved. In the spring of 1916 the two organizations met, on separate occasions, with Wilfrid Laurier, SGIA W.J. Roche, and Prime Minister Borden to explain their position.¹⁴⁹ In June 1916, representatives from at least sixteen First Nations, including the Secwepemc and Okanagan met on the Squamish reserve and agreed to form the Allied Indian Tribes of British Columbia with Peter Kelly

¹⁴⁸ J.A.J. McKenna recognized this in 1913, and was supported in his interpretation by fellow federal representative N.W. White. The two attempted to restrict the commission's activities, but were outnumbered when Wetmore sided with the provincial representatives. J.A.J. McKenna to Superintendent General of Indian Affairs, 31 January 1914, Blue Book 12, BCA.

¹⁴⁹ Forty Five Representatives of the Interior Tribes to SGIA W.J. Roche, 17 March 1916, LAC, Robert Borden Papers, MG 26-H. The Interior Tribes presented at least five memorials during this period. "Report of Interview with Sir Wilfrid Laurier" 27 April 1916, Report of Interview with Hon. Dr. Roche, 9 May 1916 and "Report of Interview with the Right Honourable Sir Robert Borden, Prime Minister", 19 May 1916.

of the Indian Rights Association elected chairman and James Teit of the Interior Tribes as secretary.¹⁵⁰

In their statement of February 5th 1919 the Allied Tribes expressed concern, “that the Indian Department will soon endeavour to obtain the consent of the Indian Tribes to the Finding of the Royal Commission” before the issues of Indigenous rights could be resolved by the JCPC.¹⁵¹ Here, and in their much more detailed published statement prepared for the province, they rejected the McKenna McBride Commission’s report primarily for its inattention to the issue of title, recognized elsewhere in Canada, but also because of the inadequate reserves it recommended and its neglect of important economic issues like hunting, fishing, water, and foreshore rights.¹⁵² Clearly the Allied Tribes were suspicious of the agreement but they appear to have been blindsided by the subsequent actions of the dominion government.

While Canada was ready to accept the recommendations of the Royal Commission, B.C.’s Liberals, elected in 1916, were concerned about additions to reserves recommended by the commission and were even more apprehensive about the requirement that Indigenous consent was necessary before land could be removed. The DIA’s Inspector Ditchburn reported to Scott in November 1919 that British Columbia’s Minister of Lands, Duff Patullo, would soon arrive in Ottawa to discuss the Royal Commission’s report and warned that “the British Columbia Government seem to shy at

¹⁵⁰ “Exhibit No. 4 From Andrew Paull” in Canada, Special Joint Committee, “Report and Evidence”: 175-176. Paul Tennant notes that the only large groups not represented were the Nuu Chah Nulth and the Kwakwaka’wakw. Paul Tennant, *Aboriginal Peoples*: 94-95.

¹⁵¹ “Statement of the Committee of the Allied Tribes of British Columbia For the Government of Canada”, 5 February 1919, LAC, Borden Papers, MG 26-H, item 16477.

¹⁵² *Statement of the Allied Tribes of British Columbia for the Government of British Columbia* (Vancouver: Cowan & Brookhouse, 1919). Copies in LAC, RG 10, vol. 3821, file 59335, part 4A and Borden Papers, MG 26-H, item 16501. This is signed by Peter Kelly as Chairman and Teit as Secretary.

that part of the agreement of 1912 with regard to the cut-offs in view of the fact that it appears necessary to have the consent of the Indians.” Ditchburn advised that “the only thing we can do would be to endeavor to get the consent of the Indians according to the Agreement and then, in cases where they refuse, Parliament might be asked to pass an Act enabling the Superintendent General to make the cut-offs in order that the spirit of the Agreement might be carried out.”¹⁵³

The “spirit” or primary objective of the Royal Commission was to resolve differences between the province and the dominion by freeing up additional land for settlement and extinguishing the province’s claim to reversionary interest by selling reserve lands determined to be in excess. Certainly the commissioners recognized that consent would not be a simple process as discussed above. DSGIA D.C. Scott, too, recognized by November of 1919 that “in some cases the Indians would refuse to surrender” land recommended cut-off by the Royal Commission. His solution was that if consent was not forthcoming then parliament should legislate to enable “the Province to sell these lands when the Indians refuse to surrender them...”¹⁵⁴ Two months latter Scott suggested that any refusal to accept the commission’s recommendations could not be rooted in a conscious and thoughtful decision but rather had to be the result of “some influence or prejudice”. Armed with this convenient understanding, he passed on a draft of a piece of legislation that would allow the sale of cut-off lands without consent.¹⁵⁵ The “British Columbia Indian Lands Settlement Act” which became law on July 1st 1920,

¹⁵³ Ditchburn to Scott, 1 November 1919, LAC, RG 10, vol. 3820, file 59335, part 3.

¹⁵⁴ Scott, Memorandum to Meighen, 14 November 1919, LAC, RG 10, vol. 3820, file 59335, part 3. See also Anne Darcy Mitchell, “The Allied Tribes of British Columbia: A Study in Pressure Group Behaviour”, MA Thesis in Political Science, UBC, 1977: 41-44; Tennant, *Aboriginal Peoples and Politics*: 100; Harris, *Making Native Space*: 251 and Titley, *A Narrow Vision*: 145-148.

¹⁵⁵ Scott, Memorandum to Meighen, 9 January 1919, LAC, RG 10, vol. 3820, file 59335, part 3.

confirmed that “the Governor in Council may order such reductions or cutoffs to be effected without surrenders of the same by the Indians, notwithstanding any provisions of the *Indian Act* to the contrary.”¹⁵⁶ Clearly this action directly contradicted not only the *Indian Act* and the original mandate of the Royal Commission but also the repeated promises to Indigenous people both during the hearings and prior to them. It did, though, align with legislation passed by the province in March of 1919.¹⁵⁷

With legislation pending that would remove the necessity of consent, Canada and British Columbia, at the latter’s recommendation, agreed to establish a two person commission to review the Royal Commission’s report in order to expedite its implementation.¹⁵⁸ Representing the province would be Major J.W. Clark who was very much an advocate of settler interests. Clark argued that not only did the “scattered” reserves recommended by the Royal Commission make the promotion of education impossible but that reserves were “often situated at strategic points...which, if approved, will establish a decided check to the progress of white settlers in the localities concerned”.¹⁵⁹ Representing Canada, on Scott’s recommendation, was the DIA’s chief inspector in British Columbia W.E. Ditchburn. Scott also recommended that J.A. Teit, Secretary of the Allied Tribes, be appointed to assist Ditchburn. Clearly, Scott recognized Teit’s standing within the Indigenous resistance movement and First Nation communities more generally but seems, as Cole Harris points out, to have viewed him as a moderate.

¹⁵⁶ Canada, *Statutes of Canada*, 10-11 Geo. V (1919 Second Session and 1920), c. 51, p. 313-314. Also transcribed in Ware, *The Lands We Lost*: 204-205.

¹⁵⁷ British Columbia, *Statutes of British Columbia*, 1919, c.32. Also transcribed in Ware, *The Lands We Lost*: 202-203.

¹⁵⁸ T.D. Patullo, Minister of Lands, to A. Meighen, 21 April 1920, Meighen to Patullo, 27 May 1920, LAC, RG 10, vol. 3820, file 59335, part 3.

¹⁵⁹ J.W. Clarke memorandum to Minister of Lands, 1 April 1920, vol. 3820, file 59335, part 3.

After consulting “the Indians” as Scott put it, likely including the leadership of the Allied Tribes, Teit accepted the position which paid \$200 a month.¹⁶⁰ Probably Teit believed that he could have an impact on the resolution of the land issue but it would be a stretch to call him a moderate. He was clearly interested in socialism and working class politics in Canada and the potential for revolution in the aftermath of WWI.¹⁶¹ In July of 1919 for example, in expressing his concern about cuts in federal funding for scientific endeavors he identified the problem in no uncertain terms:

The gov as a whole and the capitalist class which they represent have no appreciation of anything except dollars in immediate sight....there may be no change to amount to anything until the working class comes into its own and controls everything...A saner and more equitable system must come in, and I believe it will not be very long. Be of good heart until this happens.¹⁶²

It is not clear what, if any, influence, Teit could have had in the final recommendations of Ditchburn and Clark because he died of cancer in October 1922. Since both governments wanted essentially the same thing it is unlikely, in hindsight, that he could have done anything beyond minor adjustments. The Allied Tribes, concerned that governmental acceptance of the Royal Commission’s report was imminent, moved to

¹⁶⁰ Scott to James Lougheed, 1 October 1920, LAC, RG 10, vol. 3820, file 59335, part 3. See also Harris, *Making Native Space*: 382, fn 131. Harris recognizes that Teit was chosen for his potential to influence First Nations and that this was the impetus behind his appointment rather than the positive impact that his advice might have but seems to follow Scott’s assessment of Teit as moderate and likely to advance the interests of the DIA. Harris seems thereby to downplay Teit’s unwavering advocacy and his revolutionary ideas. Harris, *Making Native Space*: 382 fn 131.

¹⁶¹ Teit to Edward Sapir, 20 September 1918, BCA, GR-1994, Canada, Geological Survey, “Correspondence of Edward Sapir, Chief of the Anthropological Division, with James Alexander Teit relating to the ethnology, linguistics, and politics of the British Columbia Indians.” Teit, who did ethnographic work for both Sapir and Franz Boas, was about to send the former some printed matter, in 1918, “throwing what seems to be true light on the Bolsheviki but I hear the same has been suppressed by the gov. and anyone found with the same in their possession is liable to fine &c.” Teit to Sapir, 30 October 1918. See also Teit to Sapir, 16 November 1918 and Teit to Sapir, 25 July 1919.

¹⁶² Teit to Edward Sapir, 25 July 1919, BCA, GR-1994.

exert whatever legal pressure it could to delay until its case could be heard by the JCPC. Teit, then, likely saw this as an opportunity to have at least some impact.¹⁶³

Ditchburn and Clark confirmed a number of reductions recommended by the Royal Commission. The two governments, however, continued to disagree on the status of reserves in the railway belt. The dominion asserted that the province had already given up any claim to these lands and the province maintained it still had the same reversionary rights in these reserves as it had in all others in British Columbia. At stake were all of the cut-offs in the Kamloops Agency, almost 3,500 acres, and 1,881 acres in the Okanagan.¹⁶⁴ The substance of the positions presented by the Allied Tribes continued to be ignored as SGIA Arthur Meighen denied that the organization represented a majority of Indigenous people in the province but rather was a product of O'Meara's agitation: "I understand there is no Indian agent or missionary or anyone who has anything to do with it who does not denounce the whole movement and denounce the men, or the man, at the head of it."¹⁶⁵ Meighen admitted that there had been no consultations but contended remarkably that such were pointless "I do not think it makes much difference to them".¹⁶⁶

Through the 1910s, support for the Allied Tribes was widespread and funding for the organization came from Indigenous communities both in the interior and on the coast. By the early 1920s, though, some of the leadership in the interior became openly critical

¹⁶³ "Statement of the Committee of the Allied Tribes of British Columbia For the Government of Canada", 5 February 1919, LAC, Borden Papers, MG 26-H, item 16477.

¹⁶⁴ Patullo to Scott, 29 October 1924 and Scott, Memorandum to Charles Stewart, 4 March 1924, LAC, RG 10, vol. 10240, file 901/30-1-13. A copy of the Ditchburn-Clark Report is in GR 931, BCARS. See also Titley, *A Narrow Vision*: 148-149. For a brief discussion on the difference in the reports submitted by Ditchburn and Clark see Harris, *Making Native Space*: 253.

¹⁶⁵ Canada, House of Commons, *Debates*, 26 March 1920: 794. For more on this debate see 787-794.

¹⁶⁶ Canada, House of Commons, *9 Debates*, 6 April 1920: 953. See also Titley, *Narrow Vision*: 148. A Statement of the Allied Tribes was entered into Hansard two weeks previously. Canada, *Debates*, 26 March, 791.

of the organization with Okanagan Chief Johnny Chilheetsa and Secwepemc Chief Elie Larue among the most vocal opponents.¹⁶⁷ The organized resistance in the interior may have been adversely affected further by the illness and then death of Teit as Paul Tennant and Wendy Wickwire suggest.¹⁶⁸ The Allied Tribes though continued their lobbying efforts even if they were somewhat less united. Probably partly as a result of their efforts, Indigenous people secured the right to hold commercial salt water fishing licenses in 1923.¹⁶⁹

In the summer of 1923, the executive committee of the Allied Tribes, which included representatives of the Okanagan and Secwepemc, met with Minister of the Interior Stewart, DSGIA Duncan Campbell Scott, Chief Inspector W.E. Ditchburn, Speaker of the Senate from Kamloops Hewitt Bostock and a number of other federal officials first in Vancouver at the end of July and then with Scott and Ditchburn for several days in August. From the outset of the meetings in Victoria, Scott and Ditchburn attempted to skirt and muddle the issues, and downplay both the significance of the 1920 British Columbia Indian Lands Settlement Act and how the Order in Council setting up the Royal Commission, which indicated the findings would result in a final settlement of

¹⁶⁷ Chilheetsa even traveled to Ottawa to attempt to circumvent the Allied Tribes. Chief Elie Larue, Kamloops, to Scott, Feb 9, 1924; Pragnell to Scott, Dec 22, 1923; Statement of Chief Johnny Chillihitse, through Mrs Williams -Interpreter, to D.C. Scott, 4 February 1924, LAC, RG 10, vol. 10240, file 901/30-1-13. Report of the First General Meeting of the Allied Indian Tribes of British Columbia, 1919 in LAC, RG 10, vol. 3821, file 59335, part 4. This report includes a financial statement which lists donations by community and includes a personal donation of \$500 from Johnny Chilheetsa.

¹⁶⁸ Paul Tennant suggests that the opposition to the Allied Tribe in the interior might also have been the aimed at O'Meara or even Paull and Kelly. Tennant, *Aboriginal Peoples and Politics*: 102-103. See also Wendy Wickwire, "We Shall Drink From the Stream": 225.

¹⁶⁹ Perhaps and even more important factor though, was growing opposition to Japanese fishers following World War I and the recommendations of a Royal Commission, known as the Duff Report, which called for the "displacement of Orientals" from the fishing industry in BC. Canada, Commission to Investigate Fisheries Conditions in British Columbia, *Report and Recommendations* (Ottawa: F.A. Acland, 1922): 11. On this point see also Dianne Newell, *Tangled Webs of History: Indians and the Law in Canada's Pacific Coast Fisheries* (Toronto: University of Toronto Press): 98-100.

the land question, would impact on claims regarding title. Chief Inspector Ditchburn offered the opinion: “[p]ersonally I never could see why any objection should be taken to the report of the Royal Commission on Indian affairs; when you understand that they only had to deal with reserves....I think that they dealt very very liberally with the Indians, insofar as it was in their power to do.” He then went on to report on the new reserves created and the total net gain. When asked if the government could not withhold its acceptance of the report “until the Indians are satisfied” DSGIA Scott seems to have been caught off guard: “[w]ell, I cannot say; I would not interpret it that way; I cannot say that. I mean to say, I do not want to place an interpretation on the Act.” The Allied Tribes continually sought clarification and assurances and reiterated the position taken in their 1919 statement but in the end the Allied Tribes got no satisfaction from the meeting even though what they requested in return for agreeing to accept the report of the Royal Commission was not dissimilar to what is stated in the text of the numbered treaties.¹⁷⁰

Early the following year Scott echoed the statements made by Arthur Meighen a few years earlier:

I think it should always be remembered that this organization which is represented by these Indians does not represent the whole of the Indians of British Columbia and does not carry the unanimous opinion of the Indians

¹⁷⁰ “Conference of Dr. Duncan C. Scott, Deputy Superintendent-General of Indian Affairs of the Dominion of Canada, W.E. Ditchburn, Chief Inspector of Indian Agencies of British Columbia, with the Executive Committee of the Allied Indian Tribes of British Columbia”, beginning 7 August 1923, LAC, RG 10, vol. 3821, file 59335, part 4A: 11-16, 6, 26, 80 and 90-95 and *Statement of the Allied Tribes of British Columbia for the Government of British Columbia*: 11-14. Copies in LAC, RG 10, vol. 3821, file 59335, part 4A and Borden Papers, MG 26 -H, item 16501. On the final point see also Titley, *Narrow Vision*, 151-152. For a transcript of the Vancouver meetings see LAC, RG 10, vol. 3820, file 59335, part 1. Somewhat ironically, a January 1924 conference of Protestant missionaries working with Indigenous people recognized that “the question of Indian rights particularly with regard to aboriginal title to the lands of the Province of British Columbia” was a longstanding one and was “gratified to learn” of the meeting and hoped that resolution to the title question would be forthcoming. T. Ferrier to Secretary, DIA, 14 January 1924, LAC, RG 10, vol. 10240, file 901/30-1-13.

and that this question should be viewed from the standpoint of the general Indian interests in the province.

Regardless of the protests voiced in these meetings, then, according to Scott the recommendations of the Royal Commission should be executed because it was:

in the best interests of the Indians as a whole to confirm the Report of the Royal Commission as regards reserves, and thus obtain for them a large area of lands, free from any reversionary interest in the Province, to be held and administered as reserves in all other parts of Canada are held and administered.¹⁷¹

For the next several months the Allied Tribes continued to press their case regarding the issues presented in their 1919 statement and their opposition to the McKenna-McBride report. Their lobbying led them to a meeting with Prime Minister W.L.M. King in March but while there were reports of, “disquietude amongst the Indians of the Interior” there were few if any substantive results.¹⁷² On July 19th, 1924 the federal government accepted the report of the Royal Commission as amended by the recommendations of Ditchburn and Clark.¹⁷³ Clearly this represented a defeat for the Allied Tribes but still, they pressed on.

In June 1925 they prepared a memorandum for King and his government where they outlined the rights they claimed, asked for a response arising from previous meetings

¹⁷¹ Scott to Stewart, Feb 20, 1924, LAC, RG 10, vol. 10240, file 901/30-1-13.

¹⁷² Scott to Ditchburn, 1 April 1924, LAC, RG 10, vol. 3820, file 59335, part 3. Scott informed Ditchburn that a meeting with Allied Tribes opponent Chief Chilheetsa was “a waste of time and money”, but another meeting with Allied Tribes representatives, Kelly, Paul, and Leonard “was more important”. Despite continual claims to the contrary then, Scott seems to have realized the significance of the Allied Tribes. Inspector George S. Pragnell to Scott, 28 March 1924, Scott reassured Pragnell that “Things will of course quiet down” because the Minister “is making the best settlement he can in the interests of the Indians”. Scott to Pragnell, 2 April 1924.

¹⁷³ Canada, Order-in-Council 1265, 19 July 1924. This legislation followed provincial acceptance of the amended report a year earlier with provincial order-in-council 911, 26 July 1923. Cited in Ware, *The Lands We Lost*: 47.

including the one in Victoria in 1923, and requested a hearing before the JCPC.¹⁷⁴ In June 1926 the Kelly and O'Meara presented another petition on behalf of the Allied Tribes calling for a special committee of Parliament to deliberate on the issues raised in their 1919 statement. The petition was read in the House of Commons on June 11th.¹⁷⁵ Following the political turmoil in the wake of the "King-Byng Affair" and the resignation and re-election of Mackenzie King's Liberals, a special joint committee of the Senate and House of Commons, consisting of seven members of each was established and began hearings on March 27th. It must have seemed to the Allied Tribes that they were finally being taken seriously but this exercise proved to be yet another liberal simulation of justice which included no intention of actually pursuing it.

The Special Joint Committee of 1927

At the hearings of the Special Joint Committee, the Allied Tribes once again drew attention to the U.S. states adjacent to B.C. where per capita acreage ranged from 200 to 600 and to the First Nations of Alberta that entered into Treaty 7 "whose tribal territories all adjoin British Columbia" have 212 acres of reserve per capita. In the Treaty 8 region there are 160 acres of reserved acres per capita while in other B.C. communities the average is 30 acres or from 1/5th to 1/20th of neighbouring Nations.¹⁷⁶ Like the McKenna-McBride commissioners, the Special Committee members had already made their decisions before the first Indigenous witness was heard. As H. H. Stevens confirmed: "I

¹⁷⁴ The Allied Tribes of British Columbia, "Supplementary Memorandum", 23 April 1925, LAC, RG 18, vol. 3312, file 1925 HQ 1034-E-2.

¹⁷⁵ Canada, *Debates*, 1926, 11 June: 4417-4419. The petition is also copied in Canada, Special Joint Committee, *Report and Evidence*: xviii.

¹⁷⁶ Canada, Special Joint Committee, *Report and Evidence*: 34-35.

never could bring my mind to see any solid ground for the aboriginal title.”¹⁷⁷ To be sure that these witnesses could not exert unwanted influence though, as Paul Tenant has argued, Scott was allowed to speak first and to deconstruct the case of the Allied Tribes prior to its presentation. Scott went on for some time pontificating on Canada’s generosity, breaking only to answer questions from members of the Committee. When he was finished, Andrew Paull, Secretary of the Allied Tribes was told that he had twenty minutes to deal with the question of Aboriginal title.¹⁷⁸

O’Meara was harassed and otherwise treated with remarkable disrespect. The committee refused to allow him to present evidence, interjected with their disapproval as he spoke and simply badgered him repeatedly. H. H. Stevens was particularly antagonistic to O’Meara and to coastal and interior chiefs who he referred to as “Mr. O’Meara’s group.” While Stevens wanted to employ the now well explored strategy of blaming outside agitation rather than legitimate grievances for any disturbance, Peter Kelly, from the Squamish Nation retorted that “he agitates just so far as we allow him to agitate.”¹⁷⁹

Not only do the hearings of the Special Committee illustrate that Canada’s representatives were deliberately belligerent and clearly uninterested in Indigenous concerns, they also demonstrate the tight reign that was kept on the information. When Allied Tribes secretary Andrew Paull made the seemingly innocuous request that “all proceedings of this Committee be reported in book form and that the Indians be supplied with that record”, the chair of the Committee responded that while the committee decided

¹⁷⁷ Canada, Special Joint Committee, *Report and Evidence*: 161.

¹⁷⁸ Tennant, *Aboriginal Peoples and Politics*: 105 and Canada, Special Joint Committee, *Report and Evidence*: 3-23 and 26.

¹⁷⁹ Canada, Special Joint Committee, *Report and Evidence*: 78-81, 84-94 and 219-229.

to “have a certain number of copies printed. These are for the use of the members of the House of Commons and the Senate. It will be for the Committee, later, to decide whether the record can be used by others as well.”¹⁸⁰

Even more significantly, Paull and Peter Kelly, chairman of the Allied Tribes, complained later that they were unable to locate a copy of *Papers Connected to the Indian Land Question, 1850 - 1875*, the collection of records most fundamental to the pursuit of their case. The Committee and DIA witnesses had copies, and used them to refute Indigenous testimony, but Allied Tribes representatives were denied access to the *Papers* except to read a short passage into the record.¹⁸¹ As a further demonstration of the Committee’s attitude, Indigenous witnesses were criticized for not quoting accurately from a document that the collection contained but that they were not permitted to look at.¹⁸² Prior to the hearings, federal officials corresponded to discuss the benefits of withholding information from the Allied Tribes and committee members became quite agitated when they discovered that Native representatives had viewed a 1910 memorandum from the Assistant Deputy Minister of Justice, E.L. Newcombe, to Wilfrid Laurier in which the former gave his opinions on the validity of individual claims. The

¹⁸⁰ Canada, Special Joint Committee, *Report and Evidence*: 2-3. In the end, 700 copies of the commission’s report were printed in English and a further 300 in French. While there are records of copies being received by Indian agents, reform organizations, and the Canadian Manufacturers Association, it is not known if any Indigenous person or group was issued a copy. See LAC, RG 10, vol. 8064, file 901/30-1-16.

