

Liberalism, Surveillance, and Resistance

*Indigenous Communities in Western Canada,
1877–1927*

by

Keith D. Smith



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To Leanne and Clayton

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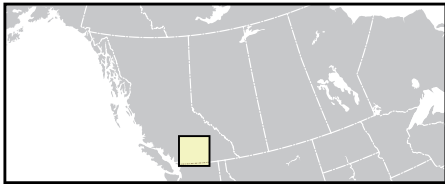
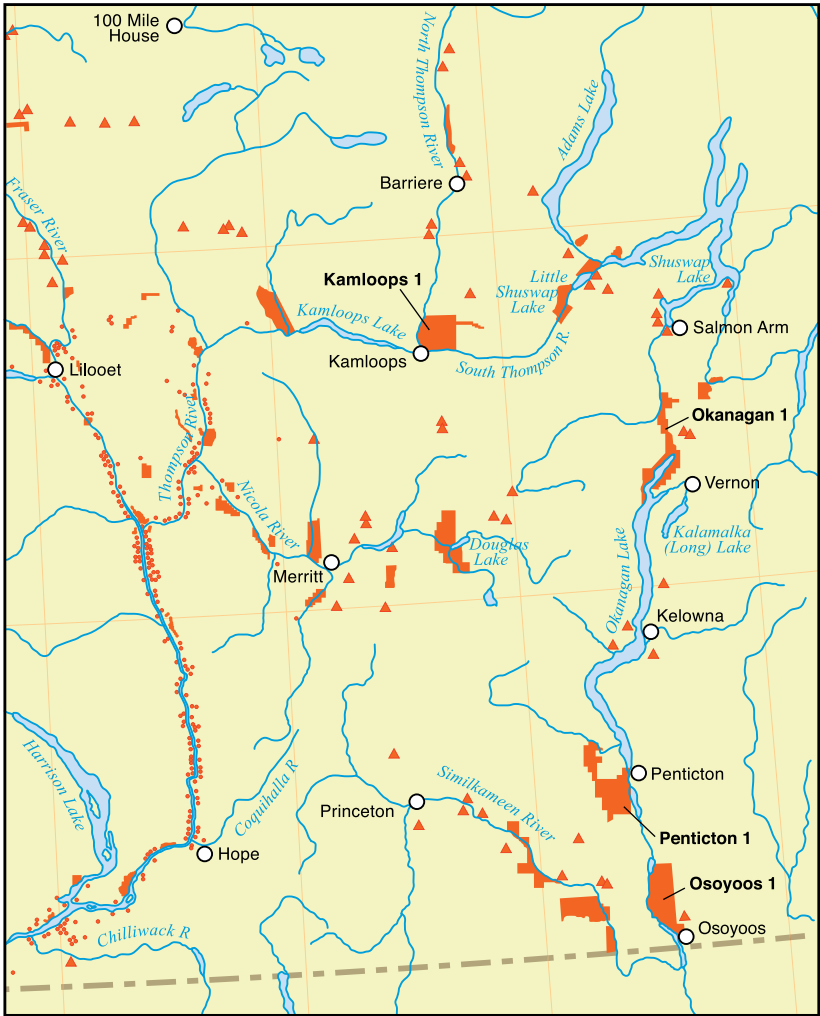
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LEGEND

■ Indian Reserve



Indian Reserves	
▲	Less than 40 hectares (100 acres)
■	40 hectares (100 acres) and over
●	Small Reserves

* Based on Indian and Inuit Communities - B.C. 1984
 Natural Resources Canada

CHAPTER ONE

*“a net-work of machinery”*¹

The Liberal Surveillance Complex

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 1906.² 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 600-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.”³

These few comments seem innocuous enough, but they point to the heart of the complex and often cloaked nature of the relations between Indigenous

people and the newcomers to their territories in western Canada at 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 had 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 my 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 start.⁴ While I owe a debt to the many scholars who write with a Marxian understanding of social relations and political economy, I also recognize the tensions identified by some Indigenous thinkers, between their ideas of a sovereign future and a liberatory theory that 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 workers I 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*.⁵

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.”⁶

There are, of course, Indigenous scholars who place at least some value on a Marxian class analysis and various reflections of Marxian thought are evident in what follows below.⁷ 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 visions for the future.⁸ 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.⁹ 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 that 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. 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 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 the foundation, 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 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.¹⁵ 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 affecting people’s lives.¹⁶

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. This discursive formation drew on a “schema of possible, observable, measurable and classifiable objects” that stipulated and limited the ways in which knowledge could be produced, verified, and determined useful.¹⁷ All of this, including ways of knowing Indigenous peoples and their territories, was facilitated and fashioned by means of surveillance. This process of 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. 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 work.¹⁸

In his investigation of surveillance, Foucault drew on a particular formation promoted by liberal theorist Jeremy Bentham. Bentham 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 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 and also, through “a small *tin tube*” that connected “each cell to the inspector’s lodge...the slightest whisper of the one might be heard by the other.”¹⁹

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. 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.²⁰

The panopticon is primarily a self-disciplinary mechanism. 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.”²¹ This internalization of the possibility of surveillance allows for power to function automatically. 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, “[e]ach comrade becomes an overseer.”²² For Foucault, the panopticon provides a “cruel, ingenious cage” that has spawned many adaptations, even in the present.²³

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.²⁴ For Bentham, the panopticon represented the opposite of monarchical power. For him, its gaze was generalizable, self-regulating, and ensured democracy. 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, not to democratize power relations.²⁵ As Dreyfus and Rabinow suggest, its purpose for Foucault is to reform individuals as “meaningful subjects and docile objects.”²⁶ It was fundamentally an economically efficient disciplinary method that demonstrated a break with extravagant monarchical applications of power.²⁷

Within this construction, the possibility of resistance seems bleak. 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 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 *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.”²⁸ Further, Foucault argues that there is no simple binary division between those who resist and those who seem to accept their subjugation. We need to take into account, he argues, “resistances whose strategy is one of evasion or defence.”²⁹ He presents no utopian program for global transformation. Rather it is localized struggle that he views as effective both historically and for the present.

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 non-reformist, 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.³⁰ 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.³¹ 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.³² 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 work 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.

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."³³ 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 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.³⁴

Imperialism and Colonial Expansion in Western Canada

Both the nature of imperialism and the term itself have always been difficult to establish definitively or universally.³⁵ 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.³⁶

Further, a growing number of scholars have recognized that colonial occupation is concurrently based on "a complexly related variety of cultural technologies."³⁷ 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 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.”³⁸ It is a historically variable medley of naturalized values, convictions, and practices that are constantly adjusted to meet changed circumstances.³⁹ 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. 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.⁴⁰ I have chosen, then, to examine the shifting, adaptable, and variously perceived colonial project and also its limitations. Further, I 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.

While imperialism and colonialism are never the same in any two situations, 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.”⁴¹ Reserves provided closed sites where

missionaries and agents of the state could indoctrinate Indigenous populations in economic behavior, political activity, 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 objective, 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-Indigenous 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. 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 (NWMP) 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.

In both British Columbia and the prairie west “informal” imperialism was backed, when it was thought necessary, by direct armed intervention and also by the ever-present and visible threat that force might be applied at any time. 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. 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,”⁴² in the case of Indigenous communities in western Canada, the colonizers and their symbols remain.

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.⁴³ Canadian sociologist James Frideres, for example, has identified the structurally imposed inequities that are markedly similar in “underdeveloped countries” and Canadian Indian reserves.⁴⁴ The adjective “internal” is helpful in illustrating the socio-political and economic disparities that exist between Indigenous and non-Indigenous 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 northeast of the province, the Nisga’a Treaty at the end of the twentieth century, and most recently the Tsawwassen Treaty, the lands of Indigenous peoples were never ceded. 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.⁴⁵ 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 Indigenous and newcomer 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, 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. 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 late nineteenth century.⁴⁶ 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 endeavours.⁴⁷ 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, encroached on First Nations territory directly, immediately, and continually, and permanently altered the physical environment Indigenous people lived in. 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.”⁴⁸ 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 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....”⁴⁹ Finally, even if they had chosen to participate, Indigenous peoples were largely excluded from the capitalist marketplace 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 interrelated 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.” At the same time, genuine democratic and egalitarian institutions threaten capitalism as a system based on inequality.⁵⁰ Without inequality, what C.B. MacPherson referred to as a “modern competitive market society” could not function.⁵¹

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.⁵² 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.⁵³ These aims, which form the basis of the way liberalism is presented in this study, 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.

Liberalism is selective about upon whom it bestows its benefits. 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.”⁵⁴ 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.”⁵⁵

Liberalism presents individual autonomy as a natural and ultimate good. 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.⁵⁶ 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 was rather integration into the social group and the psychological support and physical security that this provided that was more often valued as the greatest “good”—not the rights of the individual.⁵⁷ 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 individual will. His social cannot even temporarily prevail over his selfish feelings, nor his impulses bend to his calculations.⁵⁸

The experience of liberalism in western Canada, as elsewhere, demonstrates that its benefits can best be seen as rewards for being able and willing 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 DSGIA, boasted that as “far as the general life of the country is concerned, an Indian is almost as free as any other person.”⁵⁹ 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.”⁶⁰ 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 set by the dominant culture. 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.⁶¹ 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.”⁶²

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 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 Indigenous people 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.⁶³

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 rather 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 place, the right of the individual to privately possess property.⁶⁴ It was, then, not freedom and equality that were ultimately secured by coercive violence in Canada, but rather private property and defense of the propertied individual.⁶⁵ 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.⁶⁶

The maintenance of established lifeways or the conscious opposition to liberalism, its objectives, or its contradictions, was portrayed as “backwardness” by commentators. 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” behaviour, or logics that were condemned by liberalism. 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*.⁶⁷

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 study that follows focuses primarily on instruments of the state, especially the DIA and the relevant police forces. However, the observing apparatus, the “net-work of machinery” that S.H. Blake claimed could be brought to bear to gather information related to Indigenous peoples, included not only policemen and officials employed directly by the DIA: the inspectors of various sorts, commissioners, superintendents, agents, and clerks, but also farmers, stockmen, ration issuers, interpreters, part time mill and machinery operators and trades people, medical personnel, and teachers. Additionally it included 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 Indigenous group. The sources and values of 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 Indigenous 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. As John Lutz has stated, “Indians found themselves in a civic cell shared with felons and the insane.”⁶⁸

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.”⁶⁹ The information gathered and published by the DIA, though, far exceeded that of the published censuses in breadth and depth. Where individual level data was 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.

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.⁷⁰ 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 Indigenous people by non-Indigenous indices, by choosing to identify the number of “those who wear civilized clothing,” for example, the tabular reports included in the *Annual Reports* 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 Indigenous 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 First Nations people.⁷¹

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.”⁷² Constituting an individual or group as an object of knowledge is to assume power over them.⁷³ Surveillance is a technology of power aimed in this case exclusively at promoting non-Indigenous interests and values. The perceived attributes of Whiteness, Protestantism, and British heritage were the reference points for normality against which all was judged. Constant monitoring and recording of Indigenous 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, Indigenous 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.

Knowing Indians

The methods by which Euro-Canadians came to “know” Indigenous 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-Indigenous 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.”⁷⁴ Knowing colonized peoples in this way allowed the construction of new oppositions between “the savage and the civilized” or between progressive modern Euro-Canadians and stubbornly retrograde and tradition-bound colonized peoples.⁷⁵ 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.⁷⁶

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.⁷⁷ 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.⁷⁸ Knowing First Nations 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 Indigenous people toward "civilization" could be recognized as the result of the benevolent influence of the colonizers. The relative position of Indigenous peoples was therefore seen as both the reason for, and the result of, colonial rule.⁷⁹ 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 only that very few were able or willing to challenge the dominant discourse of "the Indian."

The colonial binary, thus established between Euro-Canadians and their constructed "Indians," 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.⁸⁰ 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.⁸¹

"Indian" from its first appearance in reference to the Indigenous peoples of North America was a simulation that transposed and submerged real Indigenous peoples: "the *indian* has no ancestors" no "memories, or native stories."⁸² The "Indian" was initially the product of chance encounter resulting from a navigational error and from the very beginning was a European construction. As a result, and in a similar way to what Said has said of the "Orient," the surveillance of Indigenous peoples in the Canadian west was

never able to produce simple innocent reflections of Indigenous reality.⁸³ 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. 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,”⁸⁴ 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.”⁸⁵

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” 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 Indigenous peoples.

In western Canada, the contemptible image of the “Indian” that was created and 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.⁸⁶ Not only was the “Indian” constructed as 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.

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 everyone in settler

society acted simply as local agents of colonialism, either consciously or unconsciously. 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.⁸⁷

Yet this “national mythology” has been a central unifying theme of Canadian history writing as this country’s development from a colony of Britain to an independent nation has been indoctrinated into generations of students of Canadian history. Within this model the main lines of historical inquiry paid little attention to internal fractures or divergent interests created by class, gender, or race. 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. 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.⁸⁸ Indigenous 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 the resources of the continent was scarcely more than that by crows and wolves, and their development of it nothing.⁸⁹

Historians in the post-war period sometimes acknowledged the presence of Indigenous peoples, albeit peripherally, in regard to prairie settlement, but in these accounts they remained Leacock's passive, tradition-bound, and mostly irrelevant, bystanders.⁹⁰ At best they are portrayed as the victims of fundamentally inequitable land policies.⁹¹ 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, Indigenous populations, most often depicted as a singular homogenous body, are "easily portrayed as being composed of lazy wastrels."⁹² 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.

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.⁹³ 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 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.⁹⁴

The Agency/Coercion Binary

While this work proceeds with an appreciation of the significance of resistance, it seeks at the same time not to underestimate the creative potential of power to reformulate in response to challenges to it. The understanding here is that 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.⁹⁵ Further, simply inverting the binary of oppressor/oppressed or agency/coercion by demonstrating the ability of Indigenous 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.

What needs to be explored then is not Indigenous agency, but the more theoretically interesting and politically important conditions that fostered the “‘mythology of racelessness’ and ‘stupefying innocence’” that Constance Backhouse suggested “would appear to be the twin pillars of the Canadian history of race.”⁹⁶ 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.”⁹⁷

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.”⁹⁸ 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.⁹⁹ The recognition of the silent operations of racism forces us to consider the violence inherent in seemingly benign acts 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.

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 the analysis. It is clear from the historical record that Indigenous peoples in the Treaty 7 and Kamloops-Okanagan regions experienced colonialism in concrete material ways that must be understood in that light.¹⁰⁰ The surveillance, measurement, and judgment of Indigenous peoples was not only directed at isolating aberrant behaviour 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, and raised families under the oppressive weight of colonialism, the imposition of decidedly exclusive liberal values, and the racism of many of their neighbours. 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.¹⁰¹ 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 colonialism’s cultural politics.”¹⁰² 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. 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. 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. 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.

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 also to navigate the challenges of the present Canadian political climate. In the 1970s George Manuel stated that to the extent that Indigenous 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."¹⁰³ 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 British Columbia Treaty Commission:

In essence, stripped of its rhetorical 'treaty' façade, the BCTC uses a base form of manipulation of [I]ndigenous 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 [I]ndigenous peoples by binding and subsuming their identity and political existence to that of the Canadian state.¹⁰⁴

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” by the Canadian government, but to all of us, and this perhaps is where the greatest challenge to liberal hegemony lies.¹⁰⁵ 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 T’ina (Sarcee) and Nakoda (Stoney) First Nations.¹⁰⁶ The second, the southern interior area of British Columbia that became the DIA administrative region known as the Kamloops-Okanagan Indian Agency, included the Secwepemc (Shuswap), Okanagan, and Nlha7káp̓mx (Thompson) First Nations.¹⁰⁷ 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.

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.”¹⁰⁸ 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 others 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.

CHAPTER TWO

“a narrow world, strewn with prohibitions”¹

The Transformation of Indigenous Territory

UNTIL RECENTLY, NORTH AMERICA WAS PROMOTED BY MANY non-Indigenous academics and popular writers alike as vacant territory waiting to be moulded by the arrival of Europeans. 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.”² It should not be surprising that First Nations resent 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 elsewhere.³ Contrary to the

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

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 doing so for a very long time, or they could never have survived to make contact with the newcomers. Their use of resources was not based on a haphazard wandering or a fortunate blundering into edible products, but on a systematic, organized, complex, and sustained array of activities learned from generations of living in particular territories. 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 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 each group under discussion here, prior to the imposition of colonial rule, there was relative gender parity and flexible gender roles, diverse economic strategies and egalitarian economic structures, and distributed and relational leadership and authority.

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 eastern Canada, and the respect, to the degree that it existed, that was accorded Indigenous people by Europeans during the fur and resource trades was much abbreviated in western Canada.⁴ Even in southern Alberta, where the apparent unsuitability of the land for agriculture slowed settlement, there were barely 120 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 7.⁵ In the interior of British Columbia it was even later, by almost four decades, when Alexander Mackenzie, with the help of Secwepemc guides, entered the northern part of their territory.⁶ 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 1811.⁷ 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.

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 7 signatories to enter the furthest reaches of the northern plains by about 1500,⁸ belong to the Algonquian language group like the neighbouring Cree and the distant Mi'kmaq. These three believe themselves to have come from a common ancestor and supported each other to form the strongest military alliance on the northwestern plains, but they remained politically independent.⁹ 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.¹⁰ 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.¹¹

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. Perhaps their split with the Dene occurred as early as the 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.¹²

The Nakoda (Stoney) are most closely related to Nakota groups to the east often referred to as Assiniboine.¹³ 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. There are also a variety of interpretations concerning the arrival of the Nakoda in the area that became southern Alberta.¹⁴ 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.¹⁵ 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.¹⁶ 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 Lerner 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 headwaters by 1800.¹⁷ 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 together with surviving orphans traveled west through hostile Blackfoot territory until they found a safe haven in the foothills of the Rocky Mountains.¹⁸ Lerner 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."¹⁹

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.²⁰ 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 read). 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."²¹ 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."²² 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.²³ 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 River. In addition, they routinely traveled east onto the prairie and west into the Rockies.²⁴

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.²⁵ 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.²⁶ 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.²⁷ Certainly the buffalo were important to all five First Nation signatories to Treaty 7, even if the Nakoda were more likely than the others to also hunt in the mountains. Still, while the seasonal round of economic activities included assembling at locations that 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.²⁸

While women took on the important role of preparing both the hides and meat of the buffalo killed by male hunters, they also were primarily responsible for gathering the vegetable products that accounted for a significant portion of the total calories consumed by plains peoples.²⁹ 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.³⁰ 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, which are 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, who is a helper of the Great Spirit, but also a trickster.

...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 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:

[f]rom 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.³¹

Esther Goldfrank reported that the Kainai's Trim Woman and the southern Blackfeet's Empty Coulee, engaged in raids and were respected for their military prowess by men in their communities.³² Indeed, there was a special place in Piikani society for *minauposkitzipxpe*, or "manly-hearted women." Piikani men referred to Running Eagle, a woman from their community, as "chief" and followed her into armed conflict as a result of military successes which earned her their respect and loyalty. According to the 1941 observations of Oscar Lewis, those designated as manly-hearted women were seen as independent, ambitious, assertive, bold, and self-assured sexually.³³

In the millennia before the adaptations necessary in the reserve period, the cooperation essential 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. Alan 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.³⁴ 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. Inaccurate 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.³⁵

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 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.”³⁶

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.³⁷ 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 wishes except by popular support. . . .”³⁸ For the Nakoda, a compound leadership, that took advantage of the specific leadership skills of several community members concurrently was, as John Larner confirms, “held at the informal pleasure of the membership.”³⁹ 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.⁴⁰ 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.

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 did the First Nations of southern Alberta. The Secwepemc, Okanagan, and Nlha7káp̓mx, who were included at various times in the Kamloops-Okanagan Indian Agency, all spoke 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 economics, marriage and warfare."⁴¹ 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.⁴² 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.⁴³

Like that of the Blackfoot, the territory operated by the Okanagan, or Syilx 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 arc to just south and west of Kamloops. In all, the lands drawn on by the Okanagan included about 72,000 sq km (27,799 sq mi).⁴⁴

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 Arrow Lakes in the east, in common with them. Secwepemc territory consists of 180,000 sq km (69,498 sq mi) 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 Arrow Lakes in the southeast.⁴⁵ While most Secwepemc communities were and are positioned along the Fraser and Thompson rivers, they accessed the resources throughout their territory.

As in the Treaty 7 area, there were conflicts between the Okanagan, Secwepemc, and their neighbours, usually as the result of a dispute over territory, 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.⁴⁶ Conflicts between the two in the eighteenth century led to a formal peace treaty between Okanagan Chief PEIkamu'lôx and Secwepemc chief Kwoli'la which confirmed boundaries between the two nations and recognized Okanagan control of Douglas Lake and Nicola Valley, formerly occupied by the Secwepemc.⁴⁷ There was also, of course, conflict between each of the Secwepemc and Okanagan and others from both west and east of the Rocky Mountains.

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 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.⁴⁸ 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.⁴⁹ 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 more dependent on fishing.⁵⁰ 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.⁵¹

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, woven goat's-hair blankets, small animal pelts, "in fact anything of value they had to give." These items were in turn traded to other Secwepemc groups.⁵² Even before European contact, interior groups had acquired iron goods through trade with coastal First Nations.⁵³ 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.⁵⁴ The trade networks of both the Secwepemc and Okanagan also linked them to plains nations, sometimes through the Ktunaxa (Kinbasket or Kootenay).⁵⁵ 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.⁵⁶ The introduction of horses early in the eighteenth century, well before the arrival of Europeans, transformed water-based trade routes to overland ones.⁵⁷

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 of the year so that fishing peoples did not have cause to rely on a single run. Each First Nation had its own way 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 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.⁵⁸

Preserving fish for the winter was a necessary strategy as dried salmon was a kind of currency on the plateau and was traded widely beyond.⁵⁹ 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 October 4 and October 22, 1841.⁶⁰ At Fort Okanogan 18,411 dried salmon were eaten in ten months by twenty six adults and fourteen children.⁶¹ While clearly salmon kept the traders and their families alive, people were not happy about having to rely on "rotten salmon" and "such poor stuff" when what they really wanted was animal flesh.⁶² This perception of salmon could not help but negatively impact on how the traders viewed, and so wrote about, fishing peoples.⁶³

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.⁶⁴ In the nineteenth century at least, plateau peoples also traveled across the Rockies to hunt buffalo.⁶⁵

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.⁶⁶ Similar to 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.⁶⁷ 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.⁶⁸

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."⁶⁹ 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.⁷⁰ 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 percent of total calories. Others have calculated the average for plateau communities collectively at between one-third and one-half of total caloric intake.⁷¹

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 anthropologists between hunter-gatherer peoples and horticulturalists.⁷² Sk'emtsin (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."⁷³ Plant management on the plateau was performed primarily by women and preceded the arrival of Europeans.⁷⁴

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.⁷⁵ 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 favorite product of the Natives generally, Potatoes, they have without much encouragement produced Cereals of all kinds in considerable quantity."⁷⁶ 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 Nlha7kápmx 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."⁷⁷ 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.⁷⁸

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. Village membership was flexible with each individual and family moving freely between communities.⁷⁹ 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 constant support of their communities. This was dependent 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.⁸⁰ 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.”⁸¹ 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.⁸²

There were two classes of chiefs recognized by both the Secwepemc and Okanagan. To a certain extent there were political leaders who were chosen through patrilineal heredity, but these individuals also had to demonstrate their fitness to hold the position through their own abilities and achievements, or they 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.⁸³ 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.⁸⁴ The Okanagan on the other hand seem to have recognized a “high chief” responsible for international affairs and territorial protection.⁸⁵ While Teit and Carstens both contend that there were no Okanagan women chiefs, there is some reference in the anthropological literature of 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 *skʷúmalt* or “women of great authority.”⁸⁶

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. 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 1909.⁸⁷

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 church and state. It needs to be remembered that by 1877, each of the societies in both regions 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 smallpox 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 75 percent of the populations of Treaty 7 nations were lost to the disease in the outbreak of 1837–1838 alone.⁸⁸ While plains populations were likely beginning to recover from the 1781 epidemic by 1837, they were also hit, in the interim, by recurring bouts of scarlet fever, measles, whooping cough, and influenza.⁸⁹ 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.⁹⁰

Only 4,392 individuals accepted their annuity in the year that Treaty 7 was signed.⁹¹ Two years later 6,159 took the payment and in 1880, 7,549.⁹² 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 throughout southern Alberta.⁹³

By 1877, the First Nations of the British Columbia 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 1850.⁹⁴ There were, however, earlier epidemics: the first in the 1770s or early 1780s, and the second at the beginning of the nineteenth century.⁹⁵ Overall, population losses were likely 90 percent for the first 100 years after the 1770s for British Columbia as a whole.⁹⁶ 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. 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.⁹⁷ The population given by the DIA for the combined Kamloops and Okanagan agencies was 4,394 in 1883.⁹⁸

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 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.⁹⁹

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.¹⁰⁰ 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 of the Indian Department responsible to the British military commander for North America.¹⁰¹ These Indian superintendents were charged with ensuring that trade with Indigenous 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.¹⁰² 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.¹⁰³

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 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.¹⁰⁴ 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.¹⁰⁵ 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, which also continued to include promotion of agriculture, Christianization, and education in European values.¹⁰⁶ By Confederation it was becoming clear to policy makers that their "encouragement" of those people who were 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 *The Gradual Enfranchisement Act*. 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.¹⁰⁷

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 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."¹⁰⁸ Clearly then, collective control and mutual responsibility as well as the right to determine their own political structures, economic strategies, and 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. On the other hand, even late in the twentieth century, British Columbia grasped upon the phrase in the document that states that it applies to "Indians with whom we are connected" to argue that since there was no "connection" between Britain and Indigenous peoples in British Columbia in 1763, the Proclamation did not apply there.¹⁰⁹ 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, 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.”¹¹⁰ 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.¹¹¹

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 peoples, though, was an irregular, even contradictory, affair in practice.¹¹² 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, the fundamental principle operative in all DIA tactics in furthering this strategy of reassigning land and resources was, as James Halbold Christie, former North West Mounted Policeman in the late nineteenth century and advocate for Okanagan rights early in the twentieth century, commented, “it’s all right if they are quiet.”¹¹³ Similarly, in his twist on an infamous phrase, Harold Cardinal stated “the only good Indian is a sleeping Indian.”¹¹⁴ 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. It was not until 1877, though, that the federal government made formal moves to simplify its administration of these regions and to remove any threats that Indigenous peoples or their potential claims to land and resources might have to the non-Indigenous 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. 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 Indigenous people to reserves, which themselves would soon be subject to significant reduction.

The same year that Treaty 7 was signed, the Indian Reserve Commission toured the interior of British Columbia and established and confirmed reserves for First Nations people residing in the region. The Indian Reserve Commission, 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 assigning diminutive reserve lands that had little connection with the range of pre-contact territories.

Reserves as Reformatory Spaces

This chapter has established a baseline by briefly exploring the traditional territories, gender and familial relations, political organizations, and 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. 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 Indigenous peoples, to reduce the potential for resistance, and to facilitate unfettered settlement of those non-Indigenous people upon whom liberal Canada deemed fit to bestow the benefits of citizenship. While there was limited consultation with First Nations 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-Indigenous politicians and bureaucrats for the benefit of non-Indigenous 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 DSGIA, 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 by 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."¹¹⁶

Alexander Morris, who served as Canadian negotiator for Treaties 3 through 6 and as Lieutenant Governor of Manitoba and the North-West Territories, argued that 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."¹¹⁷ 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." 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.¹¹⁸ 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 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.¹¹⁹

CHAPTER THREE

“a splendid spirit of cooperation”¹

Churches, Police Forces, and the Department of Indian Affairs

THE PRECISE TECHNIQUES APPLIED BY LIBERAL CANADIAN institutions 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-Indigenous 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. 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 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.

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.”² In 1873, Indian Superintendent for British Columbia Israel Wood Powell confirmed that the land of “the Shuswhaps” was in need of “government superintendence.”³ 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.⁴

The surveillance of Indigenous people in western Canada was primarily the responsibility of the DIA and it is the DIA that gets most of the attention in this study. 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 Indigenous 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

Protestants and Catholics watched each other carefully and jealously guarded any advances they made into First Nations communities.⁵ This jealousy extended not only to the building of churches and schools, but also to the provision of on-reserve health services.⁶ The *Calgary Herald* declared, “something should be done to prevent the agents of the denominations from interfering with each other’s labors” in “their efforts to elevate the Indians of the North West in the scale of civilization.”⁷ 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.”⁸ The DIA monitored all missionary activity on reserves and in Indian schools and each year published information on these activities

in its *Annual Reports*. 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 jeopardy⁹ or when they felt their moral influence and example were compromised by the department or one of its employees.¹⁰ 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.¹¹



Left to Right: Mrs. Eleanor Grasse; Peter Lewis Grasse, farm instructor; Daisy Mauss; Luella Grasse (ca 1894–1897). P.L. Grasse, shown here with his wife and daughter at his home on the Nakoda Reserve, was transferred after a conflict with Methodist missionary John McDougall. (*Glenbow Archives*, NA-2084-60).

