Reinscribing Colonialism: The Royal Commission on Indian Affairs in Nlha’pamux and Stl’atl’imx Territory, 1914

by

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Abstract

In 1912 a joint federal-provincial Royal Commission on Indian Affairs for the province of British Columbia was appointed. Intended "to settle all differences between the Governments of the Dominion and the Province respecting Indian land and Indian Affairs in the Province," the Commission travelled through British Columbia for three years interviewing thousands of native people. Its primary mandate was to settle the Indian land question. The Royal Commission also sought to measure the acculturation of native people to European society. As a representative of the state, it adjudicated issues related to railway construction and native fishing and hunting rights as well as land claims.

While the Commission represented a political program for 'Indians,' first nation people were nevertheless persistent in advancing their own claims. Native responses to many aspects of colonialism were expressed through their testimony. Frequent objections to the reserve system, loss of fishing and hunting privileges as well objections to railway construction were woven through native testimony. First nations also beseeched the state to recognize 'Aboriginal Title' to the land. Receptivity to problems presented by witnesses was, however, mediated by an enormous gulf of power which separated native people from the Commission. This thesis examines those relations of power as they were articulated through native testimony to the Royal Commission on Indian Affairs in 1914 in the southern interior of British Columbia.
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introduction

Geographies of colonialism

In 1912, a Royal Commission on Indian Affairs in British Columbia was appointed to examine the 'Indian land problem.' The Commission tabled its final report in 1916. As a representative of the state, it was authorized to allocate or reclaim reserve lands. Unofficially, the Commission supported the quest, pursued by both the federal and provincial governments, to incorporate the Indians into European civilization. To this end, enquiries about land expanded into detailed examinations of witnesses' daily lives. Native testimony provided a gauge of successful acculturation. The Commission's perception of native compliance with policies of the Department of Indian Affairs (DIA) influenced its decisions about land allocation.

The testimony given by native witnesses was transcribed into thousands of pages of 'evidence,' and they provide a window on the problems of native people in British Columbia in the early twentieth century. They contain a male native voice. There were some female interpreters but only men presented evidence to the Royal Commission.

The Commission's hearings took measure of rapid changes in native society, and the transcripts are a chronicle of native responses to the influx of white power. Issues of both land and discipline preoccupied the Commission and the transcripts reflect this dual purpose. Land, resources and power dominate the evidence; more subtle motifs of cultural dissonance provide a subtext. The issues and some of the tactics of colonialism are on display as are some tactics of native resistance.
Though the Commission was part of a global colonial process, it was informed by local geography. This study is trained on the circumscribed geography of Nlha7pamux and Stl'atl'ímx territory in the southern interior of British Columbia in 1914. People from both the Nlha7pamux (Thompson) and Stl'atl'ímx (Lillooet) tribes were constituents of the Lytton Indian agency (see map). The agency is roughly divided by the Fraser river which runs north to south in the southern interior of British Columbia. The Lytton agency was a bureaucratic rubric, but one which the Commission employed.

The relationship between the Commission and the two nations in the Lytton Indian agency was typical. It was marked by a clash of agendas: the Commission’s desire to control land use and assimilate native people; the latter’s desire to retain a degree of sovereignty. Here as elsewhere, the debate focused on land, but was then ramified as the Commission sought to impose a social model on the Nlha7pamux and Stl’atl’ímx peoples. The Commission operated within the framework of the Indian Act; the Act’s language and an idealized model of acculturation informed its perception of native people. The effect was that the Commission interwove an emphasis on native discipline with its foremost mandate to resolve the ‘Indian land problem.’

The Nlha7pamux and Stl’atl’ímx people had experienced accelerated demographic and geographic change in the generation preceding 1914. The Indian Act of 1876 had constructed the parameters of Indian life within the geography of reserves. Like the Commission, the Department of Indian Affairs (DIA) employed the discourse of the Indian Act, and it was gradually internalized by native people themselves. By 1914, native life was increasingly demarcated by the perimeters of the reserve. Connecting agricultural produce with markets outside the reserve was a persistent
problem. More daunting was railway construction through reserves and its
effect on the fishery. Patterns of native response to these and other problems
are revealed in the Commission’s transcripts.

Four matters dominated the Commission’s hearings: land, railways, food
supply and cultural misunderstandings. An analysis of each issue reveals
ways in which the Commission’s paradigm of assimilation and discipline
functioned within their larger mandate of allocating land. The testimony of
the Nlha7pamux and Stl’atl’imx people portray the other end of a spectrum of
power.

The Commission’s report had profound implications. Political conservatives
and native organizations galvanized in protest. The former objected to
allocating any land to ‘Indians,’ the latter to loss of lands and the
Commission’s failure to consider aboriginal title. The Commission was a
microcosm of the power of the Canadian state and its recommendations
prevailed.
chapter one

The Royal Commission

It is one of the essential traits of western societies that the force relationships which for a long time had found expression in war, in every form of warfare, gradually became invested in the order of political power.¹

Land was the central issue for both native witnesses and the Royal Commission. Already in 1914 the issue had a considerably tendentious history that preceded the province's entry into Confederation in 1871. In 1864, Joseph Trutch was appointed Chief Commissioner of Lands and Works,² and his land policy was built on his personal beliefs that Indians are "the ugliest & laziest creatures I ever saw, and we shod... [sic] as soon think of being afraid of our dogs as of them." In Trutch's view, "[t]he Indians really have no right to the lands they claim... nor are they of any actual value or utility to them... ."³ Trutch was the architect of a more frugal land policy than those that existed in other provinces. In British Columbia, the allocation to indigenous people was fewer than 10 acres per family and Trutch initiated the 'cut-back' process whereby previously assigned reserves were reassessed and their acreage

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The federal government tolerated these policies largely because it had grown tired of negotiating with the new and recalcitrant province of British Columbia. By the 1880s, British Columbia was the only western province which had not signed land agreements with its first nations.

In 1876 a joint federal-provincial Indian Reserve Commission was appointed to assign reserve land to native bands across British Columbia. Of the three Commissioners appointed, Gilbert Malcolm Sproat was the most sympathetic to native people. Sproat recognized the concept of Indian land entitlement and was sensitive to the great attachment of native people to their ancestral lands. The Indians, he wrote, are a thousand times more attached to their burial grounds than the English. Sproat’s recommendations for reserve allocation were considerate of native concerns, but he lacked the power to implement them and many of his decisions about land allocation and water distribution remained unimplemented.

In 1880 Sproat resigned as Indian Land Commissioner. He was replaced by Joseph Trutch’s brother-in-law, Peter O’Reilly, who began a series of ‘cut-backs’ to reserves especially in the Okanagan and southern interior. Though

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6 The single exception to this is Treaty 8 which includes a section of the Peace River district in British Columbia. Before BC entered Confederation, Governor James Douglas signed 14 treaties with native people in the southern part of Vancouver Island.

7 G.M. Sproat in unpublished letter to the Indian Reserve Commission of British Columbia on 26 Oct, 1878.
the cut-backs were not large-scale, their effect was to alert first nations that land settlements were tentative. By the beginning of the twentieth century, native people began to organize politically in an attempt to secure sufficient reserve land. In 1909 the association of Interior Tribes of British Columbia and, on the coast, the Indian Rights Association were formed and a delegation of first nations from the interior met with Wilfred Laurier in Kamloops. They presented him with a petition objecting to settler infringement on their land as well as to the size of their reserve allocations.8 The petition was followed in the spring of 1911 by a meeting of chiefs from 40 bands across the province with Premier McBride. The premier was not forthcoming, stating the province's position that Indians had right to neither land nor aboriginal title.9 In response, about 450 people from the Interior Tribes (which included the Nlha7pamux and Stl'atl'imx) met in Spence's Bridge later that spring to discuss the meeting in Victoria, as well as land claims and railway construction.

White settlers were also dissatisfied with the land issue, and politicians gave voice to this public sentiment. Superintendent general Frank Oliver told the House of Commons, in 1907, that Indians had "taken their pick" of BC land.10 In 1910, Premier McBride put a moratorium on reserve allocation in the province. The Liberal government in Ottawa felt, however, that British Columbia had been slow to deal with the Indian land issue, and drafted Bill

8The Chiefs of the Shuswap, Okanagan and Thompson Tribes in a petition to Sir Wilfred Laurier, presented at Kamloops, August 25, 1910.


37-A, designed to initiate legal procedures against British Columbia on behalf of the Indians. Before the Bill could progress, Robert Borden’s Conservative government assumed power. Borden was an ally of Premier McBride and the two began negotiations that culminated in the establishment, in 1912, of the Royal Commission on Indian Affairs in British Columbia, colloquially called ‘McKenna-McBride.’ Its mandate was “to settle all differences between the Governments of the Dominion and the Province respecting Indian land and Indian Affairs in the Province.”

The federal government, like the province, wanted the land question settled in order to end disagreements that had dogged the two governments since confederation. Clause 13 of the “Terms of Union,” which brought BC into Confederation, was designed to ensure that land was set aside for incorporation into reserves under the aegis of the federal government. The exact amount of land was not specified. The Commission sought to adjudicate this issue. It travelled through the province of British Columbia between December, 1913 and March of 1914 and held hearings with thousands of ‘Indians’ including members of the Nlha7pamux and Stl’atl’imx tribes.

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11 Ibid. p. 270.

12 McBride never actually served on the Commission.


14 Clause 13 stated that “The 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. To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time by conveyed... to the Dominion Government in trust for the use and benefit of the Indians...” quoted from Paul Tenant, op. cit. pp. 43-44.
The Commission at Bella Coola.

The Commission. From left to right, White, McKenna, Wetmore, Shaw. Persons on back row are not identified.

The Commission at Bella Coola.
'race: myths and stereotypes

These hearings reflected prevailing beliefs about race. The process of colonialism was imbricated in a set of cultural beliefs which not only assumed European ascendancy but depended upon it. Belief in European cultural superiority imbued white settlers and their political representatives with the certainty of their dominance. Racial superiority over indigenous people was an underlying premise of the government of the day. It informed policies of the Department of Indian Affairs and, no doubt, the Royal Commission. As Edward Said cautions,

to ignore or otherwise discount .... the interdependence of cultural terrains in which colonizer and colonized co-existed and battled each other through projections as well as rival geographies, narratives, and histories, is to miss what is essential about the world in the past century.

Conceptions of race and cultural difference were also linked to economic history. In the nineteenth century, globalization and integration of economic systems led to anxiety about racial identity, as Robert Young describes, to the constitution of a firm British identity:

"The very notion of a fixed English identity was doubtless a product of, and reaction to, the rapid change and transformation of both metropolitan and colonial societies which meant that, as with nationalism, such identities needed to be constructed to counter schisms, friction and dissent."

Protecting the concept of a fixed British identity led, in the colonies, to concerns about miscegenation. Fears developed that 'half-breeds' might pose a


16Ibid. p xx.

threat to settler populations. These were complicated fears, both projecting images of mixed-race persons as potentially superior and alternatively as dangerous savages. On one hand, Darwinian logic suggested that 'half-breeds,' with a combination of local adaptive skills and white intelligence, might be better equipped to manage the exigencies of life in the colonies. On the other, 'half-breeds' were feared as a potential criminal element.

During a political fracas in the 1870's, 'half-breeds' in British Columbia attracted attention as local politicians endeavoured to pass legislation to prevent white settlers from having children with native 'concubines.' Mixed race children were described by Indian Reserve Commissioner A.C. Anderson who sought to control inter-racial marriage.

> In my private capacity, I respectfully ask the attention of the Government to consider the serious question of the intercourse subsisting between certain of the settlers in the Province, and the native women ... a class of half-breed children is rapidly increasing in numbers, who, under the brand of illegitimacy, and deprived of all incentives to self-respect, will in course of time become dangerous members of the community.

Concerns about racial purity weighed on Anderson who continued for a decade to write letters to both levels of government seeking a legislated end to 'mixed-race' progeny. His legislative attempts were not successful but did gather support from provincial members of Parliament. Anxiety about mixed-race offspring, expressed by Anderson and other colonial officials, was in part a reflection of growing interest in the science of eugenics.

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18 Ibid.

19 Alex Anderson in a letter to the Provincial Secretary, April, 1873. (RG10, 3658, 9404).
Belief in science and rationalism had been increasing in Europe during the eighteenth and nineteenth centuries. Science provided a level of support for beliefs in a racial hierarchy while an increased settler population in BC dispelled anxiety posed by 'half-breeds.' Writing about French society, Foucault noted that this period saw a eugenic ordering of society, with all that implied in the way of extension and intensification of micro-powers, in the guise of an unrestricted state control (étatisation) [and] was accompanied by the oneiric exaltation of a superior blood...  

The Royal Commission was an expression of 'étatisation' and it is certain that prevailing beliefs about racial superiority helped define the lens through which they viewed native people. Eugenics and the racial hierarchies it supported led to stereotypes based on race which detracted from the substance of testimony which native witnesses presented.

Stereotypes created the assumption that 'Indians' are quite similar. At Boston Bar Commissioner-MacDowell asked Patrick, an Nlha7pamux witness, about hunting restrictions:

Did you not have rules of your own tribe that had to be observed, in former days?
A. No, our chief never gave us any restrictions. We had the right to kill any animals that we wanted to kill.
Q. I know the Indians on the Plains, and they always had very stringent rules of their own; and the chiefs made the young men obey these laws.  