¹⁸¹ Canada, Special Joint Committee, *Report and Evidence*: 225-7. *Papers Connected* was not widely available until it was republished with the assistance of the British Columbia Archives and Records Service in 1985. British Columbia, *Papers Connected*. For an account of this collection’s history and significance see: Tennant, *Aboriginal Peoples and Politics*: especially pages 47-49, 102, and 107.

¹⁸² Canada, Special Joint Committee, *Report and Evidence*: 221-224.

document, the committee argued, “was really confidential, although it is not so marked.”¹⁸³

In the end, the Special Joint Committee recommended, and parliament quickly passed, an amendment to the Indian Act. Section 149a stated:

Every person who...receives, obtains, solicits or requests from any Indian any payment or contribution or promise of any payment or contribution for the purpose of raising a fund or providing money for the prosecution of any claim...shall be guilty of an offense.¹⁸⁴

Since all land claims activity necessarily required expenditure, and so the raising of funds, this legislation brought this activity to a substantive halt. Settlement of the title issue through the JCPC, which the Allied Tribes sought all along, was prevented and so access to Canada’s system of justice was denied to Indigenous people. It was not until 1938, however, that the recommendations of the McKenna - McBride Commission, as amended by the Ditchburn - Clark Agreement of 1923 and the later Scott - Cathcart Agreement of 1930, were eventually approved.¹⁸⁵

The investigations of the McKenna-McBride Commission, even more than the Joint Reserve Commission, represented a Herculean surveillance effort designed to remove from Indigenous control those lands most valuable to non-Native settlers. While there was an appearance of consultation, Indigenous voices were most often considered inconsequential, a situation that was common throughout the period under discussion here

¹⁸³ Edwin May, “The Nishga Land Claim, 1873-1973”, MA Thesis, Simon Fraser University, 1979: 110 and Canada, Special Joint Committee, *Report and Evidence*: 238-239. As late as the 1970s crucial legal documents were withheld from the Musquem that resulted in a ten million dollar settlement against the federal government in a lawsuit initiated by chief Delbert Guerin on behalf of the band. Tennant, *Aboriginal Peoples*: 221-2.

¹⁸⁴ Canada, *Statutes of Canada*, 17 Geo. V (1926-27) c. 32, p. 158.

¹⁸⁵ British Columbia, Executive Council, “Schedule referred to in order-in-council 911 of 26 July 1923”, GR-0931, BCA. This document is also known as the Ditchburn-Clark Report. See PC 1265, 19 July 1924, and B.C. O/C 911, 26 July 1923 for differing federal and provincial approval of the Ditchburn-Clark Agreement. See Order-in-Council 1036 of 29 July 1938 for final approval of the amendments.

at least. The time between the investigations of the Joint Reserve Commission in the interior of British Columbia in 1877 and the hearings of the Special Joint Committee of the Senate and House of Commons fifty years later was witness to the rejection of any Indigenous concern or interest that might have jeopardized relations between the two levels of government. While Canada and many of its representatives might have preferred leaving a larger reserve land base and the province would have preferred less, the debate about size served to divert attention away from the much thornier issues of title and rights. If Canadian officials had pressed on the title issue, or facilitated its presentation through the courts, they would likely have had a much more difficult time justifying removing the requirement that First Nations consent to reserve reductions. The events surrounding the “surrender” at Long Lake indicate the lengths to which liberal Canada was prepared to go to alienate land from Indigenous control and to ignore, belittle, circumvent, or silence opposition.

Both Canada and British Columbia wanted to clear the land for non-Native settlers. While Canada was more concerned with reforming Indigenous people, its thirst for economy encouraged it to conclude that this reformation should be financed by the sale of reserve land. Even though the land base retained by First Nations in British Columbia was considerably smaller on a per capita basis than in the prairie west to begin with, the strategy of making even more reserve land available to non-Native settlers brought it line with the province’s agenda. That Canada did not insist on treating with Indigenous peoples or demand a similar per capita land base that it did east of the Rockies was defensible solely by pragmatic considerations of different political circumstances not by concern for Indigenous residents. Both the dominion and the province were prepared and

content to exclude First Nations both from meaningful consultation on setting the lands that they would be permitted to retain and from the liberal rights granted to their non-Native neighbours.

From the perspective of Canada, the fund raising ban included in the 1927 Indian Act as Section 149a, was successful in that relative quiet ensued for almost two decades. Resistance which had threatened to fracture the liberal façade through reference to the newcomer's own legal and moral understandings and framework of logic became less overt as the organizing efforts in the interior of British Columbia focused on the immediate causes of poverty. It was not until the establishment of the North American Indian Brotherhood in 1945 and an increased sensitivity to race based policy and legislation following World War Two led to the beginning of reconsideration of the Indian Act, that interior groups became more active in broader political issues. While the restrictions against land-title fund raising were lifted by the federal government in 1951, by then the social grip of government agencies involved with other aspects of the lives of Indigenous people had become more rigorous.¹⁸⁶

In 1910 Arthur O'Meara argued that it was evident that unresolved issues of land and title effected everyone in the province. He asked pointedly that since it was "equally clear it must be solved by some method of force or by some method of justice. Which is it

¹⁸⁶ The NAIB was led by Andrew Paull who had also been among the leaders of the Allied Tribes two decades earlier. Two decades after the 1927 Special Joint Committee Paull made a presentation to another commission established to reconsider the Indian Act. Canada, Special Joint Committee of the Senate and the House of Commons Appointed to Examine and Consider the Indian Act. *Minutes of Proceedings and Evidence* (Ottawa: Kings Printer, 1947). For post 1951 interference in the Lives of Indigenous people see for example Manuel, *The Forth World*: 71 and 95; Canada, Standing Committee on Aboriginal Affairs and Northern Development, *Minutes of Proceedings*, no. 39, 27 April 1988: 7-16 and Shuswap Nation Tribal Council, *The Shuswap*: 28.

to be?”¹⁸⁷ While overt military force was not applied, Indigenous communities in British Columbia are still waiting for justice and resolution of the “Indian land question” at the beginning of the twenty first century.

¹⁸⁷ A.E. O’Meara Lectures on “The Indians title to the Lands of B.C.” delivered at Aberdeen School, Vancouver, 22 April 1910, BCARS, MS-0421: 31-34.

CHAPTER SEVEN**“certain doubtful transactions”¹:****The Treaty 7 Region After 1877**

East of the Rockies there was no Article 13, no reserve or royal commissions, nor, for at least a generation after 1877, no federal - provincial conflict to restrain the dominion's liberal generosity. Yet, already in the first two decades following the meetings at Blackfoot Crossing, much greater levels of surveillance ensured that the conditions were already established that would permit the alienation of large portions of even the fragments of territory that the treaty allowed.

In 1887 the *Calgary Herald* depicted able if cunning Indigenous populations who were, in contradiction, not sophisticated enough in the newspaper's view to understand the actual value of reserve land:

When the treaties were first entered into between the Government and the different tribes of Indians the latter were to a certain extent masters of the situation and were sharp enough to secure to themselves the right to choose their own reserves and intelligent enough to choose them from the best and most fertile belts in the country so that many thousand acres of rich and fertile land are lying utterly useless and unproductive and will remain so until thrown open for white settlement.

According to the *Herald*, “[t]he Indians are daily becoming more and more repugnant to the whites and useless to themselves. It is a disgrace to Canada with her boasted civilization and Christianity...”² The paper recommended a policy of “persuasion not of compulsion” and so clearly attempted to present a generous face while demanding the further reduction of Indigenous territory that the reserves represented. Here, the goal of

¹ Graham to Scott, 15 May 1919, LAC, RG 10, vol. 7102, file 773/3-1-1 Pt.1.

² *Calgary Herald*, 1 April 1887.

the *Herald* was not appreciably different than that pressed by Ottawa in that both wanted “Indians” who were not “a disgrace” to “civilization and Christianity” and that held as little land and as few of its resources as possible, even if this was written in the less restrained language of the colonists themselves.

Each of the Treaty 7 First Nations faced different circumstances after 1877 but all were subject to the consequences of the kind of thinking illustrated by the *Herald*. All were confronted with various levels of legal and extra-legal “persuasion” to reduce their lands and their access to resources.

Nakoda

In regard to the westernmost of the Treaty 7 First Nations, oral evidence provided to John Larnier in 1971 indicates that one group of Nakoda indicated essential territories in Kootenay Plains immediately following the 1877 treaty discussions. Others chose territory further south in the Highwood River area at Eden Valley.³ When surveyor A.P. Patrick arrived at the Nakoda community at Morleyville, though, apparently only one of three Nakoda leaders, Chief Chiniquay, was present. Perhaps he presented himself as principal chief of the Nakoda “for the prestige and favour it won him with government representatives” as Nakoda Chief John Snow proposes. Perhaps he was agreeing to reserves for his people only as Larnier argues. Either way, the tradition of allowing or encouraging one leader to speak for the three constituent Nakoda groups ensured that only land near McDougall’s mission at Morleyville was reserved.⁴ Even though Indian

³ Larnier, “The Kootenay Plains”: 293. According to this evidence the Nakoda built cairns in anticipation of reserve surveys. Unfortunately Larnier does not identify specifically who he spoke to. See also Treaty 7 Elders and Tribal Council, *The True Spirit*: 139-141.

⁴ According to Edgar Dewdney, “chiefs of the Stony Indians who reside in the vicinity of Morliville[sic] paid me a visit while at Calgary”. At this meeting, some distance from the land itself, he “arranged with

Commissioner Dewdney reported that these reserves were “to the satisfaction of the Indians” this was at best the case only with Chiniquay’s people. Jonas Bigstony confirmed in 1909 that:

it was not on account of this land [at Morley] that they took treaty in 77 at Blackfoot Crossing, but for the land which our fathers held up on the North Branch of the Saskatchewan in the Mountains - One of our Chiefs only John Chiniquay took treaty for this land....⁵

Bigstony wrote “to ask if you can allow us who are so inclined to leave here and to go up to live on the land...belonging to our fathers”. The DIA opposed the request stating that the treaty confirmed reserve lands at Morleyville and that there was no evidence that any Nakoda leader requested a reserve at Kootenay Plains during the treaty negotiations. While Indian Commissioner Laird agreed with assessment, he reported that he was “decidedly of the opinion that they have a strong claim to more and better land than they now hold” because of an increase in the reserve population since 1877 and the poor quality of the land at Morley for agricultural purposes.⁶ In less than a year the department sent John McDougall to investigate. Here the missionary seemed to contradict his earlier attempts to concentrate the Nakoda at Morleyville and also his land reducing activity in British Columbia by supporting the request for a reserve on the Kootenay Plains, “in my

them the boundaries of their reservations” and gave surveyor Patrick instructions on this basis. Dewdney in DIA, *Annual Report, 1878*: 81; Snow, *These Mountains are our Sacred Places*: 39-40 and Lerner, “The Kootenay Plains”: 180. A quarter century later, in 1903, Chief Chiniquay was apparently the only Nakoda leader consulted regarding a surrender of a portion of the reserve to facilitate hydro electric development at Horseshoe falls. Chiniquay opposed the development due the already insufficient size of the reserve. Matsui, “Reclaiming Indian Waters”: 177.

⁵ DIA, *Annual Report, 1878*: 81; Bigstony to Indian Commissioner, 3 June 1909, LAC, RG 10, vol. 4043, file 339151.

⁶ McLean to Bigstony, 11 June 1909 and Laird to Pedley, 23 June 1909, LAC, RG 10, vol. 4043, file 339151. In Laird’s view the increase in Nakoda population on the reserve was due to “the exclusion of roving Stonies from British Columbia” more than any natural increase.

judgment your Department would be doing a most humane & just act by acceding to the request of these Indians...”.⁷

That the Nakoda would continue to press for land in the Kootenay Plains is not remarkable since, as McDougall reported, it “is the original home country of these people and they have always clung to it and in all the years of my acquaintance with them (dating from 1862) frequented this land in question.”⁸ While some argued that allowing Nakoda occupation of this land, within the Rocky Mountain Forest Reserve, was not advisable because “it might make the enforcement of the Game Laws very difficult”, McDougall believed that establishing a reserve “I am sure would meet with a hearty response on the part of these hitherto “Hunters” in the matter of Game preservation all throughout the north Country.”⁹ The department noted that it was “averse to making changes if they can be avoided” but noted that if a separate reserve were to be established there would have to be an equal reduction in the reserve at Morley and that this would have to be agreed to “by all the Indians interested in the land to be surrendered.”¹⁰ The Nakoda interested in Kootenay Plains came very close to a resolution in 1910 when Minister of the Interior Frank Oliver was apparently willing to approve a reserve of up to

⁷ McDougall to DSGIA, 21 March 1910, LAC, RG 10, vol. 4043, file 339151. Much earlier the land at Morleyville was reported to be unsuitable for agriculture and that some of the Nakoda wanted land further north. In 1882 surveyor J.C. Nelson reported that he was “of the opinion that this reserve, [at Morleyville] surveyed by Mr. Patrick and myself four years ago, is not in a suitable locality” because of its proximity to the Rocky Mountains. Nelson noted as well that at the time the survey was made many expressed a desire for land further north. DIA, *Annual Report, 1882*: 219.

⁸ McDougall to DSGIA, 21 March 1910, LAC, RG 10, vol. 4043, file 339151. It is possible that McDougall met some Nakoda this early at his father’s newly established mission at Victoria east of present day Edmonton.

⁹ L. Pereria to McLean, 1 August 1911 and McDougall to DSGIA, 21 March 1910, LAC, RG 10, vol. 4043, file 339151.

¹⁰ McLean to TJ Fleetham, Nakoda Agent, 29 March 1909, LAC, RG 10, vol. 4043, file 339151. Agent Fleetham noted that it was unlikely that Bearspaw’s and Chiniquay’s followers would agree to give up land to benefit another Nakoda group.

26,000 acres but this plan was scuttled, apparently in favour of coal interests in the proposed area.¹¹

In addition to these obstacles, others were thrown in the way of a reserve on the Kootenay Plains. First, DIA Secretary J.D. McLean stated that since the area requested was over the summit of the Rockies it was probably in British Columbia. Next it was reported that the land was in the Rocky Mountains park so not "at the disposal of the Department". Neither of these was true but the various forms of opposition to a reserve were somewhat ironic. All the Nakoda wanted was, as Agent Fleetham reported, "a small reserve on the Kootenay Plains at the head waters of the Saskatchewan" and that "their request to be dependent on themselves without any assistance which they claim they don't require" be granted.¹² They wanted independence from the dominion's form of assistance but it seems that self-sufficiency could only occur on liberal Canada's terms. Even though the Nakoda's ability to be self-sufficient in the Kootenay Plains area was recognized, the DIA's efforts over the course of World War I and its immediate aftermath were directed at concentrating all of the Nakoda at Morleyville. To this end, the value of improvements and the costs that might be incurred in transportation were calculated.

In 1918, the department stepped up pressure and warned that Canada would be within its rights to forcibly remove the Nakoda from Kootenay Plains. There was a concern raised, though, that there would be insufficient feed for stock at Morley and this

¹¹ McLean, memo to D.C. Scott, n.d. and McLean to P.G. Keyes, 21 November 1910, LAC, RG 10, vol. 4043, file 339,331. The final point about coal interests is tentative but see Lerner, "The Kootenay Plains": 321.

¹² Laird to Pedley, 23 June 1909; McLean to Abraham, 8 July 1909; P.G. Keyes, Secretary, Dept of the Interior to McLean, 6 October 1909 and Fleetham to Secretary, DIA, 30 November 1909, LAC, RG 10, vol. 4043, file 339151. McLean seems to have taken his lead here from Indian Commissioner Laird but neither seem to have understood that one can go over a summit from south to north and still remain in Alberta. On the second obstacle, the land requested was on the north side of the Clearwater River and so outside of the park's boundary. Abraham to Secretary, DIA, 6 August 1909.

delayed the expulsion. The possibility of their removal was raised again over the next couple of years and yet again with the northward extension of Banff National Park in 1929 but since there was no immediate conflict and since the DIA was by then unwilling to employ overt force the matter was dropped. The Nakoda raised the Kootenay Plains issue again in 1934 through the newly formed League of Indians of Canada and finally a 5,000 acre ranch on the Highwood River was purchased in 1946 and converted into the Eden Valley Reserve. Two years later a further 5,000 acre "special" reserve was established at Bighorn by agreement between Alberta and Canada. In this case Alberta retained all mineral rights.¹³

Tsuu T'ina

The other non-Blackfoot party to Treaty 7, the Tsuu T'ina, faced an entirely different set of problems. After their relocation to the Fish Creek area in the early 1880s, the Tsuu T'ina escaped the remainder of the nineteenth century with a reserve almost double the 640 acres per family of five formula. They did, though, find themselves under the most vehement verbal attack of any of the Treaty 7 nations.¹⁴ In 1883, John A. Macdonald referred to the Tsuu T'ina as the "least promising of any of the Bands within the territory covered by Treaty No. 7". The problem, according to Macdonald, was their

¹³ Larner, "The Kootenay Plains": 339-384; Hugh Dempsey; *Treaty Research Report Treaty 7 (1877)*, (NP: INAC, 1987): 29-30; John Snow, *These Mountains*: 76-103. Chief Snow argues that Nakoda at Kootenay Plains never accepted this as a final solution and cites minutes of the Indian Association of Alberta to demonstrate that there was dissatisfaction from the outset. It seems likely that Canada was by then as interested in appeasing Alberta as it had British Columbia beginning three quarters of a century earlier.

¹⁴ The new reserve was surveyed in July 1882. DIA, *Annual Report, 1882*: 220. The 1901 *Annual Report* shows that the Tsuu T'ina retained 108 square miles or 69,120 acres for a population of 205 or just over 337 acres per person.

proximity to Calgary.¹⁵ Clearly settlers in western Canada agreed as the *Manitoba*

Free Press illustrated:

Is it any wonder the settler kicks against the Government when he sees three townships of the finest land in the whole Northwest, within six miles of its largest town held by a tribe of a couple of hundred worthless Indians who are too lazy to work or do anything else but lie around town pilfering and breeding disease? The Sarcees are the filthiest and most disreputable Indians that ever eat government grub, and it is about time the Government moved them farther away from the whites and threw the reserve open for settlement instead of allowing them to wander about among the settlements, killing cattle and stealing whenever they get the chance.¹⁶

Almost a decade later the *Calgary Herald* agreed that the Tsuu T'ina reserve included "some of the best agricultural land in all of Alberta" and that the location of the reserve near Calgary was a "serious blunder". *Herald* editors concluded that the reserve "should be sold for the benefit of the Indians and thrown open to white settlement".¹⁷

With the presentation of the Tsuu T'ina reserve as under utilized and under-populated, the construction of the Tsuu T'ina themselves as unlikely candidates for "civilization", and with settlers, backed up by the Calgary Board of Trade, pressing for access to the land, all the pieces were in place by the turn of the century to drive the further alienation of this First Nation's territory.¹⁸ Still, the resistance by some Tsuu T'ina leadership frustrated the efforts, for a time at least, of those seeking to seize this land.¹⁹

¹⁵ DIA, *Annual Report, 1883*: lii.

¹⁶ *Manitoba Free Press*, 24 May 1888, in LAC, RG 10, vol. 3801, file 49000. The Sarcee Indian agent, F.C. Cornish, challenged that the statements presented were false and that this is obvious to anyone who cared "to see for themselves". Cornish to Indian Commissioner, 5 June 1888.

¹⁷ "The Sarcee Reserve", *Calgary Herald*, 8 June 1892. Even into the World War One period a U.S. official examining policies and conditions in Canada referred to the Tsuu T'ina as "about the most hopeless of any that I saw in Canada". Abbott, *The Administration of Indian Affairs*: 81.

¹⁸ The issue of population alone was enough for some to call for the reduction of this reserve. See for example, A. Sifton, Commissioner of Public Works, NWT, 30 November, 1901, LAC, RG 10, vol. 3563, file 82, pt. 17.

¹⁹ Inspector Markle, who was in the thick of other land alienations in southern Alberta, reported that Bull Head, who died in the spring of 1911, showed "wisdom" when he counseled rejection of a surrender a few

In light of potential resistance to a suggestion from Arthur Sifton, Commissioner of Public Works for the N.W.T., that a portion of the Tsuu T'ina reserve "be thrown open to settlement" Assistant Indian Commissioner J.A.J. McKenna, who took a relatively cautious approach to reducing reserves in British Columbia, recommended to his superiors at Ottawa that some time should be taken to develop a plan that would illustrate the monetary advantages of a land sale to convince the Tsuu T'ina of its advisability. McKenna feared that a surrender proposal would be defeated and "make impossible negotiations for some considerable time"²⁰ While the Calgary Board of Trade continued to press for the reserve to be opened for settlement in the few years after 1902, and while future DSGIA D.C. Scott was intrigued by the economic benefits that the sale of land would have for the DIA, and finally while the local agent suggested initially that he might "be able to induce them [the Tsuu T'ina]" to accept a surrender, Ottawa exercised a degree of caution lest a larger alienation of this land at some point in the future would be made much more difficult.²¹ It is not that there was any real disagreement over the final goal that should be sought, rather the only differences, as they were in British Columbia, were related to tactics. Colonists on the ground were simply less patient than those in distant Ottawa. As in British Columbia as well, the potential for

years before his death since the land had tripled in value. J.A. Markle to Secretary, DIA, 17 March 1911, LAC, RG 10, vol. 3942, file 121698-20.

²⁰ A. Sifton to Minister of the Interior, 30 November 1901; J.A.J. McKenna, Memorandum for Minister, 8 February 1902, LAC, RG 10, vol. 7543, file 29120-1, pt. 1.

²¹ John de Sousa, Secretary, Calgary Board of Trade, to Minister of the Interior, 22 March 1902; A.W. Neill to D.C. Scott, 8 April 1904; D.C. Scott, memorandum for DSGIA, 22 April 1904; Charles Peterson, Secretary, Calgary Board of Trade to Clifford Sifton, Minister of the Interior, 22 April 1904 and Sifton to Peterson, 3 May 1904, LAC, RG 10, vol. 7543, file 29120-1, pt. 1. After stating that he might be able to arrange a surrender he then said that the issue would have to be postponed until after seeding was done "as an Indian Cannot have more than one thing on his mind at once" and then a few weeks later admitted that a surrender would be unlikely as "these Indians don't know their own minds for two days at a time, and it is a difficult matter to do anything with people of this kind." McNeil to Secretary, DIA, 12 May and 2 June 1904.

resistance was presented as not solely Indigenous in origin but rather fomented by Whites. Here, though, it was not White advocates like O'Meara, Teit, or Christie, but rather local ranchers who benefited from the grazing land that the reserve offered who were opposed to any change in its status. Chief Bullhead, though, does not appear to have needed any agitation by Whites to influence his clearly reasonable argument that the reserve should be retained: "[w]e don't want to quarrel about it, we don't want to sell... The Treaty was made. We will try not to be cross about it. I am just as friendly as ever, I don't want to quarrel."²²

In response to pressure from other economic interests, the Tsuu T'ina were convinced to allow oil and gas exploration and the construction of wells by the spring of 1906 in return for a fee of one hundred dollars for each well and an annual royalty of two percent.²³ With this agreement between the DIA, A.W. Dingman and the Calgary Natural Gas Co. in the works the Tsuu T'ina were pressured to relinquish further portions of their reserve and once again the services of the missionary John McDougall were called on to facilitate a surrender. McDougall reported, though:

I am afraid that the day for such a surrender is now past. The fact that there were such surrenders in the past very much militates at this time against any fresh surrenders.