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. 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]."¹² 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 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.”¹³ 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.”¹⁴ By the end of the year Grasse was transferred to the Crooked Lake reserve “to further the interests of the public service.”¹⁵ 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 of 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.”¹⁶ 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 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.¹⁷

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.”¹⁸ 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.”¹⁹ 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 priest/principal that if lives were lost in the event of a fire, he would be tried for manslaughter.²⁰

Mormons too came under the scrutinizing eye of the police. 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.”²¹ 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.”²² 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.²³

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 in either region, though, who presented any serious challenge to what was believed to be the natural correctness of individual land tenure and property ownership, to the belief 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. 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.”²⁴ 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 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.’²⁵

Police Surveillance

Though there were other police and investigative bodies involved with law enforcement in western Canada, these duties fell mainly to the NWMP 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.

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.²⁶ That the British Columbia police were primarily responsible for ensuring the orderly development of liberal capitalism is evident from the particular attention it paid to working class people, especially union organizers and the unemployed.²⁷ Undoubtedly, the increased surveillance of these individuals is a direct result of the demands of settlers, businessmen, and their political representatives for increased policing.

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 continued to keep a watch on Indigenous people.²⁸ 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.”²⁹ Similarly, ten years later, the constable in the district visited at least some reserves once a week.³⁰ The BCPP was also active in locating and returning truant students to boarding schools for Indigenous children including the Kamloops Indian Residential School.³¹

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.³² 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.”³³ 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.”³⁴ 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 Indigenous groups at a time when they were increasingly pressing for control of game resources.

Job actions by Indigenous people, in concert with White workers, also brought them more directly under the supervisory gaze of lawmakers and police in the early twentieth century. The Fraser River fishery strikes of 1900 and 1901 are cases in point. As was reported to the Attorney General “over forty white and [I]ndian patrol boats, manned by ten men each now on the river intimidating destroying property and preventing fishing.”³⁵ 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 Indigenous and White fishers.

It was not only overt resistance, however, that caused Indigenous 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.³⁶

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.³⁷

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

Nations of southern Alberta by the Alberta Provincial Police, the continued responsibility of the Mounties for matters concerning Indigenous people insured that these activities were even less substantial than those of the provincial police in British Columbia.³⁸

Unlike the APP or even the BCPP, the extensive body of literature on the NWMP and its successors has encouraged its promotion to mythic status.³⁹ The *Calgary Herald*, for example, referred to the force in 1924 as “one of the romantic institutions of the British Empire.”⁴⁰ 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.”⁴¹ These and allied positions both nourish and are sustained by Canada’s national mythology surrounding the Mounted police. Further, it has also been suggested that the 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, 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.”⁴²

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 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.⁴³ While the resistance 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.⁴⁴ 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.

The NWMP were an essential part of Macdonald's national policies.⁴⁵ In turn, the success of the national policies took precedence over not only treaty promises but also the basic human rights of Indigenous people.⁴⁶ 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.⁴⁷ A.A. Dorian stated in 1874 that the Mounties' mission was, in part: "to give confidence to peaceable Indians and intending settlers."⁴⁸ Macdonald himself confirmed a decade later "the business of the Mounted Police is principally to keep peace between white-men + Indians."⁴⁹ 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.⁵⁰

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*.⁵¹ 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.⁵² 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.⁵³ In the years that followed they also provided an escort for the annuity money guaranteed in 1877.⁵⁴ The mounted police could be called in at short notice at the request of the department to enhance its capacity in the case of a perceived threat. 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.

The NWMP was, however, clearly interested in "keeping track" of Indigenous people for their own reasons and was 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.”⁵⁵ Though DSGIA Lawrence Vankoughnet had no objection to the idea, Indian Commissioner Reed thought the proposal would prove too expensive.⁵⁶ To this White argued “there are hundreds of able bodied Indians and Indian ponies on a 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.”⁵⁷

The relationship between the police and the DIA, both institutionally and at the local individual level, was not always smooth, but both agencies had the same long-term objectives. Both were primarily interested in paving the way for non-Indigenous 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.

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 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 that had no legal basis, but nonetheless required reserve residents to secure a pass from their Indian agent before leaving their reserve for any reason.

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.⁵⁸

Nevertheless, in less than a decade, the restriction of this “natural 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.

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.

The restriction of Indigenous movement seems to have originated with a NWMP concern regarding the potential consequences of cross border movement by Canadian Indigenous people to hunt buffalo and steal horses. In the late 1870s, the NWMP was concerned primarily with proving they were able to exercise authority over Canadian territory and especially over Indigenous people. The worry was that Canada might provide a staging area for military action against the U.S. army, which could then result in a U.S. military incursion into Canadian territory in retribution. Brian Hubner confirms that the NWMP built forts Walsh and Macleod to this end.⁵⁹ By 1882, correspondence between the U.S. and Canada led to the passage of an Order in Council in April by which Canada would propose to the U.S. “that individual permits be granted by the authorities of both nations to their respective Indians who may wish to cross the border.”⁶⁰

In 1882 as well, NWMP Commissioner Irvine specifically recommended that Indian agents be vigilant in preventing large groups from leaving their reserves.⁶¹ In November 1883, DSGIA Vankoughnet wrote to Macdonald to express his concern about Indigenous 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 owner of any tepee produce a permit from the local Indian agent for his or her having the tepee at that point.”⁶² 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....”⁶³ 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.⁶⁴

In May 1884, NWMP Inspector Samuel B. Steele, acknowledged Commissioner Irvine’s request that Indigenous people 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.”⁶⁵ Two weeks later NWMP Controller Fred White reported to Irvine that Prime Minister and Minister of the Interior Macdonald “desires that instructions be given 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.”⁶⁶ 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 Indigenous people 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.”⁶⁷ 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.⁶⁸ Throughout this period, the NWMP continued to use a broad interpretation of the *Vagrant Act* to limit Indigenous people to their reserves.⁶⁹

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, “the [North West] Rebellion brought the pass system to life with a jolt.”⁷⁰

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 will 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.”⁷¹ The notice warned “all good and loyal Indians should remain quietly on their Reserves 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.”⁷²

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.”⁷³ 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.”⁷⁴

Following the instructions of his superior, and as Dewdney confirmed “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.”⁷⁵ Significantly, Reed’s suggestions

were amplified as they moved up the DIA hierarchy. Indian Commissioner Dewdney, supported Reed's recommendation and suggested that "another year" legislation might be enacted in support.⁷⁶ 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. John A. Macdonald supported the implementation of such a system even as he recognized it could not be legally enforced.

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.⁷⁷

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 "unless one is at their heels Police duties here are done in a half hearted manner."⁷⁸ 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."⁷⁹

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.⁸⁰ 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."⁸¹ Still, NWMP Superintendent Antrobus reported from Calgary that "more strenuous efforts" by DIA officials were required "to keep the Indians on their respective reserves."⁸²

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, stating “[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, was “that we had no right to turn them away...”⁸³

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.”⁸⁴ 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.”⁸⁵

The following year Herchmer focused his frustration more directly on the Kainai and their Indian Agent William Pocklington, who “took the part of his Indians” rather than cooperating with the police in legal matters.⁸⁶ Pocklington on the other hand reported that the Kainai were aware that there was no law confining them to 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.”⁸⁷

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.”⁸⁸ 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.⁸⁹ 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.”⁹⁰

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 agents, failing which they are ordered back to their reserve.”⁹¹ In June 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.”⁹²

In contrast to his views of the Kainai, Steele wrote “The North Peigans are the best behaved Indians I have anything to do with.”⁹³ North Axe, who resided on the Piikani reserve was reported by Superintendent Neale to have said to him “[s]ince you came here the Indians are afraid to go off their Reserves, before you came they went where they liked.”⁹⁴ 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 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.⁹⁵ 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.⁹⁶



Back row, left to right: One Spot, Kainai; Red Crow, Kainai; Dave Mills, interpreter; E. R. Cowan. Front row: William B. Pocklington, Indian Agent (1886). Agent Pocklington's policy of not issuing passes that would allow Kainai to leave their reserve was considered insufficient by some in the NWMP. (*Glenbow Archives, NA-769-6*).

As stated at the beginning of this section, the pass system was part of a coercive and flexible matrix meant to restrict Indigenous 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 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 resisting the imposition of the pass system and 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 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.”⁹⁷ 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 visit.”⁹⁸ 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.”⁹⁹ Indian Commissioner Reed himself authorized passes after the Tsuu T’ina had completed their spring farm work.¹⁰⁰

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.”¹⁰¹

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 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.”¹⁰² 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.”¹⁰³ 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.”¹⁰⁴

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, rather it demonstrates 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 Calgary to purchase goods, among other reasons.¹⁰⁵ Lucas also reported that he withheld foodstuffs, referred to as “rations” by both the NWMP and the DIA, 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 that rations were being drawn for absent community members by their families, the strategy of selectively providing foodstuffs was generally followed into the twentieth century.¹⁰⁶

The conflict between the NWMP and the DIA came 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, the Calgary Rod and Gun Club complained that game laws were ineffective deterrents to hunting by Indigenous people and that this state of affairs worked to the detriment of non-Indigenous sportsmen. When the club forwarded a petition to the DIA, requesting that Indians be "strictly confined to their several reservations during the breeding season" to in their view make the situation more equitable for non-Indigenous hunters, it contained the signatures of NWMP Superintendent E.W. Jarvis and Assistant Commissioner J.H. McIlree.

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.¹⁰⁷ There was still no legal basis for White's recommendation, but it would serve to protect the NWMP.

Both the NWMP and the DIA wanted to restrict Indigenous people to their reserves in the interest of non-Indigenous 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."¹⁰⁸ 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 specific situation and as conditions allowed.¹⁰⁹ 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.¹¹⁰

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.¹¹¹ 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. 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 summer 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 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.

[I]t 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....”¹¹² 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 Indigenous people on their reserves.¹¹³ The police also 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.

The practice of issuing passes to restrict movement continued after World War I even as Indigenous people continued to resist this and other restrictions. Indian Commissioner Graham complained in 1921 that in some cases Indigenous people 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.”¹¹⁴ 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 Indigenous people, seems finally to have come in the early 1940s.¹¹⁵ 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 Indigenous 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 a pass to Ottawa, printed with a space for the date “192_” indicating that passes were printed and made available at least into the 1920s. 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.”¹¹⁶

As part of a matrix of other policy and legislation meant to confine Indigenous people 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 sun dance 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 elders confirm that the period under discussion

here is before “Indian Affairs had really taken hold of the Indians” in this area.¹¹⁷ 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.¹¹⁸ 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.¹¹⁹ As British Columbia’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.”¹²⁰ 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, programs 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.

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.¹²¹

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 J.F. Smith did in 1914 when he “[o]rdered Minnie August to leave the Resturant [sic] in which she was supposed to be working.”¹²² He might also employ the *Vagrant Act* as Smith did the following year when he sentenced Celia Louie to three months in jail.¹²³ 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.¹²⁴ 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 slaps on the wrist. One boy was sentenced by the agent to six months hard labour and two others to one month.¹²⁵

Sometimes in British Columbia, though, the restriction of movement impacted negatively on non-Indigenous 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.”¹²⁶ 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.¹²⁷

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 supported in his actions by a local missionary and soon by the DIA as well.¹²⁸

To support this restriction of movement, Edgar Dewdney in his capacity as SGIA recommended to the Privy Council that a bill be enacted in British Columbia to restrict Indigenous women from “frequenting towns for immoral purposes.”¹²⁹ The Federal Minister of Justice reported that the *Vagrant Act* could 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."¹³⁰

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 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."¹³¹ 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."¹³² 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.¹³³

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 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."¹³⁴ 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."¹³⁵

In British Columbia 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. However, 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 Indigenous 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 reserves if not directly the movement of their own band members.¹³⁶ 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. 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 Sk'emtsin (Neskonlith) 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."¹³⁷ 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.

The array of tactics employed to restrict Indigenous movement in the economic and cultural interests of non-Indigenous 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, served to increase the number of tactics available to further the ultimate objective of non-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.

Mounted Police and the DIA

As partners in this process, there were some in the mounted police who pressed for a restriction of movement that superseded restrictions 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.”¹³⁸ 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.”¹³⁹ The mounted police seemed to have learned their lesson regarding openly challenging DIA authority and jurisdiction. 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.¹⁴⁰ This did, however, work both ways. While the NWMP requested that the department keep a closer supervision of Indigenous peoples, the DIA made similar requests of the police. Officers of the NWMP and the DIA each accused the other of heavy-handed interference with their duties involving First Nations people.

The police were, from their arrival in the west, particularly interested in restricting First Nations access to firearms and in quantifying the numbers of weapons in Indigenous 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 Indigenous people living on the U.S. side of the border, to whom such weapons and ammunition were restricted, would get them from Canada.¹⁴¹ Even Indigenous scouts employed by the police were denied arms.¹⁴²

Interestingly, however, even though a statute was passed following the 1885 resistance that permitted the DSGIA to prohibit the sale of 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.¹⁴³

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 rations, the police intervened. 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...”¹⁴⁴ 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.¹⁴⁵

By far the most common response of the police was the refusal to involve themselves in the grievances of Indigenous people. In 1897, Red Crow and thirty-four others from the Kainai reserve went to protest to Superintendent Steele about the insufficiency of food supplied by the DIA. Steele reported that since he was, “anticipating a long palaver, I put 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.”¹⁴⁶ 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.¹⁴⁷ In 1917 a Kainai representative went to see Superintendent 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.”¹⁴⁸ 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.¹⁴⁹ As was repeated many times in both the Treaty 7 area and in the British Columbia interior, the concerns of First Nations were often subverted by the personal or institutional pride of White officials. Clearly Indigenous 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 British Columbia did remove non-Indigenous people from reserves, 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 Indigenous complainants to the local Indian agent.¹⁵⁰ As a result, Indigenous people in British Columbia 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, far less able to act quickly or definitively.

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 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.”¹⁵¹ 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-Indigenous settlement in subsequent decades, freedoms guaranteed to liberal citizens in Canada became increasingly denied to First

Nations people; the police most often sided with non-Indigenous settlers and business owners if any conflict of interests arose.

The Visual Impact of the Mounted Police

The 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 Indigenous 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.”¹⁵² This practice was repeated at Blackfoot Crossing during the negotiations leading to the signing of Treaty 7.

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.”¹⁵³ When, in 1896, Superintendent 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.”¹⁵⁴

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.”¹⁵⁵ 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.”¹⁵⁶ 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.¹⁵⁷ 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

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.”¹⁵⁸

In most circumstances, the mounted police and the BCPP kept to their own jurisdictions while cooperating in law enforcement, personnel, and in other matters. Normally, the NWMP restricted their activities to the territory east of the crest of the Rocky Mountains, 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 Joseph’s Prairie near present-day Cranbrook, which had also been claimed by Colonel James Baker, J.A. Macdonald ordered 75 Mounted Police into British Columbia.¹⁵⁹ 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.¹⁶⁰ Since Indigenous people were a federal responsibility, the British Columbia government argued that the NWMP should be brought to the province to deal with any issues involving them at federal expense.

The provincial government, though, wanted final authority regarding when and where the NWMP would be deployed and complained when British Columbia was not consulted. When NWM Policemen were somewhat reluctantly sent to guard the construction of the railway through the Crowsnest Pass they got into conflict with the BCPP over jurisdiction. 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.”¹⁶¹

In 1918, the RNWMP was authorized to increase its strength to 1200 and to be the sole federal force west of Port Arthur.¹⁶² There was, however, continued conflict in local areas over jurisdiction and recurrent complaints from British Columbia politicians that they were expected to come to the assistance of federal authorities but could not expect federal assistance in return.¹⁶³ While British Columbia recognized the need for the federal presence during the unrest and uncertainty following World War I, by 1922, British Columbia’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 Province can be dispensed with.”¹⁶⁴ In 1927, a few years after a number of RCMP detachments were closed, the 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.¹⁶⁵

Force Strength and External Assistance

Even if conditions were perfect, however, the BCPP with its force of less than one hundred in 1897,¹⁶⁶ and only 227 men and officers thirty years later,¹⁶⁷ could provide only rudimentary surveillance of the hundreds of Indigenous 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 7 area alone, had ever chosen that route.¹⁶⁸

Clearly, First Nations were aware of the situation, but chose generally peaceful as opposed to military means to press their concerns even as non-Indigenous citizens remained fearful. George Murdoch, a harness-maker and soon to be the first mayor of Calgary, who did business with both the

NWMP and the Blackfoot, wrote in his diary in May of 1883 that the “[p]olice 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.”¹⁶⁹ In 1896, the NWMP inspector stationed at Calgary reported that “[t]he 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.”¹⁷⁰

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 Indigenous people that had no legal foundation, when it deemed such measures were appropriate.

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.¹⁷¹ In British Columbia, BCPP Commissioner Hussey had a particularly close relationship with P.K. Ahern, Seattle agent for the US based Pinkerton’s Detective Agency.¹⁷² Pinkerton’s men were utilized on a number of occasions by provincial authorities, including the 1911 surveillance of A.E. O’Meara, lawyer, Anglican lay missionary, and vocal advocate for Indigenous land and resource rights.¹⁷³

Police Forces and Indigenous Employees

In addition to the surreptitious observations of detectives, both the BCPP and the NWMP found the surveillance provided by First Nations people themselves very useful. The BCPP regularly employed Indigenous people to observe activity on reserves and initiate legal proceedings against the Indigenous residents.¹⁷⁴

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 Sk’emtsin (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.¹⁷⁵

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.”¹⁷⁶ Another Okanagan Chief, Baptiste Logan, requested the DIA remove Harris from the reserve.¹⁷⁷ Nevertheless, Harris remained a policeman, was regularly employed as an interpreter, and would soon be given his own reserve for his family and himself to reside on.

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.¹⁷⁸ In 1889, writer J.W. Powers drew another connection when he explained to SGIA Edgar Dewdney that

[i]n 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 Loyalist.... Why not the Indian police do similar good work in the Territories?¹⁷⁹

Dewdney was already convinced of the utility of scouts and Indigenous policemen. In his annual report for that year, Dewdney wrote that Indigenous people 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.¹⁸⁰



Back row, left to right: Mr. Hunbury; Jerry Potts. Middle row, left to right: Cecil Denny, Staff Sergeant Chris Hilliard; Sergeant George S. Cotter. Front row, left to right: Black Eagle; Elk Facing the Wind. (1890) The employment of Indigenous scouts permitted an increased level of surveillance and, Canadian officials hoped, would serve to help assimilate the scouts themselves. (*Glenbow Archives, NA-556-1*).

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.”¹⁸¹ 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.”¹⁸² The NWMP, despite some individual complaints, employed Indigenous people in its surveillance efforts at various points throughout the period under investigation here.¹⁸³ 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.”¹⁸⁴ 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.¹⁸⁵

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.¹⁸⁶ 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 usefully employed and out of mischief.”¹⁸⁷ 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-Indigenous 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.”¹⁸⁸ Indian Commissioner Reed too felt that the employment of scouts by the police would not only provide them with employment, but would also 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.”¹⁸⁹

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.”¹⁹⁰

In general terms, White seems to have come to agree with Herchmer. In 1892, he wrote to Vankoughnet that he did not think the general employment of Indigenous scouts was practical 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.”¹⁹¹ At no time did the NWMP seem to consider the reasons why its Indigenous 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 authority, and negative perceptions of their willingness and ability to work, ensured that Indigenous people never became regular members of the force.

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.”¹⁹² At least some NWMP commanding officers recognized the value of these individuals to their overall surveillance objectives. 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.”¹⁹³

Indian agents supported the employment of Indigenous police probably even more than the police themselves. As NWMP Superintendent Howe reported, for example, Agent 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.”¹⁹⁴ In some cases an Indian agent in Treaty 7 might appoint his own “Indian Police” for surveillance work¹⁹⁵ or, as the police did, offer rewards for evidence in particular instances.¹⁹⁶

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 their neighbours, but rather were engaged because they were believed most likely to support the policies and the 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.”¹⁹⁷ Fear of this opprobrium might also serve as a reason for not taking the job in the first place.¹⁹⁸

Surveillance of Police

Non-Indigenous people 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. 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*.¹⁹⁹ Others acted as private rent collection agents, sometimes even collecting rents from the operators of houses of prostitution from which they earned a commission.²⁰⁰ Still others were accused of illegally collecting a tax from each woman working as a prostitute in their district or of turning in favourable reports regarding the premises of licensed establishments.²⁰¹

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, to accepting presents from prostitutes, or public drunkenness.²⁰² From the existing reports, it is surprising that some constables were hired at all. It was reported of the constable at Osoyoos in 1906, for example, that “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.”²⁰³ He was accused of being “indolent and incompetent” and it was reported that he “was drunk, dealt Black Jack all night and that it is a well known fact that he visited the house of ill fame at Hedley.”²⁰⁴ The wayward actions of the other BCPP policeman were too observed by settlers and representatives of the church among others.²⁰⁵

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 was convicted in 1884 of selling liquor to Indigenous 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.²⁰⁶ 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 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.²⁰⁷

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 other colonial situations, were “simultaneously coerced and coercing, who enforced the will of the elite yet made demands themselves.”²⁰⁸

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 interrelated 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 First Nations territories by non-Indigenous 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 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 Indigenous people from land ownership, were backed up by the force of direct military intervention when necessary. For, as Reverend 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.”²⁰⁹ 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.

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 behaviour, 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.”²¹⁰

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 While the circumstances described in the previous chapter illustrate that many others were involved, the DIA was the primary instrument of surveillance in western Canada and so is central to this study. While it never had funding sufficient to provide services equal to those available in neighbouring non-Indigenous communities and while for the most part it was removed from parliamentary interest, from 1877 to 1927, 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.² The smallest details of its operation were recorded; observations of Indigenous groups and individuals were registered and assessed; and the perceptions of others in, and about, the department were noted.³ 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.⁴ 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.”⁵

The functionaries of the DIA also had a romantic impetus for data collection. As D.C. Scott, DSGIA 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.”⁶ From its observations of First 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 this knowledge and 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.

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.”⁷

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 the Agent tells them verbally.”⁸ 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.

In 1927, 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, Indigenous representatives were denied access to the collection of documents known as *Papers Connected with the Indian Land Question, 1850–1875*. 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.⁹ 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 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.”¹⁰ The Allied Tribes tried unsuccessfully to secure a copy of the book and while DIA officials Scott and Ditchburn had copies with them, they would not permit these to be “impounded” by the committee.¹¹

These incidents were clearly significant to the material well-being of those whose interests the DIA was meant 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.”¹² First Nations people may have had barely a passing interest in some of the data collected by the DIA, for example how many 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 would have been withheld from any other group in Canada, 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 I, had “accumulated property to which they are justly proud,”¹³ 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.

The record keepers of the DIA believed their work had a moral as well as a legal value uncommon in other departments. 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.”¹⁴ However, 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.”¹⁵ 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.”¹⁶

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.¹⁷ 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.”¹⁸ The hierarchy was for the most part inviolable throughout the period under discussion here and beyond. As DSGIA 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.¹⁹ Under these conditions, 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 personnel, and the surveillance of Indigenous residents, increased steadily through to the mid-1890s.²⁰ 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.²¹ In 1888, the Kainai and Piikani were placed under separate supervision bringing the total number of agents to four. In 1898, a separate agency for the Nakoda was created, but there was no resident agent there until the farmer in charge was promoted in 1901.²² After this, there was no more increase in agencies or agents until after 1927.

In the Treaty 7 area there were some salary reductions and the total number of department employees fell from thirty-three in 1896 to twenty-eight in 1897,²³ 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 twenty-five in 1905, the following year it had climbed again to over thirty. By 1916, there were forty-two. 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. 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 per employee by 1916.²⁴ Annual raw wages increased as well from \$15,460

to \$29,640. However, when inflation is taken into account, the actual wage expense in 1916 was virtually identical to 1896.²⁵ 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.

Unlike in British Columbia, DIA employees in the Treaty 7 area and throughout the prairie west tended to live on reserves thereby further increasing their potential for surveillance of Indigenous communities. 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 North-West Territories. The DIA officially entered British Columbia with the appointment, despite the objections of Lieutenant Governor Trutch, of Victoria physician Israel Wood Powell as superintendent in 1872.²⁶ 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.²⁷

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.²⁸ Three years later in 1884 the number of agencies in British Columbia 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."²⁹ 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.³⁰ 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."³¹ The new Kamloops Agency was restricted to "the watersheds of the Thompson River, Shuswap Lake and their immediate tributaries."³² The Okanagan Agency was limited to "the valleys of the Spallumcheen, Okanagan and Similkameen rivers and along the shores of Okanagan, Dog, Duck and Osoyoos lakes."³³ 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 1914.³⁴

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. British Columbia 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 eleven to fifteen, including one each for the Kamloops and Okanagan agencies.³⁵ 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, in British Columbia, agents did not live on reserves and, during this period at least, there were no farming instructors. With the occasional exception of a Dominion constable or other temporary employee, agents in British Columbia always worked alone.³⁶

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.³⁷ Between 1914 and 1917, the populations of the two regions were roughly equivalent. 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.³⁸ 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 the disposal of the DIA be more sharply focused on southern Alberta than on the interior of British Columbia.

At the same time, while the population growth across western Canada was remarkable, the pace of non-Indigenous 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.”³⁹ 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 Indigenous 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. 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 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.

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.⁴⁰ Since this permission was only granted to individuals, the permit system served liberal purposes well in helping to destroy collective production.⁴¹ Unlike the pass system,

the requirement that Indigenous people obtain a permit from their 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-Indigenous merchants to obtain a special license to sell goods on a reserve in Manitoba or the North-West Territories by 1891.⁴²

As with 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.⁴³

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 the 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 ostensibly designed to protect.⁴⁴ It was when production on reserves began to offer competition to neighbouring non-Indigenous farmers, ranchers, and business owners that Canadian officials began to take more serious notice. While some from settler society sympathized with Indigenous efforts to be excluded from the permit system, many 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.⁴⁵

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.⁴⁶

With the permit system in full operation after 1885, DIA employees controlled the funds earned from the sale of 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.⁴⁷ Indian agents were also responsible for overseeing the accounting systems that this entailed and in prosecuting those who sold goods without permission. While at times agents were assisted in their efforts by the mounted police, operating the permit system until the late 1940s at least, 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.⁴⁸

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,⁴⁹ while sometimes the request was a more general one for some product.⁵⁰ At other times they simply notified an Indian agent when someone they had hired did not have a permit,⁵¹ or asked him what to do after they had purchased something from a person who did not have a permit to sell it.⁵² After they agreed to issue a permit, agents were also required to manage accounts receivable and act like collection agents.⁵³

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 rowboats in the late 1880s. However, as with farming in the prairies, as the canning industry grew in British Columbia, so too did government regulation of the fishery and restriction of Indigenous control.⁵⁴ 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.⁵⁵ 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.”⁵⁶ 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 challenging his authority by 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.”⁵⁷

Almost a decade later, in April 1903, Agent Irwin wrote to Superintendent Vowell and recommended that Chief Francois Silpahan of the Qw7ewt (Little Shuswap Lake) 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.”⁵⁸ In July the department approved Silpahan’s removal as chief and settled on “incompetence” as the reason.⁵⁹ 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 109 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.⁶⁰ 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 agent’s permission to sell logs. This seems to have

satisfied the department at Ottawa and the matter was dropped.⁶¹ “Incompetency” it seemed could be interpreted quite broadly to include anything that displeased an agent. It would be a few years before Irwin himself would be dismissed for being incompetent.

The permit system could not 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-Indigenous 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 success.⁶² The permit system did though, like other components of the surveillance apparatus, create employment for a host of non-Indigenous 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.”⁶³ 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.”⁶⁴ 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 Interior and SGIA after 1896.⁶⁵ 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.”⁶⁶

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.⁶⁷ Agents, 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 endeavours, 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,”⁶⁸ 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.”⁶⁹ Certainly, where Indigenous 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 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.

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.’”⁷⁰ While this seems to be an overstatement, at least in the regions under discussion here, there were a few former NWM Policemen and soldiers and there was some opposition to their appointment as 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.”⁷¹ 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.