21 Transcripts of the Royal Commission: Meeting at Boston Bar, November 17th, 1914. All transcripts of the Commission are from Microfilm AW1R5701, Government Documents, UBC Library. Note that, in many instances, witnesses were identified only by their first (Christian) names.
Commissioners assumed that information about Indians in other parts of Canada was applicable to the Nlha7pamux who lived along the southern portion of the Fraser river. Homi Bhabha wrote that racial stereotypes "construe the colonized as a population of degenerate types on the basis of racial origin, in order ... to establish systems of administration and instruction."\(^{22}\) This functionalist lens reduced individuals to racial stereotypes. To incorporate native people into the institutional framework of Canadian society the Commission required a means of imagining their witnesses. Stereotypes of Indians provided a basis for their conceptualization.

At the same time, the Commission was conscious of its own representation and presented itself to native witnesses as a travelling spectacle or theatre of power. Symbols of the state were in evidence: bible and flag were displayed during its sessions. The five-man Commission was flanked by interpreters and clerks. Witnesses were formally sworn-in, similar to a court of law.

There was a ceremonial order to the sessions. Hearings were inaugurated by an address from one of the Commissioners who explained the scope and purpose of the Commission. The Chief responded with a speech describing conditions on his reserve, often asking for more land and for legal title to the reserve land already held. Introductory speeches were followed by the swearing-in of the first witness, usually the Chief.

The swearing-in of the first witness was followed by questioning that progressed through a defined series of interrogations. Information was systematically gathered about the size of reserves, the number of people in the band, the number of houses built. Questions about agricultural production,

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\(^{22}\)Homi K. Bhabha, *the location of culture* (New York/London: Routledge, 1994) p. 70.
Livestock and irrigation followed. Explanations of fishing restrictions were offered and followed by questions about hunting. Schools, doctors and priests were further subjects of enquiry, as was railway construction. Answering the questions was an obligation reinforced by the formal swearing-in.

Considerable power was exercised by the Commission. McKenna explained its scope:

> We are here to secure the Indians in the possession of the lands it judged they require for their sustenance and support. We are also here to enquire into the condition of the Indians with a view to making recommendations for measures which might help to improve their condition. 23

The Commission's decisions would affect the relocation of reserve land in the province and native people could influence the report. Commissioner McKenna continued, "... we are here to listen to what the principal men of the Indians have to say. We now want the assistance of the expression of your views." Ultimately the Commission could decide which Indians would receive what land. The Chairman told the Chief at Fountain that "[w]e have the power to recommend that [the piece of land] be given to you." 24

Native witnesses, too, had their own agenda. They had a large stake in describing conditions on their reserves and restrictions to their livelihood to Commissioners who represented both federal and provincial levels of government. The Commission's visit was an opportunity to petition both governments for land and rights. Native agendas linked independence to

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23 Transcripts of the Royal Commission: Meeting with the Lytton Band, November, 15th, 1914. pp 4-6.

24 Transcripts of the Royal Commission: Meeting with the Fountain Band, November, 9th, 1914. p 2.
control of the land; their testimony was directed at securing land title. Chief Tommie Adolph told the Commission:

we are the original inhabitants of the land. We have sent a Petition to the Government about this, but we have had no answer yet. We have been travelling pretty nearly all over to try and get our title. 25

Aboriginal title was of paramount importance and tribes in the southern interior agreed that they would pursue the issue with the Commission.

Legal consensus had supported their claim. After King Edward VII was visited by a delegation of BC first nations in 1906, London had referred the 'Indian land issue' back to Ottawa. Lawyers from both the province and the federal government were consulted. In 1910, a list of ten issues for consideration by the Supreme Court was compiled. At the top of the list of questions for submission to the supreme court were three concerning aboriginal title. 26 In the meantime, the government changed and the incoming Conservatives were less amenable to the idea of aboriginal land title. A political compromise was struck. Premier McBride agreed to consider reserve allocation provided Indian title was not addressed. In a memorandum to McBride preceding the official announcement of the Commission, Dr. McKenna summarized McBride's position:

I understand that you will not deviate from the position which you have so clearly taken and frequently defined, i.e., that the province's title to its lands is unburdened by any Indian title, and that your government will not be a party, directly or indirectly, to a reference to the Courts of the claim set up. ... As

25 Transcripts of the Royal Commission: Meeting with the Fountain Band, November, 9th, 1914. p 1.

stated at our conversations, I agree with you as to the seriousness of now raising the question, and, as far as the present negotiations go, it is dropped.\textsuperscript{27}

Premier McBride made it clear that given increased political pressure, he would consider the issue of reserve size but under no conditions would he contemplate the issue of Indian title.\textsuperscript{28}

At the start of each session, the Chairman expressed the position of the Commission:

\begin{quote}
We understand what you are talking about\[aboriginal title\], and we have heard a good deal of what is called the Aboriginal Rights. We have nothing to do with that matter however. \textsuperscript{29}
\end{quote}

Pursuing the matter through the courts was the alternate extended by the Commission:

\begin{quote}
That matter \[of aboriginal title\] is now in the hands of the Dominion Government to be settled in the courts – It will go before what is called the Exchequer Court of the Dominion Government, and the Government is going to the trouble to employ a good lawyer for the Indians and also one for the other side so that the Indians will not be put to any expense and will not have to pay out one cent for the Services of a lawyer. If the Exchequer Court decides in your favour, the Dominion Government, if they wish, could appeal to the Privy Council in England. If they decide against the Indians the Indians can appeal to the Privy Council in England so that the Indians will be sure to have justice ....\textsuperscript{30}
\end{quote}

\textsuperscript{27}Ibid.

\textsuperscript{28}Robert Cail, op. cit. pp. 231-234.

\textsuperscript{29}Transcripts of the Royal Commission: Meeting with the Lillooet Band, November, 4th, 1914.

\textsuperscript{30}Ibid.
Nevertheless the legal relationship was not between equal adversaries. Commissioner McKenna explained: “[t]he Dominion Government is the guardian of the Indians, and makes it its business to protect the Indians.”31 The Indians were wards of the state; a formula of dependency had been written into the Indian Act of 1876.

The Commission operated within the template of the Indian Act and the precise vocabulary it constructed to describe Indians across Canada. ‘Indian’ was defined explicitly:

The term "Indian" means
First. Any male person of Indian blood reputed to belong to a particular band;
Secondly. Any child of such person:
Thirdly. Any woman who is or was lawfully married to such person.32

Bands were described as “any tribe, band or body of Indians who own or are interested in a reserve or in Indian lands in common, of which the legal title is vested in the Crown,”33 while an ‘irregular band’ was composed of people “with Indian blood” who owned no such land in common. ‘Reserves’ were explicitly defined as:

any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, of which the legal title is in the Crown.34

31 Transcripts of the Royal Commission: Meeting with the Lytton Band, November, 15th, 1914. pp 4-6.
32 An Act to amend and consolidate the laws respecting Indians. [Assented to 12th April, 1876] Article, 3.3.
33 Ibid. Article 3.2.
34 An Act to amend and consolidate the laws respecting Indians. [Assented to 12th April, 1876] Article 3.6.
The term ‘person’ was designated as “an individual other than an Indian,”\textsuperscript{35} A language by which native people could be categorized, and administered had been created. Detailed classification provided the DIA with the means to regulate native people and a discourse with which to describe them. It established Indians as “at once an ‘other’ and yet entirely knowable and visible.”\textsuperscript{36}

The Act categorized and also administered. It created Indian agents to monitor and control social life. Indian agents sought to enforce prohibition and suppress “profligacy.”\textsuperscript{37} Agents encouraged farming and settled residency, adoption of European practices and the abandonment of old ways. The Indian Act intertwined issues of law and morality; it blurred the boundaries between the two. Likewise, the Commission’s official mandate included the reallocation of reserve land in order to “settle the Indian land question.” Unofficially the Commission sought to acculturate native people to European society.

Policies directed at assimilating first nations had preceded British Columbia into Confederation. In the 1830s, the Colonial office decided that assimilation would “solve the Indian problem.”\textsuperscript{38} Duncan Campbell Scott, who became the deputy superintendent general for Canada in 1913, expressed the twentieth century federal vision of assimilation:

\textsuperscript{35}Ibid. Article 3.12.

\textsuperscript{36}Homi K. Bhabha, op cit. p. 71.

\textsuperscript{37}E.B. Titley, op. cit. p. 12.

\textsuperscript{38}E.B. Titley, op. cit. p. 3.
Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department.\(^{39}\)

There was, however, a disjunction between the rhetoric of assimilation and the Indian Act. The former was negated by the creation of a separate legal category for Indians. Assimilation assumed equality while the Indian Act allowed agents and other government representatives exceptional power over native affairs.

The model of acculturation that informed DIA policy depended on incorporating native people into a European hegemony. Jean and John Commaroff have noted that the construction of hegemony:

> involve[s] the assertion of control over various modes of symbolic production: over such things as educational and ritual processes, patterns of socialization, political and legal procedures, canons of style and self-representation, public communication, health and bodily discipline, and so on.\(^ {40}\)

Questions asked by the Commission reflected a concern about conditions on reserves but were directed toward incorporating native people into Canadian society. At Lytton, the Commission asked Philip Jimmie questions about his father.

> Q. About how many acres [does he cultivate]?
> A. About 9 acres.
> Q. Has he a house there?
> A. Yes.
> Q. He lives there all the time?
> A. Yes.

\(^{39}\)D.C. Scott, quoted in Paul Tenant, op. cit. p. 92.

Q. Is he married?
A. Yes.

Q. Does his wife and family live with him?
A. Yes.

Q. Has he any horses and cattle?
A. Not very much.

Q. Has he any horses at all?
A. About 7 horses.

Q. How many cattle?
A. No cattle.

Q. Any sheep or hogs?
A. No.

Q. Any chickens?
A. About 5 or 6.

Q. Has he got this land fenced?41

Such detailed questions were asked at every hearing. From answers to such questions, the Commissioners could ascertain to what extent native witnesses were acculturating a range of European practices. Schools were a particular focus of questions.

Children are impressionable; schools were a means whereby European values could be internalized. Timothy Mitchell, writing about the colonisation of Egypt, suggests that “[t]o establish political authority over a population, there are two models, one of suppression and one of tutoring.”42 School attendance was emphasized by the Commission. Inquiries were made about St. George’s Anglican school near Lytton: “How are conditions there? Are the Indians satisfied with that school?” Head Chief Paul responded:

41 Ibid., pp. 26-27.

No; the Indians are not satisfied at that school. They see their children running away from school all the time, and they cannot find out the reason why... The children run away, and just run up on the hills ... I think some of the children might freeze to death when they run up on the mountains.

The Commissioners wanted to know, “Did you ever ask any of these boys why they ran away from the school?” Paul answered:

I have asked some of these boys, and they say they are frightened of the teachers. Of course, you know that a man when he has a boy, he corrects him, and uses a stick on him. The teacher is trying to correct them, and they are afraid of him.43

Such treatment was not uncommon at white children’s schools. A Commissioner explained:

[When white people’s children go the Government schools, the teachers there sometimes use the stick on them...]

Teachers were “technicians of behaviour ... [t]heir task was to produce bodies that were both docile and capable.”44 Schools were part of a larger cultural framework into which the Department of Indian Affairs sought to incorporate native people. The goal was explicit and schools were the institutional means.

Institutions are described by Caputo and Yount as grosser instruments for the finer, more elemental workings of power ...

Institutions are the means power uses and not the other way around, not sources or origins of power.45


45 John Caputo and Mark Yount, editors, *Foucault and the Critique of Institutions* (Pennsylvania State University, 1993)
The Commission at Nanaimo River.

Commissioner McKenna shaking hands.
Historically, attempts to assimilate native people in Canada had met with little success. The Gradual Civilization Act of 1857 was a disappointment to its authors. Its object had been to “christianize” and “civilize” but native people were intransigent; its opportunities were not pursued.\footnote{46} External discipline was an intermediate step. It was a means of bridging the road to assimilation.

Institutional discipline was directed toward the acculturation of native people. Questions about schools predominated but the Commission also raised questions about medical care and churches. In Fountain, Tommie Adolph was asked by the Commission: “[w]here is your nearest doctor?” and “When you get sick do you go to Lillooet and buy medicine?”\footnote{47} Adolph told the Commissioners that several of the doctors charged too much and “unless the fellows has [sic] money, it costs too much.”\footnote{48} To encourage the Fountain band to seek modern medical care, the Commission told Adolph that:

> When you have not got a regular doctor, and you have sickness, if you will apply to Mr. Graham [the Indian Agent] he will send a doctor to you.\footnote{49}

The Commission followed questions about doctors with inquiries about churches. Tommie Adolph told them that the only church the band had was “[j]ust this one where we are in now.” The Commissioner wanted to know if


\footnote{47}Transcripts of the Royal Commission: Meeting with the Fountain Band, November, 9th, 1914. p 13.

\footnote{48}Transcripts of the Royal Commission: Meeting with the Fountain Band, November, 9th, 1914. p 12.

\footnote{49}Transcripts of the Royal Commission: Meeting with the Fountain Band, November, 9th, 1914. p 13.
it was a Roman Catholic Church and how often the priest came to visit the band. When Adolph told them that the priest only came three or four times a year, he asked if services were held in the priest’s absence, how often and if people from outlying reserves attended. Discrete inquiries were a barometer of the degree to which native people incorporated institutional discipline.

Commissioners wanted more than information; they wanted witnesses to be willing to disclose it. Not all witnesses were cooperative. Asked “[h]ow many people live on this Reserve?,” Patrick of Boston Bar answered “Mr. Graham [the Indian Agent] knows.” Patrick was reluctant to answer. Inquires about schools followed but Patrick’s reluctance continued. Chief Paul explained on his behalf:

> It is the land question that we want to talk about, and after we have finished with the land question, we will come to the school question.

But land was entangled with discipline, as Commissioner MacDowell explained.