²² A.J. McNeil, Sarcee Agent, to Secretary, DIA, 12 May and 2 June 1904 and, for example, A. J. Picton-Warlow, rancher at Priddis, to Minister of the Interior, 18 May 1904, LAC, RG 10, vol. 7543, file 29120-1, pt. 1. Picton-Warlow referred to the news that the reserve was to be sold and the remainder fenced "Disquieting & unsettling".

²³ McLean to A.J. McNeill, Sarcee Agent, 11 August 1905; McNeill to McLean, 25 September 1905; A.W. Dingman to A.J. McNeill, 25 September 1905; McNeill to McLean, 25 September 1905; Dingman to McLean 27 September 1905; Pedley, Memo to file, 10 October 1905 and DIA, agreement with Calgary Natural Gas Company Ltd., 7 March 1906, LAC, RG 10, vol. 7654, file 20120-1.F or more detail on this issue see P.K. Wood, "Pressured from all sides: the February 1913 Surrender of the Northeast corner of the Tsuu T'ina Nation", *Journal of Historical Geography*, 30 (2004): 120-121. Wood also includes a discussion on other Tsuu T'ina surrender issues in somewhat more detail than presented here.

The Indians all over the West have learned the value of land and the Department must expect to make altogether new concession in order to secure anything like consent on the part of the Indians.²⁴

When McDougall presented the idea of a surrender in February his efforts, as expected, were unsuccessful.²⁵

The following year McDougall was requested by Minister of the Interior Oliver again to “take up the matter of surrender” but was somewhat affronted to find that Agent McNeill had apparently already been requested to begin working to this end.²⁶ When McNeill presented the idea of surrender to the Tsuu T’ina in November only 12 of 63 community members permitted by the Indian Act to vote were in favour.²⁷ A little over a year later, in March 1909, Pedley requested that McNeill again present the possibility of a surrender to the Tsuu T’ina and in August again the notion was rejected.²⁸

At this point Inspector Markle, who was instrumental in other Treaty 7 surrenders, under conditions that were quasi-legal at best, was asked for his views on the Tsuu T’ina situation and reported the Piikani surrender would provide a good example in this regard.²⁹

²⁴ McDougall to Pedley, 16 January 1906, LAC, RG 10, vol. 7543, file 29120-1, pt. 1.

²⁵ McDougall to Pedley, 5 February 1906, LAC, RG 10, vol. 7543, file 29120-1, pt. 1. McDougall blamed his failure on “a sense of “[p]roprietorship which they had not previously entertained” and the “alluring promises” raised during the negotiations with Dingman which “made these Indians feell[sic] they should hold on to their inheritance.” Still McDougall assured the DIA that “We parted the v[er]y best of friends”.

²⁶ McDougall to Secretary DIA and McDougall to Oliver, 9 Nov 1907, LAC, RG 10, vol. 7543, file 29120-1.

²⁷ McNeill to DSGIA Pedley, 2 Jan 1908, LAC, RG 10, vol.7543, file 29120-1 pt 1. The agent of course presented those in favour as the ones who were “sufficiently intelligent” to understand the benefits of reducing their holdings. He stated further that he had actually had made some progress in this regard since three years previously only one had been in favour of a surrender.

²⁸ Pedley to McNeill, 12 March 1909 and McNeill to Secretary, DIA, 16 August 1909, LAC, RG 10, vol.7543, file 29120-1 pt 1. This time Pedley wanted the Tsuu T’ina to surrender the northern half of two eastern townships of the reserve. McNeill blamed the failure here on the “fear and superstition” of the “old people”.

²⁹ Secretary, DIA, to Markle, 28 August 1909 and Markle to Secretary 7 September 1909, LAC, RG 10, vol.7543, file 29120-1 pt 1.

Continual pressure was applied on the DIA by both the City of Calgary and the Canadian military, and therefore by the DIA on the Tsuu T'ina, to secure a surrender. But it took another three and a half years, the growing effects of economic restrictions, and the death of the most vocal opponent, Chief Bullhead, for the DIA's efforts to remove significant portions of the Tsuu T'ina's reserve to come to fruition. In February 1913, Agent T.J. Fleetham was able to secure a surrender of 1,650 acres of the northeast corner,³⁰ and in August of the same year, he won a second surrender, this time of 5,000 acres of the northwest corner of the reserve.³¹

None of this land though, was sold, nor was it, according to the DIA's annual reports, formally removed from the reserve which remained at 69,120 acres. As a result the minimum payments stipulated in the surrenders were not made to the Tsuu T'ina. However, much of this land, from the first surrender at least, ended up in the hands of the Department of the Militia and Defense which had coveted the land for decades.³²

In 1951 a vote to sell the 1,174 acres of land that the DND had leased was approved but a subsequent aerial survey showed that that the Bow River had changed course in several places and the area remaining north of the river was less than that surrendered. A

³⁰ Fleetham to Pedley, 3 March 1913, enclosing copy of surrender agreement; Pedley to Acting SGIA, 4 April 1913, 28 February 1913 and Acting SGIA to Governor General in Council, 13 March 1913, LAC, RG 10, vol.7543, file 29120-1 pt 1. P.K. Wood is in substantial agreement with this interpretation. See Wood, "Pressured from all Sides": 123-124. See also Whitney Lackenbauer, *The Politics of Contested Space: Military Property Development in Calgary, 1907-1938* (Calgary: Centre for Military and Strategic Studies, University of Calgary, 1999): 14-25.

³¹ Fleetham to Secretary, DIA, 28 August 1913 and W.J. Roche to His Excellency The Administrator in Council, 18 September 1913, LAC, RG 10, vol. 4068, file 423020. For this the DIA offered housing, stables and other buildings, a cash payment, and other considerations

³² A long term lease was finally negotiated with the DMD in 1921. Lackenbauer, *The Politics of Contested Space*: 15, 27-8 and 38. Lackenbauer also notes that the Military missed an opportunity to enhance relations with the Tsuu T'ina when it gave a tender for firewood to outsiders at a higher rate than that offered by the Tsuu Tina. See also Wood, "Pressured from all Sides": 115-116. Lackenbauer suggests that the Military's interest began in 1908 but oral evidence gathered by Wood identifies unapproved use of the land by the military in the 1890s and that there were requests for a training camp on the land during the South African War.

new vote was taken in February 1952 that took the changed watercourse into account and that excluded land already sold to construct the Glenmore reservoir. The Tsuu T'ina argued that the sale was unlawful and in the late 1980s, the DND land was returned to Tsuu T'ina control after the closure of CFB Calgary. The status of the land usurped by the City of Calgary remains unresolved.³³

Kainai

Like the Tsuu T'ina, the Kainai moved to their current location during the early 1880s. To facilitate their relocation to the south side of the Belly River in 1884 they, like the Tsuu T'ina, were required to give up their interest in the reserve at Blackfoot Crossing. There seems little doubt that these moves were requested by the Kainai and Tsuu T'ina but that the division was also desired by DIA authorities clearly helped expedite the exchange.³⁴ As the Superintendent General of Indian Affairs wrote to the Privy Council, "It would obviously be politic to divide this large body of Indians; [the three Blackfoot Nations] as they will be much more easily managed when living on

³³ G.E. Olsson, "An Accounting of Lands Surrendered on February 28, 1913 and February 29, 1952 by the Sarcee Band of Indians: A Report", March 1988; Wood, "Pressured from all Sides: 126 and Lackenbauer, *The Politics of Contested Space*: iii-v.

³⁴ Regarding the Kainai, Dewdney reported that the "Blood Indians always objected to taking their reserve with the Blackfeet". Dewdney to SGIA, 28 February 1882, LAC, RG 10, vol. 3580, file 750. This sense was also conveyed by Dempsey who spoke of no animosity between the Kainai and Siksika but argued that when the buffalo became noticeably scarce Kainai Chief Red Crow, who had been ambivalent at the treaty talks, "realized how vital it [a reserve] was to the future of his tribe." Dempsey, *Red Crow*: 122, 126-7 and Dempsey, "The Story of the Blood Reserve". *Pioneer West II* (Calgary: Historical Society of Alberta, 1970):1-8. For Dewdney's views on Tsuu T'ina desire for their own reserve see Dewdney to SGIA, 31 September 1881, LAC, RG 10, vol. 3732, file 26543. Inspector Wadsworth tried to convince them to settle on the west side of the Blackfoot reserve but they refused. Not one to take lightly any rejection of his authority, Wadsworth scoffed "they don't know what they really do want unless it is not to go anywhere as they prefer being fed here [Macleod] the traffic these women engage in affords them a few luxuries and with government rations there is little else for an Indian to wish for". T.P. Wadsworth to unknown [this letter was received by the DIA in Ottawa and stamped 19 June 1881] 16 May 1881, LAC, RG 10, vol. 3751, file 30027.

separate reserves than they would be were they to reside altogether on one Reserve.”³⁵ In addition John A. Macdonald noted that railway construction “rendered it advisable to obtain from the Indians a surrender” of these portions of the Blackfoot reserve because it was “a most important addition to the property of the Dominion, as there is very valuable land within it, and it possesses also desirable mineral resources.”³⁶ Further, the relocations allowed the dominion to reconfigure the reserve at Blackfoot Crossing to better fit the goals of settler society as discussed below. It seems unlikely that the government would have been so amenable to these moves had their own interests not coincided with the wishes of the First Nations involved.

The underestimating of the Kainai population by nearly one thousand individuals, as discussed in chapter two, reduced the size of the reserve to which they were entitled, according to the 640 acres per family of five formula, by close to 200 square miles.³⁷ In addition, as the result of considerable confusion regarding reserve boundaries, and under conditions that remain somewhat unclear, another several hundred acres was lost to the reserve with the “Akers Surrender” of 1889.³⁸ While this was relatively small compared

³⁵ SGIA memorandum to Privy Council, 19 March 1880, LAC, RG 10, vol. 1079: 278. Vankoughnet concurred with this assessment. Vankoughnet to J.A. Macdonald, 4 February 1881, vol. 3732, file 26543. The *Calgary Herald*, however, in its attempts to rectify what they saw as “many thousand acres of rich and fertile land are lying utterly useless and unproductive, and will remain so until thrown open for white settlement” recommended “one large reserve...which would be known as the Indian Territory.” In response to a letter critical of the Herald’s proposal and supportive of Government actions the *Herald* responded “granting that the natural bent of the Indian is to slay and steal, we maintain that the Government would be better able to control them if they were all collected together than as they are at present.” “The Indian Question”, *Calgary Herald*, 1 April and 15 April 1887.

³⁶ DIA, *Annual Report*, 1883: liv.

³⁷ See discussion on this issue in chapter two. The *Annual Report* for 1882 gives the “Total number of Indians” for the “Blood Indians” as 3,542, but by 1883 this had been reduced 2,589. DIA, *Annual Report*, 1882: 202 and *Annual Report* 1883: 200 and 206. See also Hugh Dempsey, “Gladstone believed “big claim” was valid”, *Lethbridge Herald*, 26 March 1994: A5.

³⁸ There seems to be no surviving documentary evidence concerning compensation or the conditions under which this land was surrendered. For a review of the existent documentation related to this incident see Indian Claims Commission, *Blood Tribe/Kainai Inquiry: 1889 Akers Surrender* (Ottawa: Indian Claims

to later attempts to alienate portions of this reserve or the Siksika or Piikani surrenders in the twentieth century, it begins a pattern of such land reductions in which pressure to surrender was applied in various ways to obtain consent of dubious quality and quantity and in which pertinent information was withheld from the First Nation concerned. All of this was parallel to what was occurring in British Columbia even if the specific strategies varied.³⁹

By the turn of the century, the DIA had come to recognize the potential value of the Kainai reserve to settlers since it included the “finest grazing lands of this cattle-grazing district”.⁴⁰ But while considerable pressure was applied to turn the reserve over to newcomers, the land alienation policy of the DIA and its exuberant inspector Markle met formidable, and in the end insurmountable, opposition from the Kainai.⁴¹ In 1896 a request to open the land for settlement was forwarded to Ottawa by M.P. and future SGIA Frank Oliver. At this point though it was recognized that the necessity of acquiring Kainai consent presented an insoluble problem.⁴² But in less than three years, as the result of further demands from settler representatives, “suggestions” regarding surrenders and

Commission, 1999). In 1998 Indian and Northern Affairs Canada finally admitted that “the full and informed consent of the adult, male members of the Tribe was not properly obtained” so the surrender was “legally invalid”. John Sinclair, Assistant Deputy Minister, ILAC, to Chief Chris Shade, Kainai, 15 April 1998, Appendix A in *Blood Tribe/Kainai Inquiry*. Ottawa agreed to give the Kainai federally owned land of equivalent value of about 2.3 million dollars.

³⁹ Two hundred and nineteen acres were returned to the Kainai in 1970 and in 1998, Canada has admitted that there existed “a lawful obligation based on the premise that the full and informed consent of the adult, male members of the Tribe was not properly obtained, thereby rendering the September 2, 1889 surrender of 440 acres legally invalid.” John Sinclair, Assistant Deputy Minister, Claims and Government, to Chief Chris Shade, 15 April, 1998, reprinted in Indian Claims Commission, *Blood Tribe/ Kainai Inquiry: 1889 Akers Surrender*, Appendix A.

⁴⁰ DIA, *Annual Report, 1902*: 128. For similar laudatory comments see for example DIA, *Annual Report, 1909*: 172.

⁴¹ For an overview of Kainai opposition to alienation of their reserve see Samek, *Blackfoot Confederacy*: 114-118.

⁴² Oliver to R.W. Scott, Acting Minister of the Interior, 14 September 1896; Hayter Reed, DSGIA, to Acting SGIA, 18 September 1896 and R.W. Scott to Frank Oliver, 22 September 1896, LAC, RG 10, vol. 7541, file 29,103-1, Pt. 1.

leases were again presented to the Kainai. As was expected, there was indeed opposition, concerns regarding improprieties, and suspicions about the intentions of the Government.⁴³ Still, when Crop Eared Wolf, unanimously selected as chief, wrote to the Prince of Wales to articulate his concerns regarding the potential alienation of the reserve he was told by Indian Commissioner Laird in 1902 that the department had no intention of asking for a surrender of any part of the reserve.⁴⁴ Three years later, though, Reverend John McDougall was hired “to negotiate with certain bands for a surrender of their land” in the N.W.T. The following year the DIA in Ottawa requested that McDougall determine what portion of their reserve the Kainai would be willing to give up since “settlement is pressing on the southern boundary of the reserve”. This began what became a concerted effort to reduce the remaining Kainai lands.⁴⁵

In the spring of 1907, Agent R.N. Wilson, was informed of the DIA’s wish to alienate a portion of the reserve but when Inspector Markle presented the proposal to the Kainai on May 15th he met almost unanimous opposition led by Chief Crop Eared Wolf. To penalize him for his resistance Markle attempted to have the Chief deposed as discussed in chapter four.⁴⁶ When Chief Crop Eared Wolf wrote to Laird to remind him of the promise made only a few years before, that Canada had no intention of reducing this

⁴³ D. Laird to Agent, 18 January 1902, Glenbow, Blood Indian Agency Fonds, M1788, vol. 4, file 24; Oliver to Clifford Sifton, Minister of the Interior, 5 March 1902 and J. Smart to Oliver, 20 March 1902, LAC, RG 10, vol. 7541, file 29,103-1, Pt. 1; J.A.J. McKenna, Memorandum to SGIA, 5 January 1904; J.A.J. McKenna to Clifford Sifton, 5 January 1904 and R.N. Wilson, Blood Agent, to J.A.J. McKenna, 25 March 1904, LAC, RG 10, vol. 3571, file 130, pt. 19.

⁴⁴ Laird to Secretary, DIA, 24 October 1900 Laird to Crop Eared Wolf, May 30, 1907, LAC, RG 10, vol. 3939, file 121698-3. Laird said he was operating under the instructions of the SGIA in this regard. Crop Eared Wolf was selected as chief in October 1900.

⁴⁵ Frank Pedley, DSGIA, to Inspectors & Indian Agents in N.W. Territories, 29 August 1905 and McLean to McDougall, 31 March 1906, LAC, RG 10, vol. 4020, file 280,470-2.

⁴⁶ Markle to R.N. Wilson, 7 March 1907, Glenbow, Blood Indian Agency Fonds, M1788, file 64 and R.N. Wilson to Indian Commissioner, 6 June 1907, LAC, RG 10, vol. 3939, file 121698-3.

reserve, Laird replied that “this, however, was five years ago, and a new Superintendent General has since come into office, and he may see reasons for now asking the Blood Indians to surrender a portion of their reserve”. Laird confirmed, though, that the approval of a majority of the male voting members of the Kainai would be required for such a surrender.⁴⁷ Clearly, Crop Eared Wolf did not consider that the DIA’s assurance rested on the political whims of a particular cabinet minister and asked to go to Winnipeg to visit Laird, apparently for clarification. When Laird said this would be too expensive, the Chief and other Kainai leaders approached the RNWMP with Laird’s 1902 letter. In response to their request for police assistance Superintendent Primrose at Fort Macleod merely “assured them that the Indian Department Officials had their welfare at heart” and stated that “they may have changed their minds since then, and suggested that Crop Eared Wolf write to Laird.”⁴⁸

Apparently realizing the circularity of the appeal procedure available through the institutions provided by liberal Canada, Crop Eared Wolf and those opposed to the surrender recruited Fort Macleod lawyer Colin McLeod to their cause and together they seem to have had an impact. The surrender was defeated on June 5th by a vote of 109 to 33. According to Agent Wilson the defeat of the surrender was not a thoughtful response to an unreasonable proposal but rather a problem created when McLeod “filled them up with nonsensical ideas” and when Crop Eared Wolf “bought” some and “frightened

⁴⁷ Crop Eared Wolf to Laird, 28 May 1907 and Laird to Crop Eared Wolf, 30 May 1907, LAC, RG 10, vol. 3939, file 121698-3.

⁴⁸ P.C.H. Primrose, Superintendent Commanding “D” Division at Fort Macleod to A.B. Perry, Commissioner RNWMP, 30 May 1907, LAC, RG 10, vol. 3939, file 121698-3.

[others] in various ways”.⁴⁹ While the Kainai were not able to convince the dominion to live up to its 1902 assurances, the determined resistance of their leaders did permit the retention of their reserve and their Chief.

This does not mean that there were no further attempts to wrest away the limited control that the Kainai had over this fragment of their territory. Following the failed surrender attempt there were constant requests from individuals and groups requesting information on what progress the DIA was making toward opening the reserve to settlers and in September 1909 Markle was again requested to present the issue of surrender to the Kainai.⁵⁰ In 1910, a further resistance led by Crop Eared Wolf arose, this time in opposition to the DIA’s attempt to lease reserve land to oil interests. Here, the DIA broke another of the 1902 promises, that the majority of the voting members be consulted, and the lease was approved with only sixty eight individuals voting in favour.⁵¹ Still, the pressure continued in the years leading to World War One.

In 1913 when the Kainai wanted to establish an additional farming area on the reserve, in a move that would seem to have fit with the department’s long term objectives,

⁴⁹ R.N. Wilson to Indian Commissioner, Winnipeg, 6 June 1907, LAC, RG 10, vol. 7541, file 29,103-1, Pt. 1. As in other cases discussed here non-Native advocate McLeod was disparaged, this time by Wilson who referred to him as “one of the lesser legal lights, for which Macleod has always been famous” and as “the half-drunken pettifogger”.

⁵⁰ Markle to Secretary, DIA, 15 September 1909, LAC, RG 10, vol. 7541, file 29,103-1, Pt. 1. Markle agreed to present the issue but was concerned that the services of Colin McLeod would again be sought and wondered if there was any possibility that he might be barred from the reserve. Letters requesting information from individuals and groups like the Cardston Board of Trade are also in this file.

⁵¹ R.N. Wilson to Secretary DIA, 30 June 1910, Glenbow, Blood Indian Agency Fonds, M1788, file 64. It seems that once again Laird was taken at his word and so many Kainai boycotted the vote. Hana Samek seems, here again, to be far too generous to the Dominion government on this issue than the evidence suggests. While she argues that “[u]nfortunately the chief [Crop Eared Wolf] did not understand the workings of the white man’s democracy” it seems clear that on the contrary he did understand it and tried to use it. The unfortunate part is not that he misunderstood but that the DIA misinterpreted or willfully misused its own legislation. What Samek refers to as a “lack of agreement” between officials regarding what constituted a majority of voting members is discussed below. Samek, *The Blackfoot Confederacy*: 116-117.

their agent was told by his superiors that, “they had better make up their minds to part with some land down near Cardston, where it is valuable and where it is at present practically of no use to the Indians”.⁵² This is the area that Oliver was lobbying to have removed from the reserve more than a decade before.

In November of the same year DIA accountant Frederick Paget reminded DSGIA D.C. Scott that of all the First Nations in southern Alberta the Kainai were the only one that had “not surrendered a portion of their lands and relieved the Government to a considerable extent of supporting them”.⁵³ Former chief accountant Scott, always swayed by fiscal arguments, wrote to Inspector Markle to reaffirm that “our permanent policy will be to get the Blood Indians to surrender some land to provide for their subsistence.” The Inspector was instructed to “[t]ell [Agent] Dilworth quietly that pressure will be in this direction, as we cannot ask the country to continue indefinitely feeding these Indians”. Markle needed very little urging and sent a cipher code to Scott that could be used to ensure security of correspondence between himself and Ottawa so that local ranchers, who benefited from unfettered access to the reserve, would not get notice of the surrender and work to scuttle the deal.⁵⁴ After spending a few days on the reserve though, Markle reported that it would “take a year or more to educate these people up to the point” where they could “safely test the opinion of the band on the surrender of land question”. To do

⁵² Glen Campbell, Chief Inspector of Indian Agencies to Agent W.J. Hyde, 17 Feb 1913 Glenbow, Blood Indian Agency Fonds, M 1788, vol. 13, file 97.

⁵³ F. Paget, Accountant, Memorandum to D.C. Scott, 10 November 1913, LAC, RG 10, vol. 7102, File 773/3-1-1, Pt.1.

⁵⁴ Scott to Markle, 2 December 1913, Markle to Scott, 27 November and 8 December 1913, LAC, RG 10, vol. 7102, File 773/3-1-1, Pt.1. While Scott suggested that the expenses of some of the Kainai leadership should be paid to visit the Siksika reserve to see the results of the surrender there, Markle advised against this indicating that the Siksika were not at all enamored with the way the arrangement was unfolding.

otherwise would risk longer term rejection of the idea. Scott agreed that the issue should not be rushed but at the same time “pressure must be constant”.⁵⁵

At the beginning of 1914 the DIA reduced rations on the reserve to convey what Markle referred to as “an earnest warning”. This was correctly received by the Kainai as an attempt to starve them into submission despite DIA claims to the contrary. Agent Dilworth reported that “the Bloods are bitterly opposed to any mention of surrender and are not at all pleased with the results obtained on the Blackfoot and Peigan.” All the same, Markle reported that he had identified 181,000 acres that could be surrendered “with the least inconvenience to the Indians” but Scott advised him not to press the issue.⁵⁶ Later, the inspector stated that those in favour of the surrender were waiting to see how the ration reduction would affect their opposition.