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.⁷² 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 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.”⁷³ 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.”⁷⁴ Reverend 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 Indigenous people in their area to act in concert with their wishes.⁷⁵ A U.S. 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.⁷⁶

Yet while the discretionary power of agents was substantial in the way they treated Indigenous 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, some agents

were required to request permission before purchasing ink for their offices⁷⁷ and others were instructed to paint all farm implements nothing other than “a light terra cotta colour.”⁷⁸

In order to augment the level of surveillance over agents, Indian Commissioner Edgar Dewdney requested a second inspector be employed for the North-West Territories to relieve the pressure on Inspector T.P. 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 should.”⁷⁹ 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.⁸⁰

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 Agents’ initiative. 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 district it is quite impossible for him alone to exercise that close supervision that is necessary over the whole treaty.”⁸¹ 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.”⁸² Increasingly, agents relied on other employees to assist in the supervision of day-to-day activities on the reserves of Treaty 7.⁸³

According to J.A. Macdonald, the employment of “practical farmers [was] necessary to keep a very close supervision over [Indigenous] farmers.”⁸⁴ 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 Colonel 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 sq mi. 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.”⁸⁵ 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. This policy of hiring instructors for their willingness to comply with the minutiae of DIA policy rather than any expertise in farming did not bode well for the future of Indigenous 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.”⁸⁶

In the Kamloops-Okanagan region agents had few such responsibilities related to the supervision of non-Indigenous 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 reserves.⁸⁷ 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, who had earned the favour of the DIA and BCPP, but for whom support among the Okanagan was questionable at best. Inspector J.G. Ramsden reported that “Isaac Harris had a pretty free hand but not more so than the mill owners.”⁸⁸

Other agents in the British Columbia interior, where transportation was a major obstacle to surveillance, only visited some reserves once or twice a year.⁸⁹ In the 1870s, when rumours of an “Indian rising” in the interior reached Indian Superintendent Powell in Victoria, he was forced to write that “Impassable roads above Yale will delay me indefinitely. Will Spring visit satisfy Indians.”⁹⁰ Even much later, travel continued to be a problem

for DIA employees. In 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 Upper Hat Creek reserve was not visited but was given all the necessary information by Chief Dick Basil.”⁹¹ In practice, then, Indigenous communities in the Kamloops and Okanagan areas were under far less direct scrutiny than those in Treaty 7. Whereas employees of the department supervised all activity in the latter, in the former their role was often limited to merely dispensing advice.⁹²

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. To this end, an agent was expected to “familiarize himself with the special character and habits” of each Indigenous person in his agency, but as Indian Commissioner for British Columbia W.E. Ditchburn warned, he “should not become too familiar with them or he would lose the dignity of his office.”⁹³ 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 North-West Territories, 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.”⁹⁴ The department was constantly on the alert to protect the status of its agents, especially in the eyes of Indigenous people.⁹⁵

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 conscientious 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.⁹⁶

Indeed, agents were expected to directly supervise all affairs involving Indigenous people in their agency.

The instructions given to agents in British Columbia in 1910 included all of the activities mentioned by Gooderham, but were prefaced 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.”⁹⁷ This protection, if conscientiously provided, would arguably have had more long-term benefit to Indigenous people than all other activities undertaken by Indian agents. With the exception of trespass on reserves, though, protection was not mentioned in the ninety-two point instructions issued to all agents by newly appointed DSGIA D.C. Scott in 1913.⁹⁸ This omission is illustrative of the primary objectives of DIA administration.

In the reformation of Indigenous people, 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.⁹⁹ In their effort to reconstruct Indigenous people 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 fields of farmers, and the premises of local businessmen. Agents were also expected to assist in ensuring that Indigenous 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-Indigenous 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.¹⁰⁰ They settled domestic disputes, separations, and alimony arrangements.¹⁰¹ 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.¹⁰² 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 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."¹⁰³ Certainly 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."¹⁰⁴

In attempting to shift the shape of Indigenous families as the primary units 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.¹⁰⁵ Anything other than heterosexual monogamy as 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.¹⁰⁶

Scott requested that registers of Indigenous marriages be kept at each agency,¹⁰⁷ 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.”¹⁰⁸ At least on occasion Scott got directly involved in the relations of individual families.¹⁰⁹ Long before this, however, agents were required to make a list of all those who lived with more than one wife.¹¹⁰ During annuity payments, agents were told that they should attempt to discourage polygamy “in every legitimate manner.”¹¹¹ 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.¹¹² Those who did not adhere to the Anglo-Canadian conception of family could also have the provision of foodstuffs restricted¹¹³ or be discharged from a government job.¹¹⁴ In the British Columbia interior, DIA Inspector Cummiskey reported “I attacked the evil of a number of [I]ndians 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.”¹¹⁵ 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.¹¹⁶

Reluctance to adhere to Anglo-Canadian conceptions of morality was blamed not on resistance to this aspect of the colonial edifice, but 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.¹¹⁷ Yet marriages in the “custom of the tribe” were also recognized as 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.”¹¹⁸ Clearly then, there was considerable confusion regarding the legal position and policy directives concerning cohabitation on the part of those whose responsibility it was to ensure that these were followed.¹¹⁹

What was less muddled in the minds of those enjoined to enforce the newcomers’ notions of morality was the inherent inferiority of Indigenous 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.¹²⁰

In both regions and in all spheres, the actions of women were placed under particularly close scrutiny 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 and gossip to keeping their children and houses clean and properly cooking the meals for their family.”¹²¹ The mission to impose patriarchal relations and the private/public dichotomy operative in non-Indigenous 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 who were settling nearby the reserves.”¹²² Women were to be reformed to accept the position that they should perform solely reproductive labour.

The advance Anglo-Canadian conception of morality was, in part, facilitated by Indigenous political structures that were themselves being co-opted and perverted. 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.”¹²³ In British Columbia, 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 such band regulations were approved, at least tacitly, by interior Indigenous 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.”¹²⁴ 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.”¹²⁵ 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

an offence to live on a reserve in the agency “as man and wife without being legally married.”¹²⁶

Some, at least, saw the hypocrisy 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?”¹²⁷ Similarly Oblate missionary Jean-Louis Levern 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.¹²⁸ Nonetheless Indigenous women had to demonstrate their adherence to Anglo-Canadian notions of morality to receive an inheritance¹²⁹ or obtain the pensions of their soldier husbands.¹³⁰

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 responsibility therein, was especially singled out for observation, measurement, and judgment.¹³¹ 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.”¹³² 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 Indigenous people was constructed within Anglo-Canadian precepts. 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.”¹³³ Of special interest was the “partitioning of inside of houses [which] is essential for morality.”¹³⁴ 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 [and] says they must have bedsteads and sleep on them.”¹³⁵ The conformity of reserve dwellings with those in 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.¹³⁶

Unsanitary conditions in their homes were attributed to the intransigence or indolence of Indigenous women.¹³⁷ 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.”¹³⁸ 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.¹³⁹

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.¹⁴⁰ 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 “instruct all the Farmer’s wives who are drawing salaries as Instructresses” to submit a monthly report identifying the names of the Indigenous women they are instructing, the work performed, their progress, and how and where the instruction is given.¹⁴¹

The panoptic machinery employed by the DIA was maintained through observation at every level of its hierarchy. Like the surveillance of Indigenous 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.¹⁴² Tardiness in the submission of the requisite reports

was viewed as “an act of insubordination” and a “grave dereliction of duty”¹⁴³ and could in some instances result in the withholding of salary.¹⁴⁴ Through written reports, errors in accounting could be spotted¹⁴⁵ and unjustifiable generosity curbed.¹⁴⁶

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. 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. 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, and fodder planted and harvested; the quantity of seventeen distinct types of livestock and poultry kept; eighteen varieties of agricultural instruments and vehicles; nineteen classes of buildings and the sources and values of income along with all other data related to agricultural operations.

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. However, the DIA’s tabular statements were far from neutral representations of reality.¹⁴⁷ 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.

The possibilities for errors in agents’ calculations of reserve production or their valuations of other sources of income were abundant. Especially in British Columbia where the agent might only rarely visit some reserves, the 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. Rather than inaccuracies, it was inconsistencies and data that held the potential for uncomfortable questions, which were more likely to be detected.

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.”¹⁴⁸

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.”¹⁴⁹ While this miraculous turn-around is possible, the issue seems not to have been one of accuracy so much as one of balancing the books and maintaining the appearance of precision.

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.¹⁵⁰ 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.¹⁵¹ 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.¹⁵²

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.”¹⁵³ Certainly, the department wanted to avoid illustrating that these “advances” were unsuccessful, even if it meant purposely manipulating the data.¹⁵⁴

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.¹⁵⁵ 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. But even there 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.”¹⁵⁶

Needless to say, preparation of their annual reports caused considerable consternation to employees. As an agent from the Williams Lake Agency in British 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.”¹⁵⁷ 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.”¹⁵⁸

Clearly not all agents had the same levels of dedication, enthusiasm, or energy. Two long-serving agents at Kamloops, Archibald Irwin and John Freemont Smith, are illustrative of this point. Irwin was the last agent to administer the sprawling combined Kamloops-Okanagan Agency from 1897-1911. He was supporter of Laurier’s Liberals and a patronage appointee who seems to have had little interest in the detail of administration or record keeping. 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.”¹⁵⁹ 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.¹⁶⁰ Secwepemc chiefs accused Irwin of never coming to their reserves, despite his promises, and of being “good for whiteman, very bad for Indian.”¹⁶¹ At one locale at least, Irwin was accused of visiting the reserve only once in the fifteen years he was agent.¹⁶² Settlers complained that Irwin was “more interested in

driving around with the Liberal candidate than in attending to his business as Indian agent.”¹⁶³ DIA 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.”¹⁶⁴

At first glance it seems remarkable that Irwin was not dismissed long before February 1911.¹⁶⁵ 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. 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. 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.”¹⁶⁶ 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 interior groups subdued in the face of the growing assault on their territories and on their political, cultural, social, and economic structures.

Even after Irwin’s dismissal, however, rather than responding to Indigenous concerns, the DIA sought what has been referred to as an “administrative solution” to the growing dissent of Indigenous peoples.¹⁶⁷ Secwepemc and Okanagan affronts to what were seen as inherent truths and the 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, in the then much smaller detached Kamloops Agency, was a very different man. J.F. Smith too, at least in part, owed his appointment to his political affiliation, but by most accounts was a conscientious and energetic agent. 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.¹⁶⁸ He was highly involved in the Kamloops Central Conservative Association, active in the Moral Reform Association and the Children's Aid Society, and taught shoe-making at the Kamloops Indian Residential School.¹⁶⁹ 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.

Where Irwin's ineffectiveness in keeping Indigenous complaints from the public eye eventually caused his dismissal, it was Smith's skin colour that caused some anxiety in settler society. He had an apparently unwavering faith in dominant political and economic ideologies of his day and chose to immerse himself in those structures, not often to challenge them.

There is little doubt that Smith saw himself more closely aligned to White settlers than Indigenous 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."¹⁷⁰ 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 Sexqeltqi'n (Adams Lake) 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.¹⁷¹

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 to employ his daughter to write his correspondence.¹⁷² 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 Indigenous people in the Kamloops Agency preferred a “whiteman” as their agent.¹⁷³ 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.”¹⁷⁴ 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. Together he and Irwin occupied the post of agent in this region for a quarter century.



John Freemont Smith, shown here with his family, was by all accounts a responsible and sympathetic Indian Agent but was disparaged by some in settler society. (*Kamloops Museum and Archives/10008*).

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 DIA: five resigned, one was dismissed for “irregularities and maladministration,” one was dismissed for “incompetency” and one was let go for “political partisanship.”¹⁷⁵ 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.”¹⁷⁶ 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 responsibilities, but could also be removed for far less indiscretion than that demonstrated for nearly fourteen years by Archibald Irwin.¹⁷⁷ 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.”¹⁷⁸ 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.”¹⁷⁹ 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.”¹⁸⁰ Lucas retained his position, though, and was transferred to the Tsuu T’ina reserve in 1891. He held this post until financial irregularities surfaced there as well, which prompted his retirement in 1897.

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,¹⁸¹ 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.”¹⁸² Still, local political associations thought it advantageous to put forward particular individuals,¹⁸³ even if once hired, employees were warned that “endeavouring to bring political influence to bear upon the Minister” in seeking promotion would “probably result in serious consequences to the offender.”¹⁸⁴

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.¹⁸⁵ Similarly, the people most affected by the disposition of a particular agent also wanted some say in his selection. The perspective of Indigenous 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.¹⁸⁶ 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.

[W]e 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.¹⁸⁷

On the Piikani reserve, the 1893 reductions of foodstuffs 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.¹⁸⁸ 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.”¹⁸⁹ 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.”¹⁹⁰ 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?”¹⁹¹

DIA Surveillance, Indigenous Employment, and Cooperation

Among the department’s permanent employees, agents, farm instructors, issuers, stockmen, and others deployed to reserves were on the bottom rungs of the DIA’s hierarchy. Over time, however, Indigenous 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-Indigenous 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, interpreters, scouts and detectives to assistants to stockmen, farmers and issuers.

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 affected. 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.¹⁹² 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.”¹⁹³

As early as 1858, the Aborigines Protection Society (APS) 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.”¹⁹⁴ While the DIA did not take up this advice to the extent suggested by the APS, department involvement in selecting leaders for Indigenous communities was far more effective, insidious, and 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.”¹⁹⁵ 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 “this must be done carefully so that the chiefs may not be able to rouse a hostile feeling among their Indians.”¹⁹⁶ 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. ‘[I]ndirect rule’ was a fact in Africa—as it had been in many other empires—long before it was a doctrine.”¹⁹⁷ 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.”¹⁹⁸ Other scholars and Indigenous leaders too have illustrated the disruptive experience of introduced political structures and

the unsuccessfulness of imposed electoral systems.¹⁹⁹ 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.²⁰⁰ 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 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..."²⁰¹ There can be no doubt, then, that this conception of "chief" in its evocation by the DIA was part of its surveillance network. Chiefs were responsible to the "Indian Agent over" them in the same way that the agent was responsible to an inspector. 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."²⁰² 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.²⁰³ Markle wanted the department at Ottawa to write to 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."²⁰⁴ 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.²⁰⁵ The RNWMP was later approached to help prove a charge of intemperance

against Crop Eared Wolf, but Superintendent Primrose objected that “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 see him deposed from his office.”²⁰⁶

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.”²⁰⁷ 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 supporters of the Department for 12 or 15 years.”²⁰⁸ 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.”²⁰⁹ On the other hand, when an agent found that a chief’s “usefulness” was gone, he could be removed from office.²¹⁰ Similarly, if an elected chief opposed DIA proposals to alienate reserve land for non-Indigenous 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 DSGIA in Ottawa complaining that

[w]hen 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.²¹¹

Harris was replaced, but a partner in the questionable land deal, T.J. Cumiskey, was appointed inspector by the DIA, who wasted little time in bypassing new Okanagan Agent J.R. Brown, deposing Chief Logan, dissolving the band council, and threatening to jail any who objected.²¹² Even though the department informed Cumiskey that his actions were “of no legal effect,” Chief Logan was, within two weeks, deposed for intemperance.²¹³ While there was resistance to this act from the Okanagan and their advocate, and former NWM Policeman, J.H. Christie, Cumiskey reported that “I cannot allow squaw men immoral halfbreeds or other evil inclined whitemen to dictate a policy to me.”²¹⁴

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 regulation, restriction, and incompetent, inadequate, and inappropriate “assistance.” As John McDougall, missionary to the Nakoda, who was employed by the DIA to help reduce reserve lands in British Columbia 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.²¹⁵

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. 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 principles that frequently held little value for them.

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 significantly greater number of observers in southern Alberta ensured that day-to-day activity was subject to less scrutiny in the former than in the latter, at least between 1877 and 1927. While not to understate the situation in British Columbia, 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 co-option or attempted destruction of those egalitarian structures that pre-existed the arrival of DIA supervisors. All of this further illustrates of how exclusionary liberalism operated in western Canada.

The DIA 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 interior of British Columbia, 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 DIA

payroll in western Canada rather than disciplinary surveillance in the interest of the non-Indigenous 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 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 economic, political, social, and other cultural 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 Indigenous 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."²¹⁶

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."²¹⁷ 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, resisted and continued as distinct cultures and nations. Today they are, though, in a much worse economic, physical, and psychological position than they should be as they move to give form to their assertions of sovereignty. Further, the incessant drive to reduce the lands available to First Nations, and the restriction of people to and on this dwindling land base, continues to make the realization of independent governance that much more difficult. It 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.

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 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 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 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 U.S. 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, the United States, even after the infamous *General Allotment (Dawes) Act* was in operation for more than two and a half decades, 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.

Unquestionably, both countries sought to alienate Indigenous territories for the benefit of non-Indigenous 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 enough in the historical record. 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.⁷

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."⁸ In both Canada and the United States, the central government took on the responsibility for Indigenous peoples, but British Columbia continually denied that Indigenous people had any pre-existing title to lands within its borders.

Indigenous Lands and Settler Interests

The non-Indigenous 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-Indigenous 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.⁹ 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-Indigenous population growth in British Columbia was, though, it paled in comparison to the population explosion in western Canada east of the Rockies. The population of the North-West 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 percent of the country's total population growth and its residents grew from 5 to 22 percent of Canada's total. The population of Alberta alone was over 588,000 by 1921, representing a growth of over 800 percent since 1901.¹⁰

With a few notable exceptions, these European immigrants or immigrants of European-descent 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.¹¹ The geography of British Columbia 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.’”¹² 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 unnecessary area to be assigned.”¹³ Nevertheless, even with these risks, the square survey continued to be employed in establishing reserves.¹⁴ British Columbia was unique in western Canada, however, in that crown land could be alienated even before it was surveyed.¹⁵

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 Indigenous 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.” The impact of these reminders “of Euclidean

geometry and panoptical state power” on Indigenous peoples should not be underestimated.¹⁶ 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 describing boundaries could be, and often were, brushed aside.

These ideas have been most thoroughly explored by scholars whose interests lie with the earliest European incursions into non-European lands. As a cultural theorist interested in the early period of non-Indigenous 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.”¹⁷ 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.”¹⁸ 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.” It is important to remember, then, as Barbara Belyea reminds us, “Native geographical knowledge was not simply sketchy, provisional information that scientific survey could confirm, correct, or supersede.” Indigenous peoples had “spatial and topographical concepts” that varied from those of the first European travelers, but were no less authoritative.¹⁹

While European science, mathematics, geometry, modes of classification, and manners of observation, served (and continue to serve) to legitimize and naturalize the 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.”²⁰ 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”²¹

Those who arrived as part of the massive incursion of non-Indigenous people 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. The first of these interests that needed to be met was the provision of land.

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, despite their efforts in opposition to such an outcome, 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 DSGIA 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.”²² 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.”²³ 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 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-Indigenous newcomers seized for themselves, with limited consultation even where there were treaties, absolute authority to determine who could and would lawfully own land. Further, 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.²⁴ 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.²⁵

As non-Indigenous newcomers moved into First Nations territories, Indigenous people were able to retain only small portions of their original territories and even these were regularly under threat. While families made homes and lives for themselves on reserves, they were 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. Reserves provided valuable 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, as in the case of World War I, reserves could be used for military purposes and 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-Indigenous 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. All of this, of course, began before 1877.

British Columbia Before 1877

In the area that would become the province of British Columbia, there was a precipitous perceptual shift from its construction as a locale suitable only for trade in animal skins to one of settlement. The institution mandated to encourage the transition, the Hudson's Bay Company (HBC), was not particularly interested, so not very successful, in encouraging this conversion. 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."²⁶ 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-Indigenous gold seekers, many of them loyal to the United States, entered British Columbia with dreams of finding wealth in the Fraser River watershed. Their arrival encouraged the British crown to revoke the HBC's exclusive trading rights and to establish the mainland colony of British Columbia.²⁷

Gold mining activity clearly marked a shift in the relationship between Indigenous peoples and the newcomers to their territories. This new encounter was marked neither by exchange nor 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.²⁸ 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-Indigenous settlement in British Columbia across time and geography, but everywhere the paucity of potential agricultural land was a major source of conflict.²⁹

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.³⁰ In British Columbia, though, beyond fourteen agreements initiated on Vancouver Island in the 1850s and Treaty 8 signed a half-century later and covering the northeast region, there was not even a pretence of gaining First Nations consent.³¹ For reasons that remain

somewhat contentious, James Douglas moved to a different policy regarding land and Indigenous peoples by the time he assumed the governorship of the mainland colony in 1858.³² Douglas envisioned that “anticipatory reserves” should be assigned in advance of settlement. These would promote self-sufficient Indigenous communities operating within the parameters established by settler society, and so allow for their cost-efficient management.³³

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 into the pale of civilized life.”³⁴ Douglas agreed that “they should be placed under proper moral and religious training, and 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.”³⁵

Many scholars have been generous to Douglas and his policy, often citing as evidence of his generosity 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.”³⁶ The significant point in the context of this study is, though, as Clarence Karr has rightly argued, the result of Douglas’ efforts was that Indigenous people in British Columbia had “fewer rights, less land and less protection than most of their counterparts in the rest of Canada.”³⁷

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. While Douglas accepted the innate superiority of Europeans and their cultures, he also adhered to the view that Indigenous people were redeemable and civilizable.³⁸ Trutch, on the other hand, has been referred to as the “archetypical colonist” who viewed Indigenous people as “bestial rather than human.”³⁹ 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*.⁴⁰

Not only did the First Nations of British Columbia 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.⁴¹ The results of these contentions are aptly illustrated in Secwepemc and Okanagan territories.

In fall 1861, Gold Commissioner William Cox, on instructions from Douglas, located reserves in the Kamloops and Shuswap Lake areas at sites located by two Secwepemc chiefs, who were identified as Chelouis and Nisquamth. 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 contained what he believed to be an unreasonable area of 600 sq mi.⁴² 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."⁴³ 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.⁴⁴ 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.⁴⁵

In addition to his direct influence on reserve reductions, Joseph Trutch was one of a three-person British Columbia delegation that traveled to Ottawa 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 Union.⁴⁶

As a result, the form of liberalism being cultivated by Trutch would guide land policy in British Columbia well past 1927. At least some legislators in British Columbia publicly presented their concerns regarding the position of Indigenous 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.⁴⁷

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 Indigenous people in British Columbia, therefore, should be exempt from Canada's Indian policy.⁴⁸ 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."⁴⁹

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 British Columbia's policies regarding First Nations people and their lands. Certainly, the situation was different in the Pacific 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.⁵⁰ 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.⁵¹

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."⁵² While Trutch regularly argued that the policy in British Columbia 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.⁵³

While much has been made of the avariciousness of Trutch and colonial policy in British Columbia, 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. 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.

As a result of this disagreement, conflict between the two governments began soon after British Columbia'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 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.⁵⁴

Through 1927 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 application of the numbered treaties was 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.⁵⁵ 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.⁵⁶ The same year, an Oblate priest at Okanagan Mission, Father C. J. Grandidier, stated that he was "afraid to foresee" the consequences of Indigenous people being "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."⁵⁷ 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.”⁵⁸

When Powell decided to travel to the interior to investigate the grievances, Provincial Secretary John Ash notified him that the British Columbia 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.”⁵⁹ 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 acre per family formula in establishing reserves demonstrates that their primary concern was agreeable relations with British Columbia.⁶⁰

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 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.”⁶¹ 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, and gained royal assent for, temporarily suspending the section of the *Indian Act* that required Indigenous consent be attained before a reserve could be alienated or reduced. 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.⁶² 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 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.⁶³

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.⁶⁴ 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 and negatively on the arid southern region, subsequently known as Palliser's Triangle.⁶⁵

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 (HBC) charter was due for renewal in 1859 and a British parliamentary committee created to inquire into this 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.⁶⁶ 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.⁶⁷ 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.⁶⁸ Significantly, in addition to the generous compensation in land, the HBC was relieved of its responsibility for the Indigenous hunters and trappers who had created its wealth in the first place.⁶⁹ For its part, Canada moved to secure its hold on this newly acquired territory and to facilitate non-Indigenous settlement in the west by initiating treaties with resident First Nations.

Several years before Lieutenant Governor and Special Indian Commissioner David Laird and his military entourage arrived at Blackfoot Crossing to inform the First Nations living between there and the Rockies of the Government's intentions, there were already complaints from treaty areas further east. As Indian Commissioner J.A.N. Provencher confirmed:

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 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.⁷⁰

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.⁷¹

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 U.S. army, had moved closer to Canadian territory.⁷² 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 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 Forts Macleod and Calgary in Blackfoot territory. More significantly, as Barbara Mayfield notes,

the presence of these forts tended to offer an increased sense of security to potential non-Indigenous settlers and so enhanced the likelihood of their coming to or remaining on Blackfoot lands.⁷³

As expressed in their nine-point petition to Lieutenant Governor Morris, the Blackfoot were concerned about incursions into their territories by Métis and Cree hunters who had moved west to hunt buffalo.⁷⁴ 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 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.⁷⁵ 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.”⁷⁶ Canadians, spared from the more visible form of imperialism occurring in the United States could already congratulate themselves for the application of their brand of liberalism.

Comparing the Treaty 7 Area and the Interior of British Columbia Before 1877

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-Indigenous settlers.⁷⁷ 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 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-Indigenous advocates outside the province. Canada, on the other hand, 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. Ultimately, 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-Indigenous people outside of British Columbia⁷⁸ and certainly he believed that in reducing reserves the

Province would have “to convince the 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.”⁷⁹ Yet there was little attempt to convince First Nations that further alienation of their land was in their own best interests.

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 Indigenous people. Rather the argument here is that the distinction between the Indian policies of the federal and British Columbia 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 British Columbia interior are not significantly different except in one important way. By refusing to extinguish Aboriginal title, the governments of British Columbia 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 1877, British Columbia was already positioning itself to disband the Joint Reserve Commission (JRC) by claiming that it was, for the most part, an inefficient, senseless, and expensive method of dealing with the land concerns of Indigenous peoples.⁸⁰ 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.”⁸¹

Sproat reported that messengers were traveling from the U.S. to meet with the Okanagan and other First Nations in British Columbia, apparently to seek their cooperation in a 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 7.⁸² In July, Commissioners McKinlay and Sproat expressed their fear of war to both Victoria and Ottawa.⁸³ 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.”⁸⁴ Sproat commented further on information he gathered from settlers married to Indigenous women “that the Indians had combined this year for some purpose or other, not a pleasant purpose to judge from their changed demeanour.”⁸⁵ He went on by stating 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.”⁸⁶

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.⁸⁷ Their actions relieved immediate tensions 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 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.”⁸⁸

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....⁸⁹

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 British Columbia 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.⁹⁰

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."⁹¹

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."⁹²

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 impression of the sentiments of the white settlers in the interior as regards the Indians.⁹³

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.⁹⁴

Perhaps remarkably, at least one of the authors of the petition, Whitfield Chase, had an Indigenous wife who Chase’s family history identifies as Persons, the daughter of a Nez Percé father and Secwepemc mother. Persons was not only the mother of Chase’s ten children, but her father had provided him with horses that helped build the Chase ranch.⁹⁵

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.⁹⁶ In American territory, the U.S. Government responded to a planned railway route and the influx of White settlers into Montana by signing three treaties with the First Nations there, including the Blackfoot, by 1870.⁹⁷

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.”⁹⁸

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 perceives as the Treaty 7 First Nations’ faith and trust in the NWMP, and particularly Colonel 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.⁹⁹

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.”¹⁰⁰

By 1888, any respect that First Nations people may have had for Macleod was wearing thin. According to NWMP Superintendent 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.”¹⁰¹

At the meetings at Blackfoot Crossing that led to Treaty 7, however, everything was stacked against a diplomatic agreement that was acceptable to all parties 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 these conditions are suspect, at best. As well, it must be remembered that Treaty 7 was negotiated against the visible and implied threat that force might be applied at any time.¹⁰²



Back row, left to right: Jean L'Heureux, interpreter; Red Crow, Kainai; Sergeant W. Piercy, North-West Mounted Police. Front row, left to right: Crowfoot, Siksika; Eagle Tail, Piikani; Three Bulls, Siksika. There were many Blackfoot leaders at the signing of Treaty 7 but Crowfoot was elevated to spokesperson for the entire Blackfoot Confederacy by Canadian officials because of the apparently conciliatory approach that he displayed. (*Glenbow Archives, NA-13-1*).

Further, those who represented the Dominion worked to afford particular Indigenous leaders the privilege of speaking for their fellows even if this was an unwarranted simplification of First Nations political structures. 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 with missionaries.¹⁰³ 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. The notion that there could be a democratic form of governance in which there was no penultimate leader was incomprehensible to Canadian representatives at Blackfoot Crossing.¹⁰⁴ Perhaps for similar reasons, Chiefs Bear's Paw, Jacob Goodstone, and Chiniquay were allowed to speak for the entire Nakoda Nation.¹⁰⁵ Whereas Macleod appears to have chosen who would speak for the three Blackfoot nations, Methodist Missionary John McDougall seems to have selected who would speak for the Nakoda. As Nakoda Chief John Snow confirms, a "question that has plagued us since Treaty Seven is whether our Chiefs and Councillors who attended fully represented the entire Stoney Tribe. There is every indication they did not."¹⁰⁶

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 McDougall, 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.¹⁰⁷ 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."¹⁰⁸ Together with his father George, McDougall established what historian John Lerner 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.¹⁰⁹ 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.¹¹⁰ 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. 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. As a result, that each party at the meetings had a different understanding of what the treaty meant seems beyond dispute. 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.¹¹¹

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 British Columbia, 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.¹¹² As Dorothy Jones has commented on U.S. 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.”¹¹³ The treaty document did, however, give colonial expansion an air of legitimacy, at least in the minds of Euro-Canadian settler-citizens.