> All these questions are mixed up with the land question. We want to know if you are making good use of your land, and if you want us to help you, you will have to help us.50

Indians who did not cooperate with the Commission were less likely to be helped. The Boston Bar band, to which Patrick belonged, was issued a warning at the end of their testimony:

> ... while the Commission is very anxious to help the Indians, the Indians have to help themselves and obey the instructions of the Indian Agent.51

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A *distinction* was made between ‘good Indians’ and ‘bad Indians’. The former obeyed the Indian Agent and were more likely to be ‘helped’ by the Commission.

By 1914, native people in British Columbia, confined by the geography of the reserve, were in a position of dependency. The Indian Act had created a classificatory and administration apparatus for their management. Though the explicit mandate of the Royal Commission was to determine Indian land allocation, it did so within the disciplinary discourse of the Indian Act. Despite the breadth of power exercised by the Commission, its mandate included an important restriction. Section 2 of the inter-governmental agreement stated:

> no amendment to any reserve allocation could be made without explicit consent of the Tribe.\(^{52}\)

The provision paralleled stipulations of the Indian Act of 1876 which required consent of the Indians before reserves were altered.\(^{53}\) It is evidence of the relations of power between native people and the state that this condition was abrogated.

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\(^{53}\) E.B. Titley, op. cit. p. 12.
chapter two

Nlha7pamux and Stl'atl'imx' peoples, 1858-1914

We were marked by the seasonal body of earth, by the terrible migrations of people, by the swift turn of a century, verging on change never before experienced on this greening planet.54

When the Royal Commission on Indian Affairs began hearings in the Lytton Indian agency in November of 1914,55 fifty-six years had elapsed since sustained European contact began. Though the Nlha7pamux and Stl'atl'imx peoples were in the same administrative jurisdiction in 1914, they had separate histories which included a “long series of wars... in which the latter had been great sufferers.”56 Peace between them was still a recent memory when the first gold miners came up the Fraser canyon. The middle Fraser had been only marginally affected by the fur trade. The gold rush initiated rapid change among both the Nlha7pamux and Stl'atl'imx. Transition from pre-modern to modern society was compressed into a generation.

It was a rocky passage. Patrick, an Nlha7pamux man, told the Commission that “when the first whites came here, we were at war [with them]. When


55 Indian Agencies in British Columbia were reorganized in 1910. The Agency included parts of both the Stl'atl'imx and Nlha7pamux tribes which were formerly in the Williams Lake and Kamloops Agencies respectively.

they were killing us off. Native people had resisted the attempts of the gold miners to occupy their land along the Fraser river. Miners' sense of entitlement combined with fire-arms afforded them some advantage. Paramilitary companies were organized to combat native resistance. Force coupled with bogus treaties forged a route upriver. The gold rush migrated north and white settlement followed in its wake.

European diseases had preceded the gold miners upriver. Contracted from Europeans and spread by native people who visited the Fraser canyon, smallpox and measles had already had considerable effect along the Fraser canyon before the gold rush. James Teit, an ethnographer who lived among the Nlha7pamux, described the effects of one epidemic:

... it must have carried off from one-fourth to one-third of the tribe. In many cases the Indians became panic stricken, and fled to the mountains for safety. Numbers of them dropped dead along the trail; and their bodies were buried, or their bones gathered up, a considerable time afterwards... It was early in spring when the epidemic was raging, and most of the Indians were living in their winter houses, under such conditions that all the inhabitants were constantly exposed to the contagion... 58

Other diseases to which native people had little immunity had followed. Measles and 'consumption' were the most deadly, responsible for up to half the mortality. Measles was most lethal among children while tuberculosis killed the elderly. Venereal disease and alcoholism claimed smaller numbers. The overall effect was a rise in mortality which continued through the


nineteenth century. Decreases in population corroborated the belief, held by many natives and whites, in the inevitability of native demise.

Among white settlers, there was a conviction that native populations were destined to disappear. It reinforced a vision of British Columbia as an empty land waiting for settlement. Paul Tenant expressed the stance of Europeans in British Columbia at the end of the nineteenth century.

[T]hey believed the white myth that Indians had been primitive peoples without land ownership, and they accepted the white doctrine that extension of British sovereignty had transformed an empty land into unencumbered crown land. In the provincial view, the surviving Indians were mere remnants of an irrelevant past with neither the right nor the means to influence their own unhappy future.59

The premise of native extinction was internalized by native people. It’s effects were expressed by SEmali’tsa, an Nlha7pamux woman:

The Indians need not trouble about their lands or anything else, for since the whites came we have been dying off steadily, and before long there will be no Indians left, and the whites will have everything to themselves.60

Disease and a belief in extinction were manifestations of accelerated social change.

Women, caught in the tension between conflicting demands of colonialism, were particularly affected by the changing order of things. An excerpt from the field notes of Gilbert Malcolm Sproat illustrates the effect of missionary and state intervention on native women:


One old chief, with whom the missionaries had been able to do nothing for 20 years told me that he was going to be a ‘Jesus Christ man’ now that his land questions were settled, and as proof he forthwith put away the ugliest of his three wives and she followed me for 100 miles to make repeated enquiries as to the share of the chiefs land to which she was entitled.61

The chief had collapsed two colonial systems of power. He became (partly) monogamous as a concession to the missionary and as a gesture of gratitude toward the Reserve Commission. His third wife whom he ‘put away’ had fewer choices. She followed Sproat for 100 miles to discover what alternate place would be created for her by the state. Sproat could not answer because no such place existed. Prior to contact, her place was subordinate but it was known.

Evidence suggests that the lives of native women were difficult. The minutes of a meeting held by the Nlha7pamux council in Lytton in July of 1879 record a resolution that “[t]he 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.”62 The resolution suggested the influence of whites, especially missionaries who had lived among the Nlha7pamux. It also provides an insight into the burden of women’s work. Sproat’s observations indicated his sympathy for native women. He volunteered that “[t]he women do so much work that, could it be found who was the wife, I think she should join in any transference of cultivated land from Indian to

61 G.M. Sproat writing from camp near Hope in November of 1878. Sproat was traveling south which means that the ‘ugliest’ wife of the chief had followed him from the Nlha7’pamux region of the middle Fraser. Previous citation: Cole Harris, “The Fraser Canyon Encountered” in BC Studies, No. 94, Summer 1992, pp 22.

Indian.”

Transcripts of the McKenna-McBride hearings, forty years later, contained references to women clearing fields and tilling the land. That native women worked very hard appears to be the case and there was certainly a gendered division of labour.

Women also had very different responses to European contact than native men. Toward the end of the nineteenth century, decreased birth rates among the Nlha7pamux attracted the attention of the DIA. Female sterility was the presumed cause. James Teit disputed that conclusion. Demographic records, which he collected, indicated that Nlha7pamux women maintained high birth rates. There were simply fewer women in native communities. Gilbert Malcolm Sproat wrote from Boston Bar in 1878 that he “noticed the absence of a fair proportion of young women.”

Migration into white society was one way native women could exercise agency. Both Nlha7pamux and Stl’atl’imx women left to marry or live with white men. In March of 1875, Chiefs from the southern interior of British Columbia presented two petitions to J.W. Vowell, the Indian Agent for the Kamloops jurisdiction. The first petition was a complaint about the

63 Ibid.

64 The Chief of Seton Lake Band in evidence to the Commission stated that “my father and mother used to cut hay there.” Another witness mentioned that his mother cleared a certain field.


66 Gilbert Malcolm Sproat’s field notes from Boston Bar, 1878.

67 The Kamloops Agency, prior to 1910 included places subsequently incorporated into the Lytton Agency. The Chiefs represented in the petition were from Adam’s Lake, North Fork,
allocation of reserves and their small size. The second was a grievance “long standing and difficult to bear” concerning the flight of women from native communities to the homes of white men.

The chiefs requested that the DIA appoint a local Indian agent to secure the return of native women should they flee to white settlements. The petition offered a justification:

We have the right to seize our cattle wherever we find it, and if in possession of others, we can get a warrant and have the unjust detainer punished, and our cattle returned to us.68

Indian Commissioner Powell was not hostile to the principle of the request for a special agent, but felt that the land question was of higher priority than restricting native women.69

Nlha7pamux and Stl’atl’imx women continued to leave their native communities to live with white men during the 1870s and 1880s. In 1884, Meason, the Indian Agent for Lillooet, wrote to Powell that “the practice of white men taking Indian women to live with them as temporary wives is still prevalent in this part of my agency .... The Indians have complained to me about this matter, and much desire that it should be stopped.”70 Female

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68 Chief's petition to Lieutenant Colonel I.W. Powell, Indian Commissioner of BC. UBC Gov. Docs (RG10 3617, 4590).

69 I.W. Powell in a letter to the Department of Indian Affairs, Ottawa, March 26, 1875, UBC Gov. Docs (RG10 3617, 4590). Powell wrote that “The subject of the appointment of local agents to look after and protect their [women] ... is also under consideration of the govt [sic] but it is not likely that any local agent will be appointed until the difficulties connected with the land question are disposed of.”

70 Meason in a letter to I.W. Powell, March 25, 1884. UBC Gov. Docs (RG10 3658, 9404).
migration put a strain on the social fabric of native communities and native men directed entreaties to restrict women's movement to the DIA. Application to the government for assistance in controlling native women reflected the increased role of the state in the lives of native people.

The Department of Indian Affairs (DIA) had organized reserves into agencies under the supervision of Indian agents. The agent acted as a liaison between the DIA and native bands and implemented DIA directives. By the late nineteenth century, the relationship between the state and Indians was negotiated through the Indian agent within the framework of the Indian Act. Under the Indian Act, a uniform template was imposed for the internal administration of bands across Canada. Traditional chiefs were replaced. Elected chiefs and a council became the basis for native government. This was a modified democracy; voting for the council was required to be "held in the presence of the Superintendent-General or his agent," and time and place of elections were determined by the superintendent general. If an elected chief was deemed unsuitable, he could be deposed.

Habermas has emphasized the role of 'citizenship' in the shift from a lifeworld to a society in which membership is "based on a legal act". He wrote that "citizenship in a state presupposes voluntary—at least in principle—recognition of the political order... in this way the many cede to the few the

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71 An Act to amend and consolidate the laws respecting Indians. [Assented to 12th April, 1876] Articles 3.6. Article 61.
72 Ibid. Article 62.
The competence to act on behalf of all.” The model of government imposed by the Indian Act contravened this principle of citizenship. Elected chiefs and council members were subject to ratification by the DIA. Indians could not choose their Indian agent; nor were they enfranchised under the Indian Act. ‘The competence to act on [their] behalf’ was assumed by the Department of Indian Affairs.

Enfranchisement was permitted. It could be achieved by disclaiming any stake in the commonly held land of the reserve, then claiming an allotment of the reserve as private property. The applicant required approval from the local Indian agent. In cases where the agent considered the individual ready to vote, authority was required from the superintendent general. A three-year probationary term ensued. After three years, the Indian agent could determine whether the applicant was sufficiently ‘civilized.’ The program had an extremely low rate of participation.

The Royal Commission encountered one man who had relinquished his ‘Indian’ status, William Elliot of Anderson Lake, who boldly stated: “I am not an Indian.” He had renounced Indian status, pre-empted 20 acres, planted 22 fruit trees and registered himself on the voters list. McKenna told him, “I must say that you are a splendid example for the Indians.” After the Chief’s opening address, the Commission interviewed only Elliot. Despite his non-Indian status, Elliott explained that he could not find work on the roads.

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74 Habermas, op. cit. p. 170.


76 Ibid. Elliot had not yet succeeded in obtaining a water record.
They won’t let Indians work now — only white settlers.” 77 Although, Elliot had ceased to be an ‘Indian’ legally, and despite his freedom to vote, Elliot was still an Indian to the foreman of the road crew.

Terms by which an ‘Indian’ could become enfranchised were not gendered. Article 86 of the Indian Act read:

Whenever any Indian man, or unmarried women, of the full age of twenty-one years, obtains the consent of the band of which he or she is a member to become enfranchised, and whenever such Indian has been assigned by the band a suitable allotment of land for that purpose...78

Gender was, however, a basis for discrimination. The category ‘Indian’ included “[a]ny woman who is or was lawfully married to [an Indian].”79 A woman could only be an Indian if she was married to—or the child of—a male Indian. Loss of legal ‘Indian’ status followed from “any woman marrying any man other than an Indian or a non-treaty Indian” who then “cease[ed] to be an Indian.”80 A women’s identity was tied to that of her husband or father.81

The discourse of the Indian Act was gradually internalized by native people. Categories brought into existence by the Indian Act, were adopted and assimilated into first nations cultures, usurping previous language and social distinctions. Robert Young describes this process:

77Ibid.

78Indian Act, 1876. Article 86.

79Ibid. Article 3.3.

80Ibid. Article 3.3.C.

81There was an element of parsimony in this definition as it reduced the onus of the federal government to provide for many native women under the terms of the Indian Act. Exclusion by contemporary bands of Indian women, newly reinstated under Bill C-31, reflects a learned frugality.
the colonial subject is constructed through imposed cultural and political forms which are internalized as a condition of psychic reality, and then reproduced as the basis for normative social experience.82

A binary classification system replaced a racial continuum. The categories lent a false sense of coherence to a complex set of racial delineations. Legal criteria merged with racial background to create the new categories. The Commission, hearing evidence in Boston Bar, asked about one woman: “Is she an Indian?” The witness responded, “No; she is a half-breed.”83 Prior to DIA classification ‘half-breeds’ had been members of first nations with ties to local kinship groups. Time and repetition reinforced the division.

Within two generations, ‘half-breeds’ moved into the realm of ‘other.’ Unlike status Indians, they were not entitled to federal funds, nor could they share in common reserve land. The McKenna-McBride Commission heard testimony from legal ‘Indians’ about ‘half-breeds’ who had become a category culturally separate from whites and legally separate from Indians. Status Indians were under the jurisdiction of the Department of Indian Affairs which was responsible, in principle, for their welfare.