Finally, at the beginning of 1917, Markle reported that “a greater number than ever before” could now be counted on to support a surrender. Still, he admitted that even though he had tried to convince the Kainai that they should be “ashamed” to accept

⁵⁵ Markle to Scott, 17 December 1913 and Scott to Markle 24 December 1913, LAC, RG 10, vol. 7102, File 773/3-1-1, Pt.1. Scott reported further that while there was a sentiment against Mormons in southern Alberta it would be a difficult matter to exclude them from a public auction for the land should a surrender be gained. Agent Dilworth later suggested that there was opposition and “jealousy” directed at the Mormons but that it was unlikely that any other group of people could have increased production to the extent that the Mormons had. He also though gave further reason for Ottawa to distrust this group “ it was the Mormons who as actively as they could opposed the surrender, in fact [they] went so far as they dared to defeat the vote”. Scott to Roche, 16 December 1913 and Dilworth to Scott, 24 May 1918.

⁵⁶ Markle to Scott, 27 February 1914 and Scott to Markle, 24 March 1914, LAC, RG 10, vol. 7102, file 773/3-1-1, Pt.1 and Dilworth to Asst. Deputy and Secretary, DIA, 25 January 1914. DIA Secretary McLean told Dilworth that “The Department has no intention of reducing the rations as a means of forcing the Indians to surrender their land” and asked him to convey this to the Kainai. If it was not a purposeful strategy on the part of Ottawa it was certainly convenient and fully utilized by Markle. McLean to Dilworth, 7 February 1914, LAC, RG 10, vol. 7541, file 29,103-1, Pt.1. Four years later Indian Commissioner W.M. Graham complained that the NWMP were providing food to the Kainai attending the Calgary Stampede, Dilworth said up to 300, and so subverting the DIA’s efforts on the reserve. As it turns out the food was provided personally from the local police Superintendent to a man who had three sons with the Canadian Expeditionary Force in Europe and one had been killed. Superintendent Pennefather noted with irony that the Mounted Police “was organized to make presents to Indians.” Graham to Commissioner NWMP, 7 August 1918, Superintendent Pennefather to Commissioner, N.W.M.P., 12 August 1918, LAC, RG 19, vol. 1917, file 73.

rations and that it was “their duty” to relieve the dominion of the expense of caring for the aged and infirm, especially since wounded soldiers would soon be returning to Canada, he was “not enamored with the work of securing a surrender of land from the Blood Indians.” Markle comes very close to admitting defeat here when he acknowledged that there were a growing number of objections to a surrender and was pleased when Scott told him not to press the issue. He wondered unhappily whether it would be possible to obtain a surrender before his retirement.⁵⁷

In April though, Agent Dilworth worked up some terms for a potential surrender of 90,000 acres. While he stated that he would like Markle’s advice, there was such a feeling of suspicion against the Inspector that his entrance into the negotiations would “have a tendency to queer the project.” In May, Dilworth was authorized to proceed with a surrender vote.⁵⁸ While the department clearly tried to restrict access to information regarding their plan to request a surrender somehow the Kainai got wind of it and Chief Shot on Both Sides, son of Crop Eared Wolf, sought legal advice. The department did not respond to queries from their lawyer for well over a month and then only after the surrender vote had been taken on June 7th.⁵⁹

According to Dilworth, the majority had voted in favour of the surrender. But almost immediately there were claims of irregularities. In a petition forwarded through another lawyer, Shot on Both Sides and six other Kainai Chiefs claimed that there was insufficient notice of the vote, that many were off the reserve working, that no one was

⁵⁷ Markle to Scott, 27 January 1917; Scott to Markle 5 March 1917 and Markle to Scott, 10 March 1917, LAC, RG 10, vol. 7102, file 773/3-1-1, Pt.1.

⁵⁸ Dilworth to Scott, 23 April 1917 and Scott to Dilworth, 8 May 1917, LAC, RG 10, vol. 7541, file 29,103-1, Pt.1.

⁵⁹ John Fawcett, Barrister, to Minister of Indian Affairs, 9 May, 1 June, and 15 June 1917 and Scott to Fawcett, 20 June 1917, LAC, RG 10, vol. 7541, file 29,103-1, Pt.1.

allowed to remain in the room where voting took place to scrutinize the proceedings, and that Agent Dilworth exerted “undue influence” to sway the vote. Several Kainai serving with the Canadian Expeditionary Force even wrote to confirm that they had not been duly notified of the surrender attempt. In a complaint to the police, Shot on Both Sides further complained that Dilworth turned away voters opposed to the surrender while allowing votes to be recorded from proponents not present. Dilworth, though, defended the legitimacy of the surrender and claimed that many of those who voted in opposition had, a week later, changed their minds. Later he also claimed that the Kainai were influenced by the outside agitation of former agent R.N. Wilson. The problem for Dilworth was, though, that there were 295 on the voters list and according to new instructions issued by Scott in May 1914, a majority of those on the list had to vote in favour and be present at the surrender meeting which meant that Dilworth was twenty four votes short.⁶⁰

A further surrender was presented at the end of February 1918 and again there were claims of irregularities though once more these were denied by Dilworth.⁶¹ There were

⁶⁰ Dilworth reported that there were 124 in favour and 116 against. Dilworth, telegram to Scott, 12 June 1917; Joseph Hicks, Barrister and Solicitor to SGIA, 12 June 1917; Dilworth to Scott, 13 June 1917; Joe Mountain Horse and six other members of the 191st Overseas Battalion, Bramshott Camp, England, to DIA, 25 June 1917; and D.C. Scott, “Instructions for the guidance of Indian Agents in connection with the surrender of Indian reserves, 15 May 1914”, LAC, RG 10, vol. 7541, file 29,103-1, Pt.1. This file also includes a list of those in favour and opposed. Scott’s new instructions followed a Royal Commission in Manitoba’s report and various other opinions that contradicted the departments interpretation of Section 49 of the Indian Act regarding the measure of consent required. The Kainai also solicited former Agent R.N. Wilson to write to the department to express their concerns about the legitimacy of the vote. Wilson to Scott, 11 June 1917 and Scott to Wilson, 27 June 1917, LAC, RG 10, vol. 7102, file 773/3-1-1, Pt.1. For Dilworth’s complaints about Wilson see Dilworth to Scott, 1 October 1917. See also Superintendent Cortland Starnes “Crime Report Re: Complaint of Blood Indian Chiefs”, 9 June 1917, LAC, RG 18, vol. 1897, file 1917-73.

⁶¹ Dilworth to Scott, 18 February 1918; R.N. Wilson to Scott, 20 February and 10 March 1918, J.D. Matheson, Barrister, to Meighen, Minister of the Interior, 1 March 1918 and Matheson to Scott, 29 April 1918, LAC, RG 10, vol. 7102, file 773/3-1-1, Pt.1. As yet another example of important information being denied to Indigenous people Chief Shot on Both Sides apparently requested access to a voters list to

other issues of perhaps more importance to the department this time though. Dilworth had apparently made alterations to the surrender agreement without the authority of the department. For example he inserted that the lands would be sold "at public auction" so they could not be held for returning soldiers. He also struck out the maximum for rations which Scott feared would require excessive provision of food indefinitely. W.M. Graham agreed and was also concerned that the surrender contained a stipulation that the agent had discretion in how some of the funds derived from a land sale would be expended. Graham thought this should not be permitted "simply because the surrender contains such conditions". He therefore recommended that the surrender be held in abeyance until it could be revised.⁶²

In the meantime, Scott received the legal opinion that the War Measures Act enabled the department to "take the lands required without the consent of the Indians" for the purposes of increasing agricultural production on a temporary basis even though he wrote that he hoped that consent would be forthcoming.⁶³ Nevertheless, an amendment to the Indian Act was adopted to reinforce the War Measures Act. While the surrender of 1918 was ruled unacceptable by the DIA, then, the department still moved to secure leases on this new basis and by the end of 1918 there were at least thirty eight Greater Production leases on this reserve.⁶⁴

tabulate the precise measure of the irregularities but was denied access by Agent Dilworth. R.N. Wilson to Scott, 10 March 1918.

⁶² Scott to W.M. Graham, 10 April 1918 and Graham to Scott, 25 February and 22 April 1918, LAC, RG 10, vol. 7102, file 773/3-1-1, Pt.1. There is a more detailed account of the soldier settlement scheme generally and of other pressures placed on land during the World War One period below.

⁶³ Scott to Graham, 21 February 1918, LAC, RG 10, vol. 4070, file 427063-A.

⁶⁴ Leslie and Maguire, *Historical Development of the Indian Act*: 113-114. "Statement showing the percentage of increase in the areas utilized on Indian reserves for cultivation and stock-raising as a result of the greater production campaign", n.d., LAC, RG 10, vol. 4069, file 427,063. See also McLean to Dilworth, 27 May 1918, LAC, RG 10, vol. 7541, file 29103-1, Pt. 2.

On March 23 1918, another much smaller surrender, this time of 6,080 acres, was arranged by Agent Dilworth for a Greater Production Farm that once again contained conditions that were unsatisfactory to Graham and Scott. Although this surrender appears to have been accepted by the Kainai, Graham amended a number of its conditions, including the amount and conditions of an annuity, and resubmitted it to the Kainai on May 30th which they were unduly pressured if not coerced into accepting.⁶⁵

At the end of 1918 W.M. Graham, Commissioner for Greater Production since the previous February, reported after a meeting with the Kainai:

in all my thirty-odd years of dealing with Indians, I never listened to a more dissatisfied lot of people. In fact many of them were at a point where they threatened to take matters into their own hands, claiming that the agent was dishonest, untruthful and incompetent and requesting to have him replaced at once.⁶⁶

Still, in less than two months Scott requested that Graham resubmit to the Kainai the February 1918 surrender for 93,000 acres and an additional 58,000 acres as well. Graham was told to correct the apparent concession made by now former agent Dilworth regarding rations and to attempt to ensure that the DIA had maximum flexibility regarding selling the land to the Department of the Interior for soldier settlement or at

⁶⁵ R.N. Wilson to Scott, 10 February 1919, Scott to Graham, 18 February 1919, Graham to Scott, 25 February 1919, Wilson to Meighen, telegram, 3-4 May 1920, LAC, RG 10, vol. 7102, file 773/3-1-1, Pt.1. "Summary of representations contained in memorial of the Blood Indians, respecting surrenders of March 23rd and May 30th, 1918, and the Comments of the Indian Commissioner thereto" enclosed with Scott to James Lougheed, 1921. LAC, MG 26 I, Meighen Papers, Series 2, vol. 31, mf reel C-3227. Wilson reported that Graham arrived at the reserve with a police escort and informed the Kainai that any opponents would "be arrested and severely punished under the "War Measures Act". This has naturally placed an effective muzzle upon the Indians". Wilson to Scott, 7 April 1919, LAC, RG 10, vol. 7102, file 773/3-1-1, Pt.1.

⁶⁶ Graham to Scott, 26 December 1918, LAC, RG 10, vol. 7102, File 773/3-1-1 Pt.2 On Graham's Greater Production scheme see Titley, *Narrow Vision*: 40-43; Carter, *Lost Harvests*: 249-251. Scott, never a friend to Graham considered the greater production effort on this reserve to be a "fiasco" since Graham had no experience in the different agricultural conditions of Alberta and because he was "incapable of learning from his subordinates". Scott, memorandum to Meighen, 10 July 1919, vol. 7102, file 773/3-1-1 Pt.1.

public auction. While Graham went as far as drawing up the conditions for a surrender of 152,000 acres, the surrender did not proceed.⁶⁷

While this surrender never went ahead, there were discussions on how wages of DIA employees might be “camouflaged” in future so that “no mention need be made of them in the surrender document”. In this way these expenses could be charged to interest accrued on the proceeds from the sale of land which would normally be a violation of the terms of surrender.⁶⁸ The Kainai clearly had every reason to keep up their resistance to the fraudulent attempts to gain control of their reserve and with the general mismanagement of their affairs by the department. In a letter to W.L.M. King, Liberal Prime Minister from the end of 1921, they wrote “[w]e, Sir, are not children and can distinguish between right and wrong, and we think that you will agree with us that we have room for complaint and that a great injustice has been done us.” Through a lawyer they presented a twenty-one page memorial to the department outlining their concerns and within a couple of years the memorial was published by former agent R.N. Wilson as *Our Betrayed Wards*.⁶⁹ Predictably, Graham’s solution to the problems on the reserve was to propose selling 160,000 acres to build houses, farm buildings, fences, and wells, to

⁶⁷ Scott to Graham, 6 February 1919 and Graham to Scott, 6 March 1919, LAC, RG 10, vol. 7541, file 29103-1, Pt. 1. There are also unsigned and undated drafts of a surrender in this file.

⁶⁸ Paget to Scott, 14 March 1919, LAC, RG 10, vol. 7102, file 773/3-1-1 Pt.1.

⁶⁹ R.V. Sinclair, Ottawa Barrister, to Scott, 31 May 1920 enclosing memorial; Scott to Meighen, 8 June 1920; R. N. Wilson to James Loughheed, SGIA, 2 August 1920; Scott to Wilson, 16 August 1920 and R.N. Wilson to Scott, 8 May 1922, LAC, RG 10, vol. 7102, File 773/3-1-1 Pt.2. Scott, privately at least, blamed Graham’s mismanagement. Graham admitted that cattle owned by the Kainai were hopelessly intermingled with the cattle of settler neighbours and stated in regard to distinguishing the owners: “I doubt if it can be done”. Scott, memorandum to Meighen, 10 July 1919 and Graham to Scott, 15 March 1919, File 773/3-1-1 Pt.1. R.N. Wilson, *Our Betrayed Wards: A Story of Chicanery, Infidelity and the Prostitution of Trust*. (Ottawa: n.p, 1921).

purchase stock to provide rations to the “old people” and to instill a sense of individuality. While the proposal was agreed to by Meighen this attempt too was unsuccessful.⁷⁰

In the wake of a decade and a half of concerted resistance that boiled over into the public eye and seemed certain to escalate, and even with Scott’s view of Graham’s greater production work on this reserve as a failure, the DSGIA felt the need to explain. In a letter to Kainai chiefs Scott reported that “[a] careful investigation does not indicate” that the problems on the reserve were “due to the maladministration by the Department or the Commissioner” but rather the fault more properly rested with Dilworth, no longer an employee of the DIA, and even more so to “climatic conditions”. Scott went on:

the war work on the reserves remains the most inspiring chapter in the annals of your race, nor will that nobility of spirit which actuated you ever permit you or your descendants to in any wise regret sacrifices made in the public interest at the most critical period in the history of Canada and the civilized world.⁷¹

Some scholars too have attempted to paint these events in a light more flattering to Canada and its DIA. Hana Samek, for example, argues that the 1914 guidelines established by Scott “reflected a persistent concern on the part of some DIA officials to preserve the Department’s reputation for honesty in dealing with the Indians” and that this sentiment caused him to veto the 1917 surrender. Certainly Scott and others were interested in the appearance of benevolence but the various extra-legal attempts at obtaining surrenders of this reserve discussed above, the positive public presentation of the Graham’s greater production efforts that Scott clearly viewed as a failure, and the

⁷⁰ Graham to Scott, 21 February 1921, LAC, RG 10, vol. 7102, file 773/3-1-1 Pt.2; Graham telegram Meighen, 27 March 1921 and Meighen to Graham, 28 March 1921, vol. 7102, file 773/3-1-1 Pt.1.

⁷¹ Scott to Faunt, 19 August 1922, LAC, RG 10, vol. 7102, File 773/3-1-1 Pt.2. “Principal and Progressive members of the Blood Band, copy, to King, n.d., LAC, RG 18, vol. 1917, file 1918.

withholding of important information seem to be more illustrative of a liberal façade than of a forthright Canadian government, even when compared to the tactics practiced in the United States.⁷² Clearly a lot of energy was expended and money wasted by both the Kainai and Canada in the latter's attempt to alienate portions of this reserve and in inept and obtrusive management. Still, the Kainai were, by a combination of aggressive resistance, overly antagonistic tactics employed by departmental officials, and a measure of good fortune, able to retain almost all of the territory they had left after their move to the Belly River.

Piikani

The nearest Indigenous neighbours of the Kainai, the Piikani, got through the first few decades after 1877 without the constant struggle to regain territory like the Nakoda nor did they suffer the gross under-assignment of reserve land, even by the standards outlined in the treaty, like the Kainai. This seems to be thanks partly to geographic locale and also to frequent changes in DIA personnel. Still, they had to deal with the unsympathetic agents like Wm. Pocklington who stated boldly "I believe the Piegans can out lie any Band of Indians in the North West."⁷³ This denigration of the Piikani, the obvious stock raising potential of the reserve, and a reserve population that declined by half between the 1880s and the first decade of the twentieth century ensured that there would soon be pressure to reduce this remaining land base as settlement approached.⁷⁴

⁷² Samek, *Blackfoot Confederacy*: 117-119.

⁷³ Wm. Pocklington, Agent, to Indian Commissioner, 30 September 1884, LAC, RG 10 vol. 3698, file 16106

⁷⁴ For a description of the reserve and the water available for stock see, for example, DIA, *Annual Report, 1909*: 187. The *Annual Reports* indicate that the population declined from a high of post treaty high of 942 in 1885 to under 500 and still declining twenty years later.

It is on this reserve, in 1904, where newly appointed inspector J.A. Markle got his first instructions to reduce reserve land in the Treaty 7 region.⁷⁵ While the Piikani were spared temporarily as the C.P.R. determined where it wanted to build its rail line through the reserve, the surrender idea was presented again by Markle at the beginning of May of 1908.⁷⁶ By then the department was clearly determined to reduce expenditures with the proceeds of land sales as evidenced by Pedley's pronouncement of that year.⁷⁷ As on the Kainai reserve, there was significant opposition to the surrender. Some of those opposed sought legal counsel and even those in favour demanded much more than Markle thought reasonable. Over the spring and summer of 1909 Markle continued to assess the opposition by conducting "test" votes and working to promote the surrender by emphasizing the goods and livestock that could be purchased if the land was sold. Finally, on the 18th of August, Markle reported that he had secured agreement to surrender thirty six sections, or 23,500 of the 116,000 acres, of remaining Piikani land.⁷⁸ Even though only forty voted in favour of the surrender out of an adult male population of 117, within ten days the surrender was accepted by the governor general.⁷⁹ Already, though, there was trouble looming concerning the propriety of the surrender.

⁷⁵ This surrender was required to construct a town at Brocket but since the C.P.R. had not finalized the location of its rail line through the reserve the Piikani were not formally approached at this point. D.C. Scott, Chief Accountant, DIA Memorandum to DSGIA Pedley, 20 April 1909. Markle had been at the Birtle Agency in Manitoba until 1901 when he became agent to the Siksika before being elevated to the position of inspector.

⁷⁶ Markle to Secretary, DIA, 2 May 1908 LAC, RG 10, vol. 4034, file 302340-1. In June Markle reported that he believed that the majority were not in favour.

⁷⁷ DIA, *Annual Report, 1908*, xxxv.

⁷⁸ Markle to Secretary, DIA, 24 May 1909, 16 July 1909, and 18 August 1909, LAC, RG 10, vol. 4034, file 302340-1.

⁷⁹ P.C. 1823, 28 August 1909 in LAC, RG 10, vol. 4034, file 302340-1. The number of males over 21 from DIA, *Annual Report, 1909*: 55.

The Piikani sent a petition to Ottawa in protest and lawyer Colin MacLeod, who claimed to represent a majority of the Piikani community, stated that he had attended two meetings in which this majority opposed any land sale. "Unless Mr Markle's instructions are that he may take a vote on this question every day in the week and report upon the first expression that is favourable to the selling of these lands" then the policy of the department had been ignored in this case and the lands taken in a way in "which every honourable white man is bound to oppose." While NWMP Constable Fyffe later confirmed that there had been three votes, Markle, of course, denied any impropriety, claimed falsely that he had taken only one vote and that the surrender was in the "best interest" of the Piikani. This explanation was simply accepted uncritically by the department.⁸⁰

In October, MacLeod called the surrender a "fraud" and threatened to expose the matter through the courts and the press. He also forwarded sixty affidavits from reserve residents, twenty more than the number who had voted in favour of the surrender. These folks claimed, among other things, that they had received no notice that the vote was to take place and that it was fraudulent in any case. They demanded, therefore, that the planned auction of the surrendered land not proceed.⁸¹

The irregularities were raised in the House of Commons but the arrangements were defended by SGIA Frank Oliver who argued that the majority of those present at the

⁸⁰ Colin Macleod to SGIA, 23 August 1909, Markle to Secretary, DIA, 7 September 1909, and Pedley to McLeod, 14 September 1909, and Constable A.M. Fyffe to Supt. P.C.H. Primrose, 30 November 1909, LAC, RG 10, vol. 4034, file 302340-1. Markle had already admitted that he had taken two votes in which the majority was opposed to the surrender. MacLeod also worked for the Kainai.

⁸¹ MacLeod, telegram to Frank Oliver, Minister of the Interior, 10 November 1909. Oliver simply wired back that "Have no knowledge of any reason for postponing sale". Oliver to MacLeod, 11 November 1909. LAC, RG 10, vol. 4034, file 302340-1. The surrender was considered approved with a margin of only forty to ten.

meeting were in favour of selling this “very valuable land” which had “practically no value to the Indians”.⁸² Oliver refused to postpone the sale but he was concerned enough about the appearance of propriety to ask Markle to send any additional signatures of those in favour of the surrender immediately.⁸³ On the day before the auction of this land was to be held MacLeod joined Piikani opponents to the surrender and circulated and posted notices warning prospective purchasers that the land had not been legally surrendered and so any patents issued would be overturned by the courts. Still, the auction went ahead and 12,196 acres were sold for just over two hundred thousand dollars. Markle reported that if the price was reduced on the unsold land that buyers could be found for it as well.⁸⁴

The protest against the surrender was not quelled with the sale. Markle argued that many of those who signed MacLeod’s affidavits only did so because of pressure that the lawyer brought to bear, though he did not expand on what that pressure consisted of.⁸⁵ The DIA recommended that the Piikani leadership who signed the notices posted prior to the sale be warned against such “insubordination” and that “if they continue to interfere with the action of the department, they will render themselves liable to deposal.”⁸⁶ In addition to the obvious attempts by the department to quell any potential resistance to its

⁸² Canada, House of Commons, *Debates*, 16 November 1909, 121-122. The requirement that the majority of those present at the meeting rather than the more onerous requirement of the majority of voting members of the band had become the standard as discussed below.

⁸³ Pedley, telegram to Markle, 19 November 1909, LAC, RG 10, vol. 4034, file 302340-1. Copy of Markle’s surrender tally and the Piikani affidavits are in this file.

⁸⁴ Markle to Secretary, DIA, 26 November 1909, LAC, RG 10, vol. 4034, file 302340-1. Markle also admitted that MacLeod’s agitation had an impact on the amount of land which remained unsold. The department disagreed with his suggestion regarding devaluing the unsold land. J.D. McLean to Markle, 21 December 1909.