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 200 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.¹¹⁴

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 be isolated from them. Indeed, the explicit exclusion of economically valuable land, including a coal seam that Lieutenant Governor and Special Indian Commissioner Laird set off to investigate at the conclusion of the treaty meetings, is illustrative of whose interests were protected by the treaty.¹¹⁵ 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.¹¹⁶ 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.

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."¹¹⁷ This was to allow for the far more efficient operation of 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. 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 6.¹¹⁸ At the same time, to maintain the interests of settler society, the treaty provided for further levels of surveillance through both the restrictions of the reserve system and Indigenous self-observation.

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 settler interests and ways of looking at the world, including their ways of conceiving geographic space that superseded Indigenous understandings and individual and community well-being. 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 promoted by different means according to local conditions and actors, surveillance consistently played a role in the reduction of Indigenous lands in both regions.

Preconceived 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 British Columbia.

In southern Alberta, a coalescence of a number of factors ensured that pressure to wrest territory from First Nations 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 British Columbia. 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 more diverse electorate, and its 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 SECWEPENC 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, which Euro-Canadians could better understand than could coastal groups, whose economies 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 The relative paucity of arable land in British Columbia helped to ensure that the average reserve size, even in the District of Yale, was less than 3 percent 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 spring 1878 in the wake of provincial complaints of unreasonable expenditure. Sproat soon came into conflict both with provincial authorities and, when he publicly aired his views regarding how “Indian affairs” could be better managed, the Dominion’s Superintendent Powell.⁵ In Summer 1879, Sproat participated in a meeting of the *Nlha7kápmx*, 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 *Nlha7kápmx* as a collectivity rather than with constituent communities, Sproat promoted a potential military threat. 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.⁶

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 both 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.⁷ 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.⁸

Trutch was concerned about the autonomy 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.⁹

At Trutch's suggestion, then, O'Reilly's independence regarding the locations to be investigated and the reserves to be allotted was limited by the "joint suggestions" and final confirmation of the CCLW, representing British Columbia, and the Indian Superintendent, representing Canada.¹⁰

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.¹¹ 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 forward by either the Joint Commission or Sproat alone.¹² 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."¹³ 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.¹⁴

Still, the incessant adjustments in reserve size and location caused considerable uncertainty, not only for First Nations people, but also for their non-Indigenous neighbours. In 1885, for example, the Victoria based *Colonist* warned: "The Indians of the Province have claim to the land which a due regard for the public safety should deter the government, the house and the people from ignoring."¹⁵ Despite warnings of this sort and additional cautions issued by Indian Superintendent Powell, British Columbia's legislative assembly 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.”¹⁶ 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.¹⁷ Since the Kamloops and Okanagan areas were particularly suited to ranching and farming, reserves in this area were under particular pressure from settler society.¹⁸

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-Indigenous ranchers alike.¹⁹ 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 2,500 acre commonage.²⁰

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 MPs persistently argued that reserves were already too large, especially in the interior, and that these lands should be taken over and sold to Whites.²¹ 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.²²

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.²³ 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 British Columbia’s entry into Confederation it remained, largely due to settler pressure, a relative shortage of arable land, and preconceived notions of the economic activities and land use strategies of Indigenous peoples, barely 15 percent

of land reserved per person in the Treaty 7 region.²⁴ 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 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.”²⁵

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.²⁶ But if the Dominion moved to lease or sell reserves for whatever reason, this 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 fall 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 British Columbia’s Lands and Works Department and the DIA.²⁷ 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 had set aside reserves in the period since

1877, Indigenous communities were most often not strictly confined to 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.”²⁸ 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.”²⁹

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 British Columbia. By 1908, the Dominion’s DSGIA Frank Pedley similarly 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 best interests of all concerned to encourage such sales.”³⁰ 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.”³¹ 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. Throughout 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 (and in the Treaty 7 region) and an important constituent of the surveillance network was Methodist missionary John McDougall. 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.³²

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."³³ 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 good as well as that of the white settlement in the vicinity."³⁴ 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.³⁵ In southern Secwepemc territory near Enderby he found the Splots'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."³⁶ In fall 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.³⁷

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 very anxious to see him."³⁸ 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."³⁹

By fall 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.⁴⁰

He claimed finally that Indigenous 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."⁴¹

While some officials may have agreed with McDougall's assessments, the Dominion government was clearly unprepared to have them made public or divulged to the subjects of the inquiry.⁴² 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 Indigenous 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 British Columbia”⁴³

The whole point of McDougall’s surveillance 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 in large part 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. 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 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.”⁴⁴

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.”⁴⁵ 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.”⁴⁶ 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 of 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 for 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.

Indigenous Resistance in British Columbia Before World War I

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.⁴⁷ 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 British Columbia to take their lands from them, and as a consequence they are very slow to accept any assurance to the contrary.”⁴⁸ At times, interior leaders also acted in concert to press for a particular local issue.⁴⁹

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 the 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 British Columbia 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 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.⁵⁰

In 1910, a large delegation from the Interior Tribes met with Prime Minister Laurier at Kamloops and presented him with a written statement, or memorial, that the *Kamloops Sentinel* referred to as “an excellently drawn up presentation of their case in support of their demand for treaties....”⁵¹ The memorial condemned the policies of the British Columbia 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.⁵²

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."⁵³ 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.⁵⁴

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 Indigenous interest in land was limited to "a mere right to occupancy."⁵⁵ Not wanting the issue of title to be raised in court, McBride blocked access to the JCPC. The premier argued that the issues involved were largely political as opposed to legal ones and that the economic stakes were too high to risk at court.⁵⁶

Any pressure brought to bear by the Dominion at the conclusion 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 British Columbia 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.⁵⁷

While First Nations organized, non-Indigenous 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 the prime minister and the SGIA in October, and the Friends with the Government of British Columbia in December.⁵⁸

Arthur O'Meara was perhaps the highest profile of non-Indigenous 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 1906.⁵⁹ 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."⁶⁰ O'Meara's direct advocacy on behalf of Indigenous groups, coupled with his activity in promoting Indigenous issues to interested non-Indigenous audiences, aggravated McBride's government to a point that it employed Pinkerton's Detective Agency to observe his activities, as discussed in Chapter Three. For their part, Dominion officials similarly could not believe that First Nations 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 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."⁶¹ Here too, the problem was presented as originating with "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."⁶²

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. Especially notable in this regard is former Mountie James Halbold Christie, who advocated on a number of

Secwepemc and Okanagan issues including working in concert with another advocate, lawyer A. Bridgman, 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, the rewards meted out to the reformed, and the exclusion of those who resisted reformation. 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.⁶³

In June 1907, 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) at the head of Okanagan Lake 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 1908.⁶⁴

While the matter seemed settled to the satisfaction of the DIA, within weeks a number of grievances, including questions concerning irregularities involved in the surrender, began to surface. Recently deposed Nkamaplix 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.”⁶⁵

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.”⁶⁶ 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.⁶⁷

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.⁶⁸

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 spring 1909, first held up Kennedy’s possession of the land in question and then caused the department to withdraw from the sale altogether.⁶⁹ 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 Province” in this reserve and then “sell the lands by public competition.”⁷⁰ Kennedy was incredulous, but his claim to the land was soon jeopardized further by the continued agitation of the Nkamaplix Okanagan.⁷¹

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.⁷² By the beginning of August the issue had been picked up by another non-Indigenous advocate, J.H. Christie, a former NWM Policeman, who would be in the midst of Okanagan struggles for some time to come. 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 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.⁷³ 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.⁷⁴

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.⁷⁵ 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 chief, had their membership in the Nkamaplix community challenged while others on Irwin’s list were found to be underage.⁷⁶

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 had been 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.⁷⁷ 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.⁷⁸ 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 who objected. He claimed he had the support of Secwepemc Chief Louie and Okanagan Chief Chilheetsa in the action.⁷⁹

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.⁸⁰ 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.”⁸¹ 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 men, immoral halfbreeds or other evil inclined whitemen to dictate a policy to me.”⁸² 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.”⁸³ Logan was succeeded by a reinstated, and apparently reformed, Pierre Michel, who began sending minutes of band meetings directly to the inspector.⁸⁴



Former N.W.M. Policeman James Halbold Christie, an advocate for Okanagan rights in the early twentieth century and an irritation to many DIA officials. (courtesy of Royal BC Museum, BC Archives/1-84366).

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 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 1908.⁸⁵ 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.⁸⁶

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.⁸⁷

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 tell him "you have been deposed" and that he would find a chief who would take "orders from me and from no one else."⁸⁸ 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.⁸⁹ 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.⁹⁰ 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. 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 Megraw. Christie published another article on behalf of the Okanagan and appealed for clemency for Louie and Tonasket.⁹¹ 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.⁹²

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.⁹³



Resistance to the alienation of the Okanagan Reserve at Long Lake resulted in the removal of two chiefs before the reserve was recommended to be cut off by the McKenna-McBride Commission, 1913 (courtesy of Royal BC Museum, BC Archives/I-6885).

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.”⁹⁴ 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.⁹⁵

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 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.⁹⁶ In spring 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, British Columbia, and D.A. Macdowall of Victoria were appointed by the Province. E.L. Wetmore was chosen as the chairman.⁹⁷

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 British Columbia was “unburdened by any Indian title,” McKenna agreed “as far as the present negotiations go, it [the issue of title] is dropped.”⁹⁸ 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.⁹⁹ As a Secwepemc leader said later of consultations concerning Indigenous land matters generally, “to keep matters simple the party most affected was left out of negotiations.”¹⁰⁰

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.”¹⁰¹ 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.”¹⁰² 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.¹⁰³

From their base in Victoria, the commissioners 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 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. 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. He said, “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.”¹⁰⁴

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 the economic strategies and close proximity of the surrounding settlers. While the Nk'Mip were encouraged to grow fruit like neighbouring White settlers, they believed this to be folly, saying “‘No, we will raise stock. We can always sell cattle.’ Then they call us lazy because we do not do what they do.”¹⁰⁵

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 would be just like selling our bodies. We cannot sell any land until the Man who made the land comes back.¹⁰⁶

Many of the Secwepemc and Okanagan, who understood that the objective of the McKenna-McBride Commission was to reduce the pieces of territory that remained to them, made the effort to explain that they in fact 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 from Sam Pierre from the Splats'in (Spallumcheen) Secwepemc community, 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?"¹⁰⁷

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 Fremont Smith, who argued that the "Indians were here first and their rights must be considered first."¹⁰⁸ Despite Smith's objections, the board prepared a resolution to Premier McBride requesting "the removal of the Indians" from the Tk'emlups (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 were cultivated.¹⁰⁹ 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.

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.¹¹⁰

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 inhabitants [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."¹¹¹

At Salmon Arm, Board of Trade member James Evans suggested that a problem facing his Indigenous neighbours 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, advising, "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 their non-Indigenous 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. 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.¹¹² There were, though, a few opposing voices.

Regarding the Secwepemc reserve at Kamloops, John Fremont Smith, perhaps Canada's only Black Indian agent, 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 Macdowall retorted, "well then, if they don't use it how can you say that it is necessary for their requirements?"¹¹³

Macdowall'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 "advancement" that might be brought about by irrigating the land were not part of the syllogism.

In the Kamloops and Okanagan agencies, Commission Chairman E.L. Wetmore was regularly confused about which reserve was being discussed and often, as in this case, the commissioners missed the point.¹¹⁴ 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 character that I am advised that I would find it very unpleasant and running a great risk to stop at any of them."¹¹⁵ It would seem unlikely that Wetmore could possibly comprehend Indigenous lifeways or to empathize with First Nations concerns.



E.L. Wetmore, here with Okanagan Chief Chilaheetsa and interpreter Isaac Harris, was unsympathetic to the concerns of Indigenous people and unsuited to his position as chairman of the McKenna-McBride Commission, 1913. (courtesy of Royal BC Museum, BC Archives/H-07132).

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.

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 unreasonable. The reports of the commission are textual displays of Western scientific knowledge laid out in tabular form with maps that fundamentally ignored Indigenous boundaries in order to conform to the square survey. Other understandings and other geographic boundaries were nonsensical to the commissioners and their audience.

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.”¹¹⁶ 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 British Columbia 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 I period, valued it at only \$12,865,194.¹¹⁷ Further, 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."¹¹⁸

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.¹¹⁹ Much of the reduction, 2,165 acres valued at \$77,375, was reserved to the Qw7ewt (Little Shuswap Lake) Secwepemc.¹²⁰ 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 \$671,211.51.¹²¹ 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.¹²²

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, Isaac Harris had constructed a "roomy and substantial residence thereon with good farm outbuildings." Harris's long history of appeasement to government officials and his adherence to Anglo-Canadian liberal values ensured that he would inevitably be judged as more advanced than other reserve residents by those at all levels involved in the administration of Indian affairs. As a result, he would come closer than other reserve residents to being included in any benefits of Canadian society.¹²³ 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 interrelationship of obedience, appearance, perception, self-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.

As might be expected, the commissioners found Harris “a very reliable and progressive man.” Perhaps as a reward, 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. Further, 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.¹²⁴



Isaac Harris provided a number of services to Canada and the DIA, including acting as interpreter and supplying other assistance to the McKenna-McBride Commission. He was rewarded with his own reserve in 1913. (courtesy of Royal BC Museum, BC Archives/I-68886).

Even within the relatively narrow parameters that were set for the Royal 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.” Others were more concerned about the administrative costs incurred by the commission.¹²⁵

The McKenna-McBride Commission did not, for more than two decades at least after it was disbanded, 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. Further, the commission’s work, and eventually its report, only exacerbated First Nation concerns and grievances when they were finally permitted access to it.

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 spring 1916, the two organizations met, on separate occasions, with Wilfrid Laurier, SGIA W.J. Roche, and Prime Minister Borden to explain their positions.¹²⁶ 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 of the Indian Rights Association elected chairman and James Teit of the Interior Tribes as secretary.¹²⁷

In their statement of February 5, 1919 the Allied Tribes expressed concern that the DIA would attempt to win the approval of First Nations for the Royal Commission’s recommendations before the issues of Indigenous rights could be resolved by the Judicial Committee of the Privy Council.¹²⁸ 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.¹²⁹ Clearly the Allied Tribes were suspicious of the agreement, and moved to exert whatever legal pressure they could to delay until their case

could be heard by the JCPC, 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, British Columbia'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 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."¹³⁰

The 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. DSGIA D.C. Scott, too, recognized by November 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..."¹³¹ Two months later, 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.¹³² The "British Columbia Indian Lands Settlement Act" which became law on July 1, 1920, 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."¹³³ 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 1919.¹³⁴

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.¹³⁵ 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.”¹³⁶ Representing Canada, on Scott’s recommendation, was the DIA’s chief inspector in British Columbia, W.E. Ditchburn.

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.¹³⁷ 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 and insisted that rather it was a product of O’Meara’s agitation. 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.”¹³⁸

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 of the organization with Okanagan Chief Johnny Chilheetsa and Secwepemc Chief Elie Larue among the most vocal opponents, even though Chilheetsa donated \$500 to the organization in 1919.¹³⁹ The organized resistance in the interior may have been adversely affected further by the illness and then death of James Teit, as Paul Tennant and Wendy Wickwire suggest.¹⁴⁰ 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 1923.¹⁴¹

In summer 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 the land question, and 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.¹⁴²

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 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.¹⁴³

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.¹⁴⁴ On July 19, 1924 the federal government accepted the report of the Royal Commission as amended by the recommendations of Ditchburn and Clark.¹⁴⁵ 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 including the one in Victoria in 1923, and requested a hearing before the JCPC.¹⁴⁶ 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 11, 1926.¹⁴⁷ 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 27, 1927. 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 British Columbia 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,” and have 212 acres of reserve per capita. In the Treaty 8 region there were 160 acres of reserved acres per capita while in other British Columbia communities the average was 30 acres or from one-fifth to one-twentieth of neighbouring nations.¹⁴⁸ 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 never could bring my mind to see any solid ground for the aboriginal title.”¹⁴⁹ 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.¹⁵⁰

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."¹⁵¹

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 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."¹⁵²

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.¹⁵³ 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 Indigenous 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 document, the committee argued, "was really confidential, although it is not so marked."¹⁵⁴

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.¹⁵⁵

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.¹⁵⁶

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-Indigenous 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 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-Indigenous 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-Indigenous 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 than 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-Indigenous neighbours.

From the perspective of Canada, the fundraising 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 newcomers' own legal and moral frameworks, 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 II 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 fundraising 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.¹⁵⁷

In 1910, Arthur O'Meara argued that it was evident that unresolved issues of land and title affected 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 to be?"¹⁵⁸ 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.

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. Further, the concentration of reserve residents on ever-dwindling pieces of land served to simplify administration and surveillance.

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.

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.²

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 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 both 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.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 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.”⁹ 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 26,000 acres, but this plan was scuttled, apparently in favour of commercial resource extraction interests in the proposed area.¹⁰

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 illustrate the contradictions in the application of DIA policy regarding self-sufficiency and the land base necessary to obtain it. 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.¹¹ 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 any Nakoda present in the Kootenay Plains area. There was a concern raised, though, that there would be insufficient feed for stock at Morley and this 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, but the Nakoda did not accept it as a final solution.¹²

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.¹³ 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 proximity to Calgary.¹⁴ 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.¹⁵

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."¹⁶

With the presentation of the Tsuu T'ina reserve as underutilized and underpopulated, 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.¹⁷ Still, the resistance by some Tsuu T'ina leadership frustrated the efforts, for a time at least, of those seeking to seize this land.

In light of potential resistance to a suggestion from Arthur Sifton, Commissioner of Public Works for the North-West Territories, 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."¹⁸ 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.¹⁹ 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 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

rather local ranchers, beneficiaries of the grazing land that the reserve offered, who were opposed to any change in its status. Chief Bull Head, 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.”²⁰

In response to pressure from other economic interests, the Tsuu T’ina were convinced, by spring 1906, to allow oil and gas exploration and the construction of wells in return for a fee of one hundred dollars for each well and an annual royalty of two percent.²¹ With this agreement between the DIA, A.W. Dingman, and the Calgary Natural Gas Company 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.

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.²²

When McDougall presented the idea of a surrender in February his efforts, as expected, were unsuccessful.²³

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.²⁴ When McNeill presented the idea of surrender to the Tsuu T’ina in November, only twelve of sixty-three community members permitted by the *Indian Act* to vote were in favour. These twelve were presented by the agent as the ones who were “sufficiently intelligent” to understand the benefits of reducing their holdings.²⁵ 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. This time the agent blamed the “fear and superstition” of the “old people.”²⁶ 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.²⁷

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 Bull Head, 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,²⁸ 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.²⁹

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 Defence, which had coveted the land for decades.³⁰

In 1951, a vote to sell the 1,174 acres of land that the Department of National Defence had leased was approved, but a subsequent aerial survey showed that the Bow River had changed course in several places and the area remaining north of the river was less than that surrendered. A 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 Department of National Defence land was returned to Tsuu T'ina control after the closure of Canadian Forces Base Calgary. The status of the land usurped by the City of Calgary remains unresolved.³¹

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. As the SGIA 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 separate reserves than they would be were they to reside altogether on one Reserve."³² 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.”³³ Further, the relocations allowed the Dominion to reconfigure the reserve at Blackfoot Crossing to better fit the goals of settler society. 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 1,000 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.³⁴ 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 1889.³⁵ While this was relatively small compared to later attempts to alienate portions of this reserve or the Siksika and 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.

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.”³⁶ 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.³⁷ 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.³⁸ But in less than three years, as the result of further demands from settler representatives, “suggestions” regarding surrenders and 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.³⁹ 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.⁴⁰ Three years later, though, Reverend John McDougall was hired “to negotiate with certain bands for a

surrender of their land” in the North-West Territories. 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.⁴¹

In spring 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 15, he met almost unanimous opposition led by Chief Crop Eared Wolf. To penalize him for his resistance Markle attempted to have the chief deposed.⁴² 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 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.⁴³ 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.⁴⁴

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 Macleod to their cause and together they seem to have had an impact. The surrender was defeated on June 5 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 Macleod “filled them up with nonsensical ideas” and when Crop Eared Wolf “bought” some and “frightened [others] in various ways.”⁴⁵ 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.⁴⁶ 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.⁴⁷ Still, the pressure continued in the years leading to World War I.

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, 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."⁴⁸ 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."⁴⁹ 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.⁵⁰ 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 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."⁵¹

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.⁵² 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 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.⁵³

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.⁵⁴ 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 7, 1917.⁵⁵

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 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.⁵⁶

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.⁵⁷ There were 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 recommended that the surrender be held in abeyance until it could be revised.⁵⁸

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.⁵⁹ 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.⁶⁰

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 30, which they were unduly pressured, if not coerced into accepting.⁶¹ Former agent 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."⁶²

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.⁶³

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 public auction. While Graham went as far as drawing up the conditions for a surrender of 152,000 acres, the surrender did not proceed.⁶⁴

The Kainai clearly had every reason to keep up their resistance to the fraudulent attempts to gain control of their reserve and to 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*.⁶⁵ 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 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.⁶⁶

Some scholars 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 Kainai 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 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.⁶⁷ 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, and they did not suffer the gross under-assignment of reserve land, even by the standards outlined in the treaty, as the Kainai did. 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.”⁶⁸ 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.⁶⁹

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. While the Piikani were spared temporarily as the Canadian Pacific Railway (CPR) 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 1908.⁷⁰ By then the department was clearly determined to reduce expenditures with the proceeds of land sales.⁷¹ 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 August 18, Markle reported that he had secured

agreement to surrender thirty-six sections, or 23,500 of the 116,000 acres, of remaining Piikani land.⁷² 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.⁷³ Already, though, there was trouble looming concerning the propriety of the surrender.

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.⁷⁴

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.⁷⁵

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 meeting were in favour of selling this "very valuable land" which had "practically no value to the Indians."⁷⁶ 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.⁷⁷ 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 \$200,000. Markle reported that if the price was reduced on the unsold land, then buyers could be found for it as well.⁷⁸

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.⁷⁹ 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."⁸⁰ In addition to the obvious attempts by the department to quell any potential resistance to its 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.⁸¹ NWMP Constable Fyffe made some initial inquiries regarding the disquiet on the reserve, but the police were clearly not prepared to question the legality of the surrender.⁸² 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... 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.⁸³

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."⁸⁴ 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. Reverend 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.”⁸⁵ Clearly, he supported the objectives and the tactics of the DIA. Still, this was not the end of the problems faced by the Piikani.

The purchasers of the land were required to make a down payment of 10 percent of the total price and then make annual installments on the principal and interest, but often, for a variety of reasons, purchasers did not always keep up with the installments. By 1918, the amount in arrears attributed to those who neglected to respond to DIA late notices alone amounted to well over 40 percent of the total proceeds expected by the department. This resulted in a substantial setback 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.”⁸⁶ Once again, the advance of liberal Canada, not the interests of its Indigenous wards, was the priority of the Department of Indian Affairs.

Siksika

While it is evident from the experiences of the other Treaty 7 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 the amount assigned to these two nations.⁸⁷ But the reduction was far greater than this might indicate. Firstly, the “temporary” strips on the Bow and South Saskatchewan rivers that were to be held until 1887 were relinquished early. Further, while Siksika lands were increased in compensation, the new reserve included only a fraction of the valuable river frontage identified in the treaty.⁸⁸

Also by 1882, Agent Denny reported that the Siksika were “uneasy” about the CPR rail line situated along the northern portion of the reserve. NWMP Commissioner Irvine reported that they were “not yet in a most 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.”⁸⁹ 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.”⁹⁰ By 1892 however, the reserve was in jeopardy again when Indian Commissioner Hayter Reed began agitating to further reduce its size, noting that “they can very well spare at least a township.” Reed recommend that the Siksika “spare” the southeast 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.⁹¹

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.⁹² 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.

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 felt 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.”⁹³ 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 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, Inspector Markle was given authority to pursue a “surrender of whatever portion of the reserve that they [the Siksika] may be willing to

grant.”⁹⁴ 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 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 what would be required to obtain 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.⁹⁵

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.⁹⁶ 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 possible to acquire a surrender on the conditions stipulated and returned blank surrender forms to Ottawa.⁹⁷

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 \$1,600,000 million. From this amount, rations could be paid for, buildings constructed, and of course the department’s 10 percent, or \$116,000 management fee, could be extracted.⁹⁸

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 sixty-nine to sixty-four.⁹⁹ With 184 males of twenty-one years of age or older identified on the Siksika reserve by the DIA, those in favour represented rather less than a majority of even those the department determined qualified to vote. Still, the surrender was accepted by the Governor General and the Siksika reserve was reduced by over 37 percent.¹⁰⁰

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 10 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. The surrender agreement included a maximum, but no minimum, for rations and also the condition that these 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.¹⁰¹

As with the Piikani sale, this land would be sold on the basis of 10 percent down and the remainder in nine equal annual installments.¹⁰² While the Siksika would derive some benefits from the interest on the sums held in trust by the DIA, and while interest of 5 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. To make matters worse, 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.¹⁰³ 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 to reduce disbursements on behalf of the Siksika.

In May 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 recommended a further auction of the unsold surrendered lands and that rations be reduced to pre-surrender levels.¹⁰⁴

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 else in their place. 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.¹⁰⁵

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.¹⁰⁶ 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."¹⁰⁷

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.¹⁰⁸

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.”¹⁰⁹ 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.¹¹⁰ 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.¹¹¹ The underlying problem, though, the arrears in purchase payments, as identified by the 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.¹¹² 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.¹¹³

In addition to arrears in lands sales, there were also difficulties collecting for lands leased under Graham’s Greater Production scheme during World War I.¹¹⁴ Graham believed that the scheme had run its course with the end of the war anyway, and he held 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.”¹¹⁵ 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.¹¹⁶

There were a number of problems for Indigenous interests 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. Further, low interest rates meant that purchasers were drawn to invest their capital elsewhere rather than make payments on their land purchases.¹¹⁷

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 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 40 to 50 percent higher than the sale of 1910. All of the remaining land was sold and again the interest rate was set at 5 percent. The problems of arrears continued, and some accounts remained open to the 1950s at least.¹¹⁸

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.¹¹⁹

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 of a sale when a further surrender of 19,000 acres was proposed.¹²⁰

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-Indigenous 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 acres of land for future annuity payments.¹²¹

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. Primarily, 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, led to changes in the *Indian Act* and alterations in DIA policy to facilitate the removal of reserve land from Indigenous control.¹²² Significantly though, as Hugh Dempsey has stated for Treaty 7, “[i]n the end, those reserves which surrendered lands showed no noticeable advancement or long-term benefits over those which did not.”¹²³

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.¹²⁴ Markle’s influence and methods have already been discussed, but while his vehemence and enthusiasm were noteworthy, and while his role was significant, it should not be overstated. Markle, like inspectors Cummiskey 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 as “brief and shameful” and noted that 21 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.¹²⁵ By way of example, and while only a detailed cross-border comparative land use analysis could determine the relative value of these lands to settlers and First Nations, even though the notorious *General*

Allotment (Dawes) Act was in operation since 1887, the American Blackfeet retained almost twice the quantity of land per capita as did their counterparts in Canada.¹²⁶

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.¹²⁷ 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.¹²⁸ 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 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.”¹²⁹ 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.¹³⁰ But the interrelated 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 arranged for future security, and while their agent may have upheld this understanding, Ottawa often had different views.

The tactics, including surveillance activities, that Canada employed to reduce reserves and neutralize opposition in the Treaty 7 region 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-Indigenous 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-Indigenous 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.

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. 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 and the construction of a particular knowledge network concerning Indigenous people. As in British Columbia, the First Nation signatories to Treaty 7 have little choice but to continue in their struggle for justice even today, more than 130 years after the meetings at Blackfoot Crossing.

CHAPTER EIGHT

*“in the same position as they
were before enlisting”¹*

Exclusionary Liberalism in World War I and Beyond

FOR INDIGENOUS PEOPLE IN WESTERN CANADA, DISCIPLINARY surveillance and exclusionary liberalism, operating to restrict the rights and benefits granted to others and to appropriate First Nations' lands and resources were intensified in the years in and around World War I, even as Indigenous people participated in Canada's war effort in a variety of ways. Although First Nations men were specifically exempted from the *Military Service Act* by an Order in Council of January 1918, approximately 4,000 people defined as Indians, or 35 percent of all male reserve residents of military age, enlisted.² When the *Military Service Act* was introduced in 1917, records of Indigenous 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.³

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 ranges and military camps.⁴ 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.⁵ 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.”⁶ 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.⁷ Beginning in 1918, though, DIA encouragement of Indigenous participation in the war effort on the home front included far more coercive 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. Further, 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.⁸ 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.”⁹

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 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.¹⁰ 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."¹¹ Additionally, as Sarah Carter has argued, the focus on reserves diverted attention away from unproductive land held for speculation by corporations like the Canadian Pacific Railway and Hudson's Bay Company. Meighen admitted that reserve land "over which we have a system and machinery of direct supervision" was especially attractive.¹²

While Meighen continued to publicly support the Greater Production scheme, at one point proudly stating in the House of Commons that "the Dominion Government is the largest farmer in the Dominion," the scheme was much less successful than its promoters hoped.¹³ By April 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, a position that Scott supported as well, and in early 1922 the Greater Production effort came to an end.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, following the demise of the program, Kainai leaders complained in a nineteen-page memorial to SGIA Charles Stewart in December 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 of 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 anyone.¹⁷

With the exigencies of war over, one might expect the pressure on Indigenous people to part with their lands and resources to diminish. Yet 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, the department was actively working with the Soldier Settlement Board to acquire reserve land for returning non-Indigenous 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.”²¹ In the meantime, the department significantly increased its efforts to secure as much remaining Indigenous land as possible by obtaining surrenders.