By 1914, status Indians were ensconced in the institutional weave of the Canadian state that assumed the geography of the reserve. Scattered early reserves had been allocated by Trutch and O’Reilly. Systematic assignation of reserves had commenced with the joint federal-provincial Indian Reserve Commission, appointed in 1876. Gilbert Malcolm Sproat travelled through


83 Transcripts of the Royal Commission: Meeting with the Boston Bar Band on Tuesday, November, 17th, 1914.
Witness with the flag. The caption in the Commission's official album read "King of an Ancient Race."

Joe Comiaken swearing in at Cowichan.
In the Commission's official album, this photo was titled "Big Joe."
Nlha7pamux and Stl'atl'ímx territory in 1878 and made recommendations for the alienation of Indian land. None of the reserves allocated by Sproat were ever approved by the provincial government. Peter O'Reilly followed Sproat and allocated reserves throughout the 1880s and 90s. Many of the reserves he confirmed were based on those originally allocated by Sproat. Then, in 1914, the Royal Commission arrived to settle the land problem. The problem was that native people thought that Sproat's and O'Reilly's authority, as representatives of the Queen, meant that their assigned reserves were secure. Sub-Chief Fred Leelah recounted:

In the later years, one of the officials, I think he was a Government Agent, came along and said that they would mark off lands and give the Indians Reserves. He then marked off an Indian Reserve, and told the Indians that they were to put in crops, and that they would have men to show them how to grow things, and this was done on Queen Victoria's Birthday, when the Reserve was given to the Indians.

Leelah was referring to Sproat. Another reference to Sproat's reserve allocation elicited from one of the Commissioners a remark that "[t]hat was a good many years ago?"

It was within living memory of witnesses to the 1914 Commission. Chief George of Boston Bar told the Commission:

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85 Transcripts of the Royal Commission: Meeting with the Lytton Band on Friday, November, 13th, 1914.

86 Ibid, p. 16. "A Commissioner asked the witness about the identity of the Government official who the band was claiming "came here and promised them some land." The witness responded that the official was "A Mr. Sproat."
I have already had two officials call on me. The first was Mr. O'Reilly, he was the first one to come here and give us our Reserve lands; and then the other man that came along, he said that he was an official. His name was Mr. Sproat. He also gave me some land, and now you five have arrived; so now I will have full control over my lands since you have come here. That makes 3 sets of men, and at each meeting I have always asked that our land be given to us so that we can have full control of what we own. I want to be given deeds, so that I will know that I am safe with our lands; and because you see I have had three sets of men here—Mr. O'Reilly, Mr. Sproat and yourselves—I don't want any more trouble.87

The insecure status of official reserve allocation engendered increasing native demand for formal land title. Nevertheless, reserves continued to be held in trust by the federal government for native people. The Commission was concerned with re-allocating reserve land rather than negotiating title to it. The geography of reserves encouraged fixed residence, as did the occupation of outlying land by white settlers. It was a geography more suited to farming than fishing and hunting. The past four decades had seen increased emphasis on farming. Sedentary agriculture was promoted first by missionaries and later the Department of Indian Affairs.

The success of an Indian agent’s jurisdiction was measured by progress in farming. Agents promoted agriculture as a means for native people to re-attain economic self-sufficiency.88 Answers to questions asked by the Commission reveal that Nlha7pamux and Stl'atl'imx people were trying to farm. Their efforts were hindered by insufficient irrigation, lack of access to markets, the construction of railways and encroaching white settlement.

87Transcripts of the Royal Commission : Meeting with the Boston Bar Band on Tuesday, November, 17th, 1914.
88E.B. Titley, op. cit. p. 18.
Like arable land, water was scarce in the southern interior of British Columbia. The climate is exceedingly dry. Farming the terraces along the Fraser river requires irrigation and water rights were issued in a system of a priori rights. O'Reilly and Sproat both assigned some water rights with reserve land but the rights were prioritized; often native people received second, third or fourth water rights. First rights to a stream or creek were seldom awarded to reserves. Further water access could be purchased. The DIA supervised the acquisition of water rights for reserves but they were frequently insufficient for farming.

In Lytton, Fred Leelah described the dilemma:

We were given Reserves ... but there was very little of that land that was fit for cultivation. The rest was rocky, and sidehills. Then, we have other Reserves where the land is very good, but then we havent [sic] any water with which to irrigate them. The Indians are not lazy. We are willing to work, and we would work these lands, provided we have water on them. You four gentlemen know that we have to have water here to make things grow, otherwise we would die of thirst.

The problem was not only the availability of water but also a means of distributing it. Leelah explained that he had “a lot of water in the early spring, but the ground is so coarse that the water just drains through it.”

The DIA had encouraged farming and it was the designated avenue for logistical assistance. Applications for help with irrigation ditches were

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89 First water rights allowed an individual to use as much water as he or she required after which those with seconded water rights gained access to the source. Those with third or fourth water rights were entitled to access to the remaining water supply.

90 Transcripts of the Royal Commission: Sub-Chief Fred Leelah at Lytton on November 13, 1914. p. 3.
frequent; they were essential to farm the arid slopes bordering the Fraser river. Tom Curneau explained that he needed:

assistance over there by getting a ditch for this new piece that was given to us 3 years ago, 27B. Where we have water we can cultivate the land, but as it is now we cannot do anything much for ourselves.91

There was competition from white farmers for scarce water with which to irrigate the land. Chief Bob of Pavilion told the Commission that: "Harry Lukin, who owns that ranch on the lower bench, he told us to stop taking that water and only to use the one ditch."92 Irrigation ditches increased the value of land. Lillooet Chief Retasket explained: "An Indian tried to fix a ditch there and now he finds out that a white man claims the land."93

White settlers could pre-empt land that native people had worked. At Lillooet, Chief Retasket testified:

Our friends the whites they have been taking our lands away from us, and there is nothing left to us, and everything that we use-they stop us from using it. ... There is a good piece of good land adjoining No. 3 that the Indians have fenced and worked it for a long time; and there is a whiteman has gone and staked that there. ... [Reserves] No. 2 and also No. 3 and also No. 4, also No. 1—they are all surrounded by whites. 94

Notwithstanding competition for water, land and irrigation ditches, native people were still willing to farm. Leelah told the Commissioners that on the Lytton reserve

93Transcripts of the Royal Commission: Chief Retasket at Lillooet on November 14, 1914.
We have 10 young men who have taken up land on one of the Reserves, but they have to bring the water from a great distance, and through very bad ground. These boys are quite willing to work, [but]... they find it very hard to get ahead...\textsuperscript{95}

Some native people did succeed in farming and then faced the problem of connecting produce with markets. Reserves were generally remote from roads. From Lytton north to Lillooet, reserves on the west bank of the Fraser river were further isolated by the river. The Commission enquired about markets during its session in Lytton:

Q. What do you do with the potatoes you grow on this land?
A. We cant take them anywhere to sell, so we use them all ourselves.
Q. You dont sell any because you cant get across the river?
A. That is about right; we havent [sic] got a road, and we cant [sic] go.\textsuperscript{96}

The band had not given up:

We have strung a cable across the river about one mile below our Reserve, and we had to use a ripear to cut our lumber out and build a little scow for ourselves to bring the produce across the river ... I would like to have a road built and a bridge.

In 1914, two railway bridges crossed the Fraser river at Lytton, but trains did not transport native agricultural produce. They did, however, hinder production. Witnesses frequently made reference to problems they were having with railway construction and maintenance. Billy Sigh described the effect of the railway:

\textsuperscript{95}Transcripts of the Royal Commission: Fred Leelah at Lytton on November 13, 1914. p. 4.
\textsuperscript{96}Transcripts of the Royal Commission: Henry Mack at Lytton on November 13, 1914. p. 28.
There is a flat of about a quarter of an acre, which was fit for cultivation, where we used to plant some potatoes. The rest is all sidehill, but this quarter of an acre, the railway has gone through it, and there is not much left.  

Farther north in Stl'atl'imx territory, a concerted effort to cultivate orchards was thwarted by the construction of the PGE.  

The effects of these obstacles to farming were compounded by a decline in fish stocks. Slides associated with railway construction and a booming cannery business had depleted salmon runs. In a late attempt at conservation, federal Fisheries officials curtailed the native fishery. Access to game was also regulated. White settlers had occupied former hunting grounds. Native hunting was regulated by license requirements. By 1914, the combined effect of fishing and hunting restrictions amounted, initially, to native starvation. For some native people, at least, the Commission appeared to offer the hope that some of these issues would be resolved in their favour.  

Chief Benedict of the Boothroyd Band greeted the Commissioners:  

I shall now begin to tell my troubles — you have come a long way; someone has sent you to come here to us, that is why you came. You have arrived here, so that we will have things settled. We will not tell you too many troubles, but just a few things that are necessary. 

The Commission did have the power to improve conditions on reserves. It could commandeer resources to assist bands and also impose conditions on its aid. In response to testimony by members of the Lytton band, that they were experiencing difficulties irrigating, the Commission stated that “Mr.  

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97 Transcripts of the Royal Commission: Billy Sigh at Boston Bar on November 17, 1914. p. 15.  
98 Transcripts of the Royal Commission: Meeting with the Boothroyd Band at Kanaka Bar, November, 14th, 1914.
Graham [the Indian agent] has made arrangements with the Government to record some water for you, and he is trying to make arrangements with the Government to help you make a ditch to bring water to this Reserve, and when that is done you will be expected to do your share of the work.”

Wariness greeted this offer. Charlie Spintlum responded, “I want to know where this money is coming from to get this water, and do we have to refund any of the money that is spent for bringing this water to our Reserve?”

Dependency was sanctioned by the Department of Indian Affairs and resented by the recipients. Trinh T. Minh-ha writes: “[t]he needy cannot always afford to refuse, so they persist in accepting ungratefully.” Charlie Luss articulated the complexity of relations of dependency:

I am going to let you know what made me sorry all the time. You didn’t come here I suppose to fix us or to help us; that is why I am begging you to help us out.

That is all I am going to say.

Doubt about the resolve of government to help was defused by desperation. Despondency followed the degradation of the Nlha7pamux and Stl’atl’imx food supply. Though ethnographic accounts indicate that sporadic famines affected the southern interior of BC prior to sustained European contact,


101Transcripts of the Royal Commission: Meeting with the Cayoose Creek Band, November, 7th, 1914. p1.
reference to periods of scarcity were not included in native testimony. Many witnesses remembered that in the past fish and game had not been regulated. John Whitkin of Lytton told the Commission:

And as we are also poor, I would like to have everything set free – that is, the deer, and the fish, and things like that; not to have any close seasons, and that this continuous open season for deer and fish be only for Indians, and that the white men would have to have a license... 103

Nlha7pamux and Stl'atl'imx witnesses resented the increased administration of their lives and at Kanaka Bar, Johnnie Hanna informed the Commission that:

What we want is to have things free – deer, fish and grouse, running wild, and that we have a right to have that for our food.

Decreased food stores had led to suspicion about official competence and despite a warning from the Commission that “the Indians must obey the law,” Hanna gave notice that “[i]n the future, if I shoot anything for my own food, I will not be frightened.” 104

White settlers were occupying lands surrounding reserves; despite official assurances, they fed a rising skepticism about the safety of reserve allocation.

102 Steven Romanoff, “Fraser River Lilooet Salmon Fishing” in Brian Hayden, (ed.) A Complex Culture of the British Columbia Plateau: Traditional Stl’atl’imx Resource Use (Vancouver: UBC Press, 1992) pp. 222-265. James Teit’s records indicate that such a famine occurred in 1857, just prior to the gold rush. He wrote that “[n]otwithstanding the fact that a year or two before the arrival of the white miners the tribe had been depopulated by a famine, which infested nearly the whole interior of British Columbia, the actual decrease of the Indians has taken place only since the advent of the whites, in 1858 and 1859.” (James, Teit The Jesup North Pacific Expedition/Vol i, part iv: The Thompson Indians of British Columbia (New York: AMS Press, 1976, first pub. 1900) p. 176.)

103 Transcripts of the Royal Commission: John Whitkin at Lytton on November 15, 1914. p 7.

Charlie Luss told the Commissioners, "I am afraid of that whiteman up on the hill."\textsuperscript{105} Legal title to reserve land became increasingly important as settlement accelerated and other resources were depleted. Patrick continued:

The other things that I am not satisfied with is our Reserve, where we have to make our living by farming... I want to get a clear title deed to this land. They told us they would fix that for us, in times gone by.

Demands for title and objections to restrictions are woven through the transcripts.

At Lytton, sub-chief John Whitkin greeted the Commissioners, saying "[y]ou are guarding us and I hope you will continue to protect us."\textsuperscript{106} Whitkin's subsequent testimony objected to the size of his reserve, hunting and fishing regulations, lack of access to grazing lands. He asked for title to his land and the reincorporation of the Nlha7pamux people within one Indian agency.

Whitkin added that "I would like to have everything set free..." His initial politeness belied his dissatisfaction. An undercurrent of resistance to the status quo permeated native testimony:

Discreet objections to conditions on the reserves were ensconced in a long tradition of native politeness. Sub-chief Peter Hohohausch, of Reserve No. 23, addressed the Commission:

I have not very much to say, as I am well satisfied with the present conditions.
I am very pleased to meet you gentlemen, and know that you have come here to settle all our troubles. You see that our country here is very rocky and mountainous, and though we are all very poor we still keep on living here on our Reserves, because God has put us here in this part of the because [sic] — because

\textsuperscript{105}Transcripts of the Royal Commission: Meeting with the Cayoose Creek Band, November, 7th, 1914. p 2.