⁸⁵ Markle to Secretary, DIA, 27 December 1909, LAC, RG 10, vol. 4034, file 302340-1. According to Agent Yeomans five of those who signed the affidavits also signed “adhesions” to the surrender in support and a few others were under age or denied signing. Yeomans to Secretary, DIA, 19 January 1910.

⁸⁶ H.C. Ross to Deputy Minister, 12 April 1910 and J.D. McLean to E.H. Yeomans, 13 April 1910, LAC, RG 10, vol. 4034, file 302340-1. This is yet another illustration of the DIA’s view that the primary function of Indigenous leadership was to further the goals of the Canadian government not to serve the interests of their people as discussed in chapter four.

objectives, the reports of NWM Policeman clearly illustrate the irregularities involved in the surrender.

Constable Fyffe reported that there were three meetings concerning the surrender and only at the third were a majority of those present in favour. He stated further that Chief Butcher, the only chief present at the third gathering, asked that the meeting be postponed to allow those who were not present the opportunity to vote. This was refused by Markle who also asked the constable to “warn off” lawyer Colin MacLeod if he attempted to attend the meeting. He reported as well that even before the third meeting a survey party was doing work on the reserve apparently in preparation for a surrender. Finally, he noted that all of the chiefs were opposed to the sale.⁸⁷ On making inquiries at the nearby Catholic mission, the words of Jim Four Horses were recounted to Constable Fyffe by the Sister Superior:

How would you like it if you had a piece of land that you did not want to sell and some one took it from you and sold it when you did not want to sell it?...What are the children at school and the babies to do, they will all want land when they grow up.⁸⁸

The police, though, were clearly not prepared to question the legality of the surrender. The NWMP Comptroller reported that he filed Fyffe’s report and related correspondence:

in a sealed envelope, because I do not think it is a matter in which the Police ought to interfere...The Indian Department is responsible for the Indians and Indian Affairs, and I do not think Mr. Oliver would be pleased if he knew that the Police were making inquiries through the R.C. Mission or any other channel affecting either the policy of the Department in dealing with Indian lands, or the relation of the Agents with their Indians.⁸⁹

⁸⁷ Fyffe to Supt. P.C.H. Primrose, 30 November 1909 and Primrose to Commissioner, 1 December 1909, LAC, RG 10, vol. 4034, file 302340-1.

⁸⁸ Fyffe to Primrose, 4 April 1910, LAC, RG 18, vol. 390, file 267.

⁸⁹ Comptroller to Commissioner A.B. Perry, 14 April 1910, LAC, RG 18, vol. 390, file 267.

Through May 1910 the Piikani continued to consult lawyers and began to make requests of those who had purchased reserve land to cease farming operations. At the same time the department continued to advance the fallacious position that the surrender was legitimate and that the majority supported it. As Secretary McLean wrote “[t]he Indians should remember that the majority of their Band must rule and that all the public business of the white communities is conducted on this principle.”⁹⁰ The DIA alerted the police that they might be required to intervene in support of the settlers and asked at least one missionary to try to calm the Piikani. Rev. Haynes assured the department that he would do everything he could to this end, that the Piikani chiefs were “useless” and that “the easiest course to adopt is to depose them and appoint younger go ahead men”.⁹¹ Clearly, he supported the objectives and the tactics of the DIA. Still, this was not the end of the problems faced by the Piikani.

In addition to the suspect circumstances of this surrender the events that followed are also illustrative of the dubious business practices of the DIA that would soon come to haunt the Siksika in similar circumstances. The purchasers of the land were required to make a down payment of ten percent of the total price and then make annual installments on the principal and interest but often, for a variety of reasons, they did not keep up with the installments. By 1918, purchasers of the Piikani reserve who did not respond to warnings by the department alone, therefore not including any who did respond or any who were not considered to be significantly enough in arrears not to be issued a warning,

⁹⁰ McLean to Rev. W.R. Haynes 18 May 1910, LAC, RG 10, vol. 4034, file 302340-1 and Const. Fyffe to Supt. Primrose, 7 May 1910, LAC, RG 18, vol. 1622, file 69.

⁹¹ McLean to NWMP Comptroller F. White, 10 June 1910, McLean to Rev. W.R. Haynes 18 May 1910, and Haynes to McLean, 10 June 1910, LAC, RG 10, vol. 4034, file 302340-1.

were collectively over \$91,000 in arrears. Since the department expected to receive just in excess of \$200,000 in total, this was a substantial set back for planned upgrades on the reserve. Finally in 1923, the department cancelled the purchases of over 4,500 acres. Still the Superintendent General assured elected politicians that “no action will be taken by the Department which might prove prejudicial to settlement or a further discouragement to the farmers of the Province of Alberta”.⁹² It should be noted, that this was not a situation peculiar to this place and time. The DIA reported in 1888 that payments for land sales in Canada were \$311,000 in arrears. In 1891, the department sent out 3,029 late notices and recorded only 1,011 payments.⁹³

Siksika

While it is evident from the experiences of the other Treaty Seven First Nations that neither the treaty nor the self-proclaimed generosity of the dominion would protect the fragments of territory retained by Indigenous people after 1877, it was the Siksika who suffered the greatest loss of reserved land. As a result of the establishment of separate reserves for the Kainai and Tsuu T’ina, the reserve at Blackfoot Crossing was reduced, according to SGIA John A. Macdonald, by “that portion...which belonged to the Bloods and Sarcees.” Edgar Dewdney stated that for the Siksika the department “confirm[ed]

⁹² Arrears calculated from “Statement showing the names of purchasers and total amount of arrears of principal and interest in agreements sent under recent O. C. regarding increased rate of interest and payment of arrears and which have not been returned signed within the time limit” with Lands and Timber Branch, Memo to Deputy Minister, 6 September 1918. Acreages calculated from “Cancelled Contracts of Indian Lands in the Province of Alberta” with J.S. Caldwell, i/c Land and Timber Branch to Tax Commissioner, DIA, 16 August 1923; SGIA to E.J. Garland, M.P, 29 April 1924, LAC, RG 10, vol. 3872, file 89,600-19. D.C. Scott, then DIA Accountant, reported that the CPR had a “no crop, no payment” policy with regard to its land sales. Scott to DSGIA, 25 January 1909, LAC, RG 10, vol. 3702, file 17,537-3.

⁹³ DIA, *Annual Report, 1888*: 289 and *Annual Report, 1891*: xxx.

them in the area of land to which they were entitled under Treaty”.⁹⁴ But the reduction was far greater than this might indicate.

Firstly, the “temporary” one mile wide strip on the south side of the Bow and South Saskatchewan Rivers and the belt on both sides of the South Saskatchewan (now Oldman) River back upstream to the Little Bow that was to be held until 1887 was relinquished early. Macdonald reported that in consideration the Siksika would be granted in exchange a piece of land on the north side of the reserve to “form a square block” but he was not quite correct.⁹⁵ The reserve was squared off on all sides except the north. Here it would run parallel to, but 264 feet away from, the centre of the CPR rail bed. More significantly, where the old reserve, according to the Treaty, consisted of a four mile wide belt on the north side of the Bow and South Saskatchewan Rivers running from twenty miles northwest of Blackfoot Crossing all the way past present day Medicine Hat and into Saskatchewan to where the South Saskatchewan met the Red Deer, the new reserve was deeper from north to south but included only a fraction of the more valuable river frontage.⁹⁶

Already by 1882, Agent Denny reported that the Siksika were “uneasy” about the CPR rail line. NWMP Commissioner Irvine reported that they were “not yet in a most

⁹⁴ DIA, *Annual Report, 1883*: liv and 102.

⁹⁵ DIA, *Annual Report, 1883*: liv and Canada. *Indian Treaties and Surrenders*, Vol. II (1891) rpt. (Saskatoon, SK: Fifth House Publishers, 1993): 128-138. Certainly the square formation would more clearly demonstrate Western geometrical understandings and so demonstrate Anglo-Canadian control of this territory as discussed in chapter two.

⁹⁶ Canada. *Indian Treaties and Surrenders*, Vol. II: 128-131. The new reserve was only six townships or thirty six miles across at its widest point. While a relatively complicated calculation would be required to determine the area of the original reserve, the extent of land removed appears far greater than merely the allowance for the departure of the Kainai and Tsuu T’ina. Crowfoot apparently did oppose any non-Native settlement between the reserve and the rail line but the area was not included in the reserve. Instead it was reserved as a “neutral ground” right of way for both White settlers and Indigenous people. Assistant Indian Commissioner, draft letter, 27 November 1888, LAC, RG 10, vol. 3583, file 1084, pt 1.

satisfied mood”, that the railway was causing “sour excitement” and recommended the police force at Macleod be increased by seventy five officers. He argued that “such a measure will have a most beneficial effect on the Indians.”⁹⁷ Despite this and the reduction of the reserve’s value and quantity, the dominion was able to secure a surrender for the rail line in 1884. Crowfoot again seems to have believed that acquiescence was in the best interests of the Siksika. As Macdonald reported “Chief Crowfoot had, in this instance, as in many others, shown a disposition to meet, as far as possible, the wishes of the Government”.⁹⁸ By 1892 however, the reserve was in jeopardy again when Indian Commissioner Hayter Reed began agitating to further reduce its size, “they can very well spare at least a township”. Reed recommend that the Siksika “spare” the south east corner which straddled the Bow River reporting that this was a desirable piece of land and that there were few other such valuable pieces in the area.⁹⁹

Even before his appointment as inspector and before the idea of a surrender was first presented to the Piikani, Markle was requested by his superiors to seek a surrender of valuable coal land on the Siksika reserve.¹⁰⁰ While the arrangement did not go forward, the commercial value of the reserve to settler society, adjacent to both the railway and the Bow River, meant that it, like other Treaty 7 lands, would soon be under significant pressure.

⁹⁷ Denny to Dewdney, 16 April 1882 and Irvine to White, 30 April 1882, LAC, RG 10, vol. 3600, file 1737.

⁹⁸ DIA, *Annual Report, 1883*: liv. In 1888, Crowfoot yet again seems to have underplayed his hand when the CPR decided that it needed to build an underground water pipe through the Siksika reserve to the Bow River to supply water to its engines. Rather than extracting a lease or funds for surrender Crowfoot demanded only that he and two others be compensated for a horse that each had lost to trains. Crowfoot received \$50 dollars and the other two \$25 dollars each. C. Drinkwater, Secretary, CPR to Vankoughnet, 23 March 1888; Assistant Indian Commissioner to W. Whyte, General Superintendent, CPR, 8 May 1888 and Receipt, from CPR signed by Crowfoot, 25 September 1888, LAC, RG 10, vol. 3583, file 1084, pt. 1.

⁹⁹ Reed to DSGIA, 28 September 1892, LAC, RG 10, vol. 3583, file 1084 pt. 1.

¹⁰⁰ Markle to Indian Commissioner, Winnipeg, 25 March 190-3. LAC, RG 10, vol.1152. Here, Markle seems to have tested the waters only and found that Chief Running Rabbit was opposed to the sale.

At the beginning of 1907, Winnipeg based Malcolm's Western Canneries, offered to purchase a section of land for five dollars an acre. Agent Markle not only considered this offer to be much less than the land's market value but that the Siksika would not agree to sell it even if the offer was much higher. While he agreed that a surrender of land "would be in their own interests" to push the issue at that time would mean a "loss of influence with them" and mitigate against the possibility of a larger scale surrender later. Laird believed that Markle took "too gloomy a view" of the Siksika's position in this regard and while he recognized that the presence of Malcolm's employees would be a negative influence on reserve residents he stated that "it scarcely seems fair to stand in the way of a Company whose business would undoubtedly help to develop the cattle industry."¹⁰¹ While Laird's view regarding the preeminence of the settler economy seems to have remained consistent in the three decades since the meetings at Blackfoot crossing, a single square mile of land was soon the least of the problems facing the Siksika.

In May of 1908, the DIA reported that "it is not the intention of the Department to open any portion of this reserve for homesteading" but less than two months later, by then Inspector Markle was given authority to pursue a "surrender of whatever portion of the reserve that they [the Siksika] may be willing to grant."¹⁰² Markle, did indeed have bigger things in mind than the mere 640 acres requested a year and a half earlier. He first proposed the surrender of 138,200 acres, valued at about \$1,500,000, and then a slightly

¹⁰¹ F.H. Malcolm, Secretary, Malcolm's Western Canneries to D. Laird, Indian Commissioner, 1 February 1907; Laird to Markle, 4 February 1907 and Markle to Laird, 7 February 1907, LAC, RG 10, vol. 3653, file 82 pt. 18.

¹⁰² J.D. McLean to C. H. Holms, 22 May 1908, LAC, RG 10, vol. 3702, file 17537-4 and Pedley, DSGIA, to Markle 10 July 1908, file 17537-3.

more modest 115,200 acres with an approximate value of \$1,400,000. As he would later with the Piikani, Markle spent some time meeting with the Siksika to determine what those in favour of a surrender would be willing to accept. Once satisfied that he had his finger on the pulse of Siksika expectations, he presented headquarters with a detailed accounting of the “conditions under which a number of the Blackfoot Indians stated they would agree” to a surrender. These included, in part, the construction of a few hundred buildings, a supply of agriculture implements and domestic goods, livestock, and a weekly food issue.¹⁰³

While DIA accountant D.C. Scott admitted that the “influence of such a surrender upon the Bloods and Peigans would no doubt lead them to throw open their lands upon similar terms” and that the proposal should be given careful study, he believed that Markle’s valuation was too high and that his estimates of what could be delivered would have to be reduced. Scott and others in the department were, for example, clearly wary of obligating themselves to deliver rations in perpetuity and Markle was advised not to present this idea to the Siksika.¹⁰⁴ Markle responded that the prospect of regular rations was the primary reason that the surrender was being considered. In fact, he and Agent Gooderham were of the opinion that no surrender of any size would be accepted without a ration component and even with this it would be difficult. In March 1909, Markle, apparently frustrated by the reduced valuation calculated by Scott, reported that it was not

¹⁰³ Markle to Secretary, DIA, 24 August 1910 and Markle, “Memo of conditions under which a number of the Blackfoot Indians stated they would agree to surrender...”, 28 September 1908 with Markle to Secretary, DIA, 29 September 1909, LAC, RG 10, vol. 3702, file 17,537-3. H.W.G. Stocken, missionary to the Siksika, referred to Markle as “quite the most valuable Agent I have known” that stated that “[o]ur Indians were greatly indebted to his wise guidance and Christian example.” Markle enlisted the support of Stocken and Fr. LeVerne to assist him in securing a surrender from the Siksika. Stocken, *Among the Blackfoot and Sarcee*: 50 and 63.

¹⁰⁴ Scott, Memorandum to DSGIA, 25 January 1909 and Secretary, DIA, to Markle, 15 September 1908, LAC, RG 10, vol. 3702, file 17,537-3.

possible to acquire a surrender on the conditions stipulated and returned blank surrender forms to Ottawa.¹⁰⁵

By March of the following year though, he had arranged the Piikani surrender and stated that informants there assured him that there was “a strong sentiment” among the Siksika for a similar arrangement. He told his superiors that the sale of 115,000 acres, 90 percent of which was “as choice as can be found in Alberta”, would enable a return of \$1.6 million. From this amount, rations could be paid for, buildings constructed, and of course the department’s ten percent, or \$116,000 management fee, could be extracted.¹⁰⁶

As with the Piikani arrangement, Markle viewed democracy as an obstacle to be overcome. He reported that he had the votes to secure a surrender but he had to act quickly so that those opposed would not be able to influence the others. While the department stated that it believed it a better policy in the long run to persuade First Nations that surrenders were in their best interests, the surrender was presented a month later and passed by a narrow margin of 69 to 64.¹⁰⁷ When the surrender was accepted by the Governor General, the Siksika’s reserve was reduced by over thirty seven percent.¹⁰⁸

¹⁰⁵ Markle to Secretary, DIA, 22 September and 29 September 1908 and 25 March 1909, LAC, RG 10, vol. 3702, file 17537-3.

¹⁰⁶ Markle to Secretary, DIA, 29 March 1910, Markle, telegram to DIA, 12 April 1910 and Markle to Secretary, DIA, 11 April 1919, LAC, RG 10, vol. 3702, file 17537-3.

¹⁰⁷ Markle to Secretary, DIA, 22 April 1910; Pedley to Markle 16 May 1910 and Markle to Secretary, DIA, 15 June 1910, LAC, RG 10, vol. 3702, file 17537-3. The DIA reported that there were 184 males of twenty one years of age or older on the Siksika reserve. Here again, then, those in favour represented rather less than a majority of even those the DIA determined qualified to vote. DIA, *Annual Report*, 1910: 76-77. Following a \$10,252,000 settlement of their mineral claim in 2000, the Siksika signed a compensation agreement, the result of an “acreage discrepancy (surface) claim” in 2003. This agreement provided for \$82 million in compensation for damages incurred in the loss of 12,522.6 acres of the larger surrender. Canada admitted that “band members were not adequately informed” that this piece was to be included in the 1910 surrender. While the Siksika have claimed that the entire surrender was invalid, they agreed to accept the compensation package on a without prejudice basis so as not to jeopardize their larger claim. Currently, Canada is reviewing the legal advice it has received from the Justice Department in regard to this larger claim. Canada, Indian and Northern Affairs Canada, “Siksika Nation and Canada Reach \$82 Million Specific Claim Agreement”, *News Release*, 10 September 2003, <<http://www.ainc-inac.gc.ca/nr/prs/s->

In the text of the surrender document, the dominion agreed to sell the land “for a sum aggregating not less than \$1,600,000” on “terms as the Government of the Dominion of Canada may deem most conducive” to the welfare of the Siksika. Of the surrender money remaining after the DIA’s ten percent management fee was deducted, a \$50,000 fund would be established from which money could be borrowed by individuals for seed or agricultural implements. Three hundred and fifty thousand dollars would be spent within five years “or as soon after as the receipts from the sale warrants” for a number of buildings, farming implements, domestic goods and improvements on the reserve. The remaining funds would accrue interest which would supply the necessities to the aged an infirm, the wages of a farm instructor and a food ration. The surrender agreement included a maximum but no minimum for the latter item and also the condition that it would be delivered in a manner that the dominion saw fit as, again, “most conducive to our [Siksika] welfare”. The dominion, then, had a considerable amount of flexibility with virtually no risk. While the Siksika would no longer have access to a significant portion of their reserve from which to secure a living, Canada did not have to provide anything beyond the \$50,000 fund until it felt the receipts from the sale were adequate. While it did agree to a food distribution there was no minimum stated. Further, it retained the right to choose what was in the best interest of the Siksika.¹⁰⁹

d2003/2-02326_e.html> (21 June 2007); Indian Claims Commission, *2004/2005 Annual Report* (Ottawa: Minister of Public Works and Government Services Canada, 2005): 40; Indian Claims Commission, “Siksika First Nation [1910 surrender]”, <<http://www.indianclaims.ca/claimsmap/siksika-en.asp>>, (21 June 2007); Paul Barnsley, “Siksika Land Claim “Mistake” Corrected”, *Alberta Sweet Grass*, 13 October 2003 and person correspondence with Janet Townson, Information Analyst, Data Analysis Unit, Specific Claims Branch, 10 July 2007.

¹⁰⁸ The reserve that remained included 185,000 acres. Pedley, Memorandum to Wilfrid Laurier, 28 June 1910. P.C. 1669, approved 22 August 1910 LAC, RG 10, vol. 3702, file 17537-3.

¹⁰⁹ Copy of surrender document included with Scott to J.D. McLean, 6 August 1910, LAC, RG 10, vol. 3702, file 17537-3. Both the Hanks’ and Samek contend that \$400,000 was to be spent immediately but the

As with the Piikani sale, this land would be sold on the basis of ten percent down and the remainder in nine equal annual installments.¹¹⁰ While the Siksika would derive some benefits from the interest on the sums held in trust by the DIA, and while interest of five percent was to be charged on outstanding balances, there seems to be no indication that the department had any intention of turning over this latter interest to the benefit of the Siksika.

Both the Hanks' and Samek suggest that this surrender made the Siksika among the wealthiest First Nations in Canada.¹¹¹ While Samek presents the sale as positive and any subsequent problems not the fault of the DIA, the Hanks' at least recognize DIA mismanagement even if it was the insufficient individualization of the proceeds that was the department's major error in their view. Certainly, this land was valuable to both the Siksika and their non-Native neighbours, but it could have provided more security for the Siksika had they been able to retain it and lease it or use it for some other productive purpose. It seems inconceivable that the full meaning and implications of the surrender were fully explained by Markle.¹¹² There is no evidence in any of his machinations here or elsewhere that he was interested in anything beyond removing land from First Nations control as his departmental superiors directed.

The 1910 Siksika Sale and its Aftermath

surrender seems to make \$350,000 of this conditional upon receipts. Samek, *The Blackfoot Confederacy*: 113 and L.M. Hanks and J.R. Hanks, *Tribe Under Trust*:48.

¹¹⁰ J.D. McLean, "Descriptive List of Blackfoot Indian Lands For Sale by Public Auction" 1 April 1911, LAC, RG 10, vol. 3702, file 17537-3. See also "George Gooderham's Autobiography", p.33-35, Glenbow, G.H. Gooderham Fonds, M4738, box 10. According to former agent to the Siksika, George Gooderham, whose father was agent at the time of the surrender, this was a beneficial arrangement for the Siksika.

¹¹¹ Samek, *The Blackfoot Confederacy*: 113 and L.M. Hanks and J.R. Hanks, *Tribe Under Trust*:115 and 123.

¹¹² For an example of oral testimony confirming this lack of explanation see, Treaty Seven Elders and Tribal Council, *True Spirit and Original Intent*: 163-164.

The sale did not go as well as expected. Even after, or if, all purchases were paid for only \$941,872 of the projected \$1,600,000 would be realized.¹¹³ To make matters worse, as with the Piikani reserve, purchasers were tardy with their payments, and the department found it necessary to utilize the loopholes built into the text of the surrender concerning its provisions.

In May of 1911, Agent J.H. Gooderham was reminded not to exceed the maximum rations dictated by the surrender. Less than a year later Scott was more direct in reporting to DSGIA Pedley that the interest account from which the cost of rations was drawn was already in overdraft and if there were no more sales of land the interest available would not cover the costs of the rations. He noted further that the text of the surrender gave the department a pretext to reduce expenditures. The surrender document stated that the housing and other improvements on the reserve were to be financed “within five years of the date of the sale or as soon after as the receipts from the sale warrant.” Scott recommended that no other expenditure be considered since receipts did not “warrant” any outlay. Later in the year Scott reminded Pedley that the surrender document identified a “maximum” only and no guarantee of any specific or minimum amount of rations. Further, he identified that it was generally believed by the purchasers that “it is not necessary to pay the principal so long as the interest is paid” but this was “fatal” for the department’s plans for the “improvement of these Indians”. For Scott, the problem arose “solely from the failure of the purchasers to meet their installments when due.” He

¹¹³ D.C. Scott, Memorandum to Pedley, 22 February 1912, LAC, RG 10, vol. 3702, file 17537-3. By February 1912, with the interest account already overdrawn, accountant D.C. Scott, recalculated the \$50,000 fund and \$350,000 proposed expenditure based on a percentage of the reduced receipts.

recommended a further auction of the unsold surrendered lands and that rations be reduced to pre-surrender levels.¹¹⁴

The department first made moves to reduce rations “with the consent of the Indians” but Agent J.H. Gooderham reported that the agreement, as he understood it, was that these would be provided “for all time” or until the Siksika agreed to accept something in lieu of these. He stated further, that any suggestion that rations be reduced would only fuel the opposition on the reserve. Nonetheless, in April 1915 Gooderham was ordered to revert to the pre-surrender policy of providing rations.¹¹⁵

Almost immediately there was Siksika resistance to the new arrangement. Reserve residents argued that they “were definitely promised” rations, that they had lived up to their end of the bargain by surrendering the land, and that they were not responsible for the inability of the DIA to collect overdue payments.¹¹⁶ Agent Gooderham pointed out that there was “improved health and appearance” as a result of the regular rations and that to discontinue them would “completely disorganize all farm work” since the Siksika insisted that they agreed to the surrender “largely on the ground that they were promised rations, not only for themselves, but for succeeding generations. They have been assured of the certainty of this again and again, by the Inspector, the Agent and Staff as well as by the Missionaries on the Reserve, and by Members of Parliament and by visiting Officials.”¹¹⁷

¹¹⁴ McLean, Secretary, DIA, to J.H. Gooderham 18 May 1911 and D.C. Scott, Chief Accountant, Memorandum to DSGIA Pedley, 22 February 1912 and 15 January 1913, LAC, RG 10, vol. 3702, file 17537-3.