In the prairie west, W.M. Graham was particularly successful in securing reserve surrenders and arranging for previously surrendered land to be turned over for soldier settlement. In their enthusiasm, he and his colleagues in some cases even attained 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.²³ Applications to take over reserve land near Kamloops were presented from as far away as New Brunswick.²⁴ Kamloops reserve one, large by British Columbia 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 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

While First Nations were expected to give up portions of what remained of their lands for returning non-Indigenous 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.”²⁸ While their lives and their land were threatened, military service by Indigenous people of

western Canada did not guarantee that they would be treated equally to their non-Indigenous comrades-at-arms when they returned home. Despite their sacrifices and regardless of their relative worthiness or that of their relatives, all continued to be judged on a plane reserved for those defined as Indians.

Land was not provided for First Nations veterans as it was for non-Indigenous soldiers, 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.²⁹ 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 Indigenous veterans 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 the school 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.³⁰ 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 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.³¹

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.³² 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."³³ 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.³⁴ 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.”³⁵ It is likely that the department 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 I 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-Indigenous 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, an Indigenous ex-soldier had to satisfactorily demonstrate the “desire of making farming his life work.”³⁶ When Alexander George applied to his Indian agent for a piece of land on the Kamloops reserve, Agent 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.”³⁷ 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.”³⁸

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.³⁹

Clearly, if Indigenous men were to be transformed into peasant farmers, Indigenous women would be molded into their subordinate help-mates.

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 died in Montreal on his way home in November 1915.⁴⁰ 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.⁴¹ Albert's pension benefit was awarded to his mother Sikski, but sometimes she had to remind the department to send her monthly stipend along.⁴² 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."⁴³



Kainai recruits, 191st Battalion, Canadian Expeditionary Force, Fort Macleod, Alberta. Back row, left to right: George Coming Singer; Joe Crow Chief; Dave Mills; George Strangling Wolf; Mike Foxhead. Front row, left to right: Nick King; Harold Chief Moon; Sergeant Major Bryan; Joe Mountain Horse; Mike Mountain Horse, 1916. George Coming Singer and Mike Foxhead died overseas. Joe and Mike Mountain Horse were both wounded while their brother, Albert, died of consumption after being gassed. (Glenbow Archives, NA-2164-1).

The treatment of Indigenous soldiers, their families, and all reserve residents during World War I marks a dark chapter in Canadian history and the development of Canadian liberalism. In 1919, though, DSGIA 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.⁴⁴

Despite Scott's sentiments, Indigenous people remained at the bottom of the socio-economic ladder and excluded from many of the rights that others took for granted.

Conclusion

On March 26, 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.”⁴⁵ 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. Still, several years later 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.”⁴⁶ 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. 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 others 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, 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, 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, which 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-Indigenous 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 pre-existed 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 neutralize, 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 study, 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-Indigenous 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.

In both regions, overt resistance was most often perceived by settler society as originating from non-Indigenous “agitators.” To admit otherwise would not only threaten to expose the actual results of liberalism in Canada, but would also 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 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

policemen 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 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.’”⁴⁷ 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 choose their own lifeways. As Chickasaw legal scholar James (Sákéj) Youngblood Henderson points out:

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.⁴⁸

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.⁴⁹

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.⁵⁰ As 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.”⁵¹

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.⁵²

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.

NOTES

Chapter One

- 1 S.H. Blake to Frank Oliver, 27 January 1907, Library and Archives Canada (LAC), Record Group 10 (RG 10), vol. 4023, file 289,032-1.
- 2 Blake to Oliver, 27 January 1907, LAC, RG10, 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 work 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.
- 3 Blake to Oliver, February 6, 1907, LAC, RG 10 vol. 4023, file 289,032-1. Oliver was also Minister of the Interior.
- 4 On this point, see Chakrabarty, "Postcoloniality and the Artifice of History," 4.
- 5 Adams, *Tortured People*, 5-7 and Means, "The Same Old Song," 26 and 135.
- 6 Alfred, *Wasáse*, 22.
- 7 See for example Adams, *Tortured People*, 5-7.
- 8 As Alfred put it "we are each facing modernity's attempt to conquer our souls." Alfred, *Wasáse*: 38.
- 9 See for example Bedford and Irving, *The Tragedy of Progress*, 57-63 and 98.
- 10 Dreyfus and Rabinow, *Michel Foucault*, 127-8.
- 11 Foucault, *Power/Knowledge*, 53.
- 12 Foucault, *Power/Knowledge*, 192.
- 13 Foucault, *The Archaeology of Knowledge*, 17.
- 14 Foucault, *The Birth of the Clinic*, 107-123 and Foucault, *The Archaeology of Knowledge*, 48-49.
- 15 Foucault, "The Order of Discourse," in *Untying the Text*, 56 and Foucault, *Archaeology of Knowledge*, 219.
- 16 On this point see Poster, *Foucault, Marxism and History*, 130.
- 17 Foucault, *Archeology of Knowledge*, 218.
- 18 On this point related to Indigenous people, see Vizenor, *Fugitive Poses*, 50-51.
- 19 Bentham, "Panopticon; or, the Inspection-House &c," 39-41. Emphasis in original.
- 20 Foucault, *Discipline & Punish*, 197-200.
- 21 Foucault, *Discipline & Punish*, 201.
- 22 Foucault, *Power/Knowledge*, 39 and Bentham, cited in Dreyfus and Rabinow, *Michel Foucault: Beyond Structuralism*, 192.
- 23 Foucault, *Discipline & Punish*, 205.
- 24 Foucault, *Power/Knowledge*, 156-158 and Foucault, *Discipline & Punish*, 217.
- 25 Bentham, "Panopticon," 177; Foucault, *Power/Knowledge*, 71 and Foucault, *Discipline & Punish*, 220.
- 26 Dreyfus and Rabinow, *Michel Foucault*, xxiii.
- 27 Foucault, *Discipline & Punish*, 102.
- 28 Foucault, *The History of Sexuality*, vol. 1: 93-5. See also Foucault's comments in Rabinow, "Space, Knowledge, and Power," 245.
- 29 Foucault, *Power/Knowledge*, 257.
- 30 Foucault and Deleuze, "Intellectuals and Power," 216. Foucault has been often criticized for various aspects of this neglect or oversight, but see Spivak, "Can the Subaltern Speak?" 288-89 for her comments on this precise point.
- 31 See for example Scott, *Weapons of the Weak*, 29.

- 32 Stadfeld, "Manifestations of Power," 46. Former Sk'emtsin (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." Manuel "Manifesto for Survival," 28. 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." Snow, *These Mountains*, 152.
- 33 Mallon, "The Promise and Dilemma of Subaltern Studies," 1506.
- 34 Foucault, *History of Sexuality*, 141.
- 35 On this point see for example Etherington, *Theories of Imperialism*, 2-4.
- 36 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. Gallagher and Robinson, "The Imperialism of Free Trade," 13, 1.
- 37 Dirks, "Introduction: Colonialism and Culture," 3. See also Cooper and Stoler, "Between Metropole and Colony," 1-56.
- 38 Clifford, *The Predicament of Culture*, 14-16.
- 39 Dirks, "Introduction," 2-4.
- 40 On these points see Cooper and Stoler, "Between Metropole and Colony," especially 17 and 24 and Comaroff, *Of Revelation and Revolution*, 5.
- 41 Dyck, *What is the Indian 'Problem'*, 30.
- 42 Frantz Fanon, *The Wretched of the Earth*, 101.
- 43 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.
- 44 Frideres, *Native Peoples in Canada*, 3-15.
- 45 For Treaty 7, see Treaty 7 Elders and Tribal Council et al., *The True Spirit*, 110-145.
- 46 Malcolmsen, "Politics and the State in the Nineteenth Century," 22 n25.
- 47 For an example of the argument that depicts railway building as primarily a business enterprise see for example den Otter, "Nationalism and the Pacific Scandal," 339.
- 48 Conaty, "Economic Models and Blackfoot Ideology," 405.
- 49 Pedley to S.H. Blake, 19 April 1909, LAC, RG 10, vol. 4024, file 289,032-2.
- 50 Holt, *The Problem of Freedom*, xix and 6.
- 51 Macpherson, *The Political Theory of Possessive Individualism*, 60.
- 52 McKay, "The Liberal Order Framework, 623 and 627-28. For a discussion of the contradictions evident in Canada's policy of liberalism, especially in relation to the application of law in the nineteenth century see Harring, *White Man's Law*.
- 53 See the development of these goals in Locke, "The Second Treatise of Government."
- 54 Mehta, "Liberal Strategies of Exclusion," 59-61.
- 55 Mill, "Civilization," section 1.
- 56 Arblaster, *The Rise and Decline of Western Liberalism*, 15. See also Macpherson, *Political Theory* and McKay, "The Liberal Order Framework," 623-4.
- 57 See for example, Holt, *The Problem of Freedom*, 5.
- 58 J.S. Mill, "Civilization," section 2.
- 59 Scott, "Indian Affairs, 1867-1912," 618.

- 60 Scott, "Indian Affairs," 618.
- 61 Boldt and Long, "Tribal Conditions and European-Western political Ideologies," 541.
- 62 Alfred, *Wasáse*, 112.
- 63 Canada, House of Commons, *Debates*, May 8, 1914: 3482.
- 64 McKay, "The Liberal Order Framework," 624-62.
- 65 McKay, "The Liberal Order Framework," 638, 644.
- 66 Carter, *Lost Harvests*, 194-209 and Tobias, "Protection, Civilization, Assimilation," 17-23.
- 67 From the discussion in Taylor, *Multiculturalism and "The Politics of Recognition,"* 72-3.
- 68 The distinction that needs to be made in regard to Indigenous 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," 23.
- 69 Baskerville and Sager, *Unwilling Idlers*, 196. See also Curtis, *The Politics of Population*, 309-316.
- 70 Reserve land was routinely, though not always successfully, sought by non-Indigenous neighbours, speculators, and government officials among others.
- 71 For an allied perspective see Vizenor, *Fugitive Poses*, 51.
- 72 Spurr, *The Rhetoric of Empire*, 20.
- 73 Lewis, *Gendering Orientalism*, 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 & Punish* and elsewhere.
- 74 Dirks, "Introduction: Colonialism and Culture," 3. See also Bhabha, "The Other Question," 83.
- 75 Dirks, "Introduction: Colonialism and Culture," 3 and Adams, *Tortured People*, 21. This opposition is clearly linked to the civilized/barbarous dichotomy of liberal thought presented above.
- 76 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 Sinha, *Colonial Masculinity*. See also Dirks, "Introduction: Colonialism and Culture," 7.
- 77 See, for example, Vizenor, *Manifest Manners*, 14-44.
- 78 From the discussion in Said, *Culture and Imperialism*, 10. See also Dyck, *What is the Indian 'Problem,'* 74.
- 79 Bhabha, "The Other Question," 83 and Dyck, *What is the Indian 'Problem,'* 29-30.
- 80 Stoler "Making Empire Respectable," 634-35.
- 81 See for example, "What is the Indian 'Problem,'" 24.
- 82 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."
- 83 Said, *Orientalism*, 5-6.
- 84 Canada, House of Commons, *Debates*, 8 June 1920: 3279.
- 85 W.H. Bleeker, Foreign Member of the R. Bavarian Academy of Sciences, Cape Town to Governor of British Columbia, 15 September 1873, LAC, RG 10, vol. 3605, file 2813. "W.H. Bleeker."
- 86 On this point see Fanon, *The Wretched of the Earth*, 35, 41; Fanon, *Black Skins, White Masks*, 7 and Freire, *Pedagogy of the Oppressed*, 45.

- 87 Razack, "When Place Becomes Race," 1-4.
- 88 Slattery, "Aboriginal Sovereignty and Imperial Claims," 197-198.
- 89 Leacock, *Canada, the Foundations of its Future*, 19.
- 90 See, for example, the discussion in Walker, "The Indian in Canadian Historical Writing, 1972-1982," 346. 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.
- 91 Phillips, "The National Policy Revisited," 8-9.
- 92 Ryan, *The Cartographic Eye*, 1-2.
- 93 This paragraph follows the discussion in McKay, "A Modest Prospectus," 620-623.
- 94 See the discussion in de Certeau, *The Writing of History*, 20-1.
- 95 McClintock, *Imperial Leather*, 15.
- 96 Backhouse, *Colour-Coded*, 14.
- 97 Backhouse, *Colour-Coded*, 281.
- 98 Razack, *Race, Space, and the Law*, 19.
- 99 Backhouse, *Colour-Coded*, 9 and McClintock, *Imperial Leather*, 7.
- 100 McClintock, *Imperial Leather*, 15.
- 101 See Prakash, "Subaltern Studies as Postcolonial Criticism," 1486.
- 102 Cooper and Stoler, "Between Metropole and Colony," 18.
- 103 Manuel, "Manifesto for Survival," 50.
- 104 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).
- 105 Day and Sadik, "The BC Land Question," 29.
- 106 The term "Blackfoot" will be used when discussing the Kainai, Piikani, and Siksika collectively throughout this work.
- 107 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.
- 108 Jacobs, *Edge of Empire*, 34. Jacobs also argues that imperialism is weakest and most opposable at the local level. 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." Alfred, *Wasáse*, 25.

Chapter Two

- 1 Fanon, *The Wretched of the Earth*, 37.
- 2 Flanagan, *First Nations? Second Thoughts*, 6. For an allied and more detailed expression of this view see Cairns, *Citizens Plus*.
- 3 Brody, *Maps and Dreams*, 15-16.
- 4 For an exploration of traders' perceptions of the Okanagan and other peoples of the Columbia Plateau see Vibert, *Traders' Tales*.
- 5 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. Palmer with Palmer, *Alberta: A New History*, 11.
- 6 Coffey et al. *Shuswap History*, 7.

- 7 Thomson, "A History of the Okanagan," 22.
- 8 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*, 85 and Dempsey, "The Blackfoot Nation," 290.
- 9 Ewers, *The Blackfeet*, 5.
- 10 Milloy, *The Plains Cree*, 31-37.
- 11 Milloy, *The Plains Cree*, 36, 84-99, 118 and Carter, *Lost Harvests*, 35-36.
- 12 Treaty 7 Management Corporation, "Tsuu T'ina Nation," *Treaty 7 Nations*, <<http://www.treaty7.org/Article.asp?ArticleID=36>> (31 March 2008). Sarah Carter says that the Tsuu T'ina may have been present as early as 1500. Carter, *Aboriginal Peoples*, 24.
- 13 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.
- 14 For a survey of these see Lerner, "The Kootenay Plains," 28-94.
- 15 Smith, "The Original Peoples of Alberta," 57.
- 16 Andersen, "Alberta Stoney (Assiniboin) Origins and Adaptations, 55-56.
- 17 Lerner "The Kootenay Plains," 40.
- 18 Kennedy, *Recollections*, 72-73.
- 19 Lerner "The Kootenay Plains," 93.
- 20 Treaty 7 Elders and Tribal Council et al., *The True Spirit*, 97-108.
- 21 Leroy Little Bear, "Jagged Worldviews Colliding," 78.
- 22 H.M. Robinson, "The Blackfeet Indians," 39.
- 23 Diamond Jenness, *The Sarcee Indians of Alberta*, 1-3 and Treaty 7 Elders and Tribal Council et al., *The True Spirit*, 97. Allied with the Blackfoot Nations and the Tsuu T'ina were the Gros Ventre.
- 24 Treaty 7 Elders and Tribal Council et al., *The True Spirit*, 97-108 and Snow, *These Mountains*, 2.
- 25 Dempsey, "The Blackfoot Nation," 276.
- 26 See for example, Ewers, *The Blackfeet*, 86-87 and Dempsey "The Blackfoot Nation," 276. 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 at various points for many northern plains First Nations. Smith, "The Historical and Archaeological Evidence," 35-49.
- 27 Ewers, *The Blackfeet*, 14-15.
- 28 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*.
- 29 Klein, "The Political Economy of Gender," 149. Some caloric estimates will be provided in the section on the B.C. interior which follows.
- 30 See for example, Hellson and Gadd, *Ethnobotany of the Blackfoot Indians*.
- 31 Hungry Wolf, *The Ways of My Grandmothers*, 140-141.
- 32 Esther Schiff Goldfrank, "Fieldnotes, 1939," Esther Schiff Goldfrank Fonds, Glenbow Museum Archives.

- 33 Hungry Wolf, *The Ways of My Grandmothers*, 59-68 and Oscar Lewis, *American Anthropologist*, 175-176. Lewis says they were also always married and of high social standing. By his reckoning, more than 30 percent of the Piikani were considered “manly-hearted” at the time of his writing. See also Kehoe, *Women and Power*, 115-116 and Carter, *Aboriginal Peoples*, 90.
- 34 Klein, “The Political Economy of Gender,” 151 and Jenness, *The Sarcee*, 14.
- 35 See for example Carstens, *The Queen’s People*, 7 and Smith, “The Original Peoples,” 56-57.
- 36 Conaty, “Economic Models,” 406-407.
- 37 Boldt and Long, “Tribal Traditions and European-Western Political Ideologies,” 537-553; Satzewich and Mahood, “Indian Affairs and Band Governance,” 42; Crowshoe and Manneschmidt, *Akakstiman*, 16-17; Ray, *I Have Lived Here*, 29 and Canada, Royal Commission on Aboriginal Peoples, “The Blackfoot Confederacy,” 69-71.
- 38 Jenness, *The Sarcee Indians of Alberta*, 10-11.
- 39 Larner, “The Kootenay Plains,” 415.
- 40 Snow, *These Mountains*, xiii.
- 41 Thomson, “A History of the Okanagan,” 20.
- 42 Boas and Teit, *Coeur d’Alene*, 177-181. 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).
- 43 Baker, “Archaeological Research, 16 and Turner, Bouchard and Kennedy, *Ethnobotany of the Okanagan-Colville Indians*, 2.
- 44 Turner, Bouchard and Kennedy, *Ethnobotany*, 1. See also Baker, “Archaeological Research,” 10-11.
- 45 Ignace and Ignace, “The Secwepemc, Traditional Resource Use,” 380 and Ignace, “Shuswap,” 203.
- 46 Boas and Teit, *Coeur d’Alene*, 177-178.
- 47 Boas and Teit, *Coeur d’Alene*, 229-230. See also Ignace, “Shuswap,” 205-206 and Kennedy and Bouchard, “Northern Okanagan,” 238-240.
- 48 Boas and Teit, *Coeur d’Alene*, 167n9 and Farley, *An Atlas of British Columbia*, 43-49.
- 49 Turner, Bouchard and Kennedy, *Ethnobotany*, 2-3; Thomson, “A History of the Okanagan,” 16-17 and Farley, *An Atlas*, 26-27 and 48-49.
- 50 Thomson, “The Response of Okanagan Indians,” 96-98.
- 51 Mourning Dove, *Mourning Dove*, 355-358.
- 52 Teit, *The Shuswap*, 535. Teit refers to these Secwepemc as the “Cañon Division.”
- 53 Morice, *The History of the Northern*, 43 and Teit, *The Shuswap*, 536-537.
- 54 Ross, *The Fur Hunters*, 37; Hudson and Ignace, “The Plateau,” 346-347 and Hudson, “The Okanagan,” 359.
- 55 Teit, *The Shuswap*, 468, 507-508, and 535-536.
- 56 Baker, “Archaeological Research,” 46 and Thomson, “The Response,” 98. These trade networks also facilitated participation in the fur trade.
- 57 For presence of horses on the Plateau already by 1808 see Fraser, *The Letters and Journals of Simon Fraser*, 63-64, 70, 73, 79, 84, 119, 122, 133, 140, 142, 144, 146, and 149. See also Boas and Teit, *Coeur d’Alene*, 213-214.
- 58 Boas and Teit, *Coeur d’Alene*, 201 and 211; Hudson and Ignace, “The Plateau, 347 and Thomson, “The Response,” 98.
- 59 Hudson and Ignace, “The Plateau,” 346.
- 60 Compiled from Hudson’s Bay Company, “Thompson’s River Post Journal 1841-1843,” BCA.

- 61 Hudson's Bay Company, "Miscellaneous Records—Kamloops" mf IM778, file B.97/e/1, pc 2, HBCA.
- 62 Hudson's Bay Company, "Thompson's River Post Journal, 1822," entries for 26 August and 10 and 18 November, BCA.
- 63 For an Indigenous perspective on the importance of Salmon to Okanagan culture see, Armstrong, "Unclean Tides," 181-182.
- 64 Boas and Teit, *Coeur d'Alene*, 206-210. See also, Kennedy and Bouchard, "Northern Okanagan," 241 and Ignace and Ignace, "The Secwepemc," 383.
- 65 Mourning Dove, *Mourning Dove*, 146 and Boas and Teit, *Coeur d'Alene*, 206.
- 66 Ignace, "The Shuswap," 209.
- 67 Hudson, "The Okanagan," 357.
- 68 Vibert, *Traders' Tales*, 238.
- 69 Boas and Teit, *Coeur d'Alene*, 201.
- 70 Turner, Bouchard and Kennedy, *Ethnobotany*; Boas and Teit, *Coeur d'Alene*, 182-194, 201-206, 242-244 and 257-258; Hudson, "The Okanagan," 358-359 and Ignace and Ignace, "The Secwepemc," 377 and 382.
- 71 The first estimate was calculated by anthropologist and botanist Eugene Hunn. The second was arrived at independently by both Anastasio and Ray. All cited in Vibert, *Traders' Tales*, 130.
- 72 Hudson and Ignace, "The Plateau," 346.
- 73 Cited in Ignace and Ignace, "The Secwepemc," 387. See also, Thomas, *The Wisdom of Dr. Mary Thomas*.
- 74 On this point see Vibert, *Traders' Tales*, 185.
- 75 Ignace and Ignace, "The Secwepemc," 387 and Thomson, "The Response of Okanagan Indians," 98-99.
- 76 Powell, "Report on various Ind. Tribes," 1873 LAC, RG 10, vol. 3596, file 1241.
- 77 The Chiefs of the Shuswap, Okanagan, and Couteau or Thompson Tribes per their secretary, James A. Teit, "Memorial to Sir Wilfrid Laurier," BCA, NWp 970.5 M533.
- 78 Much more will be said about this below, but on this point see for example Thomson, "The Response of Okanagan Indians."
- 79 Boas and Teit, *Coeur d'Alene*, 167-175, 227; Teit, *The Shuswap*, 457-462; Hudson and Ignace, "The Plateau," 347; Hudson, "The Okanagan," 361; Kennedy and Bouchard, "Northern Okanagan," 247; Ignace, "The Shuswap," 203, 210-211 and Hill-Tout, "Report on the Ethnology," 131.
- 80 Teit, *The Shuswap*, 569-570; Kennedy and Bouchard, "Northern Okanagan," 247 and Ignace, "The Shuswap," 212.
- 81 Ignace, "The Shuswap," 212.
- 82 Kennedy and Bouchard, "Northern Okanagan," 247.
- 83 Boas and Teit, *Coeur d'Alene*, 226; Ignace, "Shuswap," 211-212; Kennedy and Bouchard "Northern Okanagan," 241-242 and 247-248; Thomson, "The Response," 97 and Hudson, "Okanagan," 362-363.
- 84 Teit, *The Shuswap*, 569-570 and Ignace, "Shuswap," 211.
- 85 Maracle, Armstrong, Derickson, and Young-Ing, *We Get Our Living*, 8-11 and Boas and Teit, *Coeur d'Alene*, 227.
- 86 Boas and Teit, *Coeur d'Alene*, 227; Ackerman, "Kinship, Family, and Gender Roles," 521 and Maracle et al., *We Get Our Living*, 12.
- 87 Boas and Teit, *Coeur d'Alene*, 168 and Teit, *The Shuswap*, 457-466.
- 88 Ray, *Indians in the Fur Trade*, 188.

- 89 Lux, *Medicine That Walks*, 15 and Dempsey, “The Blackfoot Nation,” 291.
- 90 Treaty 7 Elders and Tribal Council et al., *The True Spirit*, 19 and Dempsey, “The Blackfoot Nation,” 291.
- 91 DIA, *Annual Report, 1877*, xvi.
- 92 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.
- 93 Determining the populations for particular years even from solely the DIA’s *Annual Reports* is perilous. 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. Dempsey, “Gladstone believed,” A5. John A. Macdonald, then Superintendent General of Indian Affairs (SGIA) gives the figure for the same population as 3,400 (*Annual Report, 1882*, 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). While overestimation of population might 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. Dempsey, “Gladstone believed ‘big claim’ was valid,” 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 by 1911. DIA, *Annual Report, 1911*, 6.
- 94 Boas and Teit, *Coeur d’Alene*, 176; Teit, “Indian Tribes,” 287 and Teit, *The Shuswap*, 463.
- 95 Boyd, *Spirit of Pestilence*, 21-60 and Vibert, *Traders’ Tales*, 51-58.
- 96 Harris, “Voices of Disaster,” 74-75.
- 97 “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.
- 98 DIA, *Annual Report, 1883*, 189, 191. This is the first year in which the population totals are given by agency.
- 99 See for example Wicken, *Mikmaq Treaties*, 27-32; Coates, *The Marshall Decision*, 31-41; Isaac, *Aboriginal and Treaty Rights*, 24-27 and Dickason, “Amerindians between French and English,” 45-67.

- 100 Allen, *The British Indian Department*, 11.
- 101 Leslie and Maguire, *The Historical Development*, 3, 12, and 32.
- 102 Allen, *The British Indian Department*, 11-17; Leslie and Maguire, *Historical Development*, 3-6 and Tobias, "Protection, Civilization, Assimilation," 13-14.
- 103 Stanley, "As Long as the Sun Shines," 8.
- 104 Upton, "The Origins of Canadian Indian Policy," 56-57.
- 105 Milloy, "The Early Indian Acts," 145-146.
- 106 Milloy, "The Early Indian Acts," 146-148 and 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."
- 107 Canada, *Statutes of Canada*, 32 and 33 Vic. (1869.), c.6. The full title of this Act is *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*.
- 108 Canada, *Statutes of Canada*, 39 Vic. (1876), c.18, sections 62 and 63. 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, 6-7.
- 109 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 dependent 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.
- 110 "Terms of Union, 1871" in British Columbia, *Revised Statutes of British Columbia*, 1979, vol. 7 (Victoria, Queen's Printer, 1981), 85.
- 111 The only treaties in British Columbia today are the Douglas Treaties of the 1850s, Treaty 8 signed at the end of the nineteenth century, the Nisga'a Treaty a hundred years later and the Tsawwassen Treaty which came into effect in April 2009.
- 112 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. Titley, *A Narrow Vision*, 1; Carter, *Lost Harvests*, 51.
- 113 Christie, *Okanagan Indians* BCA, NWp 970.5 C555. See also, de Pfyffer's, introduction to a reprint of this in *Okanagan History*, 77-91.
- 114 Cardinal, *The Rebirth*, 124.
- 115 Foucault, *Discipline & Punish*, 200.
- 116 Scott, "Indian Affairs, 1867-1912," 622-3.
- 117 Morris, *The Treaties of Canada*, 287-288.
- 118 Clearly, reserves had different meanings and purposes for the First Nations people who lived on them than for their non-Indigenous 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.

119 Fanon, *Wretched of the Earth*, 37.

Chapter Three

- 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. Abbott, *The Administration of Indian Affairs*, 25.
- 2 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*, 14.
- 3 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.
- 4 Hayter Reed, Circular, 9 February 1891, LAC, RG 10, vol. 1137.
- 5 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. See also, Stocken's *Among the Blackfoot*, v, vii, xii.
- 6 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.
- 7 "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.
- 8 Frank Pedley to S.H. Blake, 19 April 1909, LAC, RG 10, vol. 4024, file 289,032-2.
- 9 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."
- 10 For example, the continued troubles between Agent S.B. Lucas 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; Dewdney to Rev Canon Newton, Edmonton, 31 May 1890, M699/4 and Lucas to Alonzo Wright, M.P. Ottawa County, 21 January 1891, M699/5, Glenbow, Lucas Family Fonds.
- 11 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.
- 12 Entry for 21 April 1892, Daily Journal at Sarcee Agency, Glenbow, Lucas Family Fonds, M 699/8.
- 13 McDougall to Indian Commissioner, 12 November 1894, LAC, RG 10, vol. 3598, file 1419 pt. A.
- 14 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.