\textsuperscript{106}Transcripts of the Royal Commission: John Whitkin at Lytton on November 13, 1914. p. 6.
God ordained that we should live here, and we still continue to do so, even though we are poor. On the small Reserve that I am on, my children have got only about 3 acres of land that is fit for cultivation, and yet my children and myself work this little piece of land, and we don't grumble...I am pleased to think that you people are here to look after our interests,\textsuperscript{107}

Peter Hohohausch was not "well satisfied with the present conditions" nor is it clear that he believes God to have ordained his displacement on 3 acres of land. His politeness was inconsistent with the conditions described. It contained an element of what Homi Bhabha describes as 'sly civility;' a dissatisfying response to colonial questions but one which cannot not be explicitly faulted.\textsuperscript{108}

Native responses were not overtly subversive but they could be facetious. At Boston Bar, resentment of the Commission's authority was implicit.

Patrick: Very well I shall now begin to talk. I would like to know who sent you here to enquire into our lands?

MR. COMMISSIONER MACDOWELL: We were sent here by H.R.H. the Governor General of Canada, and his Ministers. (Exhibits Commission signed by the Governor General of Canada).

PATRICK: I understand now, and am glad to have seen that. It is as though Christ himself has come, when the Duke of Connaught sent you here to investigate our conditions. ... I shall now endeavour to speak to you, just as if I were speaking to God Almighty. So that now, my conditions will be improved, and I will never have any cause to be sorry in the future.\textsuperscript{109}

Patrick was one the most recalcitrant witnesses in the Lytton Indian Agency. At no time did he address the Commission "as if [he] were speaking to God

\textsuperscript{107}Transcripts: Meeting with the Lytton Band, November, 15th, 1914. p 8.


\textsuperscript{109}Transcripts: Meeting with the Boston Bar Band, November, 17th, 1914. p. 2.
Almighty. Sly civility expressed a growing cynicism but it brought repercussions. The Commission exercised the power to influence land allocation, based on a perceived level of native cooperation.

Recognition of that power was evident in resignation. It was expressed in 'melancholy.' Homi Bhabha describes melancholy as a means by which repercussions of colonization can be exhibited. It is an accusatory affront to authority. Fanon described melancholy as a tactic of resistance:

these splittings of wounds of my body are also a form of revolt. And they speak a terrible truth. In their ellipses and silences they dismantle your authority.\textsuperscript{110}

Chief David of Bridge River, in his address to the Commission, pointed to his poverty:

\begin{quote}
I don't know whether you people have heard that we are all right up here; however I am very pleased to see you people come up here to see us. The Indians are very poor up here — we cannot make what we would like to get — ... Everything that we want to get, we cannot do it. We have got no money to use. If we are going to build a ditch, we haven't [sic] got enough money to finish it. If you go and see where we are living, I don't [sic] think you would go in because it is awful. We haven't [sic] got no beds — some have blankets in the corner on which they lie down.\textsuperscript{111}
\end{quote}

His description implicated the administrative system which had assumed responsibility for native people. Gloomy representations of their problems by witnesses spoke ostensibly to their own failure. Alternatively, they can be read as resistance to an imposed social order.

\textsuperscript{110}Fanon quoted in Bhabha, op. cit. p. 66.

\textsuperscript{111}Transcripts: Meeting with the Bridge River Band, November, 7th, 1914. p 1.
Resistance was subdued by the breadth and speed of cultural change. Rising bitterness chastened by fear was the effect of a half-century of white contact. Fear of encroaching settlers, railways and depleted fish stocks are woven through the testimony. Relations of dependency had been inscribed by the perimeters of the reserves. The geography of reserves combined with DIA restrictions allowed the Nlha7pamux and Stl'atl'imx people little latitude to affect their own economic well-being. Cultural change encompassed the social realm. Gender relations were altered by domestic alternatives for women and native men were forced to adjust to increased female agency. These changes followed hard on the population losses suffered in the wake of epidemics of European diseases.

1914 was a nadir of Nlha7pamux and Stl'atl'imx life. The Royal Commission's report extinguished any remaining vestige of belief in the benevolence of the federal government. Not a single native band in the province accepted its recommendations. The Commission's final report sparked native protest not only against its content but also against a system of dependency and difference veiled in the rhetoric of assimilation.
chapter three

Constructing and deconstructing the railway through reserves

"But the railroad ran on a fixed schedule along a prescribed route, and so, for all its demonic potentialities, became a nineteenth century paradigm of order.\textsuperscript{112}

constructing the railway

Building a transcontinental railway was a condition of the agreement which brought British Columbia into Confederation. Ottawa promised to build the Canadian Pacific Railway (CPR) across the province from the Rocky Mountains to the Strait of Georgia. Eventually, in a period of enthusiasm about railways, three lines were constructed through Nlha7pamux and Stl'atl'imx territory in the southern interior of British Columbia.

The first, the CPR, was completed in 1885. It followed the North Thompson river west and entered the Fraser canyon at Lytton. From Lytton, it crossed the river and followed a narrow strip of land terraces that cling to the west wall of the river canyon (see map of railways). Two subsequent railways were built: the Canadian Northern Pacific Railway (CNPR) and the Pacific Great Eastern (PGE).\textsuperscript{113} The CNR followed essentially the same route as the CPR but along the eastern side of the canyon where it was constructed in 1913, a year before

\textsuperscript{112}Marshall Berman, \textit{All that is solid melts into air: The experience of modernity} (New York: Penguin Books, 1982) p. 159.

\textsuperscript{113}The CNPR later became the Canadian National Railway. At the time it was generally referred to as the Canadian Northern Railway (CNR).
Legend

railways ————

rivers ———

towns •

'Indian' reserves (location and distribution are approximate)

Railways in Nlha7pamux and Stl'atl'imx Territory, 1914
the building of the PGE began. The PGE originated at Howe Sound in the Strait of Georgia. It passed through Anderson Lake, Seton Lake, Lillooet, Fountain and Pavilion, Fountain and Lillooet on its way north to nowhere. All three railways figured in evidence presented to the Commission. Native concern about the route of the CPR had preceded its construction. In a letter from Nicola River in August of 1878 Gilbert Malcolm Sproat, Indian Reserve Commissioner, described the contents of a 'Public Notice' posted on a reserve. The notice described the path that the CPR would follow through proposed and existing reserves. Sproat, who’s job was to allocate reserves to first nations people, was acutely aware of native anxiety about the railway. He appealed to J.B. Humphreys, the provincial secretary: “I am desirous of knowing how [the railway running through] this reservation will affect my work among the Indians.”

In fact, construction of a legal infrastructure prepared the ground for construction three railways through the southern interior of British Columbia. Provisions which would enable rail construction through reserves were embedded in a matrix of federal legislation, all of which informed the Royal Commission. Preparation of the legal terrain for the age of railways began with the Indian Act of 1876. Article 20 made provision for railway or road access through reserves:

If any railway, road or public work passes through or causes injury to any reserve belonging to or in possession of any band of Indians, or if any act occasioning damage to any reserve be done under the authority of any Act of

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114 Letter from G.M. Sproat to the Indian Reserve Commission fm Camp on the Nicola River, 15 Aug., 1878.

115 An Act to amend and consolidate the laws respecting Indians. [Assented to 12th April, 1876] Article 20.
Parliament, or of the legislature of any province, compensation shall be made to them therefore in the same manner as is provided with respect to the lands or rights of other persons.\(^{116}\)

The Act employed a language of equality and the Commission tried to use its rhetoric in the canyon. Commissioner McKenna told the assembled audience at Lytton that white people as well as ‘Indians’ were subject to appropriation:

Land for railway or a public work can be taken from a white man without his consent. The Crown must consent to the taking of Indian land for public purposes; and so, in that respect, the Indian has more protection than the white man; but no railway or public work can enter upon an Indian Reserve without the consent of the Crown, and the Agent will always notify the Indians when such consent is given. \(^{117}\)

A strategic geography informed the rhetoric of legal parity between whites and ‘Indians.’ Any equality was evanescent. The Commission was in a position to grant right-of-ways to railway companies without consultation with native inhabitants and did so. Railways ran through many reserves.

Legal ground was further provided for construction of railways along the Fraser river through provisions for appropriating reserve land for railways. “An Act respecting the Canadian Pacific Railway” passed in the House of Commons in 1881. Article 12 stated that “[t]he Government shall extinguish the Indian title affecting the lands herein appropriated, and to be hereafter

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\(^{116}\)An Act to amend and consolidate the laws respecting Indians. [Assented to 12th April, 1876] Articles 3.6. Article 20.

\(^{117}\)Transcripts of the Royal Commission: Commissioner McKenna at Lytton on November 17, 1914. p.4.
It consolidated the legal basis for the CPR’s passage through reserve land.

When the Pacific Great Eastern railways (PGE) was being constructed in 1914, the legality of appropriation was explicit in both the Indian and Railway Acts. The Commissioners were faced with the task of explaining to witnesses the legal conditions that allowed the construction of railways through reserve land. They were also charged with determining whether additional right-of-way access was required for any of the three railways passing through Nlha7pamux or Stl’atl’imx territory. The agreement between the federal and provincial governments required to appoint the Commission, contained this provision:

If during the period prior to the Commissioners making their final report it shall be ascertained by either Government that any lands being part of an Indian Reserve are required for right-of-way or other railway purposes, or for any Dominion or Provincial or Municipal Public work or purpose, the matter shall be referred to the Commissioners who shall thereupon dispose of the question by an Interim Report.

Many of the Commission’s interim reports, between 1913 and 1915, dealt precisely with these issues. Interim reports No. 35, 35, 36, 36A, 37, 38, 44, and 44A recommended granting the PGE right-of-way through reserves between Lillooet and Anderson Lake. Chief Luss of Cayoose Creek articulate the frustration felt in the path of the PGE:

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I am going to let you know that I have been here a very long time; and this here railway destroyed me, and one white man came right here above me here and took my place way, and now I have no place, and that is what makes me sorry.\textsuperscript{120}

Construction of earlier railways had left tracks of anxiety. The CPR had been completed in 1885 but at Lytton Sub-Chief Harry Mack expressed concern about railways. He asked the Commissioners for clarification about the planned construction of railways:

> The Reserve that I am on is very small... [t]he Government has always said that we must stay on our Reserves. That is why we are frightened to take up any more land outside our Reserve. The C.P.R. Surveyors have gone through there, and they want to put a railway on that side of the river.

Witnesses frequently were confused about the rights of railways companies to build through assigned reserves. Commissioner McKenna described the basis by which railways received right of passage through reserve land:

> It was explained that if any land was required for right-of-way purposes, it should be given away only with the consent of the Commission, and that the Indians would have to be fully compensated.

Harry Mack replied, by saying,

> Just as you see fit about these railways, it will be alright. I would like the agreement to be made very binding between the white men in general and with the Indians, because you see we Indians have not a word to say. It has been that way since the beginning when we had any dealings with the white men.\textsuperscript{121}

Such wariness about agreements between the government and Indians echoes through the testimony of Nlha\textsuperscript{7}pamux and Stl’atl’imx witnesses.

\textsuperscript{120}Chief Luss of Cayoose Creek testifying before the Royal Commission on November 7, 1914.

\textsuperscript{121}Transcripts of the Royal Commission: Harry Mack at Lytton on November 17, 1914. p. 4.
Though the CPR was built thirty years before the Commission visited the canyon, memories of the damage it caused to reserve land were fresh in the minds of many witnesses. Henry Mack, speaking on behalf of the Lytton band, articulated the fear which the CPR had provoked and which continued to cause anxiety: “...we are frightened to take up any more land outside our Reserve. The C.P.R. Surveyors have gone through there, and they want to put a railway on that side of the river.”

Commissioners made an effort to reassure native people that no land would be given to the railway companies without consent of the Commission. Their mandate was, however, to approve access for railways and public works through reserve land.

In the canyon, railway access was compounded by the scarcity of tenable land. The geography of the Fraser Canyon restricted land use. Only a narrow strip of flat land is tenable along the steep banks of the Fraser River. It was largely inhabited by native people but railways as well as gold miners competed for this scarce land. Reserves occupying these terraces were bisected by either the CPR or CNR. Charlie James of Boothroyd described the effect of building railways through this thin corridor: “I dont [sic] think there is more than five acres that can be cultivated. The railway came in, and made this strip that could be cultivated very narrow.”

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122 Mack testifying before the Royal Commission on Indian Affairs for the Province of BC at Lytton on November 13, 1914. pp 4-6. Mack is most likely referring to survey teams for the CNR. The CPR was used as a term for railways in general. Nevertheless it was the damage to Lytton reserves resulting from the construction of the CPR which had caused anxiety about the repercussions of further railway construction.

Not only arable land was affected. Billy Sigh of Boston Bar testified to the Commission:

I have had some trouble with the C.P.R. They want to take my land - that is, the land I have been living on for some years. They told me I would have to leave there because it belonged to them. The C.P.R. has moved their fence right up to my house, and they have taken in the principal dwelling part. I am talking about [reserve] No. 2. and they say I will have to move away from there.\textsuperscript{124}

Construction of both the CPR and the CNR had increased demand on the limited water supply. The legality of water consumption by the CPR was addressed in a court case in 1906. Provision for the railway belt to be transferred from British Columbia to the federal government was contained in the 1871 agreement in which the federal government consented to construct the CPR. The province maintained that it retained water rights in the railway belt, having conceded only the land. It continued to control the distribution of water rights in the railway belt. Settlers had applied for and been awarded the vast majority of those rights. A final court decision in 1910 found that the water rights, with the railway belt, had in fact, been transferred to Ottawa with the railway belt. The implication that the province’s allocation of water rights had been illegal was averted by a federal concession that the province manage water rights through the railway belt.\textsuperscript{125} For native people, the outcome was that lack of water continued to jeopardize their ability to farm.