¹¹⁵ McLean to Gooderham, 8 May 1913; Gooderham to McLean, n.d. and Scott to Gooderham, 14 April 1915, LAC, RG 10, vol. 3702, file 17537-3.

¹¹⁶ Chief Iron Shield and Chief Yellow Horse on behalf of the Siksika, 30 April 1915, LAC, RG 10, vol. 3702, file 17,537-3.

¹¹⁷ Gooderham to Scott, 1 May 1915, LAC, RG 10, vol. 3702, file 17,537-3.

At the end of April, Inspector Markle reported that there had been a meeting on the reserve at which local missionaries Stocken and Lavern expressed their understanding that the rations were guaranteed for all time. The inspector reported further that the Siksika's lawyer presented the view that the department did not exercise due diligence in arranging to sell the remaining land. This unsold land, Markle stated, had made it impossible for speculators to resell lands purchased at the first sale and reminded Scott that he himself had recommended a second sale, which was scheduled for the summer of 1912 but then cancelled.¹¹⁸

Markle seems to have fallen out of favour here and Scott insisted on an explanation regarding exactly what the inspector had promised at the surrender meeting and demanded to know whether he let statements claiming promises of indefinite rations go unchallenged. While Scott conceded that "it may be too much to expect" to return to the pre-surrender ration policy "we should at least reduce the ration to a living ration and not leave it on the present extravagant basis."¹¹⁹ Markle responded that he and Gooderham as well as local missionaries were convinced that once the rations were started they would continue indefinitely. He went on to present his view that if the Siksika had the same understanding as Scott the majority would have refused the surrender.¹²⁰ In the end Scott backed down and asked Gooderham what "a reasonable ration" might be. Gooderham recommended, and Scott agreed to, a reduction in beef and tea but an increase in flour.¹²¹ The underlying problem, though, the arrears in purchase payments, as identified by the

¹¹⁸ Markle to Scott, 30 April 1915, LAC, RG 10, vol. 3702, file 17,537-3.

¹¹⁹ Scott to Markle, 12 May 1915, LAC, RG 10, vol. 3702, file 17,537-3.

¹²⁰ Markle to Scott, 25 May 1915, LAC, RG 10, vol. 3702, file 17,537-3.

¹²¹ Scott to Gooderham, 4 June 1915; Gooderham to Scott, 9 June 1915 and Scott to Gooderham, 14 June 1915, LAC, RG 10, vol. 3702, file 17,537-3.

Siksika themselves and certainly understood by the department in its decades of dealing with such arrears elsewhere was an ongoing problem.

In October 1913 Scott was informed that the “threatening letters” sent to delinquent purchasers “had no effect”. Of just under \$350,000 interest and principal that should have been received to that point under \$225,000 had been submitted. One purchaser alone, F.A. Kilbourn, was almost \$40,000 behind in payments on principal for his 11,000 acre purchase.¹²² Kilbourn, a land speculator, complained that because of bad harvests across the West he was unable to sell any of his land and so did “not find it convenient” to make a payment on the principal owed.¹²³ Over the next few years the DIA threatened to cancel the sale to Kilbourn but at the same time continued to extend due dates so that by the beginning of 1917 he was over \$122,000 in arrears.¹²⁴ Kilbourn retorted that he was the one with reason for complaint since he had a substantial sum tied up in these lands and for reasons outside of his control he could not sell them. After another threat from the department that the sale would be cancelled and any payments forfeited Kilbourn wrote

I have not only paid in a fortune to the Department but I have caused over 7000 acres to be put under the plow and I am not through. I was labouring under the impression that Canada wanted wheat rather than the payment of dollars.¹²⁵

Later in the year, Kilbourn tried to purchase another 2,945 acres of the Siksika reserve and claimed that he was acting as an agent for the Blackfoot Farming Company

¹²² Peter J. O’Connor, Secretary, Land and Timber Branch, to Scott, 9 October 1913, LAC, RG 10, vol. 3702, file 17,537-3. Scott officially took over as DSGIA two days after this letter was sent.

¹²³ F.A. Kilbourn, Kilbourn-Newton Ltd, Investment and Real Estate to R.B. Bennett, M.P. for Calgary, 18 July 1912, LAC, RG 10, vol. 3702, file 17,537-3.

¹²⁴ McLean to Markle, 11 January 1917, LAC, RG 10, vol. 6624, file 104A-1-41 pt. 1. Of this amount, \$96,427.60 was owed on the principal and \$26,052.12 in interest.

¹²⁵ Markle to Secretary, DIA, 27 January 1917; Orr to Kilbourn, 21 May 1917; Scott to Kilbourn, 26 June 1917 and Kilbourn to Scott, 6 July 1917, vol. 6624, file 104A-1-41 pt. 1 LAC, RG 10, vol. 6624, file 104A-1-41 pt. 1.

and was only attempting to increase production for the good of Canada. Scott refused to register the second sale until payment was received. He set other deadlines for payment on the original purchase but again these were not met. By the end of 1918 though, the tide appears to have turned for Kilbourn. He was able to sell some of land to another speculator, agreed to an interest rate increase, and seems to have moved his account into good standing.¹²⁶

In addition to arrears in lands sales like Kilbourn's, there were also, at least according to Scott, problems collecting for lands leased under Graham's Greater Production scheme. This seems to have been a problem especially when harvests were less than successful which was also a factor for those who purchased reserve lands.¹²⁷ Since Graham believed that the scheme had run its course with the end of the war anyway and he believed further that the leases were "a serious hindrance" to the project of securing surrenders of "reserves which are much too large for the small number of Indians scattered over them." Land sales would, he thought, force a concentration of reserve residents and so simplify administration and surveillance which would in turn lead to "the rapid civilization of the Indians".¹²⁸ In 1922 Scott notified Graham that he too thought it was best to acquire surrenders and put "idle" lands on the market and that the greater production farms should be closed.¹²⁹

¹²⁶ Scott to Kilbourn, 26 June 1917; Kilbourn to Scott, 6 July 1917; Scott to Kilbourn, telegram, 30 July 1917; Kilbourn to Scott, telegram, 28 August 1917; Scott to Orr, 6 November 1917; Kilbourn to Scott, 17 December 1918; F.A. Gillilan, Lasher and Gillilan Ltd. Farm and Ranch Lands, to Orr, 4 October 1918 and Kilbourn to SGIA, 12 December 1918, LAC, RG 10, vol. 6624, file 104A-1-41 pt. 1.

¹²⁷ Scott, memorandum to Meighen, May 6, 1920, LAC, RG 10, vol. 4070, file 427063-A1.

¹²⁸ Graham, memorandum to Meighen, 3 April 1919, LAC, RG 10, vol. 4069, file 427,063. See also Carter, *Lost Harvests*, 249-251.

¹²⁹ Scott to Graham, 22 February 1922, LAC, RG 10, vol. 4069, file 427,063. The final greater production farm did not close for another decade in 1932, the year that both Scott and Graham retired, the latter reluctantly. Titley, *A Narrow Vision*: 195-199.

There were a number of problems with the department's conduct of land sales generally and the large Siksika sale is a striking example. First of all, that the surrender would be accepted with such a slim majority, even of those who voted, was a recipe for confrontation. Selling land to speculators, despite the pleas from local settlers that this not occur, ensured that the land would be held, unused and unpaid for, until a profit could be assured. Along the same lines, as agent George Gooderham told Scott later, many were not making payments on principal because the interest rate was only five percent. Since "a great many of these people who were Americans took the money and sent it back to the United States where they could get 8%, or else bought other land" rather than make payment on their Siksika reserve purchase.¹³⁰ Since Canada's primary objective was to replace Indigenous residents with settler citizens, it was far more likely to be lenient with terms of payment than to protect the interests of reserve residents, despite the fact that the initial purchasers may have had no intention of settling. As long as the original owners could be separated from their lands, all would be well in the end.

In the attempt to resolve some of the financial difficulties on the reserve, the DIA decided to hold a second sale of the unsold surrendered land in June of 1917. George Gooderham, who succeeded his father J.H. Gooderham as agent, wrote later "[a]gain the sale was quite a success". Indeed, the auction was attended by several hundred settlers and, according to the elder Gooderham, realized prices forty to fifty percent higher than the sale of 1910. All of the remaining land was sold and again the interest rate was set at

¹³⁰ George Gooderham "Autobiography": 42, Glenbow, George H. Gooderham Fonds, M4738 box 10.

five percent. The problems of arrears, continued and some accounts remained open to the 1950s at least.¹³¹

In 1921 W.M. Graham proposed that the department seek a further surrender of 77,760 acres. While Scott concurred with the suggestion Graham was unable to secure the consent of the Siksika and decided against even putting the matter to a vote. In this instance, the missionary Canon H.W. Gibbon Stocken, who according to Graham felt that he was “called upon to protect the Indians from those on the Reserve, whose business it is to advise them” was blamed for the failure.¹³²

Continued pressure was applied but the Siksika were able to hold on to most of what was left after the surrender of 1910. In 1930, for example the Siksika were able to demonstrate that they could earn more from leases than from interest on the proceeds from a sale when a further surrender of 19,000 acres was proposed.¹³³

Reserve Reductions and the Nature of Consent

Well before the meetings at Blackfoot Crossing or the travels of the first reserve commission in British Columbia, it was already clear that the territory of First Nations would be alienated for the benefit of non-Native settlers and that Canada’s “civilizing” project would be financed by the further alienation of Indigenous lands. Between 1818 and 1838, for example, nine groups in eastern Canada surrendered over eleven million

¹³¹ George Gooderham, “Autobiography”: 35, Glenbow, George H. Gooderham Fonds, M4738 box 10; Gooderham to Scott, 18 May 1917, and McLean to E.A. Kirkby, 30 August 1917, LAC, RG 10, vol. 4063, file 406,557. For the interest rate see for example W.A. Orr to McMann & Eddie, 9 July 1917. LAC, RG 10, vol. 6624, file 104A-1-41 3 contains correspondence regarding the arrears but terminates in 1952.

¹³² W.M. Graham to Scott, 17 February and 9 April 1921 and Scott to Graham 18 February 1921, LAC, RG 10, vol. 4092, file 549,000.

¹³³ M. Christianson, Inspector, to W.M. Graham, 26 July 1930, LAC, RG 10, volume 12649, file 104/34-1. Somewhat ironically, though, the Siksika surrendered a small piece of land in 1926 for memorial commemorating the signing of Treaty 7. While this was only 625 square feet it is symbolic of a relationship in which one side was expected to make the sacrifices primarily for the benefit of the other. LAC, RG 10, vol. 4093, file 600,182.

acres of land for future annuity payments. Already, though, dubious business practices were evident. There was no accountability even to the governor for how moneys held in trust for Indigenous groups would be spent. Not only was the revenue from the sale of the lands of various First Nations lumped together, but often the income derived was less than the costs that the DIA charged against the sale for administration. In addition, any “surplus” funds could be used for further instruments of “civilization”.¹³⁴

By the end of the nineteenth and beginning of the twentieth centuries, a number of factors came together to significantly augment this policy and the levels of surveillance employed to implement it. Firstly, the increased demands put on land in the prairie west and the few agricultural zones of British Columbia by immigrants that followed the Liberal victory in 1896 and the aggressive immigration policy begun by Clifford Sifton. At the same time, “encouragement” for First Nations to surrender their land was amplified by an amendment to the Indian Act in 1906 that permitted the dispersal of up to fifty percent of the proceeds of land sales to the First Nation community effected.¹³⁵ Additionally, DSGIA Frank Pedley’s 1908 pronouncement that reserves were “seriously impeding the growth of settlement” was meant to justify departmental policy to further “encourage” First Nations to divest themselves of reserve lands. Pedley argued that this would not only “relieve *pro tanto* the country of the burden of their maintenance” but also provide lands for settlers. Clearly, increased pressure would be applied to both DIA employees and First Nations to reduce reserves already established. A year later Pedley

¹³⁴ On these points see for example L.F.S. Upton, “The Origins of Canadian Indian Policy”: 56.

¹³⁵ Leslie and Maguire, *Historical Development of the Indian Act*: 103-104. Sifton’s successor Frank Oliver explained that these measures would help reduce reserves that were not “of any value to the Indians and being a detriment to the settlers and to the prosperity an progress of the surrounding country”. Canada, House of Commons, *Debates* (15 June 1906): 5422.-5435.

reported that already the policy had “worked to the benefit of all concerned”.¹³⁶ As Hugh Dempsey has stated for Treaty 7, though, “[i]n the end, those reserves which surrendered lands showed no noticeable advancement or long-term benefits over those which did not.”¹³⁷

Clearly it was not the benefits Indigenous people might derive but the determined effort to reduce costs combined with the increasing value of land to settler newcomers that was all the impetus needed for the DIA to drive its employees to persuade, coerce, or find extra-legal means to obtain surrenders of portions of the fragments of land retained by the Treaty 7 First Nations. Without a doubt, these efforts were assisted by the dire position in which these nations found themselves. There is also some validity in the Hanks’ assertion that to these factors should be added the personality and actions of DIA Inspector J.A. Markle.¹³⁸ Markle’s influence and methods have already been discussed but while his vehemence and enthusiasm is noteworthy and while his role is significant it should not be overstated. Markle, like inspectors Cumiskey and Megraw in British Columbia was merely a part of a bureaucratic apparatus that was designed to “reform” Indigineity and remove First Nations from as much land as possible while at the same time keeping expenses and overt resistance to a minimum.

In western Canada east of the Rockies there was not the same degree of political encumbrance to limit Canada’s generosity as there was in British Columbia. Still, Peggy Martin-McGuire has rightly termed the period between 1896 and 1911 in the prairie west

¹³⁶ DIA, *Annual Report, 1908*: xxxv and *Annual Report, 1909*: xxxiv.

¹³⁷ Hugh Dempsey, “One Hundred Years of Treaty Seven” in *One Century Later: Western Canadian Reserve Indians Since Treaty 7*, ed. Donald B. Smith and Ian A.L. Getty (Vancouver: University of British Columbia Press, 1978): 27.

¹³⁸ L.M. Hanks and J.R. Hanks, *Tribe Under Trust*: 36.

as “brief and shameful” and noted that twenty one percent of land reserved by treaty only a few decades earlier was removed from even the limited First Nation control that the treaties and the Indian Act allowed.¹³⁹ Under Laurier’s stewardship then, as discussed in chapter one, Canada was very selective about upon whom it bestowed any benefits that might be derived from liberal capitalism.

In 1887, the land reserved for Treaty 7 First Nations amounted to 907,456 acres or just over 150 acres per person with an additional 10,880 acres set aside as “Timber Limits” for the Piikani and Kainai. Certainly by straight mathematical calculations this exceeds the 640 acres per family of five as guaranteed by the treaty. Thirty years later reserve land had increased to over 246 acres per person but gross acreage had declined to 780,186 acres.¹⁴⁰ Since the 1877 meetings at Blackfoot Crossing and the introduction of DIA assistance to Indigenous well-being the population of the Treaty 7 first Nations had declined to less than half. Ironically, this decline in population during the first few decades of DIA surveillance was used by many as a reason why reserves should be reduced further.

Even with this reduction in population, and so increase in land per capita, a comparison with the situation south of the border is further illustrative of the generosity of liberal Canada. In the second decade of the twentieth century the Blackfoot population in Canada was listed by the DIA at 2,329 living on reserves with a combined acreage of

¹³⁹ Martin-McGuire, “First Nation Land Surrenders”: xiii. As illustrated above, though, while the worst effects occurred in this period similar “shameful” attempts were made to alienate land much later.

¹⁴⁰ These figures are calculated from the figures listed in the tabular statements included in the DIA’s *Annual Report for the years discussed*. For maps and brief descriptions of the reserves in 1889 see Canada, DIA, *Description and Plans of Certain Indian Reserves in the Province of Manitoba and the North-west Territories, 1889* (Ottawa: n.p., 1889). This “surplus” of land over what was guaranteed in the treaty provided ammunition for settler representatives to justify reserve reduction. See Frank Oliver in Canada, House of Commons, *Debates* (15 June 1906): 5422-5423.

614,570 or 263.88 acres per person. In the United States, the Blackfoot population was 2,842 living on 1,503,450 acres of reserved land or 529 acres per person. While only a detailed cross-border comparative land use analysis could determine the relative value of these lands to settlers and First Nations, even after the infamous General Allotment (Dawes) Act was in operation for two and a half decades, the American Blackfeet retained over twice the quantity of land as their counterparts in Canada.¹⁴¹

Also helpful in the attempt to understand the relationship between Canada and First Nations is the issue of consent. While Hana Samek recognizes some of the contradictions illustrated above, she argues that consent was required and presents these inconsistencies as the result of “a lack of agreement” between Canadian officials that was rectified by Scott’s 1914 instructions.¹⁴² Section 26 of the first Indian Act of 1876 stated that any “surrender shall be assented to by a majority of the male members of the band of the full age of twenty-one years, at a meeting or council thereof summoned for that purpose”. But immediately there was difference of opinion regarding whether or not this meant the majority of those who the DIA determined were eligible to vote or the much lower standard of the majority of those who actually voted. Minister of the Interior Laird favoured the latter interpretation and this became the standard, at least in the Treaty 7 region, for almost four decades.¹⁴³ By 1914, as discussed above, there was an about turn in this policy as evidenced by Scott’s 1914 instructions which stated that any “surrender

¹⁴¹ This is the combined Siksika, Kainai, and Piikani population. DIA, *Annual Report*, 1913, pt. i: 168, 170, 182 and pt. ii: 6 and Abbott, “The Administration of Indian Affairs”: 82. Abbott’s figures match with those given in the *Annual Report* for the population of the Kainai and Siksika but are twenty persons lower for the Piikani. His combined reserve acreage for Canadian Blackfoot, though, is higher by over 8,200.

¹⁴² Samek, *Blackfoot Confederacy*: 106 and 116-117.

¹⁴³ “An Act to Amend and Consolidate the Laws Respecting Indians”, Canada, *Statutes of Canada*, 39 Vic. (1876), c. 18, s. 26, subsection 1 and “Extracts from the Debates of the House of Commons”, 30 March 1876, in LAC, RG 10, vol. 6808, file 470-2-1.

must be assented to by a majority of the Indians whose names appear upon the voters' list, who must be present at a meeting or council summoned for the purpose".¹⁴⁴ The quantity of consent, then, is at issue for most of the period under discussion here. Peggy Martin-McGuire offers an important addition to Samek's analysis here in asking us to consider both the quantity and quality of consent.

While determining quantity of consent is not a straightforward problem and it will be a difficult one for land claims specialists to unravel in the twenty first century, far more complicated is the quality of consent that was given. Certainly the alleviation of poverty would seem reason enough for Treaty 7 leaders to seek some immediate and radical solution that might include the sale of their land.¹⁴⁵ But the inter-related issues of consent and security in relation to land sales are far more complicated than they might appear. At least in the Treaty 7 area the federal government and its representatives were rarely clear about their plans for the future or transparent in any aspect of their machinations in obtaining a surrender. While First Nations believed that they had made arrangements for future security, and this understanding may have been upheld by their agent, Ottawa often had different views.

As was the case in British Columbia, there was considerable and relentless pressure applied to each of the First Nations in southern Alberta and less than honest methods employed by department representatives to secure reserve surrenders. Further, as illustrated above, in both regions the DIA employed persistent surveillance, that included

¹⁴⁴ D.C. Scott, "Instructions for the guidance of Indian Agents in connection with the surrender of Indian reserves, 15 May 1914", LAC, RG 10, vol. 7541, file 29,103-1, Pt.1. This clause was reprinted word for word in DSGIA Harold McGill's instructions eighteen years later. Harold McGill, "Instructions for the guidance of Indian Agents in connection with the surrender of Indian reserves" 2 November 1932, LAC, RG 10, vol. 12649, file 701/34-1.

¹⁴⁵ The Hanks' support the position that "a basic need for security against poverty" was a motivating force in the Siksika surrender. L.M. Hanks and J.R. Hanks, *Tribe Under Trust*: 43-47.

that offered by Methodist Missionary John McDougall, to assist them in removing land from First Nations control. While the pressure and methods faced were specific to each Nation, Canada consistently went to considerable effort to present the appearance that Indigenous consent was granted in every case. The tactics Canada employed to reduce reserves and neutralize opposition in the Treaty 7 region further demonstrate how liberalism operated to exclude Indigenous people from the individual liberty and protection of private property that it guaranteed to others. That it simultaneously operated to advance the interests of non-Native settlers demonstrates Canadian liberalism's selectivity and its lack of interest in promoting equality. These machinations, which at best navigated questionable legal and moral grounds, were of course hidden from Indigenous people and from sympathetic non-Native observers, both in the moment and after the fact. This reduced the potential of a swell of protest entering the public view, it protected Canada's reputation as a benevolent patriarch, and it allowed those citizens who might be concerned about such things to remain morally untroubled.

Certainly there was resistance of various sorts advanced to meet the specific circumstances surrounding the reduction in territory of each First Nation and this was at least sometimes successful. Considering the DIA's control over band governance and Canada's ability and willingness to choose and depose Indigenous leaders, the degree of challenge to unilateral colonial rule is remarkable. The form of this opposition was sometimes more organized than what scholars of resistance in other colonial situations have referred to as "everyday resistance" but it was still primarily localized in nature and

usually in response to immediate threats to survival.¹⁴⁶ Treaty 7 First Nations did not participate in the larger-scale resistances of 1869-70 or 1885 but they would suffer significant restrictions to movement, land, and resources that paralyzed their economies in the decades that followed.

Still, there was resistance. Gerald Friesen has pointed out that historians of Canada's west have rightly paid a significant amount of their attention to the events of 1885 and those related directly to the numbered treaties but he notes also that we should not allow this to obscure the lives and resistance efforts of other Indigenous defenders.¹⁴⁷ The efforts of these under-studied guardians, like those discussed above, continued well beyond the period under discussion here in response to the specific conditions facing individual communities even if there are connections to the broader context of Canadian liberal colonialism.¹⁴⁸

In November of 1924, a convention of the Blackfoot First Nations was held on the Kainai reserve and in Macleod that, to a degree, expanded the boundaries of localized resistance. The *Calgary Herald* referred to the meeting as not "a meeting of feathered and painted savages" but rather "a conclave of sober minded men and women seeking to obtain the rights which they claim are justly theirs." The local MLA and MP were both in attendance as were delegates from the Macleod Board of Trade who helped with some of the logistical details of the convention.¹⁴⁹

¹⁴⁶ On "everyday" resistance in another context see Scott, *Weapons of the Weak*: 29. For a correction to Scott's emphasis on agency see Haynes and Prakash, "Entanglement of Power and Resistance": 10-11.