- 15 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.
- 16 Abbott, *The Administration of Indian Affairs in Canada*, 25.
- 17 S.H. Blake to DSGIA Frank Pedley, 19 October 1908, LAC, RG 10, vol. 4024, file 289,032-2.
- 18 Tims to Indian Commissioner, 27 June 1895, LAC, RG 18, vol. 110, file 517-95.
- 19 Herchmer to Comptroller, telegram, 3 July 1895, LAC, RG 18, vol. 110, File 517-95. On Tims’ unpopularity see Miller, *Shingwauk’s Vision*, 129-130.
- 20 Comptroller Frederick White to Commissioner L.W. Herchmer, 16 October 1895, LAC, RG 18, vol. 112, file 665-95.
- 21 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 U.S. and Canada, and this was “known to the Force for many years.”
- 22 J. Davidson, Lees Creek, to Commissioner, 5 November 1895, LAC, RG 18, vol. 2182, file “Commissioner’s office, 1895,” pt. 2.
- 23 For a discussion of nineteenth century efforts to eliminate Indigenous polygamy in the prairie west see Carter, “Creating ‘Semi-Widows’ and ‘Supernumerary Wives.’”
- 24 Alexander Morris to John McDougall, 20 June 1874, LAC, MG 29 C23.
- 25 “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.
- 26 BCA, GR-0099, box 4, file K-18 and Hatch “The British Columbia Police,” 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 15, 1950.
- 27 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.
- 28 Stonier-Newman, *Policing a Pioneer Province*, 38.
- 29 Entries for 30 April, 8 June and 9 June 1901, BCA, GR-1728, vol. 2.
- 30 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.
- 31 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.
- 32 McLean to Frederick Hussey, 4 September 1900, BCA, GR-0063, box 1, file 3.
- 33 British Columbia, Provincial Game Warden, *Annual Report*, 1918, BCA, GR-0446, box 86, file 11, p.55. 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.
- 34 British Columbia, Provincial Game Warden, *Annual Report*, 1918, BCA, GR-0446, box 86, file 11, p.518.
- 35 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.
- 36 H.D. Phen Armthrop to Hussey, 25 October, 1904, BCA, GR-0063, box 2, file 5.

- 37 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.
- 38 Lin and Brannigan, "The Implications of a Provincial Police Force, 1 and Palmer and Palmer, *Alberta: A New History*, 176.
- 39 On the mythical status achieved by the mounted police in popular culture see Walden, "The Great March of the Mounted Police," 33-56. For the mythical status of the Mounties compared to that of the Texas Rangers see Graybill, *Policing the Great Plains*, 16-22. The Canadian force was called the North West Mounted Police from its inception until 1904 when "Royal" was added by a grant of Edward VIII. In 1920 the name was changed again to the Royal Canadian Mounted Police.
- 40 *Calgary Herald*, "Jubilee Edition," 4 July 1924.
- 41 Turner, *The North-West Mounted Police*, 143-61.
- 42 Carter, *Aboriginal People and Colonizers*, 130. See also Betke, "Pioneers and Police on the Canadian Prairies," 9 and Morgan, "The North-West Mounted Police," 61. For a brief report on NWMP Commissioner Irvine's visit to RIC headquarters and field offices see, Irvine, "North-West Mounted Police Force," 3.
- 43 See, for example, Horrall, "Sir John A. Macdonald," 183.
- 44 Horrall, "Sir John A. Macdonald," 195-196.
- 45 Macleod, *The NWMP and Law Enforcement*, 3.
- 46 Jennings, "The North-West Mounted Police," 315. See also Carter, *Lost Harvests*, 155 on this point.
- 47 Friesen, *The Canadian Prairies*, 181 and Carter, *Lost Harvests*, 52.
- 48 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 in any way desired or sought in any action which the Mounted Police Force, may find it necessary to take."
- 49 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.
- 50 Macleod, *The Northwest Mounted Police*, 87-88.
- 51 See for example "Yesterday and Today, Review of the Work Accomplished by Mounted Police," *Calgary Herald*, 4 July 1925, 8.
- 52 Scott to Stewart, 28 October 1927, LAC, RG 10, vol. 6822, file 494-1-2 pt. 1.
- 53 Macleod, *The North West Mounted Police*, 28 and Treaty 7 Elders and Tribal Council, *The True Spirit*, 80, 117, 136-137, and 378-379.
- 54 NWMP, "Annual Report for 1883," paper no. 12 in Canada, *Sessional Papers, 1884*, 15.
- 55 Comptroller White to DSGIA Vankoughnet, 19 March 1892 and White to Vankoughnet, 23 May 1892, LAC, RG 18, vol. 56, file 696-91.
- 56 Reed to Vankoughnet, 31 March 1892, LAC, RG 18, vol. 56, file 696-91.
- 57 White to Vankoughnet, 23 May 1892, LAC, RG 18, vol. 56, file 696-91.
- 58 G.M. Sproat to David Laird, 27 August 1877, LAC, RG 10, vol. 3653, file 8705.
- 59 Frederick White in "North-West Mounted Police," Appendix D of Report of the Secretary of State in Canada, *Sessional Papers*, 1877, 21; Jennings, "The North West Mounted Police," 228 and Hubner, "Horse Stealing," 286-288.

- 60 Copy of Order in Council, 24 April 1882, Canada, DIA, *Annual Report, 1882*, xliv-xlv. John A. Macdonald's annual report as SGIA for that year indicates his early support for the idea of passes to restrict Indigenous movement, DIA, *Annual Report, 1882*, xi.
- 61 Commissioner A.G. Irvine in "North-West Mounted Police," Part III of *Annual Report of the Department of the Interior, 1882* in Canada, Sessional Papers, 1883, 11-12.
- 62 Vankoughnet memorandum to Macdonald, 15 November 1883, LAC, RG 18, vol. 1009, file 628.
- 63 DIA, *Annual Report, 1883*, lii. Macdonald's report is dated 1 January 1884.
- 64 Vankoughnet to Irvine, 15 November 1883, LAC, RG 10, vol. 1011, file 786.
- 65 Steele to Commissioner, NWMP, 24 May 1884, LAC, RG 18, vol. 1016, file 1262.
- 66 White to Irvine, June 6, 1884, LAC, RG 18, vol. 1009, file 628.
- 67 NWMP, "Annual Report, 1884," in Canada, *Sessional Papers, 1885*, 6. On this point see Jennings, "The North West Mounted Police," 228-229; Jennings, "The North West Mounted Police," 289-90 and Carter, *Lost Harvests*, 150-151.
- 68 NWMP, "Annual Report, 1884," in Canada, *Sessional Papers, 1885*, 6.
- 69 For examples see Carter, *Lost Harvests*, 151 and Dempsey, *Charcoal's World*, 23.
- 70 Jennings, "The North West Mounted Police," 290-291.
- 71 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.
- 72 Dewdney "Notice," 6 May 1885, LAC, RG 10, vol. 3584, file 1130.
- 73 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.
- 74 Dewdney to Macdonald, 1 August 1885, LAC, RG 10, vol. 3710, file 19550-3.
- 75 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.
- 76 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.
- 77 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.
- 78 Reed to Dewdney, 16 August 1885, LAC, Dewdney Papers, MG 27 I C4, vol. 5, pages 2076-2087. Quote at 2078-2079.
- 79 Dewdney to De Balinhard, 19 August 1885, LAC, RG 10, vol. 3716, file 22,173.
- 80 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.
- 81 DIA, *Annual Report, 1886*, 136.
- 82 W.D. Antrobus, NWMP Superintendent Commanding E Division, "Report of the Commissioner of the North-West Mounted Police," 65.

- 83 W.M. Herchmer to Commissioner, 9 June 1887 and W.M. Herchmer to Commissioner, 4 June 1887, LAC, RG 18, vol. 1077, file 321.
- 84 Commissioner Herchmer to Commissioner, Indian Affairs, 12 November 1888, LAC, RG 18, vol. 25, file 900-1888.
- 85 J.H. McIlree, Supt. Commanding "E" Division, to Assistant Commissioner NWMP, 7 November 1888, LAC, RG 18, vol. 1101, file 136-1888.
- 86 Herchmer to Comptroller, NWMP, 12 Aug 1889, LAC, RG 18 vol. 1139, file 173-1889. For Pocklington's report of police assaults on Indigenous people see 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.
- 87 Pocklington to Indian Commissioner, 11 December 1889, LAC, Hayter Reed Papers, MG 29 E106, vol. 18, file "Pocklington 1889-1891."
- 88 Vankoughnet to White, 21 October 1890, LAC, RG 18, vol. 44, file 784-90.
- 89 Vankoughnet to White, 17 October 1890, LAC, RG 18, vol. 44, file 782-90.
- 90 NWMP, *Annual Report, 1889*, 42.
- 91 Steele, *Forty Years in Canada*, 258 and NWMP, "Annual Report, 1889" in Canada, *Sessional Papers*, 1890, 66.
- 92 "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.
- 93 NWMP, *Annual Report, 1889*, 66.
- 94 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.
- 95 Steele to Commissioner NWMP, n.d. and Reed to DSGIA, 7 November 1891, LAC, RG 10, vol. 3863, file 83,757.
- 96 Reed to DSGIA, 10 December 1891, LAC, RG 10, vol. 3863, file 83,757.
- 97 Daily Journal at Sarcee Agency entries for 26 and 27 May and 3 June 1892, Glenbow, Lucas Family Fonds, M699/8 1892.
- 98 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."
- 99 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.
- 100 Reed to Dewdney 27 June 1892, RG 18 vol. 67, item 454-92.
- 101 "The Mounted Police and the Sarcees," *Calgary Herald*, 8 June 1892.
- 102 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.
- 103 White to Vankoughnet, 16 June 1893, LAC, RG 10, vol. 6817, file 487-1-2 pt. 1.
- 104 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.
- 105 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 and 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.
- 106 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]ithholding 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.” See also Wilson to Sec DIA, 3 May 1908, Glenbow, Blood Agency Fonds, M1788, box 3, file 21. 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.
- 107 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.
- 108 T. Mayne Daly to Vankoughnet, 20 June 1893, LAC, RG 10, vol. 6817, file 487-1-2 pt. 1.
- 109 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.
- 110 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.
- 111 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.
- 112 Jas. 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
- 113 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.
- 114 Graham to Scott, 22 September 1921, LAC, RG 10, vol. 3826, file 60,511-4A.
- 115 Bennett, "Passes for Indians," 6-7.
- 116 C. Pant Schmidt to Secretary, Indian Affairs Branch, Dept. of Mines and Resources, 8 January 1941 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.
- 117 Harvey Jules, interview with author Joyce Dunn at Chase, British Columbia 1983. Copy of tape recording in author's possession.
- 118 Manuel and Posluns, *The Fourth World*, 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.
- 119 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.
- 120 Vowell to Pedley, 30 June 1903, LAC, RG 10, vol. 3944 file 121698-54.
- 121 For an example of restrictions on fishing imposed on the Lekwungen (Songhees) near Victoria see John Lutz, *Makúk: A New History of Aboriginal-White Relations*, 257-262.
- 122 LAC, RG 10, vol. 1325, Kamloops Daily Journal for 1914, entry for 15 August 1914.
- 123 LAC, RG 10, vol. 1325, Kamloops Daily Journal for 1915, entry for 24 December 1915.
- 124 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 December 31, 1900, A-G" and "Kamloops Daily Journal for 1913," entry for 5 and 11 July 1913.
- 125 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.
- 126 Jas. Irving, Manager, CP Navigation Co. Ltd to Indian Commissioner, Victoria, 29 March 1889 and H. Moffatt, Acting Indian Superintendent, Victoria, to R.H. Pidcock, Agent, Alert Bay, 28 March, 1889, LAC, RG 10, vol. 3816, file 57,045-1.
- 127 Pidcock to I.W. Powell, 3 April, 1889, LAC, RG 10, vol. 3816, file 57,045-1.
- 128 Alfred Hall, Missionary of CMS, to Superintendent of Indian Affairs, 5 October 1889 and SGIA to Hall, 21 October 1889 LAC, RG 10, vol. 3816, file 57,045-1.
- 129 Dewdney, SGIA, to Privy Council of Canada, 20 February 1890, LAC, RG 10, vol. 3816, file 57,045-1.
- 130 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.
- 131 A.W. 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.

- 132 Pidcock to Vowell, n.d, (marked received 4 March 1891) LAC, RG 10, vol. 3816, file 57,045-1.
- 133 T. Mayne Daly to Senator W.J. Macdonald, 10 May 1895, LAC, RG 10, vol. 3816, file 57,045-1.
- 134 Vowell to DSGIA, 11 May 1895 and DSGIA to Vowell, 20 May 1895, LAC, RG 10, vol. 3816, file 57,045-1.
- 135 J.E. Rendle, Methodist missionary, Quatiaski Cove, B.C. to Vowell, 29 October 1909, BCA, GR-0063, box 5, file 3.
- 136 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.
- 137 Manuel and Posluns, "*The Fourth World*," 34.
- 138 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.
- 139 T. Mayne Daly to Herchmer, 2 November 1894, LAC, RG 18, vol. 101, file 38-95.
- 140 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.
- 141 Walsh to R.W. Scott, Secretary of State, 6 September 1876, LAC, RG 18, vol. 9, file 69-76.
- 142 Comptroller to L.W. Herchmer, 11 November 1890 and Herchmer to White, 15 November 1890, LAC, RG 18, vol. 45, file 832-90.
- 143 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.
- 144 F. White, "Memo, re cattle killing by the Blood Indians," 29 September 1894, LAC, RG 18, vol. 101, file 38-95.
- 145 Const. W. Amer to Supt. Primrose, O.C. Macleod, 17 March 1904, LAC, RG 18, vol. 274, file 382.
- 146 Steele to Commissioner, 7 May 1897, LAC, RG 18, vol. 137, file 333-97.
- 147 Insp. Jno. F. Burnett to Commissioner, 30 May 1903, LAC, RG 18, vol. 1523, file 69-1903.
- 148 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.
- 149 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.
- 150 See for example entries for 8 April and 4 May 1912, BCA, GR-1728, Diary April 26, 1911- March 31, 1919. (vol. 3).
- 151 Supt. J. McIlree to Commissioner Irvine, 3 September 1885, LAC, RG 18, vol. 1023, file 3239.
- 152 Nevitt to Liz Nevitt, 27 December 1874, Glenbow, R.B. Nevitt Fonds, M893, box 1, file 3. On the general point of the visual impact created by the Mounted Police see Graybill, *Policing the Great Plains*, 41.
- 153 Extract from letter to Commissioner, 14 January 14, 1891 LAC, RG 18, vol. 47, file 49-91.
- 154 Howe to Macpherson, 6 May 1896, LAC, RG 18, vol. 122, file 333-96. The practice of employing scouts is discussed below.

- 155 Alexander Morris, cited in Mayfield, "The North-West Mounted Police," 103.
- 156 Hildebrandt, *Views from Fort Battleford*, 36. For the NWMP extending Anglo-Canadian values see Graybill, *Policing the Great Plains*, 14.
- 157 Macleod, *NWMP and Law Enforcement*, 3 and Friesen, *The Canadian Prairies*, 165-166.
- 158 Major General Selby Smythe, Report of tour through the North West and British Columbia, 1876, LAC, RG 18, vol. 8, file 29a-76.
- 159 L. Vankoughnet, DSGIA to F. White, Comptroller, NWMP, 29 November 1886; L.W. Herchmer, Commissioner, NWMP to White, 4 May 1887 and White to Herchmer, 21 June 1887, LAC, RG 18, vol. 13, file 16-88.
- 160 L.W. Herchmer to Comptroller, 4 May 1887, LAC, RG 18, vol. 13, file 16-88.
- 161 Laurier to Joseph Martin, 30 December 1898, RG 18 vol. 156, file 574-98 and Comptroller to John McDougald, Commr. of Customs, Ottawa, 1 February 1899, RG 18, vol. 161, file 93-99.
- 162 H.W. Rowell, President of the Privy Council, to Premier J. Oliver, 18 December 1918, BCA, GR-1323, file 6839-8-18.
- 163 See for example Deputy Attorney General to Premier, 27 May 1919, BCA, GR-1323, file 6839-8-18.
- 164 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.
- 165 Cortlandt Starnes, RCMP Commissioner, to D.C. Scott, 7 December 1927 and Starnes to E. Lapointe, Minister 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.
- 166 "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.
- 167 Stonier-Newman, *Policing a Pioneer Province*, 118.
- 168 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.
- 169 George Murdoch, Diary transcript, LAC, MG 29 C 13, file 1.
- 170 NWMP Inspector Z.T. Wood to Officer Commanding NWMP, Calgary, 2 May 1896, LAC, RG 18, vol. 122, file 333-96.
- 171 For the Treaty 7 area and the prairie west see, 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 and DIA, *Annual Report, 1906*, 270. See also correspondence in RG 18, vol. 2729, pt. 11; the appointment of Former NWM Policeman and Indian Agent C.E. Denny, Dewdney to Denny, 24 November 1885, Glenbow, Dewdney Fonds, M320, Series 15, Indian Department - C.E. Denny Correspondence, 1882-1886, p. 1165 and the personnel file of James Robertson, a detective hired in 1909. LAC, RG 10, vol. 3144, file 341,116-1. For a report from the DIA's "Secret Service Agent" Peter Ballendine see LAC, RG 10, vol. 3701, file 17169.
- 172 Williams, *Call in Pinkerton's*, 15.
- 173 Report of Pinkerton's agent #13, 16 March 1911, BCA, GR-0056, box 3, file 1 and Williams, *Call in Pinkerton's*, 199.
- 174 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).
- 175 "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, file 24154-12.
- 176 Pere Nequalla to SGIA, 7 December 1908, LAC, RG 10, vol. 3944, file 121698-54.
- 177 J.H. Christie to Frank Oliver, SGIA, 4 August 1909, LAC, RG 10, vol. 4044, file 347510 and vol. 4046, file 354,669-2.
- 178 Macleod, *The NWMP and Law Enforcement*, 149-150.
- 179 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.
- 180 DIA, *Annual Report, 1889*, xiii-xiv. Dewdney oversaw the employment of scouts during the events of 1885.
- 181 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), 6.
- 182 Howard Adams, *Prison of Grass*, 67.
- 183 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.
- 184 White to Herchmer, 17 September 1887, LAC, RG 18, vol. 1084, file 513-1887.
- 185 Herchmer to White, 31 March and White to Herchmer, 12 April, 1888, LAC, RG 18, vol. 22, file 385-88.
- 186 Reed, "Memorandum for Supt. General," 26 February 1890, LAC, RG 18, vol. 61, file 170.
- 187 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.
- 188 White to Herchmer, 11 May 1889, LAC, RG 18, vol. 35, file 473-1889.
- 189 Reed, "Memorandum for the Department attached to Commissioner's letter from Regina, No. 214, dated 30th November, 1991," LAC, RG 10, vol. 3865, file 84,815. File includes a newspaper clipping referred to only as "Ev. Journal" and dated 9-12-91.
- 190 Herchmer to White, 15 May 1889, LAC, RG 18, vol. 35, file 473-1889.
- 191 White to Vankoughnet, 18 February 1892, LAC, RG 18, vol. 61, file 170.
- 192 Reed to McIlree, 12 November 1890, RG 18, vol. 45, file 874-90.
- 193 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."
- 194 NWMP Inspector Z.T. Wood to Officer Commanding NWMP, Calgary, 2 May 1896, vol. 122, file 333-96.
- 195 This was the case with Agent Pocklington on the Kainai reserve. C. Hilliard, Staff Sgt, Stand Off, to Officer Comndg Macleod Dist., 18 April 1891, LAC, RG 18, vol. 51, file 314-91.

- 196 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.
- 197 Jos. Gillispie, Const i/c Kipp Detachment, 27 April 1901, LAC, RG 18, vol. 1481, file 133.
- 198 See, for example, NWMP Inspector Z.T. Wood to Officer Commanding NWMP, Calgary, 13 May 1896, vol. 122, file 333-96.
- 199 McLean to JP McLeod, Deputy AG, 29 May 1915, BCA, GR-1323, file 5414-8-15, mf reel B2122.
- 200 Constable Darrough at Phoenix collected rents from houses of prostitution and earned 10 percent 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.
- 201 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.
- 202 For financial irregularities see, for example, E.C. Simmons to Hussey, 29 September 1908, BCA, GR-0055, box 73, file 2 and Hussey to Bunbury, 28 April 1911, BCA, GR-0056, box 26, file 2. For an example of accepting gifts from prostitutes see the case of L.B. Simeon in Supt. Colin Campbell to Attorney General, Wm. Bowser, 1 May 1912, BCA, GR-0063, box 9, file 1. For examples of public drunkenness see Chief Constable E.C. Simmons to Hussey, 23 August 1909, BCA, GR-0055, box 74, file 3 and the case of J.A. Nesbitt in Hussey to H.A. Maclean Deputy AG, 10 April 1906 [there are two letters of this date], BCA, GR-0429, box 13, file 2.
- 203 L. Shatford to Hussey, 21 June 1906, BCA, GR-0055, box 72, file 3.
- 204 Simmons to Hussey, 14 July 1906, BCA, GR-0055, box 72, file 5.
- 205 For settler complaints of police conduct see for example John Wood to Attorney General Bowser, 22 September 1910, BCA, GR-0063, box 7, file 1 and W. Plumm to W.L. Fernie, Chief of Prov. Police, Kamloops, October 1910, BCA, GR-0056, box 12, file 5. For the observations of church representatives, see Rev. Geo. Kinney to Bowser, 4 April 1911, BCA, GR-0063, box 7, file 5. For the case of a NWMP deserter who found employment with the BCPP until he was discovered and arrested, see Bowser to Hussey, 14 September 1910, BCA, GR-0063, box 7, file 1.
- 206 Supt John Cotton, Cdg C Division, to Commissioner, 20 November 1884, LAC, RG 18, vol. 1018, file 2274.
- 207 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.

- 208 Stoler and Cooper, "Between Metropole and Colony," 24.
 209 George McDougall to D.A. Smith, 8 January 1874, LAC, RG 10, vol. 3609, file 3278.
 210 Blake to Oliver, 6 February 6 1907, LAC, RG 10 vol. 4023, file 289,032-1.

Chapter Four

- 1 Quote attributed to J.H. Gooderham, 17 May 1911 in J-L Lavern, "Legends and Traditions of the Blackfoot Indians," 101, Glenbow, J-L. Lavern Fonds, M8521, file 5.
- 2 Assuming a DIA interest in providing increased services to Indigenous people that was stymied by parliament, J.E. Hodgetts referred to the department as operating in a "quiet backwater...unable to stir up any interest in expanding the services to the Indians." Hodgetts, *Pioneer Public Service*, 225.
- 3 It should be reiterated here that not only the DIA kept records on Indigenous people. In the National Archives 105 of 150 record groups contain information collected concerning First Nations people.
- 4 Russell, "Paper Burden," 59.
- 5 A.E. St. Louis cited in Russell, "The White Man's Paper Burden," 53-54.
- 6 Scott, "Indian Affairs, 1867-1912," 605-6.
- 7 Dyck, "An Opportunity Lost," 121-2.
- 8 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 and RCMP Sgt. Webb, Lethbridge Subdistrict, i/c of Macleod Detachment to Officer Commanding RCMP Southern Alberta District, 14 November 1924.
- 9 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."
- 10 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.
- 11 Special Joint Committee, "Report and Evidence," 225-6. For a more detailed examination of the Allied Tribes and the Committee's dealings with them see Tennant, *Aboriginal Peoples and Politics*.
- 12 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.
- 13 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.
- 14 A.E. St. Louis cited in Russell, "Paper Burden," 52.
- 15 Vankoughnet, Circular, 11 April, 1890, LAC, RG 10, vol. 1137.
- 16 Reed to J. Wilson, 3 August 1894, LAC, RG 10, vol. 1115. Cited in Carter, *Lost Harvests*, 224.
- 17 Vankoughnet, circular letter, 10 April 1890, LAC, RG 10, vol. 1134.
- 18 L. Vankoughnet, circular, 28 December 1892, LAC, RG 10, vol. 1134.
- 19 McGill to all Agents and Inspectors, also Asst. Commissioner Berry, 15 March 1933, LAC, RG 10, vol. 3245, file 600,381.

- 20 The conclusion regarding the steady increase in workforce is derived from the “Outside Service” component of the “Return of Officers and Employees” in the DIA’s *Annual Reports* for the years 1879 to 1896.
- 21 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 Treaties 4, 6 and 7.
- 22 DIA, *Annual Report*, 1888, 90-96; *Annual Report*, 1899, 607 and *Annual Report*, 1901, 174-175 and 183.
- 23 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.
- 24 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*.
- 25 Calculated from “General Wholesale Price Index,” Series K33, in F.H. Leacy, *Historical Statistics of Canada*.
- 26 Lt. Gov. Trutch to John A. Macdonald, 14 Oct 1872, LAC, RG 10, vol. 3821, file 59335 Pt1.
- 27 Fisher, *Contact and Conflict*, 180-181; Harris, *Making Native Space*, 73-74; Titley, *Narrow Vision*, 9.
- 28 DIA *Annual Report*, 1881, 7.
- 29 DIA, *Annual Report*, 1884, lxxv.
- 30 Canada, Department of Indian Affairs, *Annual Report*, 1899, 236-237; *Annual Report*, 1909, 229 and PC 1998, 11 October 1887, LAC, RG 10 vol. 3246, file 600,403.
- 31 Inspector W.E. Ditchburn to James A. Teit, 6 August 1910, LAC, RG 10, vol. 1312.
- 32 Canada, Department of Indian Affairs, *Annual Report*, 1912, 214.
- 33 Canada, Department of Indian Affairs, *Annual Report*, 1912, 242.
- 34 *The Kamloops Standard*, 20 February, 1914, Canada, Department of Indian Affairs, *Annual Report*, 1914, pt ii, 88.
- 35 DIA, *Annual Report*, 1911, 138-9.
- 36 This conclusion was reached by examining the “Outside Service” component of the “Return of Officers and Employees” in the DIA’s *Annual Reports*.
- 37 In 1913 some groups were shifted back from the Lytton Agency.
- 38 Maureen Lux points out that the expense incurred for rations and supplies to the destitute in Treaty 7 was between four and seven times those in Treaties 4 and 6 in the mid 1880s. Lux, *Medicine that Walks*, 65-67.
- 39 Scott, “Indian Affairs,” 599-600.
- 40 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.

- 41 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.
- 42 Dewdney in DIA, *Annual Reports*, 1891, xvii.
- 43 Dewdney in DIA, *Annual Reports*, 1891, xvii and Carter, *Lost Harvests*, 157.
- 44 Goodwill and Sluman, *John Tootoosis*, 123-125.
- 45 Elias, *The Dakota*, 88-89; Miller, *Skyscrapers*, 200-1; Carter, *Lost Harvests*, 157,226 and 228 and Lux, *Medicine That Walks*, 149.
- 46 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.
- 47 Dion, *My Tribe the Crees*,132 and Lux, *Medicine That Walks*, 164.
- 48 For police assistance to the DIA in supervising the permit system, see for example, Inspector Good, Commanding E Div, NWMP, to Lucas, 8 January 1897, Glenbow, Blood Indian Agency Fonds, M1837, box 1, file 5; 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. For evidence regarding the permit system in operation in the post World War II period, see for example, LeRat with Ungar, *Treaty Promises, Indian Reality*, 138-139.
- 49 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.
- 50 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.
- 51 C. Hilliard to R.N. Wilson, 31 August 1905, Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 16.
- 52 N.H. Mirin to Jas Wilson 6 August 1903, Glenbow, Blood Indian Agency Fonds, M1788, vol. 3, file 18.
- 53 For example, Sarcee Agent McNeill had to try to collect a month's 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 and Wilson to Rev Gale, St Paul's Mission, 12 December 1905, Blood Indian Agency Fonds, M1788, box 3, file 16.
- 54 Harris, *Fish, Law, and Colonialism*, 68-69 and 76.
- 55 T.S. Higginson to Agent J.W. McKay, 11 November 1888, LAC, RG 10, vol. 1328.
- 56 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.
- 57 Higginson to W.F. Wood, 29 August 1894 and 2 December 1894, LAC, RG 10, vol. 1328.
- 58 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.
- 59 Clifford Sifton to Governor General in Council, 13 July 1903, LAC, RG 10, vol. 3944, file 121,698-54.