\textsuperscript{124}Transcripts of the Royal Commission: Billy Sigh testifying in Lytton on November 17, 1914.

\textsuperscript{125}The case was called the Burrard Power Case. Source: Joanne Drake-Terry, \textit{The Same as Yesterday} (Canada: Freisan Press, 1989) pp 240 and 251.
Asked by the Commission about water on the reserve, Johnny Mack at Boston Bar replied, "[w]e havent [sic] very much water here, because white men have taken most of it. We havent even enough to irrigate our gardens here." 126

This contention was challenged by a Commissioner:

You have 50 inches from a creek at North Bend, you have 100 inches from a creek in the middle of the Reserve, and 100 inches from a creek at the south of the Reserve. Now, do you get the full use of all that water?

Johnny Mack responded, "[n]o we dont [sic] get the full amount. ... The C.P.R. men use it." The Commission assured Mack that "Mr. Graham [the Indian agent] was studying the water question," but Johnny Mack was skeptical. "No one ," he said "has ever helped us here, and we are very, very poor for that reason." 127

Efforts to build irrigation ditches were also frustrated by railways. At Cayoose Creek, Chief Luss presented a list of complaints, among them several dealing with water and irrigation. "That land the P.G.E. railway destroyed, our Indian Agent Mr. Graham will tell you about that. The railway destroyed a ditch...." 128 Luss also testified about a general lack of water cause, partly, because the railway interfered with a flume that the band had constructed to irrigate their land. After consulting its files, the Commission found that the railway had repaired the damage. Luss objected that the flume was still damaged, adding that "I will do the best I can if the railway will fix our flume

126 Transcripts of the Royal Commission: Johnny Mack testifying at Boston Bar on November 17, 1914.

127 Ibid.

128 Transcripts of the Royal Commission: at Cayoose Creek on November 5, 1914.
a little better than it is.” Luss received the common reply that “[y]our Indian Agent will see to that.”

Railway companies compensated native people begrudgingly. Responding to a question about whether he had been paid for damage done thirty years before by the CPR, Harry Sam answered, “One piece that I had fenced and was using for my garden I did get $100 from the railway though they promised my $200 but I only received $100 from Mr. Graham.” At Seton Lake, where the PGE was being constructed, the Commission informed a witness that

[the Agent ought to make enquiries into any orchards that are destroyed, and the Indians should be compensated for any loss. The Government is going to compensate you for the loss, and the Government is also going to give you 500 trees for the trees you lost.

The witness replied that “[t]he Indian Agent told us that he was going to give us some new trees last Spring, but we haven’t seen them yet.” Here as elsewhere, the Indian agent was the mediator between railway companies and first nations. Failure to compensate native people for damage caused by construction of the railways contributed to a cynicism on the part of native witnesses which the Commission sought to allay.

Native complaints about railway construction were forestalled by promises of compensation. Bands that cooperated with the Commission were more likely to be compensated. Toward the end of a session, Indian agent Graham often announced that the cheques for compensation were in his hand. When, at the end of his testimony, the Chief of the Pavilion band complained that,

129Ibid.

130Transcripts of the Royal Commission: Harry Sam at Lytton, November 13, 1914.

131Transcripts of the Royal Commission: at Seton Lake on November 5, 1914.
“[t]he railway came through our place here and we have not been paid for it.” Mr. Graham declared, “[t]hat matter is now settled. I have the cheques now in my possession which I intend handing over to them in a day or two.” 132

The band at Pavilion had been willing to comply with Department of Indian Affairs’ policies. Bands that resisted the caretaking role of the DIA received more parsimonious treatment. In Boston Bar where the authority of the Commission was obliquely challenged, the Commission dismissed complaints about the CPR destroying a man’s house and land with “Well, Mr. Graham will have to go into that matter.” 133 There was no promise of cheques “in a day or two” for bands that questioned the authority of the Commission. In no case were cheques actually issued during the hearings. The cheques themselves were part of a theater of presentation. They allowed the Commission to end the hearing dramatically. Cheque distribution was part of a process of absorbing and diffusing material and cultural evidence of the violence done by the railway.

The testimonials abound with references to damage caused by railways, not only to land. Large rock slides, caused by dynamiting, obstructed the Fraser river and prevented the salmon from swimming upriver. The effect on its fishery was disastrous. It was almost entirely closed the next year and stocks were not restored for decades. The most spectacular of the slides, one with a long political pedigree, occurred at Hell’s Gate, just south of Boston Bar, during the construction of the Canadian Northern Railway in 1913.


133 Transcripts of the Royal Commission: at Boston Bar on November 17, 1914.
Premier McBride's political fortune were closely linked to the CNR at a time when the line was in desperate need of cash. Federal cash subsidies of $10,000 per mile had been promised for the construction along the 535 miles from Yellowhead Pass in the Rocky Mountains to Vancouver. Despite an extra $30,000 cash loan, the railway was on the verge of bankruptcy, and Premier McBride had promised the BC provincial Legislature that the CNR would be completed before it reconvened. For lack of money and time, that promise became difficult to fulfill. McBride responded on one hand by urgently applying for more federal funds, stressing that the alternate line was necessary under conditions of imminent war. On the other, he tried to accelerate the pace of construction by demanding that lights be strung through the canyon so that the labourers could work day and night. The Premier required that men "[work] double shifts in the canyon especially where trestles and similar structures are likely to hold you back." Such measures, undertaken for the sake of McBride's political fortunes culminated in the accident at Hell's Gate.

Fisheries officials described the damage:

In a number of places they have literally shot the whole side of the mountain in to the river, filling up numerous bays where the fish used to rest and as at Skuzzi new points projecting far out into the stream have been formed so congesting the waterway as to make it next to impossible for the fish to get through.


135 Ibid. p. 389.

136 Ibid. p. 390.

137 Dept. of Marine and Fisheries Report 29 September 1913 cited in Ibid.
The CNR was ordered to clear the river but refused, blaming the contractors. The federal government eventually assumed the clean-up bill of $90,000 and billed the CNR.

As a result of the slide, Fisheries Officials severely curtailed the native fishery. Some communities were allowed to continue to fish one or two days a week. Bands, close to the slide, were informed that the fishery would close until further notice. Testimony to the Commission reflected the hardship caused. Head Chief Paul was questioned at Lytton about food supplies:

Q. Do they catch any fish here?
A. The last two years we haven't caught very many, and the last two years we Indians have got hardly any at all, and has made us very poor, and we haven't [sic] got sufficient food to last us, and the old people have none at all.139

The cause of the fish shortage was clear in Chief Paul's mind:

In building this new railway there has been a slide in the river so the fish could not get by. Besides that, they have started canneries, and are using fish-traps, so there is no enough fish going up the river, and the Government only allowed us two days out of the week to fish.140

Fishing restrictions as a result of the slide combined with a decrease in wild game had led to famine in some parts of the region.

Commissioners sought to convince native witnesses that fish stocks would increase if their control was left in the hands of the Fisheries Department. At Lytton they explained the rationale for limiting the native fishery:

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138Ibid. p. 392.
139Transcripts of the Royal Commission: at Lytton on November 13, 1914.
140Ibid.
You understand that this year the shortage of fish was on account of this slide, which prevented the fish from coming up, and the Government were desirous that as many fish as possible should get up to the spawning grounds, so that in later years there would be more fish — do you understand that?¹⁴¹

A factual response was garnered: "[y]es, I know that the fish have to go up to the spawning grounds, and if there was a sufficient number they would increase, and after that they would do down to the ocean." There was little more to discuss; unrelated questions about school attendance followed.

The Commission's role in explaining the new order of things extended beyond specific details concerning the railway's damage to the fishery. It was the harbinger of a new economic order. The railway was an expression of large scale economic and social change. It was a vehicle for the incursion of capitalism and modernity into Nlhaʔpamux and Stl'atl'imx territory

deconstructing the railway

Capitalism has been described as a 'machine' which codes peoples and territories for productive use. The process may be divided into two stages.¹⁴² The first stage involves erasing or 'de-inscribing' the existent cultural landscape, and the second reinscribes the culture and land so that it can support capitalist production. Robert Young describes the links between deterritorialization and colonialism:

[deterritorialization] also describes rather exactly the violent physical and ideological procedures of colonization, deculturation and acculturation, by

¹⁴¹Transcripts of the Royal Commission: at Lytton on November 13, 1914.

¹⁴²Robert Young, Colonial Desire, (London/New York: Routledge, 1995) p. 169. Young is drawing on Deleuze and Guattari's work in Anti Oedipus in which they present capitalism as a 'body without organs' which moves across the earth.
which the territory and cultural space of an indigenous society must be disrupted, dissolved and then reinscribed according to the needs of the apparatus of the occupying power.\textsuperscript{143}

The railways' incursion into British Columbia was physically violent and testimony given to the Royal Commission is filled with complaints about the damage caused by railways constructed through Nlha7pamux and Stl'atl'imx land. Destruction of the landscape was an initial stage of 'detrimentalization.' The existing physical and material culture of native people. Best and Kellner describe the effect of 'de-inscribing' the landscape as a "desacralization ... which shatters all restrictions to economic development."\textsuperscript{144}

Cultural havoc and the 'creative' destruction of landscape were a means to prepare first nations for the incursions of capital. At Seton Lake, Chief Peter told the Commission of the destruction of orchard trees by the building of the PGE: "Benjamin had an orchard of 20 bearing trees but on account of the railway destroying that orchard they were pulled up. ... Alexander had 40 trees, and the railway went through and destroyed the orchard."\textsuperscript{145} In Anderson Lake, Chief Bob answered a question by the Commission about how many houses there are on No. 3 Reserve: "They were going to build houses there, and this railway came through and tore them down."\textsuperscript{146} Demands by the Department of Indian Affairs that native people settle in

\textsuperscript{143}Ibid. pp. 169-170.


\textsuperscript{145}Transcripts of the Royal Commission: at Seton Lake on November 5, 1914.

\textsuperscript{146}Transcripts of the Royal Commission: Chief Bob testifying at Anderson Lake on November 6, 1914.
Construction of the Canadian Northern Railway at Lytton, British Columbia, 1913
houses and become sedentary farmers were thwarted by the progress of railways.

Following Deleuze and Guattari, Best and Kellner argue that destruction is essential for recoding societies for wage labour:

> Capitalism subverts all traditional codes, values, and structures that fetter production, exchange, and desire. But it simultaneously ‘recodes’ everything within the abstract logic of equivalence (exchange-value), ‘reterritorializing’ them within the state, family, law, commodity logic, banking systems, consumerism, psychoanalysis and other normalizing institutions.147

The introduction of wage labour reinscribed first nations’ societies for capitalism. At Lytton, Head Chief Paul testified:

> As soon as our boys are old enough, they work on the railways, and work for white men wherever they can get work.148

The practice of working out for wages was inscribed during the construction of the CPR which had employed some native workers. Thirty years later, work on the railways was harder to secure. Asked if men from Fountain Indian reserves worked on the PGE, Chief Adolph replied, “No, not on this railway.”149 In those thirty years, immigration to British Columbia had increased and white and Chinese workers were employed building railways and roads.

Natives objected to the selective hiring of whites on public works projects. At Bridge River, David asked the Commission: “We cannot get any work on the

147 Best and Kellner, op. cit. p. 89.

148 Transcripts of the Royal Commission: at Lytton on November 13, 1914.

149 Transcripts of the Royal Commission: Chief Tommie Adolph testifying at Fountain, November 9, 1914.
wagon roads— why can’t we get some work on the wagon roads? We are the first people here.”\textsuperscript{150} Reserves were being ‘reterritorialized’ by railway construction. Labour was liberated by the modernizing process but, by the twentieth century, white and Chinese labour dominated the market. Natives who wanted steady work on roads and railways but couldn’t find it, became part of an available, surplus work force. Some bands did retain access to wage labour. In response to the Commission’s question “[w]hat do you do for a living here?,” Chief Bob of Pavilion responded “We plant some potatoes and one thing and another like that and salmon and deer — that is what we live on. Then we go out working for the whites; all my boys work out.”\textsuperscript{151}

The railway enforced critical functions for a capitalistic society dependent on (available) wage labour. It introduced the paradigm of clock time to first nations people. The regularity of the railway and the wage labour required for its construction contributed to ordering native society. Anthony Giddens identifies the critical function of railways in imposing regulation and structure on people’s life.\textsuperscript{152} Clock time modified indigenous patterns of activity in the canyon. Seasonal work on farms and public works imposed different rhythms on native communities than had fishing and root gathering. The whistle of two railways running through the canyon punctuated and ordered native life leading to new work-discipline.

While working out became more difficult as white settlers competed for the same jobs, it became increasingly necessary in a money-based economy. Wage

\textsuperscript{150}Transcripts of the Royal Commission: David of Bridge River on November 7, 1914.

\textsuperscript{151}Transcripts of the Royal Commission: Chief Bob of Pavilion on November 10, 1914.

labour bought services. Chief Peter from Seton Lake responding to questions by the Commission about medical treatment said, "[i]t is only the railway men that go to the hospital — the men who dont [sic] work on the railway they are not put in the hospital." Native men who worked for the railway received medical treatment, a payment for service following the logic of capitalism.