¹⁴⁷ Friesen, *The Canadian Prairies*: 156.

¹⁴⁸ Laurie Meijer-Drees makes an important contribution by focusing on the importance of local issues in her analysis of the matrix of factors that gave rise to political action. Laurie Meijer-Drees, *The Indian Association of Alberta: A History of Political Action* (Vancouver: UBC Press, 2002).

¹⁴⁹ *Calgary Herald*, 13 and 14 November 1924. The *Herald* noted that the Macleod board of trade was very much in support of the convention and that the board's secretary, A.F. Grady was made "honourary chief".

A.F. Grady, Secretary of the Board, even wrote to the DIA to briefly explain the grievances of the Blackfoot First Nations. While SGIA Charles Stewart responded that he would investigate any concerns that were presented to him he pointed out that the convention may not be representative of the general feeling of the Blackfoot and further that “[y]ou are no doubt aware from your own experience with Indians that their grievances are sometimes imaginary”¹⁵⁰ Like many before and after him Stewart could not publicly acknowledge that Canadian liberalism was selective and that those excluded from its benefits might well hold legitimate objections. Pursuing another well worn line of reasoning W.M. Graham issued his regrets that the convention took place at all and suggested that it was instigated by “outside influences... who will lead them to believe that they have grievances when no grievances exist.”¹⁵¹ Scott agreed that there was “hardly any foundation for these grievances” and reported drolly that if there were any they “might as well have been brought to the attention of the Government through its Agents.”¹⁵² As always the department refused to acknowledge that the results of its surveillance could produce anything but positive results.

In this case, the primary immediate objective of the meeting on the Kainai reserve was to gather support for the removal of the section of the Indian Act that allowed leases without consent and for remedial action on insufficient and unfair distribution of rations,

The Mayor arranged for the use of a hall and a banquet for the delegates. Mike Mountain Horse to J.T. Faunt, Blood Agent, 22 and 30 November 1924, LAC, RG 10, vol. 4093, file 600,107. Agent Faunt reported that he believed it was actually the business community at Macleod that was behind the grievances because they were angered at the move of the agency headquarters to the north and away from Macleod.

¹⁵⁰ A.F. Grady, to Stewart, 18 November 1924 and Stewart to Grady, 24 November 1924, LAC, RG 10, vol. 4093, file 600,107.

¹⁵¹ Graham to Scott, 28 November 1924, LAC, RG 10, vol. 4093, file 600,107. Agent Faunt similarly reported that the convention was not representative but rather consisted only of “a few agitators and loafers”. Faunt to Graham, 30 November 1924.

¹⁵² Scott to Governor General’s Secretary, 2 January 1925, LAC, RG 10, vol. 4093, file 600,107.

inadequate accounting procedures and lack of access to financial records. In other words, to secure legislative and corrective action on issues that had been put forward for years and that liberal citizens took for granted. For their part, the RCMP understood that the convention was simply designed to bring these issues “to a head”.¹⁵³ The *Herald* argued that there should be an investigation of a lease on the Piikani reserve and that the kind of “exploiting that has been shown to exist across the border must never be even hinted at in Canada”.¹⁵⁴ While there were hints, liberal Canada was mostly successful in masking its objective of removing land from Indigenous control by employing a shifting array of tactics all of which were based on surveillance. As in British Columbia, the First Nation signatories to Treaty 7 have little choice but to continue in their struggle for justice one hundred and thirty years after the meetings at Blackfoot Crossing.

¹⁵³ Sgt. J.A. Webb to Inspector A.H.L. Mellor, Commanding Lethbridge Sub-District, RCMP, 14 November 1924. The comments regarding the long standing grievances was added by Inspector Mellor.

¹⁵⁴ Mike Mountain Horse to Faunt, 22 November 1924, LAC, RG 10, vol. 4093, file 600,107. *Calgary Herald*, 2 January 1925.

CHAPTER EIGHT

Exclusionary Liberalism In World War One and Beyond:

Epilogue and Concluding Remarks

The operation of both disciplinary surveillance and exclusionary liberalism in various forms and circumstances have been explored in the preceding chapters. The restriction of rights and benefits granted to others and the appropriation of Indigenous lands and resources were intensified in the years in and around World War One. Although First Nations men were specifically exempted from the Military Service Act by an order in council of January 1918, approximately four thousand people defined as Indians, or 35% of all male reserve residents of military age, enlisted.¹ When the Military Service Act was introduced in 1917, records of Native enlistments were compiled and it was found for example that even though exempt every member of the Okanagan Head of the Lake Band who could have been conscripted in the first call had already volunteered.²

Not only were Indigenous people employed directly in the war effort of the British Empire as soldiers, but also their lands and resources, finances, and labour were brought into service. Even before the war had officially begun, militia units sought pieces of reserves at Kamloops, Salmon Arm, and various locations in the Okanagan for rifle

¹ Canada, Dominion Bureau of Statistics, *The Canada Year Book* (Ottawa: King's Printer, 1921): 789; Canada, Department of Indian Affairs, *Annual Report*, 1918: 14 and DIA, *Annual Report*, 1919: 13 and 56. The DIA pointed out as well that "undoubtedly" there were Indigenous people who served in the military but for whom the department has no information and so are not included in the statistics. DIA, *Annual Report*, 1918: 14.

² Canada, Department of Indian Affairs, *Annual Report*, 1919: 20 and D.C. Scott, "The Canadian Indians and the Great World War" in *Guarding the Channel Ports* Vol. III of *Canada in the Great War: An Authentic Account of the Military History of Canada From the Earliest Days to the Close of the War of the Nations* (Toronto: United Publishers of Canada, 1919): 310. The first group of conscripts, class I registrants, included unmarried and childless males aged 20-34. Scott argued that military service had a progressive effect on Indigenous veterans.

ranges and military camps.³ As these demands for land for military purposes grew over the course of the war, they became yet another duty for Indian agents whose capacities were already stretched thin.⁴ Indigenous people were also expected to support the war effort by increasing agricultural production on their reserves. In 1918, for example, the *Kamloops Standard* reported that on the reserves near Shuswap Lake “The Indians are going about their work enthusiastically, realizing the need that exists for food to help the Allies carry the war to a successful conclusion.”⁵ With limited agricultural land available, and with the province’s claim to reversionary interest in reserves still not resolved, the federal government primarily restricted itself to applying pressure to secure surrenders and leases to reserves in the railway belt.

In the Treaty 7 region, though, and throughout the prairie west the pressure was much more widespread and grew in intensity. In the early years of the war agents and inspectors were directed by Scott and DIA headquarters to encourage Indigenous people in their areas to increase production, reduce consumption, and contribute financially but this was more or less voluntary.⁶ Beginning in 1918, though, DIA encouragement of Indigenous participation in the war effort on the home front included far more coercive

³ Col. E. Fisit, Deputy Minister of Militia and Defence to Deputy Superintendent General of Indian Affairs, 25 January 1910; J.D. McLean to A. Irwin, 23 May 1910; T.J. Cumiskey to J.D. McLean, 27 March 1913; Royal Commission on Indian Affairs to Secretary, DIA 19 September 1913; Deputy Minister of Militia and Defence to Deputy Superintendent General of Indian Affairs, 4 November 1913, LAC, RG 10, vol. 4048, file 357,520. For pre-war requests for Okanagan reserve land for training camps and other military purposes see vol. 4063, file 400,925.

⁴ For examples of some of Agent J.F. Smith’s activity in this regard prior to World War One see LAC, RG 10, vol. 1325 (c) “Daily Journal for 1912” entries for 1 July and 20 December 1912 and (d) “Daily Journal for 1913”, 20 May and 28 June.

⁵ *Kamloops Standard*, 9 April 1918: 1. For a general description of wartime reserve production see: Titley, *Narrow Vision*: 39-42. In both regions the department decided that male residential school students should be “allowed out to assist the farmers in the district”. Scott to all Principals of Residential Schools, 19 February 1918, LAC, RG 10, vol. 3966, file 150000-26. A copy of the letter is also in Glenbow, Calgary Indian Mission Fonds, M1356, vol. 1, file 3.

⁶ On this point see Titley, *A Narrow Vision*: 39 and Carter, *Lost Harvests*: 250.

elements. In 1918 the federal government embarked on the greater production scheme and appointed Inspector W.M. Graham as commissioner for Manitoba, Saskatchewan, and Alberta to oversee the project. The plan was meant to make use of “vacant Indian lands” to increase the production of grain and livestock and to this end Graham was given extensive authority and the department was advanced \$300,000 from the war appropriation. The strategy had three basic components. First, the DIA would establish and run “Greater Production Farms” on reserves which would take advantage of the labour of local Indigenous people. Second, individual reserve residents were, under Graham’s supervision, encouraged to increase their own agricultural production. Third, Graham was authorized to lease reserve lands to non-Indigenous farmers for agricultural or grazing purposes.⁷ In addition to all of this, Graham reported that “many bands of Indians have large sums of money practical [sic] idle, which I think could be used in furthering this big scheme”.⁸

A few days after the Privy Council approved the greater production scheme, Scott informed Graham that while he hoped that Indigenous residents would consent to the use of their lands to further the department’s plans, he had secured the opinion of the Justice

⁷ Graham was given authority to organize and direct both reserve residents and DIA employees, including hiring or dismissing as he saw fit, and to make any purchases necessary to facilitate it. He was responsible not to Scott as DSGIA but had “sole management of this work” and reported directly to Superintendent General Arthur Meighen, who was related to Graham’s wife. P.C. 393, 16 February 1918 in LAC, RG 10, vol. 4070, file 427,063-A and DIA, *Annual Report*, 1919: 10. Of 19,431 acres of reserve lands set aside as greater production farms, over 11,000 acres were on the Siksika and Kainai reserves. Regarding Graham’s authority in this endeavor Clifford Sifton was reported to have said “Graham has been given the widest authority of any man in the Government Service, either inside or out, and in my opinion, he is the only man in any of the services that I would consent to give the powers to, and if anybody can make the plan success, Graham is the man.” Samuel McDougall, Ottawa, to W. Graham, 4 May 1918, Glenbow, William Morris Graham Papers, M8097, box 1, file 1.

⁸ Graham to Meighen, 7 January 1918, LAC, Meighen Papers, MG26-I, Series 1, vol. 4. Many First Nations made donations to the Canadian Patriotic Fund. See for example Scott to Dilworth, 5 March 1917, Glenbow, Blood Indian Agency Fonds, M1788, vol. 16, file 122, DC Scott to Dilworth, 5 Mar 1917 and Dempsey, *Warriors*: 19-20. For a national accounting see DIA, *Annual Report*, 1919: 20-25.

Department that the War Measures Act was sufficient to enable the DIA to . appropriate any reserve lands required without the necessity of obtaining the residents' consent.⁹ Even with this authority already in place, the department moved to amend Section 90 of the Indian Act to empower the Superintendent General to not only grant a lease on any reserve without the necessity of surrender or consent but also to relieve any band of its funds, similarly without requiring their consent. Minister of the Interior and SGIA Meighen considered this necessary to counter "the power of what one may call reactionary or recalcitrant Indian bands to check their own progress by refusing consent to the utilization of their funds or vacant lands for their own advantage" or in case a band council "through some delusion, misapprehension or hostility" refused to abide by what the department thought necessary to increase production on reserves which Meighen felt were "far in excess of what they are utilizing now for productive purposes".¹⁰ Additionally, as Sarah Carter has argued, the focus on reserves diverted attention away from un-productive land held for speculation by corporations like the Canadian Pacific Railway and Hudson's Bay Company. Meighen admitted that it was the surveillance network of the DIA that made reserve land "over which we have a system and machinery of direct supervision" especially attractive.¹¹ Even in wartime then, liberal Canada continued to discriminate between Indigenous and non-Indigenous interests to the advantage of the latter.

⁹ Scott to Graham, 21 February 1918, LAC, RG 10, vol. 4070, file 427,063-A. Prime Minister Borden confirmed this to the House a few weeks later. Canada, House of Commons, *Debates*, 19 March 1918: 27.
¹⁰ DIA, *Annual Report*, 1918: 19-20 and Canada, House of Commons, *Debates*, 23 April 1918: 1047-1049.

¹¹ Sarah Carter, "An Infamous Proposal": Prairie Indian Reserve Land and Soldier Settlement after World War I", *Manitoba History*, 37 (Spring-Summer 1999): 13, 9. Meighen made this comment in the House of Commons in 1918.

While Meighen continued to publicly support the greater production scheme, at one point proudly stating in the House of Commons that “the Dominion is the largest farmer in the Dominion” it was much less successful than its promoters hoped.¹² By April of 1919 Graham recommended to the Minister that the department cease “grain-growing independently of the Indians” and turn over all “unused land” and all “machinery, equipment, buildings and so forth” not to Indigenous people but to the Soldier Settlement Board. Rather than allowing leases on reserve land Graham argued that the department should secure surrenders and “break up the reserves which are much too large for the small number of Indians scattered over them.”¹³ Finally, with Meighen just out of office in January of 1922, an order in council was approved rescinding the earlier order which began the greater production project and appointed Graham as commissioner. The following month Scott informed the commissioner that the department wanted to close the greater production farms and to stop leasing reserve lands. He stated further that “It is, however, the policy of the Department to gradually obtain surrenders of surplus Indian lands and to sell them to settlers.”¹⁴

At least some Indigenous people and church representatives had already expressed their concerns regarding the greater production activities long before they were eventually shut down. When their land was returned to them Kainai leaders complained in a nineteen

¹² Canada, House of Commons, *Debates*, 25 June 1919: 4063. See also Titley, *A Narrow Vision*: 42. The irony of a Conservative cabinet minister in charge of a department that was attempting to restructure the collective elements of Indigenous economies bragging about state controlled production seems to have been missed by Meighen.

¹³ Graham, memorandum to Meighen, 3 April 1919, LAC, RG 10, vol. 4069, file 427,063. See also Carter, *Lost Harvests*: 251. In addition to the many flaws in the program that were later presented by Indigenous people themselves as discussed below, Graham had difficulty in some cases collecting rent. This was not unlike the difficulty of securing payment on land sales. Scott, memorandum to Meighen, 6 May 1920, LAC, RG 10, vol. 4070, file 427063-A1 and Scott, memorandum to Meighen, 6 May 1920, LAC, RG 10, vol. 4070, file 427063-A1.

¹⁴ Scott to Graham, 23 February 1922, LAC, RG 20, vol. 4070, file 427063-A.

page memorial to SGIA Charles Stewart in December of 1922: "Having seen the Greater Production weeds we think that "decreased" would be more correct. Much of this G.P. land was returned to our Indians in such a foul condition that its possession was a misfortune to the Indians who received it." Reserve lands, they said, were so badly broken that "the Commissioner's men" were required to burn large areas so that they would look like they had been ploughed from a distance. Shot-on-Both-Sides and other chiefs complained further of incompetent management, priority given to the greater production farm in the use equipment, resources, and supplies needed by reserve residents, Graham's imperious attitude and disinterest in their concerns and a variety of other issues.¹⁵

J.A. Newnham, the Bishop for Saskatchewan stated what might have been obvious if the desire of the department had been to actually assist Indigenous farmers and their communities rather than simply turn over their land to benefit settlers:

Surely to seize all the best of the farming land in one reserve after another is not the way to encourage them to be farmers? But this seems to be Mr. Graham's method lately; and I fear he has somehow gained the ear and the favour of the I.D. at[sic] Ottawa.... It is easy to make a reputation for success in one particular line of work if you determine to sacrifice all other lines for that one. Mr Graham may get the praise for "Greater Production" but it is the poor Indians who make the sacrifice.¹⁶

While the supporters of the greater production effort promoted the scheme as a benefit to everyone in the country, Indigenous and not, in the end it was of little benefit to either.¹⁷

¹⁵ Shot-on-Both-Sides et.al. to Stewart, 20 December 1922, LAC, RG 10, vol. 7102, file 773/3-1-1-1, pt. 2.

¹⁶ J A Newnham, Bishop of Saskatchewan, to Scott, 10 February 1920, LAC, RG 10, vol. 4070, file 427,063-A. There were also politicians with foresight who opposed to the leasing of reserves opposed to leasing of reserves and recognized that they would be left in a less than productive condition. Some argued that lands held by speculators would be better put to increasing Canada's agricultural output. Carter, "An Infamous Proposal": 12-13.

¹⁷ Titley, *A Narrow Vision*, 42-43.

With the exigencies of war over, one might expect the pressure on Indigenous people to part with their lands and resources to diminish. To the contrary, demands increased with the return of soldiers looking for land. In response, the 1917 Soldier Settlement Act created a three person board that was authorized to make grants of up to 160 acres of crown land and loans of up to \$2,500 to returning soldiers.¹⁸ Inevitably, many looked to Indigenous lands to once again fulfill the requirements of settler society but there were obstacles.

Late in 1918 Scott wrote to Meighen and stated that the issue of opening reserves for soldier settlement had been considered, but the problem was that this would require coming to some financial agreement with the resident First Nation. In regard to the Kamloops reserve Scott said, "These Indians are aware of the value of their reserve and will not part with it without proper compensation."¹⁹ Within a few months, though, the department was actively working with the Soldier Settlement Board to acquire reserve land for returning non-Native soldiers.²⁰ While neither the Board nor the DIA had the power to expropriate reserve land for the purposes of soldier settlement, Meighen announced that such power might be considered in the future if First Nations "should become recalcitrant, or if there should be anything in the nature of mere obstinacy as against their own interests and the interests of the State" was observed.²¹ In the meantime the department significantly increased its efforts to secure as much remaining Indigenous land as possible by obtaining surrenders.

¹⁸ Titley, *A Narrow Vision*, 43-44. When it soon became evident that there were more applicants than available land, a further provision allowed the board to act as an intermediary in the purchase of private lands.

¹⁹ Scott, Memorandum to Meighen 15 November 1918, LAC, RG 10, vol. 7535, file 26154-1.

²⁰ See, for example, Scott to W.J. Black, Chairman Soldier Settlement Board, 2 April 1919 vol. 7535 file 26154-1. Also Carter, "Infamous Proposal": 15.

²¹ Canada, House of Commons, *Debates*, 23 June 1919: 3877-3879.

In the prairie west, W.M. Graham was particularly successful in securing reserve surrenders and arranging for previously surrendered land be turned over for soldier settlement, in some cases even acquiring land that held no interest for the Soldier Settlement Board. Like pre-war surrenders there is evidence that at least some cases considerable, at times dishonest and extra-legal, pressure was employed to convince Indigenous people to give up their land.²²

In British Columbia, where reserves were already small, Indigenous people also faced demands from settlers and the DIA that they restrict themselves further to make room for returned soldiers. As in the prairies, less than honourable means were employed at times, but since the issue of reversionary interest was still not resolved, and so the potential problem that any surrendered reserve land might revert to the province, the DIA restricted its efforts to the dominion controlled railway belt.²³

Applications to take over reserve land near Kamloops were presented from as far away as New Brunswick.²⁴ Kamloops Reserve One, large by B.C. standards, was sought in order to construct a "model town" for "invalided returned soldiers."²⁵ A supporter of this scheme, H.T. Dennison, secretary of the Kamloops Board of Trade when it appeared before the McKenna - McBride commission, suggested predictably that the Secwepemc should be removed from "where they are now squatted so unpleasantly for all parties concerned." In anticipation of complaints regarding the desecration of a cemetery on the reserve, Dennison argued that the government could care for it "and with a small park

²² Carter, "Infamous Proposal": 15-17.

²³ See for example Titley, *A Narrow Vision*: 47. Both the Okanagan and the Secwepemc held a number of reserves within this forty mile wide strip of land.

²⁴ E. A. McLean to Secretary, DIA, 6 October 1919, LAC, RG 10, vol. 7535, file 26154-1.

²⁵ *Kamloops Telegram*, 16 July 1921.

around it, could even be made a point of attraction. This I beleive[sic] would please the Indians.”²⁶ Inspector Megraw, recommended only that “care be taken to prevent a repetition of allowing them to crowd together again in a village.”²⁷

The Secwepemc at Kamloops could hardly have been pleased with Dennison’s ingratiating proposal or his feigned concern for their interests. Yet few non-Natives rallied to their support. Kamloops officials complained that Agent J.F. Smith was one of only two residents who opposed the scheme to alienate the reserve as a soldier colony.²⁸ Instead, Smith suggested the Little Shuswap Lake Band’s Scotch Creek reserve, still in dispute after being cut-off by the McKenna-McBride Commission, as an “ideal piece of land on which to settle returned men.”²⁹ This appraisal was endorsed by Brigadier General E. Hilliam who lived near the reserve and called it “the best place I know of for soldier settlement.”³⁰

While First Nations were expected to give up portions of what remained of their lands for returning non-Native soldiers, their own sons and daughters who served found that little had changed in their favour while they were away. As DIA secretary J.D. Maclean explained in 1922: “These returned Indian soldiers are subject to the provisions of the Indian Act and are in the same position as they were before enlisting.”³¹ While their lives and their land were threatened, military service by Indigenous people of

²⁶ Henry Dennison to H.H. Stevens, 17 April 1919, enclosed in E.J. Ashton, Commissioner, Soldier Settlement Board to D.C. Scott, 20 May 1919, LAC, RG 10, vol. 7535, file 26154-1.

²⁷ A. Megraw to D.C. Scott, 6 August 1919, LAC, RG 10, vol. 7535, file 26154-1.

²⁸ A.S. Fraser, for the Corporation of the City of Kamloops to Thomas Adams, Town Planning Adviser, Ottawa, 2 January 1921, LAC, RG 10, vol. 7535, file 26154-1.

²⁹ J.F. Smith to D.C. Scott, 24 March 1919, LAC, RG 10, vol. 7535, file 26154-1. Six months before writing this letter, Smith received notification that his last remaining son, Leo, had been killed while on active duty in France. *Kamloops Inland Sentinel*, 17 and 20 September, and 8 October 1918.

³⁰ Brigadier General Edward Hilliam to F.C. Brown, 27 January 1920, vol. 7535, f26154-1.

³¹ J.D. McLean to Agent Thomas Deasy, 8 September 1922, LAC, RG 10, vol 3181, file 452,124-A cited in Dempsey, *Warriors*: 72.

western Canada did not guarantee that they would be treated equally to their non-Native comrades-at-arms when they returned home. Despite their sacrifices, their relative worthiness and that of their relatives or survivors continued to be judged on a plane reserved for "Indians."

Land was not provided for Indigenous veterans as it was for non-Natives, rather they were provided merely with usufructuary rights to land on reserves through the issuance of location tickets. An amendment to the Indian Act in 1919 empowered the deputy superintendent general to acquire reserve land for this purpose without the necessity of securing band council consent.³² In this way the DIA could advance its objective of further wresting reserves from collective control while giving the appearance of equal treatment for Indigenous veterans. Neither they nor their families, though, were treated with a great deal of respect as is evident in the case of George McLean, an Okanagan resident of the Head of the Lake Reserve.