- 60 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.
- 61 Irwin to Vowell, 24 June 1904, LAC, RG 10, vol. 3944, file 121,698-54.
- 62 Dion, *My Tribe the Crees*, 132 and 145; Ahenakew, *Voices of the Plains*, 147-148; Goodwill and Sluman, *John Tootoosis*, 125; Carter, *Lost Harvests*, 229-236 and Buckley, *From Wooden Ploughs to Welfare*, 54-55.
- 63 Scollen to Lacombe, 3 July 1885, Glenbow, Scollen Family Fonds, M4343. See also 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.
- 64 Canada, House of Commons, *Debates*, 25 June 1895, 3281.
- 65 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," 127-151.
- 66 Canada, DIA, *Annual Report*, 1897, 213.
- 67 For another brief overview of the "Indian agent system" see Robin Brownlie, *A Fatherly Eye*, 30-34.
- 68 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.
- 69 Looy, "The Indian Agent," 329.
- 70 George Gooderham, "Autobiography," 9, Glenbow, George H. Gooderham Fonds, M4738 box 10.
- 71 W.C. McCord to Edgar Dewdney, 29 October 1884, LAC, RG 10, vol. 3698, file 16,579.
- 72 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.
- 73 Daily Journal at Sarcee Agency, 1896-7, entry for June 22, Glenbow, Lucas Family Fonds, M699/9.
- 74 Gooderham, "Autobiography," 39, Glenbow, George H. Gooderham Fonds, M 4738, box 10.
- 75 John McDougall to Indian Commissioner, 12 November 1894, LAC, RG 10, vol. 3598, file 1419 pt. A.
- 76 Abbott, *The Administration of Indian Affairs in Canada*, 32-33.
- 77 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*, 12.
- 78 Hayter Reed, circular, 8 December 1892, LAC, RG 10, vol. 1134.
- 79 Dewdney to J.A. Macdonald, 9 January 1885, Glenbow, Edgar Dewdney Papers, M 320, Series 8, p.522-523.
- 80 See for example Inspector McGibbons' report on Treaty 7. DIA, *Annual Report*, 1892, 124-135.

- 81 Wadsworth to (no recipient, but stamped received by the DIA), 14 May 1887, LAC, RG 10, vol. 3751, file 30,024.
- 82 NWMP Inspector Z.T. Wood to Officer Commanding NWMP, Calgary, 2 May 1896, RG 18, vol. 122, file 333-96.
- 83 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.
- 84 J.A. Macdonald, Memorandum, 18 March 1882, LAC, RG 10, vol. 1080.
- 85 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.
- 86 S. Swinford, Inspector, Agency Accounts to Secretary DIA, 13 November 1913, LAC, RG 10, vol. 7102, file 773/3-1-1 pt.1.
- 87 DIA, *Annual Report, 1889*, pt. I, 314 and 316.
- 88 J.G. Ramsden to J.D. McLean, Sec. DIA, 22 November 1909, LAC, RG 10, vol. 1311.
- 89 BCPP Const. C. Phair, Lillooet to Hussey, 20 June 1892, BCA, GR-0055, vol. 1, file 14.
- 90 Powell, telegram, to John Tait, HBC Agent at Kamloops, 23 January 1874, LAC, RG 10, vol. 3605, file 2813.
- 91 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.
- 92 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.
- 93 Special Joint Committee, 181. See also, "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.
- 94 Fred White to Edgar Dewdney, 9 Jan 1884, Glenbow, Edgar Dewdney Fonds, M 320, Series III-5, p.784.
- 95 See for example A.E. Forget, Commissioner, to DSGIA, 4 February 1896, Glenbow, Lucas Family Fonds, M699/6 and McLean to Inspector K.C. MacDonald, 28 March 1912, LAC, RG 10, vol. 3945, file 121696-64.
- 96 Gooderham, "George Gooderham's Autobiography," 37, Glenbow, George H. Gooderham Fonds, M 4738, box 10.
- 97 "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 instructions to DIA personnel in B.C. from at least 1879. Vankoughnet to I.W. Powell, 30 December 1879, LAC, RG 10, vol. 3701, file 17,514-1.
- 98 D.C. Scott, "General Instructions to Indian Agents in Canada," 25 October 1913, LAC, RG 10, vol. 10020.
- 99 Vankoughnet, Circulars, 11 April 1893 and 20 February 1894, LAC, RG 10, vol. 1137.
- 100 Newcombe, Deputy Minister of Justice to DSGIA, 9 February 1895, LAC, RG 10, vol. 3946, file 123,496 and McLean, Circular, 10 June 1904, vol. 3246, file 600,403.
- 101 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.

- 102 Reed, Circular, 19 August 1891, LAC, RG 10, vol. 1137 and Reed to Agent, 10 September 1891, vol. 1134.
- 103 Vankoughnet to I.W. Powell, 30 December 1879, LAC, RG 10, vol. 3701, file 17,514-1.
- 104 "Instructions to Indian Agents," with J.D. McLean to A.W. Vowell, 7 March 1910, vol. 4048, file 360,377; Canada, Department of Indian Affairs, *Annual Report*, 1910, xxix. On the NW Coast they were also expected to discourage the potlatch.
- 105 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.'"
- 106 Scott, Acting DSGIA, to Rev. S.D. Chown, Toronto, 19 October 1910, LAC, RG 10, vol. 3762, file 32,345 Pt.1.
- 107 Scott to Chown, 19 October 1910, LAC, RG 10, vol. 3762, file 32,345 Pt.1.
- 108 Pedley, Memorandum, to D.C. Scott, 6 November 1913, LAC, RG 10, vol. 10030.
- 109 Brownlie, "Intimate Surveillance," 160.
- 110 Forget, Circular, 19 December 1893, LAC, RG 10, 1137.
- 111 Forget to Sarcee Agent, 12 August 1890, LAC, RG 10, vol. 1134.
- 112 Unsigned Memo to D.C. Scott, 6 November 1913, LAC, RG 10, vol. 10030. The memo quotes section 92 of the Indian Act. 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.
- 113 See for example, Canada, DIA, *Annual Report*, 1903, 147.
- 114 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.
- 115 Cummiskey to McLean 19 July 1912, LAC, RG 10, vol. 3945, file 121,696-64.
- 116 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. McFtridge, Indian Agent at Browning Montana, 23 June 1913, vol. 13, file 98.
- 117 DIA, *Annual Report*, 1909, xxxi.
- 118 Scott to Indian Agents, Circular, 2 January 1914, LAC, RG 10, vol. 3762, file 32,345 pt.1.
- 119 For a fuller discussion see Carter, "Complicated and Clouded," 151-178.
- 120 J.W. McKay to A.W. Vowell, 1891, LAC, RG 10, vol. 3816, file 57045-1. On this general point see also, Brownlie, "Intimate Surveillance."
- 121 DIA, *Annual Report*, 1901, 184.
- 122 White, "Restructuring the Domestic Sphere, 4, 131.
- 123 McKenna, "The Indian Laws of Canada," 66. See also Hayter Reed to Sarcee Agent, 19 May 1891, LAC, RG 10, vol. 1134.
- 124 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.
- 125 I.W. Powell to SGIA, 5 March 1887, LAC, RG 10, vol. 7748, f24154-12.
- 126 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, file 15,316.

- 127 McKenna, "The Indian Laws of Canada," 67.
- 128 J.-L. Levern, "Legends and Traditions of the Blackfoot Indians," 53, Glenbow, Jean-Louis Levern Fonds, M8521, file 5. Levern cites Mathew 11,22.
- 129 McKenna, "The Indian Laws of Canada," 64.
- 130 J.F. Smith to J.D. McLean, 3 February 1919, LAC, RG 10, vol. 6781, file 452-265.
- 131 DIA, *Annual Report*, 1899, XXVIII. For a related discussion see Raibmon, "Living on Display," 69-89.
- 132 DIA, *Annual Report*, 1909, XXIV.
- 133 DIA, *Annual Report*, 1899, XXVIII.
- 134 DIA, *Annual Report*, 1909, XXIV. See also "Report of Indian Affairs," *Calgary Herald*, 23 March 1892.
- 135 Entry for 9 January, Daily Journal at Sarcee Agency, 1892, Glenbow, Lucas Family Fonds, M699/8.
- 136 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.
- 137 On this point see Carter, "Categories and Terrains of Exclusion," 149-150.
- 138 Reed, Circular, 9 February 1891, LAC, RG 10, vol. 1137.
- 139 DIA, *Annual Report*, 1896, xxxiii.
- 140 For examples of the wives of farm instructors taking on this task see DIA, *Annual Report*, 1909, xxiv.
- 141 Reed, circular, 9 November 1889, LAC, RG 10, vol. 1134.
- 142 "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 and Reed, circular, 23 February 1889, LAC, RG 10, vol. 1137.
- 143 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.
- 144 J.D. McLean, circular, 4 July 1908, Glenbow, Blackfoot Agency Fonds, M 1785, vol. 5, file 2.
- 145 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.
- 146 J.D. McLean to Gooderham, 11 August 1908, Glenbow, Blackfoot Agency Fonds, M 1785, vol. 5, file 2.
- 147 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*, 180.
- 148 J.D. McLean, circular, 28 May 1901, LAC, RG 10, vol. 1327. Burrows, "A Much Needed Class of Labour," 30.
- 149 Canada Department of Indian Affairs, *Annual Report*, 1902, 280 and *Annual Report*, 1903, 314.
- 150 Forget to Agent, 10 August 1896, Glenbow, Sarcee Indian Agency Fonds, M1837, vol. 1, file 4.
- 151 J.D. McLean to J.H. Gooderham, 22 June 1910 and Gooderham to McLean, 27 June 1910, LAC, RG 10, vol. 4048, file 358,888.
- 152 Secretary, DIA, circular to all agents, 5 June 1910, LAC, RG 10, vol. 1327.
- 153 DIA, *Annual Report*, 1897, 189.

- 154 On this point see Lux, *Medicine that Walks*, 141.
- 155 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.
- 156 DIA, *Annual Report*, 1907, 192.
- 157 Wm. Laing Meason to Thomas Elwyn, 30 August 1884, BCA, MS-0218.
- 158 Wadsworth to Dewdney, 13 August 1882, LAC, RG 10, vol. 3610, file 3525. See also Titley, *The Frontier World of Edgar Dewdney*, 50.
- 159 *Kamloops Standard*, 13 October 1897, 2.
- 160 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.
- 161 "Dr. McDougall's Notes on a Meeting with the Indians on Bonaparte Reserve," 12 October 1909, LAC, RG 10 vol. 3750, file 29858-10 and John McDougall, "General Report," 1909, vol. 4020, file 280,470-3.
- 162 Phil Oppenheim to E.B. Drummond 15 March 1911, LAC, RG 10, vol. 1311.
- 163 R.C. Armstrong, J.P., to J.D. McLean, 21 February 1912, LAC, RG 10, vol. 3945, f121,696-64.
- 164 McDonald to Secretary of DIA, 23 September 1910 and McLean to Inspector K.C. McDonald, 8 June 1910, LAC, RG 10, vol. 1311.
- 165 McLean to Irwin, 10 February 1911, LAC, RG 10, vol. 3944, file 121698-54.
- 166 J.G. Ramsden to J.D. McLean, 22 November 1909, LAC, RG 10, vol. 1311.
- 167 Smith, "A Very Respectable Man," 16.
- 168 Forsell, "Law Enforcement of Pioneer Days," 13-14; *Kamloops Inland Sentinel*, 7 August 1884 and 16 March 1886, 22 and 29 April 1886 and 14 January and 8 July 1893; Mary Balf, "Mica Mining," n.d., Newspaper article binder, no. 171, KMA and Canada, Department of Indian Affairs, "Kamloops Record Book, Leases, Water Rights, Surrenders, Alluvial Deposits, 1893-1912," 2-10, LAC, RG 10, vol. 1326.
- 169 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, 19 October 1897 and 9 October 1934, 1, 6 and Forsell, *Law Enforcement*, 14.
- 170 Mary Balf, "John Freemont Smith," n.d., Newspaper article binder, KMA and *Kamloops Inland Sentinel*, 19 February 1966, 3.
- 171 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.
- 172 Canada, House of Commons, *Debates*, vol. CXXVI (1917), 654.
- 173 Canada, Special Joint Committee, *Report and Evidence*, 181.
- 174 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.
- 175 "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.
- 176 A.R. Springett to Indian Commissioner, 9 November 1891, LAC, RG 10, vol. 3865, file 84,546.

- 177 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.
- 178 A.E. Forget to DSGIA, 4 February 1896, Glenbow, Lucas Family Fonds, M699/6.
- 179 Reed to Lucas, 11 December 1889, Glenbow, Lucas Family Fonds, M699/4. See also Reed to Lucas, 8 January 1889.
- 180 Dewdney to Rev Canon Newton, Edmonton, 31 May 1890, Glenbow, Lucas Family Fonds, M699/4.
- 181 Pocklington to Reed, 15 August 1886, LAC, RG 10, vol. 3712, file 20,523.
- 182 D. MacDonald to K.C. McDonald, 7 July 1911, LAC, RG 10, vol. 1311.
- 183 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 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.
- 184 Forget, Circular to officials of the Indian Department in the Northwest, 2 March 1894, LAC, RG 10, vol. 1137.
- 185 [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.
- 186 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 S't'uxwtews chief's name is alternatively spelled Bazile, Basile, and Basil in various documents.
- 187 Francois Silpahan et al. to R.B. Bennett, 5 July 1932, LAC, RG 10, vol. 7941, file 32-154.
- 188 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.
- 189 Vankoughnet to T.M. Daly, SGIA, 5 June 1893, LAC, RG 10, vol. 3732, file 26,585.
- 190 Reed to DSGIA, 3 July 1893, LAC, RG 10, vol. 3900, file 99,482.
- 191 "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.
- 192 Piikani ceremonialist Reg Crowshoe and psychologist Sybille Mannes Schmidt confirm that with the institution of the reserve system, leaders "have become arms of the federal government and its administration." Crowshoe and Mannes Schmidt, *Akak'stiman*, 17.
- 193 Foucault, *Power/Knowledge*, 39.
- 194 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.
- 195 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.
- 196 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 and Vankoughnet to Macdonald, 14 August 1885, LAC, RG 10, vol. 3710, file 19550-3. Macdonald's comments are in the margins of Vankoughnet's letter.

- 197 Cooper, "Lessons of Empire," 5.
- 198 Alfred, *Peace, Power, Righteousness*, 30, 45, and 136. See also Means "The Sell-Outs, ii. and Lawrence, "Real" Indians and Others, 228.
- 199 See for example, McKay, *Instruments of Governance*; Cornell and Kalt, *Reloading the Dice*, 17-18 and Reilly and Reynolds, *Electoral Systems and Conflict*, 24.
- 200 Satzewich and Mahood, "Indian Affairs and Band Governance," 54-55. See also Tobias, "Indian Reserves in Western Canada," 151.
- 201 Black Plume's "Declaration of a Chief or Councilor," 14 October 1901, LAC, RG 10, vol. 3940, file 121,698-16. For Kamloops see Philip Tomma's "Declaration of Chief or Councilor," 7 June 1920, LAC, RG 10, vol. 7941, file 32-154
- 202 Laird to McLean, telegram, 11 September 1900 and McLean to Laird, telegram, 11 September 1900, LAC, RG 10, vol. 3939, file 121698-3.
- 203 Laird to DIA Secretary, 24 October 1900, Crop Eared Wolf to Laird, 28 May 1907, Laird to Crop Eared 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 121698-3. Crop Eared Wolf was Red Crow's adopted son and younger brother of his second wife. Dempsey, *Red Crow, Warrior Chief*, 59.
- 204 Markle to Secretary, DIA, LAC, RG 10, vol. 7541, file 29,103-1 pt.1.
- 205 H.C. Ross to Deputy Minister, 19 June 1907, LAC, RG 10, vol. 3939, file 121698-3.
- 206 Supt Primrose to Commissioner, NWMP, 4 March 1909, LAC, RG 18, vol. 1622, file 68.
- 207 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.
- 208 Laird to Secretary, DIA, 28 March 1906, LAC, RG 10, vol. 3939, file 121698-3.
- 209 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.
- 210 Archibald Irwin to A.W. Vowell, 2 April 1903, LAC, RG 10, vol. 3944, file 121,698-54.
- 211 Pere Nequalla to Deputy Superintendent General of Indian Affairs, 7 December 1908, LAC, RG 10, vol. 3944, file 121, 698-54.
- 212 Christie, *Indian Affairs in British Columbia*, p/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.
- 213 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.
- 214 Cummiskey to McLean 11 October 1912, LAC, RG 10, vol. 3945, file 121, 696-64.
- 215 McDougall to Frank Oliver, Minister of the Interior, 22 September 1910, LAC, RG 10, vol. 4020, file 280,470-2.
- 216 W.M. Graham to D.C. Scott, confidential correspondence, 13 April 1920, LAC, RG 10, vol. 4070, file 427063-A1.
- 217 Robert MacDonald "Our Indians Get a Rough Deal U.K. Report Says," *Toronto Star*, 31 August 1974.

Chapter Five

- 1 Joseph Trutch to Acting Colonial Secretary, 28 August, 1867 in *Papers Connected*, 41-2.
- 2 Owram, *Promise of Eden*, 125-6; Kelly, "Class, Race, and Cultural Revolution," 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.
- 6 Samek reports a version of these figures from the same source, but makes no comment. Samek, *Blackfoot Confederacy*, 24.
- 7 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.
- 8 Canada, House of Commons, *Debates*, 74 (1906), 950. This is also cited in Titley, *Narrow Vision*, 21.
- 9 Calculated from Canada, *Census of Canada, 1931*, Table 1a (Ottawa, J.O. Patenaude, 1936), 350 and *Canadian Annual Review*, 1908, 515-23. See also Robin, *The Rush for Spoils*, 99.
- 10 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 Alberta and Saskatchewan. See also Friesen, *The Canadian Prairies*, 511; Palmer with Palmer, *Alberta: A New History*, 78 and Thompson, *Forging the Prairie West*, 71.
- 11 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 Taylor, *Crown Lands*, 20.
- 12 G.M. Sproat to Superintendent General of Indian Affairs (SGIA), 27 May 1879, LAC, RG 10, vol. 3679, file 12,068.
- 13 G.M. Sproat to CCLW, 24 May 1879, LAC, RG 10, vol. 3679, file 12,068.
- 14 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. Cail, *Land, Man, and the Law*, 63.
- 15 Cail, *Land, Man, and the Law*, 69.
- 16 McKay, "The Liberal Order Framework," 641.
- 17 Belyea, "Mapping the Marias," 178.
- 18 Ryan, *The Cartographic Eye*, 4.
- 19 Belyea, "Mapping the Marias," 165-6.
- 20 Ryan, *The Cartographic Eye*, 4.
- 21 de Certeau, *Practice of Everyday Life*, 36.
- 22 Scott, "Indian Affairs, 1867-1912," 623-4.
- 23 Scott, "Indian Affairs, 1867-1912," 623.
- 24 For a brief overview of early legislation regarding the issue of consent, see Martin-McGuire, *First Nation Land Surrenders*, 18-20.
- 25 Cail, *Land, Man, and the Law*, 14 and Martin-McGuire, *First Nation Land Surrenders*, 15-16, 42, 493-4 and 497-8.
- 26 James Douglas to Governor, Deputy Governor, and Committee of HBC, 18 October 1838, in E.E. Rich ed. *The Letters of John McLoughlin*, 242.
- 27 Barman, *The West Beyond the West*, 66 and 71 and Ormsby, *British Columbia, A History*, 145 and 163.
- 28 For a brief treatment of the activities of the gold seekers and their relations with Indigenous people, see Fisher, *Contact and Conflict*, 95-102.

- 29 In British Columbia, only 3 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.
- 30 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.
- 31 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 the one at Nanaimo, appear in *Papers Connected*, 5-11. For the "anomaly" of Treaty 8, see Arthur Ray, "Treaty 8, A British Columbia Anomaly," *B.C. Studies* 123 (Autumn 1999), 5-58.
- 32 James Douglas to E.B. Lytton, 14 March 1859 in *Papers Connected*, 16-17. See also Fisher, *Contact and Conflict*, 151-3; Tennant, *Aboriginal Peoples and Politics*, 26-30 and Harris, *Making Native Space*, 21, 26-7, 33.
- 33 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.
- 34 Lytton to Douglas, 30 December 1858, *Papers Connected*, 15.
- 35 Douglas to Lytton, 14 March 1859, *Papers Connected*, 16-17 and Tennant, *Aboriginal Peoples and Politics*, 30.
- 36 Douglas to R.C. Moody, CCLW, 27 April, 1863, *Papers Connected*, 26-7.
- 37 Karr, "James Douglas," 77.
- 38 See for example Douglas to Lytton, 14 March 1859 in *Paper Connected*, 16-17. On this point also see Harris, *Making Native Space*, 33.
- 39 Fisher, *Contact and Conflict*, 161-2.
- 40 Trutch to Acting Colonial Secretary, 28 August, 1867 in *Papers Connected*, 41-2.
- 41 Trutch to Acting Colonial Secretary, 28 August, 1867 in *Papers Connected*, 41-2.
- 42 W.G. Cox to P.H. Nind, 16 July 1865 and Walter Moberly to J.W. Trutch, 22 December 1865, *Papers Connected*, 31-34.
- 43 Trutch to the Colonial Secretary, 17 January 1866, *Papers Connected*, 32.
- 44 Dewdney to Trutch, 8 November 1866, *Papers Connected*, 37-39 and British Columbia, *Government Gazette*, 6 October 1866.
- 45 "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.
- 46 "Terms of Union 1871" rpt. in R.S.B.C. 1979, vol .7 (appendices), 85.
- 47 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*, 461.
- 48 See for example the comments of Thomas Basil Humphreys and Dr. John Sebastian Helmcken, 25 March, "Debate on the Subject of Confederation," 567-568.
- 49 Francis Jones Barnard, 25 March 1870, "Debate on the Subject of Confederation," 568.
- 50 On these points see Foster, "Letting Go the Bone," 58-60.
- 51 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.
- 52 George A. Walkem, "Report of the Government of British Columbia on the Subject of Indian Reserves" in *Papers Connected*, Appendix, 1-9.

- 53 See for example, A.W. Vowell to Secretary, DIA, 19 February 1909, LAC, RG 10, vol. 1283.
- 54 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.
- 55 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.
- 56 I.W. Powell to Minister of Interior, 4 February 1874, LAC, RG 10, vol. 3605, file 2813.
- 57 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.
- 58 Adrien, Chief of Adams Lake Band, and six other Shuswap Chiefs to Powell, undated, LAC, RG 10, vol. 3617, file 4590C.
- 59 John Ash, Provincial Secretary, to Superintendent of Indian Affairs, 30 January 1874, *Papers Connected*, 127.
- 60 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.
- 61 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 Indian Reserve Commission see Harris, *Making Native Space*, 98-103; Fisher, *Contact and Conflict*, 188-190 and Cail, *Land, Man and the Law*, 207-08.
- 62 Canada, *Canada Gazette*, 1877, vol. 10, 799 and "Addendum Interior" in *Statutes of Canada*, 1877, cxxvii and Foster, "Letting Go the Bone," 63-64 and 84, fn 187.
- 63 Robin Fisher makes a similar point. Fisher, *Contact and Conflict*, 188.
- 64 See for example, Francis, *Images of the West*; Owram, *Promise of Eden*; Palmer, *Alberta: A New History*, 30 and Friesen, *The Canadian Prairies*, 107.
- 65 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.
- 66 Friesen, *Canadian Prairies*, 110 and Martin, "Dominion Lands" Policy, 4.
- 67 Ray et al., *Bounty and Benevolence*, 46-47.
- 68 Friesen, *Canadian Prairies*, 183 and Martin-McGuire, *First Nation Land Surrenders*, 26.
- 69 Great Britain, "Order of Her Majesty in Council Admitting Rupert's Land and the North-Western Territory into the Union," 23 June 1870, in Ollivier, *British North America Acts*, 161.
- 70 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.
- 71 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.
- 72 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.
- 73 NWMP, "Annual Report of the NWMP," 1874, 64, cited in Mayfield, "The North-West Mounted Police," 115-118.
- 74 "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.
- 75 Canada, Annual Report of the Department of the Interior for the year ended 30 June 1877, xxxix-xl.
- 76 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.
- 77 On these points see Foster, "Letting Go the Bone," 58.
- 78 See for example, Trutch to Secretary of State for the Provinces, 26 September 1871, *Papers Connected*, 99-101.
- 79 Trutch to Acting Colonial Secretary, 28 August 1867, *Papers Connected*, 41-43.
- 80 "Report of a Committee of the Privy Council, 23 February 1877," LAC, RG 10, vol. 3597, file 1353.
- 81 Sproat to SGIA, 30 June 1877, LAC, RG 10, vol. 3650, file 8497.
- 82 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.
- 83 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.
- 84 Mara and Tait to the Indian Commissioners, 13 July 1877, LAC, RG 18, vol. 30, file 789-902.
- 85 Sproat to SGIA, 27 August 1877, LAC, RG 10, vol. 3653, file 8701.
- 86 Sproat to SGIA, 27 August 1877, LAC, RG 10, vol. 3653, file 8701.
- 87 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 Teit, *The Shuswap*, 467-468.
- 88 McKinlay and Sproat to Provincial Secretary, 22 August 1877, LAC, RG 10, vol. 3596 file 1279.
- 89 *Daily British Colonist*, 2 Sep 1877, 3. The *Colonist* also opined that the work "would be more difficult" in the Okanagan.
- 90 Sheila McManus makes a similar observation in regard to the Blackfoot. McManus, "The Line Which Separates," 123.
- 91 Powell to SGIA, 9 January 1878, LAC, RG 10, vol. 3657, file 9197.
- 92 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.

- 93 McKinlay and Sproat, unaddressed copy, 9 January 1878, KMA, vertical files, Whitfield Chase file, item 1, A. Also in LAC, RG 10, vol. 3657, file 9193.
- 94 "The South Thompson Reserves," *Daily British Colonist*, 1 May 1878, 3.
- 95 Chase, though, seems to have been uncomfortable with his wife's identity and renamed her Betsy Tovilenck. Dunn, *A Town Called Chase*, 33-36.
- 96 For the oral record of seventeenth to nineteenth century alliances see Wilton Goodstriker's introduction to Treaty 7 Elders and Tribal Council et al., *The True Spirit*, 5-11.
- 97 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," 15.
- 98 Treaty 7 Elders and Tribal Council, *The True Spirit*, 325.
- 99 Morris, *Treaties*, 275 cited in Dempsey, *Red Crow*, 118.
- 100 Col. J.F. Macleod, "Interview between Lieut. Col. Macleod and the Blackfeet Tribe," LAC, RG 10, vol. 3658, file 9399 ½. This is undated but is stamped 1 November 1878 at the Department of the Interior.
- 101 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.
- 102 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. *The True Spirit*, 198.
- 103 For an overview of some of the meetings Crowfoot had with these officials see Dempsey, *Crowfoot*, 77-86.
- 104 Dempsey, *Crowfoot*, 94-5. See also, Glenbow, Lucien M. and Jane R. Hanks Fonds, M8458, box 1, file 3, Many Guns via Mary Royal, 1938, 89 and 102 and Hanks and Hanks, *Tribe Under Trust*, 7-14.
- 105 Larner, "The Kootenay Plains," 177-9.
- 106 Snow, *The Mountains are Our Sacred Places*, 35-6.
- 107 Larner, "The Kootenay Plains," 155-9.
- 108 Maclean, *McDougall of Alberta*, 111 and 98-110. 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.
- 109 Larner, "The Kootenay Plains," 155-9.
- 110 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.
- 111 Treaty 7 Elders and Tribal Council et al., *The True Spirit*, 111-145.
- 112 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 Price, *Indian Treaty Relationships*, 48.
- 113 Jones, *License for Empire*, xii.
- 114 *Copy of Treaty and Supplementary Treaty No. 7*, 4.
- 115 *Copy of Treaty and Supplementary Treaty No. 7*, 4 and Treaty 7 Elders and Tribal Council et al., *The True Spirit*, 290-291.
- 116 On the agricultural potential of the reserve lands see Dempsey, *Crowfoot*, 104.
- 117 *Copy of Treaty and Supplementary Treaty No. 7*, 6.

- 118 David Laird, from a report in the *Globe*, 4 October 1877, quoted in Morris, *Treaties*, 262.

Chapter Six

- 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.
- 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.
- 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.
- 6 Sproat to SGIA, 3 March 1880 and Macdonald to Vankoughnet, 7 July 1880, LAC, RG 10, vol. 3711, file 19581. See also Harris, *Making Native Space*, 155 and 162; Cail, *Land, Man, and the Law*, 217 and Harris, "The Nilha7kápmx Meeting at Lytton," 5-25.
- 7 Acting Minister of the Interior, Memorandum to the Privy Council, July 1880, LAC, RG 10, vol. 3711, file 19581.
- 8 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.
- 9 Trutch to J.A. Macdonald, 19 May 1880, LAC, RG 10, vol. 3711, file 19581.
- 10 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.
- 11 Brealey, "Travels From Point Ellice," 222.
- 12 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 and Harris, *Making Native Space*, 184.
- 13 *Papers Connected*, 50-51, Trutch to O'Reilly, 5 August 1868 and O'Reilly to Trutch 29 August 1868.
- 14 Fisher, *Contact and Conflict*, 199-201; Brealey, "Travels From Point Ellice," 225-226 and Harris, *Making Native Space*, 169-215.
- 15 *Colonist*, 26 August 1885.
- 16 Powell to Chief Commissioner of Lands and Works, 9 December 1884, British Columbia, *Sessional Papers*, 1885, xx, after p. 410; DIA, *Annual Report*, 1886, 96; 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.
- 17 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.