Railways reinscribed Nlha7pamux and Stl’atl’imx territory both geographically and sociologically. They disrupted reserves, and destroyed fields, orchards, and fisheries. After the slide at Hell’s Gate, Nlha7pamux and Stl’atl’imx people were not able to depend on the fishery for their livelihood. Nor did they become farmers. They competed with white and Chinese immigrants for scarce jobs ‘working out.’ The Royal Commission adjudicated right-of-way rights for the PGE and the CNR during its meetings with native bands. Its presence and presumptions only reinforced economic and physical changes introduced by the construction of the railways. They reinforced values associated with precise time-organization, wage labour, and a cash economy.

153Transcripts of the Royal Commission: Chief Peter of Seton Lake on November 5, 1914.
chapter four

Fishing, hunting and the right to survive

It is not necessary that the berrying or hunting grounds shall be reserved. It
would be an impossibility to define them as you go over hundreds of miles. You
will not be confined to the reserves, but can hunt, fish or gather berries where
you will as heretofore.

(Peter O'Reilly, Indian Reserve Commissioner, 1891)

Now at this particular time we have a hard time to make our living — The
whites tied up the salmon and the whites tied up the game, and the whites
they have tied up everything outside the Reserves marked on this map.

(Peter Chalah, Chief of Seton Lake Band, 1914)

When the Royal Commission on Indian Affairs in British Columbia arrived
in Stl'atl'ímx and Nlha7pamux territory, they found peoples who were
sequestered on marginal reserves, their movement and rights restricted by a
series of Indian Acts. Three railways had been built through the southern
interior of British Columbia, often through reserves. It was, however,
contraction of their freedom to fish and hunt that visited the most severe
hardship upon first nations in the region.

Scarcity was associated with changes brought by Europeans. Witnesses
repeatedly told the Commissioners about the abundance of food in the past.
Chief Peter Chalal, from Seton Lake, testified that
... the salmon used to run up here on these lakes and spawn in their spawning
grounds, and every year they used to be so thick if you threw a stone across the
lake, the rock would not go down.\textsuperscript{154}

By the time the Commission arrived in Seton Lake, however, Peter was
starving. Hunting could not compensate for the absence of salmon. Peter told
the Commissioners that "We are good hunters, but these whitemen they
come up from below and they scare all the game away and now they are very
scarce."\textsuperscript{155} Disappearance of game combined with fishing restrictions caused
famine among many bands along the Fraser river. At Cayoose Creek, Chief
Bob had this to say:

... you have come up to see me; to see how I am living and to see how poor I am ...
I am begging you to help us out. That is all I am going to say.\textsuperscript{156}

Reduced salmon catches combined with loss of hunting rights had resulted in
famine for some families. Head Chief Paul of Lytton articulated the
connection:

The last two years we havent caught very many [fish], and the last two years
we Indians have got hardly any at all, and that has made us very poor, and we
havent got sufficient food to last us, and the old people have none at all.\textsuperscript{157}

White settlement contributed to restricted hunting grounds, but reasons for
the decline and near extinction of salmon were more complex. Damage to

\textsuperscript{154}Transcripts of the Royal Commission: Meeting with the Seton Lake Band or Tribe of Indians
on November, 5th, 1914.

\textsuperscript{155}Ibid.

\textsuperscript{156}Transcripts of the Royal Commission: Meeting with the Cayoose Creek Band or Tribe of
Indians on November, 7th, 1914.

\textsuperscript{157}Transcripts of the Royal Commission: Meeting with the Lytton Band or Tribe of Indians on
November, 15th, 1914. p 11.
the Fraser river fishery was linked to a series of industrial accidents as well as an unprecedented growth of industrial canneries at the mouth of the river. Before white settlement, native people along the Fraser river had been reliant on the abundant salmon fishery. Major European population influxes in the nineteenth century increased demand on the fishery of the Fraser river while canneries on the lower Fraser river contributed to the reduction of available salmon for the Nlha7pamux and Stl’atl’imx people farther upriver.

The Fraser river was not initially the predominant source of canned salmon in the Pacific Northwest. In 1877, 380,000 tins of salmon were harvested from the Columbia river compared to 55,000 from the Fraser.158 By the 1880’s, overfishing in the Columbia had shifted emphasis to the Fraser. There were 12 canneries on the Fraser in 1888, 18 in 1891 and 54 by 1901.159 The rise of commercial canneries coincided with a panoply of coercive measures to restrict native access to fish. Native fishers were squeezed by the forces of capitalism which poured money into canneries, organized labour, fisheries policy, Japanese competition and white antagonism.

Relatively easy, unregulated access to the fishery lasted until the early 20th century. Fish followed Canadian grain to Britain and in return attracted British capital: By the turn of the century most of the financing of the


159 Newell, Tangled Webs of History: Indians and the Law in Canada’s Pacific Coast Fisheries (Toronto: University of Toronto Press) p. 70.
canneries had passed out of the province. The completion of the CPR in the 1880's lowered transportation costs for canneries resulting in an economy of scale which contributed to increased exploitation of the Fraser river fishery.

From the beginning of the commercial salmon fishery, native people were a vital part of the labour force. Until settlement of BC began in the 1880's, canneries competed for first nations labour. This was seasonal work involving whole families. Often native families developed relationships with specific canneries and would return each year. Women worked on the assembly line while men fished. There is evidence that many women also worked in the boats as pullers and in hand-seining. In this way native families were able to work and live as a unit throughout the fishing season.

Toward the end of the nineteenth century, however, Japanese and Chinese fishers, who were comparatively well-organized and considered more reliable than first nations fishers, replaced native labour. First nations fishers also began to lose their licenses. In the early fishery, about one-half of the licenses were issued to native people but gradually these licenses were acquired by Japanese fishers. Native fishers did not apply for licenses even when they were available; licensing agencies were located far away in larger centres and native fishers retained a sense of traditional 'rights' to the fishery. Such


162 Ibid. p. 80.

163 Diane Newell, op. cit. p. 75.
rights did not require licenses. During the same period, Japanese men were replacing native women on the assembly lines. By the turn of the century, in southern BC Japanese fishers had usurped first nations workers in the salmon fishery.

The ability to organize ethnic labour forces was crucial to maintaining a niche in the fishery, but first nations fishers had little experience with organized labour or capitalist negotiation. David Reid cites "militancy and poor organization" as the chief factors contributing to the diminishment of native representation in the fishery.¹⁶⁴ One might add that first nations people did not have political representation; they were not able to vote and this diminished their influence on policy makers. As white settlers and cannery owners increasingly influenced fisheries policy, native access to fish for both wages and food was increasingly constricted. By 1888, there were special regulations directed at the native fishery. By 1905 the BC fishery was the most regulated in the world and many of those regulations were directed at first nations' fishers.¹⁶⁵

White settlers were also contesting the rights of first nations to fish and they increased the pressure on the fisheries department. The Lillooet newspaper, the Prospector expressed white attitudes about the native fishery: "Is there any law in B.C. for the protection of game, and who are the officials appointed to attend to such matters in Lillooet and especially Bridge River?"¹⁶⁶ The article went on to express anger at a Stl'atl'imx fisher whom the writer suspected had

¹⁶⁴David Reid, op cit. p. 323.


¹⁶⁶Quoted from the "Prospector" in Joanne Drake-Terry, The Same as Yesterday (Canada: Friesan Press, 1989) p. 212.
Salmon caches on the Fraser river.
over 100 pounds of fish in his trap. It was at precisely this time that the BC salmon fishery became the largest in Canada with 54 canneries on the Fraser alone. The importance of the fishery to the white economy was linked to a rise of invective against the native food fishery.

New fishing regulations in 1884 specified that first nations fishers had to use dipnets as well as obtain fisheries department permission for food fishing.\textsuperscript{167} By World War I, fisheries officials were discussing ending the native fishery altogether. The basis of the crown's refusal to accept commercial aboriginal fishing rights was that fishing reflected pre-contact values which were not based on a market economy. The reasoning concluded that native people did not have the right to lay claim to a commercial fishery after contact.\textsuperscript{168} Ironically small reserves had been assigned in BC because first nations were known to be fishers rather than farmers.

The gravel slide caused during the construction of the CNPR exacerbated problems caused by competition for the salmon fishery on the Fraser river. After the slide, few salmon could navigate upriver and what little catch remained was tightly regulated. Native people, upriver from Hell's Gate, bore the brunt of the shortages as well as the emergency regulations. By 1914, a restrictive infrastructure was well in place under the control of the Department of Fisheries and Marine. Native fishers could fish only two days a week and their catch was rigorously monitored. On some reserves, restrictions were more severe: at Lillooet, the fisheries commissioner told the band one day in the middle of the week that they could fish until the

\textsuperscript{167}Diane Newell, op. cit. p. 89.

\textsuperscript{168}Ibid. pp. 4-5. Native people were, however, employed as labourers in the white commercial fishery.
following Saturday in order to stockpile for the winter. After that, they would not be allowed to fish for the rest of the year.\textsuperscript{169} Testimony to the Royal Commission was fraught with descriptions of the hardship caused by overfishing.

The Commissioners communicated on behalf of the Fisheries Department. Information about fishing restrictions relayed by Commissioners to the Stl'atl'imx did not acknowledge the poverty which resulted from such restrictions. Rather it expressed the prevalent white belief that native people had overfished and that strict policy measures were in order to regulate the native fishery which was believed to be hurting the 54 canneries at the mouth of the Fraser. A Commissioner told the Seton Lake band:

...the whiteman has no desire nor the Government have no desire [sic] to do anything that would cut off the Indian's supply of fish. I might add that if the Government did not take every possible precaution to preserve the fish on the Coast, there would be no salmon left to go up the rivers at all and the Indians would have none. Governments must not only provide for to-day but they must look to the future and have permanent fishing in the country — just like a wise father who does not simply provide for the needs of his children, but he even makes provision for them so that they will be all right after he has gone. How are the Indians here? Are they pretty well off or what sort of living do they make?\textsuperscript{170}

The Commissioner's suggestion that the 'Indians' might be "pretty well off" betrayed his lack of understanding of the effects of fishing restrictions on indigenous people. At Kanaka Bar, Chief Charlie testified that "This summer

\textsuperscript{169}Transcripts of the Royal Commission: Testimony of Agent Graham at the meeting with the Lillooet Band on November 4th, 1914. p. 4.

\textsuperscript{170}Transcripts of the Royal Commission: Meeting with the Seton Lake Band or Tribe of Indians on November, 5th, 1914. p 7.
we have no salmon at all.” To which a Commissioner answered “How is that?” Charlie explained that “[w]e were told not to go fishing.” Though the Commissioners expressed surprise when Charlie told them that no warning had been issued before the closure, they defended the action:

Well that is unfortunate. You should have been given warning and given a sufficient time to get a supply of fish – What happened last year was the result of an accident. There was a slide in the Fraser river; this interfered with the fish going up to spawn, and in order to save the fish for the future by ensuring that some would go up to spawn, it was necessary to stop the fishing: for if that had not been done you would not only have lost your supply of fish for one year but you may have lost it for the next year –

The Commissioners encouraged faith in measures of the Fisheries Department.

The Commission also supported the emerging field of fisheries science as a means of correcting salmon shortages. Peter Chalal, Chief of Seton Lake, was less optimistic. A fish hatchery had built been at the entrance to the lake where his band fished. Construction began in 1903 premised on a belief, held by the Fisheries and Marine department, that yield could be increased by cultivating roe inside the hatchery. Salmon were trapped at the mouth of both Seton and Anderson Lakes and the roe was extracted for transfer to the hatchery. Peter Chalal described the operation to the Commissioners, part of his explanation of how “the whites tied up the salmon.”

171 Transcripts of the Royal Commission: Meeting with the Kanaka Bar Band on November 14, 1914. p. 6.

172 Ibid.

173 Joanne Drake-Terry, op. cit. p. 216.
The whites they corral the fish down at the end of the lake — the hatchery people I mean, and they don’t allow the sockeye to come up — when the salmon come up to the weirs, they pound their heads up to their eyes and they die.174

The modern Commission was quick to defend the hatchery:

Hatcheries are established for the purpose of increasing the fish supply.

But Peter remained skeptical. He described a process which had decreased the fish supply:

No the salmon are not increasing at all ... Down there at the hatchery I know that when the eggs were not ready to come out from the mother, they were ripped out with a knife and the mother died, and when they tried to raise the little eggs the little fish also died.175

The Commission’s belief in science seemed to impinge on their ability to hear. At Cayoose Creek, Johnnie was asked, “Do you find your being stopped from fishing has made quite a difference in your winter’s supply?” “Yes,” he responded, “it makes quite a difference.”176

Peter ChalaT told the Commission that “[s]ince they put up the hatchery we have noticed that the fish have been getting scarcer and scarcer.” In an attempt to draw their attention to the repercussions of fishing restrictions, he drew comparisons between ‘Indians’ and whites. He told them “I am just like a whiteman — I have got to live on salmon.”177 Peter told the Commission

174 Transcripts of the Royal Commission: Meeting with the Seton Lake Band or Tribe of Indians on November, 5th, 1914. p 5.

175 Ibid. Emphasis mine.

176 Transcripts of the Royal Commission: Meeting with the Cayoose Creek Band or Tribe of Indians on November, 7th, 1914. p. 9.

177 Transcripts of the Royal Commission: Meeting with the Seton Lake Band or Tribe of Indians on November, 5th, 1914.
that “the other Indians, if they go down and beg at the hatchery for salmon they will give us one, and the next morning we go down they won’t give us any at all.” 178 The hatchery had not increased fish supplies and had generated dependency.