McLean joined the 172nd battalion, the same unit as Agent J.F. Smith's son, and left his children in the care of friends on the reserve with instructions that they be sent to the Kamloops Indian Residential School as soon as there was room for them. Since KIRS regularly exceeded the number of pupils for which it received grant money and with its costs escalating as a result of the war, the school refused to accept further admissions.³³ In order to find a place for McLean's children, Agent Smith wrote to the principal of the Kuper Island Industrial School near Victoria. Principal Lemmens agreed to "take the

³² Leslie and Maguire, *Historical Development*: 114.

³³ Inspector Megraw complained "there seems rather more commercialism than altruism in the refusal to do so in this case." A. Megraw to Assistant Deputy and Secretary, DIA, 13 December 1916, LAC, RG 10, vol. 6773, file 452-70.

children of one who is doing his duty for his country. Their presence here will be a lesson to our children.” The department, though, would have to make a special funding grant.³⁴

By the end of 1917, McLean had been wounded twice. Duncan Campbell Scott acknowledged in his published report that the Okanagan soldier had “single-handed destroyed nineteen of the enemy with bombs and captured fourteen more”. He received the Distinguished Conduct Medal and was sent to a convalescent home at Qualicum Beach on Vancouver Island.³⁵ A year later he was back in the interior, working for the Douglas Lake Cattle Company and had decided to put up a house. In order to pay for construction materials he requested that the DIA send him any money remaining from his military earnings that were assigned to pay for his children’s support. While the total amount held to McLean’s credit was \$775, the DIA secretary McLean sent \$200 to Inspector Megraw and claimed there was “no means of knowing how much this man requires.”³⁶ To determine the “most desirable disposition of the funds in hand”, Megraw sought information from the manager of the Douglas Lake Cattle Company, McLean’s employer, not the ex-soldier himself.³⁷ Soon, McLean requested more money, gave an accounting of how it would be spent, and asked that the balance be invested in a Victory Bond. The DIA sent a cheque and the bond to Inspector Megraw and advised: “You should warn him [McLean] to place it in safe keeping.”³⁸ It is likely that the department

³⁴ J.F. Smith to E. Lemmens, 9 Jan 1917; E. Lemmens to J.F. Smith, 11 Jan 1917, LAC, RG 10, vol. 6773, file 452-70. It is not known if a special grant was offered to KIRS.

³⁵ A Megraw to J.D. McLean, 5 December 1917 and J.D. McLean to A. Megraw, 30 December 1917, LAC, RG 10, vol. 6773, file 452-70 and Canada, Department of Indian Affairs, *Annual Report*, 1919: 70.

³⁶ J.D. McLean to A. Megraw, 12 September 1918, LAC, RG 10, vol. 6773, file 452-70.

³⁷ A. Megraw to J.D. McLean, 30 September 1918, LAC, RG 10, vol. 6773, file 452-70.

³⁸ G. McLean to A. Megraw, 20 October 1918 and J.D. McLean to A. Megraw, 18 November 1918, LAC, RG 10, vol. 6773, file 452-70.

based its decision to release the money on McLean's decision to volunteer to defend his country, his request that his children be sent to the residential school, his willingness and ability, despite his injuries, to hold a steady job at a large established company, his responsible accounting of how the money would be spent, and his patriotic request that the balance due to him be invested in a Victory Bond. But even after experiencing the horrors of World War One and fulfilling DIA criteria for "advancement" in every way possible, the department felt he might still harbour some dangerous lingering "Indianness" and required additional disciplinary surveillance. A non-Native veteran with McLean's accomplishments and sacrifice would be given status as a hero. George McLean was excluded from such accolades by liberal Canada and warned not to be careless.

While Indigenous veterans could apply for location tickets on reserves as mentioned above, even to qualify for this benefit, much inferior to that offered to other vets, a Native ex-soldier had to satisfactorily demonstrate, the "desire of making farming his life work."³⁹ When Alexander George applied to his Indian agent for a piece of land on the Kamloops reserve, John Smith advised the department that George "before enlisting was very unsteady and frivolous, practically worthless, as far as working on the land was concerned."⁴⁰ On the basis of Smith's appraisal, without consideration of George's war record, the DIA ruled that the latter would have "to prove his ability to work faithfully."⁴¹

³⁹ J.D. McLean to J.F. Smith, 6 September 1919, LAC, RG 10, vol. 7528, file 25,154-2.

⁴⁰ J.F. Smith to J.D. McLean, 14 July 1919, LAC, RG 10, vol. 7528, file 25,154-3, Pt. 1.

⁴¹ J.D. McLean to J.F. Smith, 6 September 1919, LAC, RG 10, vol. 7528, file 25,154-3, Pt. 1.

The following year George applied formally to the DIA for land. In addition to his application for a loan, and Smith's confidential report, George's wife Mary had to sign a declaration:

I believe that my husband is sincere in his intention of making farming his life work, and that he is aware of the responsibility resting on those who would engage successfully in the farming business. I am willing to live on a farm, am in favour of my husband engaging in farming, and will co-operate with him, and assist him in every way possible.⁴²

Clearly, if Indigenous men were to be transformed into peasant farmers, Indigenous women would be molded into their subordinate help-mates.

While this application was deferred as well, George was eventually assigned a location ticket, but during the following three years he was not always able to make payments on the department's loan. In 1923, Kamloops Indian agent W.C. Dallin reported that George had taken his own life. He had "been suffering from fits of depression since his return from overseas, same having become more frequent of late."⁴³ If the DIA's disciplinary surveillance of other reserve dwellers was intense, it must have been vehement for those to whom the department loaned money and granted location tickets.

The families of soldiers who either did not return from combat or succumbed to war related injuries were treated no better. The Mountain Horse Kainai family provided three sons to the Canadian Expeditionary Force. The youngest of the three, Albert (Flying Star), was gassed three times early in the war and contracted consumption as a result. He

⁴² DIA, "Preliminary Information Form for Indian Soldier Settlement," LAC, RG 10, vol. 7528, file 25,154-3, Pt. 1.

⁴³ J.F. Smith to J.D. McLean 2 December 1921; W. Dallin to DIA Assistant Deputy and Secretary, 9 April 1923, LAC, RG 10, vol. 7528, file 25,154-3 Pt. 1.

died in Montreal on his way home in November 1915.⁴⁴ Albert's older brothers, Joe and Mike, who had previously been employed as a DIA interpreter and RNWMP scout respectively both enlisted as well and both were subsequently wounded.⁴⁵ Albert's pension benefit was awarded to his mother Sikski but sometimes she had to remind the department to send her monthly stipend along.⁴⁶ When Joe applied through his agent for an advance of \$400 to purchase horses under the Soldier Settlement Act, Commissioner W.M. Graham replied simply "I do not think it well to make any purchase of this nature just now, but later the matter will be looked into".⁴⁷

In Secwepemc territory, J.F. Smith recommended that the soldier's pension of private Abel Francois of the Adams Lake band, who was killed in a gas attack, be transferred to his father, "a worthy Indian."⁴⁸ Thomas Andrew's wife was not so fortunate. Smith determined that the "widow has not been behaving very well for some time."⁴⁹ On his recommendation the pension was kept "for safe keeping" by the federal government. Five years later, after Nellie Andrew gave the department a precise accounting of how it would be spent, some of the money was released to merchants on her behalf but not until 1925 did she receive the final disbursement of her husband's pension in cash: \$14.20.⁵⁰

⁴⁴ Mountain Horse, *My People*: 139-140; Dempsey, *Warriors*: 55. Joe Mountain Horse was twenty two years old when he died. His Mother Sikski, understandably upset over the death of her son was particularly angry with Rev. S. Middleton, principal of St. Paul's Anglican boarding school, who had encouraged young men on the reserve to enlist.

⁴⁵ Rev. Middleton to Scott, 3 September 1918, LAC, RG 10, vol. 6767, file 452-15 Pt.1.

⁴⁶ Chairman of the Board of Pension Commissioners, Notice, 18 June 1919 and Rev S. Middleton to Blood Agent Ostrander, 17 June 1919, Glenbow, Blood Indian Agency Fonds, M1788, box 16, file 120.

⁴⁷ W.M. Graham to JE Ostrander 23 October 1919, Glenbow, Blood Indian Agency Fonds, M1788, box 16, file 120.

⁴⁸ J.F. Smith to Assistant Deputy and Secretary, DIA, 1 May 1920, LAC, RG 10, vol. 6784, file 452-386.

⁴⁹ J.F. Smith to J.D. McLean 3 February 1919, LAC, RG 10 vol. 6781, file 452-265.

⁵⁰ J.F. Smith to J.D. McLean, 18 November 1922, J.D. McLean to J.F. Smith, 26 December 1922, L. Cumming, Notary, to DIA, 11 April 1923, W.C. Dallin, Acting Agent at Kamloops to J.D. McLean, 1 May

The treatment of Indigenous soldiers, their families, and all reserve residents during World War One marks a particularly dark chapter in Canadian history and the development of Canadian liberalism. In 1919 though Deputy Superintendent of Indian Affairs Duncan Campbell Scott wrote:

It is in this year of peace the Indians of Canada may look with just pride upon the part played by them in the great war both at home and on the field of battle. They have well and nobly upheld the loyal traditions of their gallant ancestors who rendered invaluable service to the British cause in 1776 and 1812, and have added thereto a heritage of deathless honour which is an example and an inspiration to their descendants.⁵¹

Reading this one might think that Scott actually envisioned a just future where Indigenous people would have the same prerogative as others in liberal Canada to chart their own destiny. Instead they remained at the bottom of the socio-economic ladder and excluded from many of the rights that others took for granted.

Concluding Remarks

On March 26th, 1920, SGIA and Minister of the Interior Arthur Meighen, who would be Prime Minister in less than four months, rose triumphantly in the House of Commons and boasted that “[s]carcely a week passes without a surrender being made in some province of a portion of a reserve”.⁵² Liberal Canada was successful, it seemed, at promoting settler interests while refusing to recognize the legitimacy of Indigenous grievances in southern Alberta, in British Columbia, or in the rest of Canada. As illustrated in the preceding chapters, throughout the period under discussion here and beyond, liberal citizens had more rights than non-citizen Indians. Still, several years later

1923; H.F. Helmsing, Agent at Kamloops to J.D. McLean, 8 November 1924; H.F. Helmsing to J.D. McLean, 4 June 1925, LAC, RG 10, vol. 6781, file 452-265.

⁵¹ Scott, “The Indians and the Great War” in DIA, *Annual Report*, 1919: 13.

⁵² Canada, House of Commons, *Debates*, 26 March 1920: 789.

D.C. Scott stated publicly that the “treaties have been fulfilled and the Government has in fact gone far beyond their terms in its efforts to care for the Indians and advance their welfare. As a result the aborigines of the Prairie Provinces are now self supporting”.⁵³ They were self-supporting perhaps, but not beyond the reach or discipline of the surveying eye of the DIA nor others bent on de-Indianizing Indigenous people. Nor were they freed from the inferior economic and political status that Canadian liberalism had bestowed on them.

The situation faced by the First Nations of the interior of British Columbia differed from that of those in the Treaty 7 region. Even within these areas, the process was not monolithic. Farmers, businessmen, missionaries, police officers from various forces, DIA officials at different levels in the hierarchy and others who considered themselves part of settler society acted in support of their own cultural understandings but in their own ways. Though both served as Indian Agents, John F. Smith had a far different understanding and approach than John A Markle for example. Similarly, Indigenous people prepared for the future, within and irrespective of colonialism, in ways that they deemed appropriate but that were not necessarily shared by all, even within their own communities. Some chose to work with the instruments of the state in the hope of being granted some of the benefits held out by liberal capitalism while other chose to resist the will of liberal Canada in various ways.

As the result of circumstances specific to each of the interior of British Columbia and southern Alberta in the period between 1877 and 1927, the forces that coalesced in support of liberal Canada’s western expansion differed in intensity and composition. This,

⁵³ D.C. Scott, “Indians Step Beyond Role of Their Ancient Romance”, *Mail and Empire*, 1 July 1927.

in turn, ensured the development of discrete contours and timing in the extension of Anglo-Canadian rule into these two regions.

The existence of an already established settler government in British Columbia with its own ideas of what tactics should be employed and when they should be used, caused adjustments in the advance and operation of Canadian liberalism, how it ensconced itself in First Nations territory, and the ways it encroached on Indigenous lifeways. Local settlers and their political representatives were particularly covetous of First Nations territory and exercised little caution in acquiring it, but were relatively candid about their objectives. Canada was legally responsible for protecting the interests of First Nations people, but in practice it was far more interested in appeasing British Columbia. When Indigenous voices rose to challenge policy, legislation, or the management of their affairs, so that relations between the two orders of government might be jeopardized, they were uniformly ignored, circumvented, labeled irrational, or regarded as being the product of outside agitation. Nonetheless, because of the looser weave in the surveillance web in the interior of British Columbia, Indigenous people there were less subject to the day to day intrusions into their lives than those in southern Alberta during this period.

In southern Alberta there was no established local settler government to interfere with implementation of Canada's liberal objectives. Yet the First Nations party to Treaty 7 fared little better at retaining control of fragments of their territory that they had been guaranteed by their treaty with Canada, than those in the interior of British Columbia who had no treaty protections. Though together the Treaty 7 First Nations survived the territorial seizures of this period with more reserve land per capita than those in the

combined Kamloops and Okanagan areas, the daily intrusion on their lives and the disruption of political, economic, social and all other cultural systems was more dramatic.

In both regions reserves were established on fragments of Indigenous territory which were themselves further reduced by a variety of means. In British Columbia already reserved lands were appropriated by a series of commissions formed to offer the pretense of gaining Indigenous consent. Ultimately though each of these was charged with alienating as much agriculturally valuable land as possible regardless of whether or not meaningful consent was offered. Treaty 7 appeared to offer protection for reserved lands but here too questionable DIA practices and changes to the Indian Act allowed for further alienation where consent was similarly dubious at best. While in both regions there was the appearance of consultation this was limited and for the most part designed to be of little consequence.

There were differences in the approaches taken by British Columbia and Canada, but these are better seen as the result of tactical differences than inconsistent objectives. Due to Canada's more varied population base and international considerations it was less careless in applying exclusionary liberalism and more interested in tightly managing the information it released than was British Columbia. As demonstrated throughout the preceding study, Canada was not about to let a consistent application of policy regarding indigenous title, treaties, or reserved lands stand in the way of the transfer of Indigenous territory and resources to non-Native settlers, especially once they began to arrive in greater numbers in the decades after 1877. Rather, it developed a variety of tactics and rested on an assortment of justifications to facilitate these transfers. As in the British

Columbia interior, liberalism in southern Alberta sought to silence, negate, or disallow dissenting voices.

From the study presented here it is clear that Canada was very selective about upon whom it bestowed any benefits that might be derived from liberal capitalism. In both regions, liberalism operated consistently to exclude Indigenous peoples in various ways from the freedoms, rights, and benefits that others in Canada took for granted. Further, liberal Canada purposefully manipulated those few democratic structures established for Indigenous people and attempted to co-opt or destroy the egalitarian structures that preexisted the arrival of DIA supervisors. Canadian liberalism did not operate to advance liberty or equality for First Nations people or protect their property, rather it had a markedly debilitating effect on virtually every aspect of their lives from their economic strategies and adaptations, to their spirituality and from their political structures, to their familial relationships. All the while it functioned to naturalize Anglo-Canadian culture and values.

The examination of the extension of liberal colonial rule in these two regions demonstrates that Canada's effort was indeed a flexible, fluid, multifaceted, and adaptable project that incorporated an array of strategies and justifications to suit local circumstances and mitigate against, though never completely neutralizing, the ability to resist colonial intrusion. In this way it is common to imperial expansion elsewhere as discussed above. Everywhere the same yet different.

Similar to other colonial adventures as well, liberal expansion in western Canada was facilitated, fashioned, and justified largely with the aid of a disciplinary surveillance network. Between 1877 and 1927, because of the tighter weave in the network,

surveillance was far more intensive and dramatic in southern Alberta than in the Kamloops and Okanagan regions of British Columbia. As has been demonstrated throughout this dissertation, the complex associated with the pass system, the presence of the mounted police, and the increased staffing levels of DIA in southern Alberta due in large part to the existence of the treaty, ensured that the impact of the disciplinary surveillance network was felt in the day to day lives of First Nations people sooner in the Treaty 7 region than those of Indigenous people in the interior of British Columbia. Further, while Canada more densely masked the exclusionary predisposition of liberalism than did British Columbia, its will to contain and regulate Indigenous people for the benefit of non-Native settlers was more comprehensive, overt and forcefully extended in southern Alberta than in the Kamloops and Okanagan regions in this period. This is not to say that liberalism and disciplinary surveillance had no impact in the interior of British Columbia only that, between 1877 and 1927 at least, the supporting structures were not as well developed or staffed.

The general nature of Canada's colonial project, as well as its local specifics, were hidden from Indigenous people wherever and whenever possible. Even when they only wanted access to financial records or documents directly affecting their lands these were denied to them. As late as 1944 First Nations found that they had to have non-Native politicians raise their concerns in the House of Commons to have financial records released to them and that their representatives still were denied access to Ottawa unless they had the permission of their agent. In 1944 as well, the department's outside employees in British Columbia were told that no communication from the DIA "should

be furnished to any person or Indian without permission".⁵⁴ It is ironic that the peoples who were deemed not "advanced" enough to be liberal citizens were considered too dangerous to the liberal façade to have access to the textual records concerning them. Without this textual representation of the "knowledge" accumulated about Indigenous people, which was both the product of and the rationale for disciplinary surveillance, liberal colonial rule would scarcely have been possible in western Canada.

As demonstrated above, there certainly was resistance of various sorts advanced to meet the specific circumstances surrounding the reduction in First Nations territories and restrictions to the free operation of their economic, political, social, and other cultural systems. Considering the DIA's efforts at controlling Indigenous systems and practices, the degree and variety of the challenge to unilateral colonial rule and the imposition of Canadian liberalism is remarkable.

In both regions overt resistance was most often perceived by settler society as originating from "non-Indians". To admit otherwise would not only threaten to expose the actual results of liberalism in Canada but would force the admission that Indigenous people were capable of reasoned opposition to unjust legislation and policy that should only be expected from those granted citizen status. If either of these points were conceded the continued alienation of Indigenous land and resources by questionable means would be much more difficult to justify.

In the southern interior of British Columbia, because they retained a relatively strong economic foundation for a longer period before it was destroyed by liberal colonial

⁵⁴ Andrew Paull, President North American Indian Brotherhood to T.A. Crerar, Minister of Mines and Resources, 22 July 1944 and Harold McGill, circular letter to all Indian Agents, Inspectors, and the Indian Commissioner for British Columbia, 12 May 1944, LAC, RG 10, vol. 3245, file 600,381. The distinction McGill made between "person" and "Indian" is also illuminating.

rule, First Nations were more able to resist on a number of fronts, both in an organized manner with First Nations from other regions and in a more localized fashion. In Treaty 7 on the contrary, the surveillance network provided by the presence of the DIA representatives and mounted policeman in close proximity to Indigenous communities, coupled with a faltering pre-contact economy was successful in limiting the potential for organized resistance during this time period.

It would be difficult to actually quantify the success of opposition or what the results would have been had there been none. Certainly those historians looking for a comprehensive revolution would be disappointed with this story. Still, community based resistance is arguably the most effective or is at least necessary to provide a foundation on which larger scale opposition can be established. In both regions, localized forms of defiance do seem to have had an effect in at least limiting the impact of avaricious colonialism in Canada. The struggle that Indigenous people and their communities have decided to engage in it, has not let up in the intervening years despite the array of strategies, tactics, and forces employed to contain it. As Cooper and Stoler suggest: “[o]ne of the central themes of colonial history—elite efforts to reproduce distinction across lines of social and cultural connection and popular investment in those distinctions—is not limited to a remote past or to “somewhere else.”⁵⁵ Rather liberalism in Canada, continually shifting and adapting to changing circumstance and growing in sophistication, continues to exclude particular groups and individuals from access to its benefits and to deny them the right to chose their own lifeways. As Chickasaw legal scholar James (Sákéj) Youngblood Henderson points out:

⁵⁵ Cooper and Stoler, “Between Metropole and Colony”: 36.

Contemporary liberal society argues that the best Aboriginal people can do is to avoid unnecessary exclusion by fitting in with the Eurocentric version of society. In effect, colonized people are being asked to give up their constitutional rights (that is, their Aboriginal and treaty rights) and to recognize a Eurocentric and individualistic legal tradition that perpetuates the colonial rule of law.⁵⁶

Anishinabeg author Dale Turner advances this point further by arguing that liberal Canada presents the “illusion of listening to Aboriginal people” but it narrowly constructs the basis and extent of rights that Indigenous people can expect.

Aboriginal interpretations of sovereignty, and their rights, do not measure up to the Euro-Canadian legal and political constructions of sovereignty. Aboriginal peoples must translate their views of sovereignty into a language which is largely not their own. This translating process continues to marginalize and condemn the Aboriginal voice, and more importantly, it continues to justify the oppression of Aboriginal peoples, while maintaining the illusion that Canadian governments are actually listening to our voices.⁵⁷

There is still a tendency in the twenty first century for liberal Canada to listen only to the Indigenous voices it wants to hear and to construct not only a single Indigenous perspective but to present limited forms of self-governance as the only feasible solution to demands for sovereignty. Any dissenting voices that challenge or problematize the liberal capitalist order or the primacy of individual rights are ignored or diminished.⁵⁸ As

⁵⁶ James (Sákéj) Youngblood Henderson, “*Ayukpachi: Empowering Aboriginal Thought*” in *Reclaiming Indigenous Voice and Vision* ed. Marie Battiste (Vancouver: UBC Press, 2000): 248. See Dale Turner, “Liberalism’s Last Stand: Aboriginal Sovereignty and Minority Rights” in *Aboriginal Rights and Self Government: The Canadian and Mexican Experience in North American Perspective*, ed. Curtis Cook and Juan D. Lindau (Montreal and Kingston: McGill-Queens University Press, 2000): 135-147.

⁵⁷ Dale Turner, “From Valladolid to Ottawa: The Illusion of Listening to Aboriginal People” in *Sacred Lands: Aboriginal World Views, Claims, and Conflicts*, ed. Jill Oakes et al. (Edmonton: University of Alberta, 1998): 66. Turner argues that it is beyond the capacity of political liberalism to comprehend the content of Aboriginal sovereignty.

⁵⁸ Day and Sadik, “The BC Land Question”: 30.

Andrew Woolford confirms, "Today it is clear that, in treaty making, the common sense of neoliberal economics has much greater currency than do questions of justice."⁵⁹

While Indigenous peoples saw little justice in southern Alberta or the British Columbia interior in the period between 1877 and 1927 the extent to which it will play a role in the future is yet to be determined.

As Foucauldian influenced scholar Alessandro Pizzorno has argued:

One will know that freedom is alive not when the interests emerging in a society are allowed to express themselves, be represented and be pursued; not even when dissent and heresy are allowed to manifest themselves; not merely when arbitrary decisions are solidly checked; but, rather, when contestation, unruliness, indocility, intractability are not yet abolished, when the recalcitrant is not yet transformed into the dutiful.⁶⁰

It seems there is still a way to go on a journey that is fundamentally in opposition to Canada's continued hegemonic liberalism which an impressive assortment of structures remain focused on maintaining. It is, though, a journey that Indigenous people have no choice but to take.

⁵⁹ Andrew Woolford, *Between Justice & Certainty: Treaty Making in British Columbia* (Vancouver: UBC Press, 2005): 186.

⁶⁰ Alessandro Pizzorno, "Foucault and the Liberal View of the Individual": 207.

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