- 18 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). For further examples in the Okanagan see Harris, *Making Native Space*, 190-191 and 212-213.
- 19 Report of Committee of Privy Council, 27 October 1888, LAC, RG 10, vol. 3704, file 17867.
- 20 For a brief synopsis on the Okanagan commonages see Harris, *Making Native Space*, 198 and Thomson, "A History of the Okanagan," 142.
- 21 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.
- 22 See for example, O'Reilly to SGIA, 29 April 1895 and O'Reilly to DSGIA, May 21 1895, LAC, RG 10, vol. 3938, file 120710-1.
- 23 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. See also Harris, *Making Native Space*, 219.
- 24 In contrast to the 216.7 acres per 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.
- 25 James Dunsmuir to Clifford Sifton, 2 February 1901 in British Columbia, *Sessional Papers* 1901, 581.
- 26 The 1899 provincial statute granting reversionary interest was incorporated into section 80 of 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.
- 27 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.
- 28 Vowell to Frank Pedley, DSGIA, 22 January 1907 in DIA, *Annual Report*, 1907, 262-3.
- 29 Vowell in DIA, *Annual Report*, 1910, 252.
- 30 Frank Pedley in DIA, *Annual Report*, 1908, xxxv.
- 31 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.
- 32 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.
- 33 DSGIA to Secretary, DIA, 4 January 1909, LAC, RG 10, vol. 4020, file 280470-2.
- 34 McDougall, "Interim Report Re Indian Reserves Near Kelowna B.C." enclosed with McDougall to Oliver, 17 April 1909, vol. 4020, file 280470-2.
- 35 McDougall, "Interim Report Re Vernon Indian Reserves" enclosed with McDougall to Oliver, 17 April 1909, LAC, RG 10, vol. 4020, file 280470-2.

- 36 “Interim Report Re Indian Reserves Near Enderby B.C.” enclosed with McDougall to Oliver, 17 April 1909, vol. 4020, file 280470-2.
- 37 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.
- 38 J.A. Teit, for John Whistamnitza, Chief at Spences Bridge Band and others, 24 April 1909 vol. 4020, file 280470-2.
- 39 Charles M. Chewéligh et al Petition to SGIA, 21 Jul 1908; John Whistemnitza et al. petition of 8 chiefs from Nicola and Spences Bridge, 18 Jan 1909.
- 40 John McDougall to Frank Oliver, Minister of the Interior 22 Sept 1910, LAC, RG 10, vol. 4020, file 280470-2.
- 41 John McDougall to Frank Oliver, Minister of the Interior 22 Sept 1910, LAC, RG 10, vol. 4020, file 280470-2.
- 42 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.
- 43 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.
- 44 W.E. Ditchburn, Chief Inspector of Indian Agencies, to D.C. Scott, DSGIA, 31 December 1920, LAC, RG 10, vol. 4047, file 357411-2.
- 45 Duff, *The Indian History of British Columbia*, 128.
- 46 Neylan, *The Heavens are Changing*, 7.
- 47 A. Irwin to Inspector K.C. McDonald, 18 August 1910, LAC, RG 10, vol. 1311.
- 48 K.C. MacDonald to Secretary, DIA, 1 August 1910, LAC, RG 10, vol. 4050, file 362466-1A.
- 49 In 1908, for example, Secwepemc Chiefs Louis of Tk’emlups (Kamloops) and Basil of St’uxwtews (Bonaparte), 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.
- 50 “What the Indians Want,” *Victoria Colonist*, 27 March, 6 and 13 July, and 30 August, 1906; J.A. 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*, 12 and Thomson, “A History of the Okanagan,” 152.
- 51 *Kamloops Sentinel*, 26 August 1910 cited in Shuswap Nation Tribal Council, “Memorial,” <http://www.shuswapnation.org/memorial.html> (21 January 2009).
- 52 Chiefs of the Shuswap, Okanagan and Couteau Tribes of British Columbia, “Memorial to Wilfrid Laurier” British Columbia Archives, NWp/970.5/M533.
- 53 Canada, Special Joint Committee, “Report and Evidence,” xix.
- 54 Canada, Special Joint Committee, “Report and Evidence,” 10-11. See also Cail, *Land, Man, and the Law*, 232.

- 55 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.
- 56 McBride to Laurier, 19 November 1910, BCA, GR-0441, box 149, file 1.
- 57 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.
- 58 Canada, Special Joint Committee, "Report and Evidence," 53-54.
- 59 Patterson II, "Arthur E. O'Meara," 91-92. For a more recent survey of O'Meara's work see Haig-Brown, "Arthur Eugene O'Meara."
- 60 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.
- 61 W.E. Ditchburn, Inspector of South West Inspectorate, to DIA Secretary, 15 July 1910, LAC, RG 10, vol. 1312.
- 62 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 in B.C.
- 63 Martin-McGuire, *First Nation Land Surrenders on the Prairies, 1896-1911*.
- 64 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*.
- 65 Pere Nequalla to DSGIA, 7 December 1908, LAC, RG 10, vol. 4014, file 271322-1. Typed copy in vol. 3944, file 121698-54.
- 66 Ross to Secretary, 20 January 1909, LAC, RG 10, vol. 3944, file 121698-54.
- 67 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.
- 68 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 and Vowell to McLean 10 March 1909, LAC RG 10, vol. 3944, file 121698-54.
- 69 See correspondence in March to June of 1909 in LAC, RG 10, vol. 4014, file 271322-1.
- 70 Pedley to Kennedy, 17 June 1909, LAC, RG 10, vol. 4014, file 271322-1.
- 71 Kennedy to Pedley, 25 June 1909, LAC, RG 10, vol. 4014, file 271322-1.
- 72 McDougall to Secretary, DIA, 22 July 1909, LAC, RG 10, vol. 4014, file 271322-1.
- 73 Christie to Pedley, 4 August 1909, LAC, RG 10, vol. 4014, file 271322-1.
- 74 S. Stewart, Asst. Secretary, to Ramsden, 9 October 1909 LAC, RG 10, vol. 4014, file 271322-1.
- 75 "Investigation Re Surrender of Long Lake Reserve," 28 October 1909, LAC, RG 10, vol. 4014, file 271322-1.
- 76 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.
- 77 "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.
- 78 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.

- 79 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.
- 80 Christie, *Indian Affairs in British Columbia*.
- 81 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.
- 82 T.J. Cummiskey to J.D. McLean, 11 October and 15 May 1912, LAC, RG 10, vol. 3945, f121,696-64.
- 83 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.
- 84 T.J. Cummiskey to J.D. McLean, 19 July 1912 and Chief Pierre Michelle, 10 September 1912, vol. 3945, file 121, 696-64.
- 85 Pringle and Guthrie to Oliver 22 May 1911 including “Chewile agreement” of 25 June 1907, LAC, RG 10, vol. 4014, file 271322-1.
- 86 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.
- 87 Kennedy to Minister of Interior, 26 February 1913, LAC, RG 10, vol. 4014, file 271, 322-1.
- 88 Casto Louie to W.J. Roche, 5 May 1916 and Megraw to Casto Louie 5 July 1916, copies in Christie, *Correspondence* (N.p., n.p., 20 April 1917), 1-2, NWp/970.5/C554c, BCA.
- 89 Christie, *Okanagan Indians* and Canada, House of Commons, *Debates*, vol. CXXVII (1917), cols. 2341-44.
- 90 Canada, House of Commons, *Debates*, vol. CXXVII (1917) col. 1379 and Christie, *Okanagan Indians*.
- 91 Christie, *Okanagan Indians*.
- 92 See correspondence between Kennedy and Megraw in LAC, RG 10, vol. 11302. Also, Megraw to Commissioner, RNWMP, 18 January 1917 and Assistant Commissioner, RNWMP to Megraw, 23 January 1917, LAC, RG 18, vol. 3320, file 118.
- 93 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.
- 94 Robert Rogers, SGIA, to the Governor General in Council, 10 May 1912, LAC, RG 10, vol. 4044, file 344441.
- 95 “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*.
- 96 Canada, Royal Commission, *Report*, 10-11 and Memorandum of agreement between McKenna and McBride in LAC, RG 10, vol. 4093 file 600250 and vol. 3821, file 59,335 pt. 4.
- 97 DIA, *Annual Report*, 1913, xxiv.
- 98 Cited in Canada, Special Joint Committee, "Report and Evidence," 9.
- 99 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.
- 100 Manuel and Posluns, *The Fourth World*, 30.
- 101 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.
- 102 E.L. Wetmore to W.J. Roche, SGIA, 1 December 1913, LAC, RG 10, vol. 4050, 362466-1A.
- 103 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, *The Lands We Lost*: 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, *The Lands We Lost*: 202-203.
- 104 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.
- 105 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.
- 106 Canada, Royal Commission on Indian Affairs, Evidence, Okanagan Agency, 75. This quote inspired the title for a book published by the Okanagan. Maracle, et al., *We Get Our Living Like Milk From the Land*.
- 107 Canada, Royal Commission on Indian Affairs, Evidence, Okanagan Agency, 10-11.
- 108 *Kamloops Inland Sentinel*, 15 November 1907, 1.
- 109 *Kamloops Inland Sentinel*, 24 December 1907, 6.
- 110 *Kamloops Inland Sentinel*, 13 October 1913, 1 and 4 and 24 October 1913, 4. 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.

- 111 Canada, Royal Commission on Indian Affairs, Evidence, Kamloops Agency, 3 and 6-7.
- 112 Canada, Royal Commission on Indian Affairs, Evidence, Kamloops Agency, 10-13.
- 113 Canada, Royal Commission on Indian Affairs, Evidence, Kamloops Agency, 147. J.A. Shaw from Shuswap and D.A. Macdowall from Victoria were the provincial representatives on the commission. The questioning of Smith took place in Victoria after the commissioners had been to Kamloops.
- 114 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.
- 115 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, BCA, GR-0672, box 1, file 27.
- 116 Mary Thomas, Interview with Joyce Dunn at Chase, British Columbia, 1982. Tape recording in possession of author.
- 117 Canada, Royal Commission on Indian Affairs, *Report*, 26 and 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.
- 118 J.A.J. McKenna, "Clear the Way for Development," *Vancouver Province*, 25 February 1918.
- 119 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.
- 120 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.
- 121 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.
- 122 Canada, Royal Commission on Indian Affairs, *Report*, 715-722.
- 123 For comparative photographs of Isaac Harris and Baptiste Logan see de Pfyffer, introduction to Christie, *Okanagan Indians*, 80-1.
- 124 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.
- 125 Canada, House of Commons, *Debates*, 1917, 653 and 1898.
- 126 Forty Five Representatives of the Interior Tribes to SGIA W.J. Roche, 17 March 1916, LAC, Robert Borden Papers, MG 26-H. See also "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.
- 127 "Exhibit No. 4 From Andrew Paull" in Canada, Special Joint Committee, "Report and Evidence," 175-176.
- 128 "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.

- 129 *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.
- 130 Ditchburn to Scott, 1 November 1919, LAC, RG 10, vol. 3820, file 59335, part 3.
- 131 Scott, Memorandum to Meighen, 14 November 1919, LAC, RG 10, vol. 3820, file 59335, part 3. See also Mitchell, "The Allied Tribes of British Columbia," 41-44; Tennant, *Aboriginal Peoples and Politics*, 100; Harris, *Making Native Space*, 251 and Titley, *A Narrow Vision*, 145-148.
- 132 Scott, Memorandum to Meighen, 9 January 1919, LAC, RG 10, vol. 3820, file 59335, part 3.
- 133 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.
- 134 British Columbia, *Statutes of British Columbia*, 1919, c.32. Also transcribed in Ware, *The Lands We Lost*, 202-203.
- 135 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.
- 136 J.W. Clarke memorandum to Minister of Lands, 1 April 1920, vol. 3820, file 59335, part 3.
- 137 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 BCA, GR 931. 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.
- 138 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.
- 139 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.
- 140 Tennant, *Aboriginal Peoples and Politics*, 102-103 and Wendy Wickwire, "We Shall Drink From the Stream," 225.
- 141 Perhaps 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 Newell, *Tangled Webs of History*, 98-100.
- 142 "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.

- 143 Scott to Stewart, Feb 20, 1924, LAC, RG 10, vol. 10240, file 901/30-1-13.
- 144 Scott to Ditchburn, 1 April 1924, LAC, RG 10, vol. 3820, file 59335, part 3.
- 145 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.
- 146 The Allied Tribes of British Columbia, "Supplementary Memorandum," 23 April 1925, LAC, RG 18, vol. 3312, file 1925 HQ 1034-E-2.
- 147 Canada, *Debates*, 1926, 11 June, 4417-4419. The petition is also copied in Canada, Special Joint Committee, *Report and Evidence*, xviii.
- 148 Canada, Special Joint Committee, *Report and Evidence*, 34-35.
- 149 Canada, Special Joint Committee, *Report and Evidence*, 161.
- 150 Tennant, *Aboriginal Peoples and Politics*, 105 and Canada, Special Joint Committee, *Report and Evidence*, 3-23 and 26.
- 151 Canada, Special Joint Committee, *Report and Evidence*, 78-81, 84-94 and 219-229.
- 152 Canada, Special Joint Committee, *Report and Evidence*, 2-3.
- 153 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.
- 154 May, "The Nishga Land Claim," 110 and Canada, Special Joint Committee, *Report and Evidence*, 238-239.
- 155 Canada, *Statutes of Canada*, 17 Geo. V (1926-27) c. 32, p. 158.
- 156 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.
- 157 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.
- 158 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

- 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.
- 3 Larner, "The Kootenay Plains," 293 and Treaty 7 Elders and Tribal Council et al., *The True Spirit*, 139-141.
- 4 Edgar Dewdney in DIA, *Annual Report, 1878*, 81; Snow, *These Mountains*, 39-40 and Larner, "The Kootenay Plains," 180.
- 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.
- 7 McDougall to DSGIA, 21 March 1910, LAC, RG 10, vol. 4043, file 339151.
- 8 McDougall to DSGIA, 21 March 1910, LAC, RG 10, vol. 4043, file 339151.

- 9 McLean to TJ Fleetham, Nakoda Agent, 29 March 1909, LAC, RG 10, vol. 4043, file 339151.
- 10 McLean, memo to D.C. Scott, n.d.; McLean to P.G. Keyes, 21 November 1910, LAC, RG 10, vol. 4043, file 339,331 and Larner, "The Kootenay Plains," 321.
- 11 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.
- 12 Larner, "The Kootenay Plains," 339-384; Dempsey; *Treaty Research Report Treaty 7*, 29-30 and Snow, *These Mountains*, 76-103.
- 13 The new reserve was surveyed in July 1882. DIA, *Annual Report, 1882*, 220 and DIA *Annual Report, 1901*, 172.
- 14 DIA, *Annual Report, 1883*, lii.
- 15 *Manitoba Free Press*, 24 May 1888, in LAC, RG 10, vol. 3801, file 49,000.
- 16 "The Sarcee Reserve," *Calgary Herald*, 8 June 1892.
- 17 A. Sifton, Commissioner of Public Works, NWT, to Indian Commissioner for Manitoba and the NWT, 30 November, 1901, LAC, RG 10, vol. 3563, file 82, pt. 17.
- 18 A. Sifton to Minister of the Interior, 30 November 1901 and J.A.J. McKenna, Memorandum for Minister, 8 February 1902, LAC, RG 10, vol. 7543, file 29120-1, pt.1.
- 19 John de Sousa, Secretary, Calgary Board of Trade, to Minister of the Interior, 22 March 1902; A.J. McNeill 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.
- 20 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.
- 21 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. See also 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.
- 22 McDougall to Pedley, 16 January 1906, LAC, RG 10, vol. 7543, file 29120-1, pt. 1.
- 23 McDougall to Pedley, 5 February 1906, LAC, RG 10, vol. 7543, file 29120-1, pt. 1.
- 24 McDougall to Secretary DIA and McDougall to Oliver, 9 Nov 1907, LAC, RG 10, vol. 7543, file 29120-1.
- 25 McNeill to DSGIA Pedley, 2 Jan 1908, LAC, RG 10, vol.7543, file 29120-1 pt 1.
- 26 Pedley to McNeill, 12 March 1909 and McNeill to Secretary, DIA, 16 August 1909, LAC, RG 10, vol.7543, file 29120-1 pt 1.
- 27 Secretary, DIA, to Markle, 28 August 1909 and Markle to Secretary, 7 September 1909, LAC, RG 10, vol.7543, file 29120-1 pt 1.
- 28 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. See also Wood, "Pressured from all Sides," 123-124 and Lackenbauer, *The Politics of Contested Space*, 14-25.

- 29 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.
- 30 A long term lease was finally negotiated with the DMD in 1921. Lackenbauer, *The Politics of Contested Space*, 15, 27-8 and 38.
- 31 G.E. Olsson, "An Accounting of Lands Surrendered"; Wood, "Pressured from all Sides, 126 and Lackenbauer, *The Politics of Contested Space*, iii-v.
- 32 SGIA memorandum to Privy Council, 19 March 1880, LAC, RG 10, vol. 1079, 278.
- 33 DIA, *Annual Report, 1883*, liv.
- 34 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 Dempsey, "Gladstone Believed 'Big Claim,'" A5.
- 35 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 Indian Claims Commission, *Blood Tribe/Kainai Inquiry, 1889 Akers Surrender* (Ottawa, Indian Claims Commission, 1999).
- 36 DIA, *Annual Report, 1902*, 128. See also DIA, *Annual Report, 1909*, 172.
- 37 For an overview of Kainai opposition to alienation of their reserve see Samek, *Blackfoot Confederacy*, 114-118.
- 38 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.
- 39 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 and 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.
- 40 Laird to Secretary, DIA, 24 October 1900 Laird to Crop Eared Wolf, May 30, 1907, LAC, RG 10, vol. 3939, file 121698-3.
- 41 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.
- 42 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.
- 43 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.
- 44 P.C.H. Primrose, Superintendent Commanding "D" Division at Fort Macleod to A.B. Perry, Commissioner RNWMP, 30 May 1907, LAC, RG 18, vol. 340, file 417-07 and 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.
- 45 R.N. Wilson to Indian Commissioner, Winnipeg, 6 June 1907, LAC, RG 10, vol. 7541, file 29,103-1, pt. 1.

- 46 Markle to Secretary, DIA, 15 September 1909, LAC, RG 10, vol. 7541, file 29,103-1, Pt. 1.
- 47 R.N. Wilson to Secretary DIA, 30 June 1910, Glenbow, Blood Indian Agency Fonds, M1788, file 64.
- 48 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.
- 49 F. Paget, Accountant, Memorandum to D.C. Scott, 10 November 1913, LAC, RG 10, vol. 7102, File 773/3-1-1, pt.1.
- 50 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.
- 51 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.
- 52 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.
- 53 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.
- 54 Dilworth to Scott, 23 April 1917 and Scott to Dilworth, 8 May 1917, LAC, RG 10, vol. 7541, file 29,103-1, pt.1.
- 55 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.
- 56 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.
- 57 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.
- 58 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.
- 59 Scott to Graham, 21 February 1918, LAC, RG 10, vol. 4070, file 427063-A.
- 60 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.
- 61 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.
- 62 Wilson to Scott, 7 April 1919, LAC, RG 10, vol. 7102, file 773/3-1-1, Pt.1.

- 63 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 and Carter, *Lost Harvests*, 249-251.
- 64 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.
- 65 R.V. Sinclair, Ottawa Barrister, to Scott, 31 May 1920 enclosing memorial; Scott to Meighen, 8 June 1920; R. N. Wilson to James Lougheed, 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.
- 66 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.
- 67 Samek, *Blackfoot Confederacy*, 117-119.
- 68 Wm. Pocklington, Agent, to Indian Commissioner, 30 September 1884, LAC, RG 10 vol. 3698, file 16106
- 69 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 post-treaty high of 942 in 1885 to under 500 and still declining twenty years later.
- 70 D.C. Scott, Chief Accountant, DIA Memorandum to DSGIA Pedley, 20 April 1909 and 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.
- 71 DIA, *Annual Report, 1908*, xxxv.
- 72 Markle to Secretary, DIA, 24 May 1909, 16 July 1909, and 18 August 1909, LAC, RG 10, vol. 4034, file 302340-1.
- 73 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.
- 74 Colin Macleod to SGIA, 23 August 1909, Markle to Secretary, DIA, 7 September 1909, and Pedley to MacLeod, 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.
- 75 MacLeod, telegram to Frank Oliver, Minister of the Interior, 10 November 1909 and Oliver to MacLeod, 11 November 1909. LAC, RG 10, vol. 4034, file 302340-1.
- 76 Canada, House of Commons, *Debates*, 16 November 1909, 121-122.
- 77 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.
- 78 Markle to Secretary, DIA, 26 November 1909, LAC, RG 10, vol. 4034, file 302340-1.
- 79 Markle to Secretary, DIA, 27 December 1909, LAC, RG 10, vol. 4034, file 302340-1.
- 80 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.
- 81 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.
- 82 Fyffe to Primrose, 4 April 1910, LAC, RG 18, vol. 390, file 267.

- 83 Comptroller to Commissioner A.B. Perry, 14 April 1910, LAC, RG 18, vol. 390, file 267.
- 84 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.
- 85 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.
- 86 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. See also, SGIA to E.J. Garland, M.P, 29 April 1924, LAC, RG 10, vol. 3872, file 89,600-19.
- 87 DIA, *Annual Report, 1883*, liv and 102.
- 88 DIA, *Annual Report, 1883*, liv and Canada. *Indian Treaties and Surrenders*, vol. II (1891) rpt. (Saskatoon, SK, Fifth House Publishers: 1993), 128-138.
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- 93 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.
- 94 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.
- 95 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.
- 96 Scott, Memorandum to DSGIA, 25 January 1909 and Secretary, DIA, to Markle, 15 September 1908, LAC, RG 10, vol. 3702, file 17,537-3.
- 97 Markle to Secretary, DIA, 22 September and 29 September 1908 and 25 March 1909, LAC, RG 10, vol. 3702, file 17537-3.
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- 99 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.
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- 106 Chief Iron Shield and Chief Yellow Horse on behalf of the Siksika, 30 April 1915, LAC, RG 10, vol. 3702, file 17,537-3.
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- 108 Markle to Scott, 30 April 1915, LAC, RG 10, vol. 3702, file 17,537-3.
- 109 Scott to Markle, 12 May 1915, LAC, RG 10, vol. 3702, file 17,537-3.
- 110 Markle to Scott, 25 May 1915, LAC, RG 10, vol. 3702, file 17,537-3.
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- 112 Peter J. O’Connor, Secretary, Land and Timber Branch, to Scott, 9 October 1913, LAC, RG 10, vol. 3702, file 17,537-3.
- 113 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.
- 114 Scott, memorandum to Meighen, May 6, 1920, LAC, RG 10, vol. 4070, ...file 427063-A1.
- 115 Graham, memorandum to Meighen, 3 April 1919, LAC, RG 10, vol. 4069, file 427,063. See also Carter, *Lost Harvests*, 249-251.
- 116 Scott to Graham, 22 February 1922, LAC, RG 10, vol. 4069, file 427,063.
- 117 See for example, Gooderham “Autobiography,” 42, Glenbow, George H. Gooderham Fonds, M4738 box 10.
- 118 Gooderham, “Autobiography,” 35, Glenbow, George H. Gooderham Fonds, M4738 box 10; Gooderham to Scott, 18 May 1917; McLean to E.A. Kirkby, 30 August 1917 and W.A. Orr to McMann & Eddie, 9 July 1917, LAC, RG 10, vol. 4063, file 406,557. LAC, RG 10, vol. 6624, file 104A-1-41 3 contains correspondence regarding the arrears but terminates in 1952.
- 119 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.
- 120 M. Christianson, Inspector, to W.M. Graham, 26 July 1930, LAC, RG 10, volume 12649, file 104/34-1.

- 121 See for example L.F.S. Upton, "The Origins of Canadian Indian Policy," 56.
- 122 Leslie and Maguire, *Historical Development of the Indian Act*, 103-104; DIA, *Annual Report, 1908*, xxxv and *Annual Report, 1909*, xxxiv.
- 123 Dempsey, "One Hundred Years," 27.
- 124 Hanks and Hanks, *Tribe Under Trust*, 36.
- 125 Martin-McGuire, "First Nation Land Surrenders," xiii.
- 126 This calculation was derived by combining the Siksika, Kainai, and Piikani populations and reserve sizes. DIA, *Annual Report, 1913*, pt. i, 168, 170, 182 and pt. ii, 6 and Abbott, "The Administration of Indian Affairs," 82.
- 127 Samek, *Blackfoot Confederacy*, 106 and 116-117.
- 128 "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.
- 129 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.
- 130 The Hanks' support the position that "a basic need for security against poverty" was a motivating force in the Siksika surrender. Hanks and Hanks, *Tribe Under Trust*, 43-47.

Chapter Eight

- 1 J.D. McLean to Agent Thomas Deasy, 8 September 1922, LAC, RG 10, vol. 3181, file 452,124-A cited in Dempsey, *Warriors*: 72.
- 2 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.
- 3 Canada, Department of Indian Affairs, *Annual Report, 1919*, 20 and D.C. Scott, "The Canadian Indians and the Great World War," 310.
- 4 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 and Deputy Minister of Militia and Defence to Deputy Superintendent General of Indian Affairs, 4 November 1913, LAC, RG 10, vol. 4048, file 357,520.
- 5 For examples of some of Agent J.F. Smith's activity in this regard prior to World War I 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.
- 6 *Kamloops Standard*, 9 April 1918, 1. For a general description of wartime reserve production see, Titley, *A Narrow Vision*, 39-42.
- 7 On this point see Titley, *A Narrow Vision*, 39 and Carter, *Lost Harvests*, 250.
- 8 P.C. 393, 16 February 1918 in LAC, RG 10, vol. 4070, file 427,063-A and DIA, *Annual Report, 1919*, 10.
- 9 Graham to Meighen, 7 January 1918, LAC, Meighen Papers, MG26-I, Series 1, vol. 4.

- 10 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.
- 11 DIA, *Annual Report*, 1918, 19-20 and Canada, House of Commons, *Debates*, 23 April 1918, 1047-1049.
- 12 Carter, "An Infamous Proposal," 13, 9.
- 13 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.
- 14 Graham, memorandum to Meighen, 3 April 1919, LAC, RG 10, vol. 4069, file 427,063 and Scott to Graham, 23 February 1922, LAC, RG 20, vol. 4070, file 427063-A. See also Carter, *Lost Harvests*, 251.
- 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.
- 17 Titley, *A Narrow Vision*, 42-43.
- 18 Titley, *A Narrow Vision*, 43-44.
- 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.
- 22 Carter, "Infamous Proposal," 15-17.
- 23 See for example Titley, *A Narrow Vision*, 47.
- 24 E.A. McLean to Secretary, DIA, 6 October 1919, LAC, RG 10, vol. 7535, file 26154-1.
- 25 *Kamloops Telegram*, 16 July 1921.
- 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 J.D. McLean to Agent Thomas Deasy, 8 September 1922, LAC, RG 10, vol. 3181, file 452,124-A cited in Dempsey, *Warriors*, 72.
- 29 Leslie and Maguire, *Historical Development*, 114.
- 30 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.
- 31 J.F. Smith to E. Lemmens, 9 Jan 1917 and 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.
- 32 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.
- 33 J.D. McLean to A. Megraw, 12 September 1918, LAC, RG 10, vol. 6773, file 452-70.
- 34 A. Megraw to J.D. McLean, 30 September 1918, LAC, RG 10, vol. 6773, file 452-70.

- 35 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.
- 36 J.D. McLean to J.F. Smith, 6 September 1919, LAC, RG 10, vol. 7528, file 25,154-2.
- 37 J.F. Smith to J.D. McLean, 14 July 1919, LAC, RG 10, vol. 7528, file 25,154-3, Pt. 1.
- 38 J.D. McLean to J.F. Smith, 6 September 1919, LAC, RG 10, vol. 7528, file 25,154-3, Pt. 1.
- 39 DIA, "Preliminary Information Form for Indian Soldier Settlement," LAC, RG 10, vol. 7528, file 25,154-3, Pt. 1.
- 40 Mountain Horse, *My People*, 139-140 and Dempsey, *Warriors*, 55.
- 41 Rev. Middleton to Scott, 3 September 1918, LAC, RG 10, vol. 6767, file 452-15 Pt.1.
- 42 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.
- 43 W.M. Graham to J.E. Ostrander 23 October 1919, Glenbow, Blood Indian Agency Fonds, M1788, box 16, file 120.
- 44 Scott, "The Indians and the Great War" in DIA, *Annual Report*, 1919, 13.
- 45 Canada, House of Commons, *Debates*, 26 March 1920, 789.
- 46 D.C. Scott, "Indians Step Beyond Role of Their Ancient Romance," *Mail and Empire*, 1 July 1927.
- 47 Cooper and Stoler, "Between Metropole and Colony," 36.
- 48 Henderson, "*Ayukpachi*, Empowering Aboriginal Thought," 248. See Turner, "Liberalism's Last Stand," 135-147.
- 49 Turner, "From Valladolid to Ottawa," 66.
- 50 Day and Sadik, "The BC Land Question," 30.
- 51 Woolford, *Between Justice & Certainty*, 186.
- 52 Pizzorno, "Foucault and the Liberal View of the Individual," 207.

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