By 1914, the economy of the Stl’atl’imx people had been transformed. Fishers who previously augmented their food supply by hunting, were now increasingly dependent on discarded, roe-less fish from the hatchery. The process was not uncontested. When the hatchery was built in 1903, the *Prospector* ran an article which illustrated native resistance as well as prevailing settler attitudes:

> The Indians of Anderson Lake and vicinity are protesting somewhat vigorously against the weir recently built by the fish hatchery authorities across the lake creek. They complain they are unable to procure their winter’s stock of salmon. It would be nearer the truth to say that they are not willing to row down the lake to get the salmon after the hatchery authorities have obtained the spawn. The hatchery will dispose of the [dead fish] to the Indians who are prepared to take them away, but this new way of catching fish does not suit the Indian mind. He prefers to get his salmon singly ... by means of his spear. 179

William Elliot from Anderson Lake told the Commission otherwise: “They could give [the fish which have had the eggs removed] to the Indians, but they wait until they are half rotten before they give them to the Indians.” 180

The Commission defended the hatcheries, while native people continued to

178 Ibid.

179 Quoted from the “Prospector” in Joanne Drake Terry, op. cit. p. 216.

180 Transcripts of the Royal Commission: Meeting with the Anderson Lake Band or Tribe of Indians on November, 6th, 1914.
protest against them.\textsuperscript{181} Peter warned the Commission to “leave them salmon alone so that we can make a living.”

A number of restrictions also hindered native access to game. At Lillooet the Commission summarized hunting regulations for native people:

You may kill deer for your own use at any time in the year provided it is a male deer over one year old, that is you can get a permit from the Government Agent or from the Chief Game Warden. You can get a permit to kill a male deer for your own use at any time of the year, so long as that deer is one year old.\textsuperscript{182}

Chief Charlie from Kanaka Bar stated the obvious when he said, “[w]e might sometimes make a mistake and shoot a fawn.” The Commission dismissed his concern by referring to ‘Indian’ typologies: “[w]ell an Indian should never make that mistake — a fool white man might.” Charlie repeated that “[t]here are times in the brush when a person might make a mistake.” The Commissioner ignored his objection and moved on to another subject.

Some bands continued to hunt. The greatest success was had in trapping where there was less competition from whites. At Anderson Lake, a witness stated that he could get “two or three martens and some lynx” in a season. Hunting for larger game was restricted not only by game regulations but also by white hunters. The witness continued: “That Bridge River belongs to the Indians, but now it is run all over by whitemen and the Indians could hardly camp around the river to get their deer and their fish.”\textsuperscript{183} White

\textsuperscript{181}In 1945 the department of Fisheries admitted that the hatchery had caused the destruction of fish runs into the Lillooet territory. (Joanne Drake-Terry, op. cit. p. 217.)

\textsuperscript{182}Transcripts of the Royal Commission: Meeting with the Lillooet Band or Tribe of Indians on November, 4th, 1914.

\textsuperscript{183}Transcripts of the Royal Commission: Meeting with the Anderson Lake Band or Tribe of Indians on November, 6th, 1914. The witness in this case was William Elliot who had
encroachment in the Lilooet area was so extensive that the Game Department of the provincial government created the Yalakam Game Reserve in the centre of Stl’atl’imx traditional hunting territory. Out-of-province hunters were attracted through an advertising campaign and charged $50 by the Province for a hunting license. Chief Retasket of Lilooet explained to the Commission:

The Provincial Government got the hunting ground where we used to go on. That is, they have the game reserve here. They took a big place, and now there is no place for us to hunt. We want you to fix this so that it will be open to us for hunting all the year around.

The Commission, however, did not have a mandate to ‘fix’ this restriction on hunting. As Peter Chalal testified, “[t]he whites themselves they go hunting and they keep the game for themselves.”

The apparent indifference of the Commission to the plight of first nations people was consistent with their representation of state interests. First nations people were not invisible in fishing and hunting policies: they were obstacles. In the 1915 hearings with Indian Agent Graham, the Commissioners went beyond fishing regulations for native people to consider the termination of

abandoned his ‘Indian’ status and bought land. Nevertheless, Elliot identified with native difficulties in gaining access to traditional hunting grounds. He explained to the Commission, “My mother was asking me to go out and hunt. I am not an Indian and I got to go out and get her a few. She was planning to go up the Bridge River.” The Bridge River was, however, overrun with white hunters.


185 Transcripts of the Royal Commission: Meeting with the Lilooet Band or Tribe of Indians on November, 4th, 1914. p. 5.

186 Transcripts of the Royal Commission: Meeting with the Seton Lake Band or Tribe of Indians on November, 5th, 1914.
food fishing rights for them. Mr. Commissioner MacDowall asked Agent Graham,

Do you consider that the amount of assistance you would have to give the
Indians in the way of relief to take the place of the fishing should the fishing
be cut off — would it have a tendency to pauperize the Indians?187

Mr. Graham agreed that it would have a 'tendency to pauperize the Indians' especially those south of Lytton who were most reliant on the fishery because of limited land access in the steep canyon.

It is facile to present the state as a monolithic force, rather than an organization of individuals who at times complicated generalizations about the thrust of Indian policy. Despite his close association with the Commission and his imbrication in the institutional structure of the DIA, Indian Agent Graham objected to fishing and hunting restrictions placed on native people. Arguing against the province’s insistence on making native people apply for a permit in order to hunt, Graham stated:

[the Indians] are only given a permit to kill one deer, and they say that sometimes it takes them 2 or 3 days to get a deer and often they have to go quite a distance to get it. So that by time they return there is very little of the deer left. When they go out in a party they say they are allowed to kill one deer and they eat that all up before they get back. ...188

Like native witnesses in 1914, Graham searched for a means to impress upon the Commissioners the implications of restrictions to first nations’ fishing and hunting. Agent Graham told the Commissioners that old Indians refer to salmon as their "Bread of Life:

187 Meeting with Agent Graham of the Lytton Agency at the Board Room, Victoria, on Saturday, Feb. 6th, 1915.
188 Ibid. p. 509.
There is an old Indian woman at Lytton who told me that the other day. She has no one upon whom she can depend — she goes round and make an odd basket, so I met her one day and I asked her if she had sufficient food, and she said she had no salmon and she said that pretty soon she would die because she was not getting any salmon. I told her I would give her relief if she wanted it, but she said no she did not want relief all she wanted was the salmon. 189

The Commission remained unconvinced of the degree to which first nations were suffering. After listening to Graham describe their hardship, a Commissioner asked “Were any of the Indians then in need of food?” Graham answered affirmatively and continued to tell them that it was the same with the fish: “They cannot get any at all. And they are indeed very badly off.” 190 The palpable lack of concern and comprehension exhibited by the Commissioners is part of a broader pattern of colonialism, described post colonial critics. Trinh Minh-ha writes that “[f]rom the South African reserve to the American Laguna-Pueblo Reservation, the story changes its backdrop but remains recognizable in the master’s indifference to the lot of his non-European workers.” 191 She is joined by Frantz Fanon and others in her condemnation of material policies of colonialism which, like fishing and hunting regulations, caused real starvation.

189Ibid. p. 513. Emphasis mine. In the same meeting, Graham went on to tell that he suspected some of the white pre-emptors had committed perjury when they claimed that the Indians had not made improvements on the land which they now claimed for themselves. Throughout the hearing, native people told the Commission that whites were occupying land which they had worked hard to improve. Graham confronted the Commission with this on more than one occasion during his meetings with them during 1914 and 1915. The Commission was, however, unresponsive. It is interesting that Graham was most supportive of his Indian constituents in the privacy of the meetings with the Commission.

190Ibid. p. 510. Emphasis mine.

Restrictive measures imposed on native hunting and fishing were predicated on social distance. Indian Agent Graham, unlike members of the Royal Commission, failed to maintain that distance. His empathy with the Nlha7pamux and Stl’atl’imx people was evident from statements in his testimony to the Royal Commission. Arguing for the rights of Indians to participate in a commercial fishery, he told the Commission:

I find it is a great hardship that an Indian is not allowed to sell his salmon in order that he might be able to buy sugar, tea and flour and other ordinary necessities of life.

The Commissioners, on the other hand, remained immune to the poignant testimony of its witnesses. Discussions held between the Commissioners and Indian Agent Graham in 1915 revealed that they did not understand the degree to which native people relied upon the fishery for their very livelihood. A paradigm of racial superiority designed to ensure the success of white settlers and foster economic development influenced their perception. They were governed by an equation for the triumph of settlers and the state which was balanced by the loss, for native people, of the right to fish and hunt and, indeed, to survive.
chapter five

Discursive grounds: first nations and land

Nineteenth century European settlement in British Columbia was accompanied by popular rhetoric that stressed the rewards of hard work and the right to own property. It was part of a cultural ‘package’ that emphasized the virtues associated with farming and the self-sufficiency which such a lifestyle allowed. There is some evidence that some native people were attracted by settler lifestyles and the entitlements they appeared to offer. The ethnographer James Teit noted that

[T]he one idea of many of the younger people is, to advance their material condition, and to copy and vie with the whites in many lines of industry, as well as in custom and dress.\(^{192}\)

The letters of Gilbert Malcolm Sproat revealed a willingness on the part of some native people to understand the terms by which they could succeed in farming:

"Individuals constantly came to ask me whether it can be true that they, simply by hard work could get a piece of land that should be absolutely their own, and with which chiefs or others could not interfere."\(^{193}\)

Early native enthusiasm about farming was gradually dampened by political debate about the right of ‘Indians’ to claim ‘crown land.’ In British Columbia, contest over “who owned the land, who had the right to settle and work on it,


\(^{193}\)Sproat in a letter to the Indian Reserve Commission on Nov. 6, 1878 from an Indian camp near Hope.
who kept it going, who won it back, and who now plans its future” were determined through public and political discourses that excluded native people and that were enforced by ensuing laws.

Nineteenth century European discourses of agriculture envisaged farming as the basis for a civil society. In British Columbia, these discourses were adapted to the local landscape and as David Demeritt has shown, they were not homogeneous. Strands of agricultural discourse in British Columbia proliferated, each a projection of distinct cultural and political configurations. All, however, required land. Lack of sufficient land for white settlement was grounds for concern in a cultural climate which glorified agriculture.

Only five percent of British Columbia land is arable and limited land availability, coupled with agricultural discourses, produced a degree of settler unanimity concerning native claims. There was some consensus among white settlers that first nations people should be barred from claiming land outside their assigned reserves, in order to ensure land for white settlers. This opinion was bolstered by empirical ‘evidence.’ Philip Nind, a gold Commissioner, wrote from Lytton in 1865 that

> [t]hese Indians do nothing more with their land than cultivate a few small patches of potatoes here and there; they are a vagrant people who live by fishing, hunting and bartering skins; and the cultivation of their ground

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contributes no more to their livelihood than a few days digging wild roots; but they are jealous of their possessory rights. ... This, then, has the effect of putting a stop to settlement in these parts.\textsuperscript{196}

Nind's views were corroborated by Chief Commissioner of Lands and Works, Joseph Trutch who wrote:

\begin{quote}
I am satisfied from my own observation that the claims of Indians over tracts of land, on which they assume to exercise ownership, but of which they make no real use, operate very materially to prevent settlement ... \textsuperscript{197}
\end{quote}

Such interested observations, from civil servants, about native land use were part of a rationale for restrictions.

First nations' lost the right to pre-empt crown land in 1866. A preliminary ordinance specified that Indians could not pre-empt land except by "special permission of the Governor first had in writing." The provincial law was strengthened in 1870 to forbid "any of the Aborigines of this continent" from pre-empting land in British Columbia.\textsuperscript{198} Yet, pre-emption was the primary means of acquiring land. Whites could pre-empt 160 acres and purchase 480 more. Native reserves, by comparison, were assigned fewer than 10 acres per family.\textsuperscript{199} Political justification for limiting native access to land was based on further (interested) observation of 'Indians.'

\textsuperscript{196}Mr. Nind to the Honourable the Colonial Secretary, 17 July, 1865, \textit{Papers Connected with the Indian Land Question} (Victoria: Richard Wolfenden Government Printer, 1875; reprinted Queen's Press, 1987) p. 29.

\textsuperscript{197}Joseph Trutch, Chief Commissioner of Lands and Works to the Colonial Secretary, September 20, 1865, Ibid. p. 30.

\textsuperscript{198}Paul Tenant, \textit{Aboriginal People and Politics} (Vancouver: UBC Press) pp. 41 and 246.

\textsuperscript{199}E.B. Titley, \textit{A Narrow Vision} (Vancouver: UBC Press) p. 8.
In 1875, the province issued a report on Indian reserves. It was written in response to increasing criticism from Ottawa concerning British Columbia’s frugality in dispensing Indian land. The report imposed three classes of native people, with varying land requirements: “1: Fishermen and hunters; 2. Stock-breeders, and farmers on a small scale; 3. Labourers.” The first ‘class,’ which included the vast majority of ‘Indians’ required minimal land allocation. The provincial view “that large tracts of agricultural lands will not be required for the class of Indians referred to” was buttressed by general observations about Indian ‘character.’ The numerically dominant ‘class’ of fishers and hunters lacked frugality:

> It is a notorious fact that valuable fur-bearing animals — large and small — are wastefully and even wantonly destroyed at unseasonable periods of the year.

The report continued that the antidote to wasteful habits was “the experience and superior intelligence of the Indian Agent.” It concluded that native people required little land but rather the guidance of the Indian agent who could promote stewardly approaches to farming.

Emphasis by Indian agents on farming was contradicted by parsimonious allocation of reserve land which was then subject to further reduction. Reserve land was crown land, and it could be returned to the state. Settler demand for land spurred considerable effort to that end. ‘Cut-backs’ to reserves in the 1870’s and 1880’s were directed at increasing land for white settlement. Laws concerning the disposal of Indian land reflected the popular

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201 Ibid.
mood. Covetous eyes were cast upon reserves and access by white farmers to reserve land was eased by adjustments to the Indian Act. In 1894, the Act was amended to allow reserve land to be leased to white farmers if native occupants were perceived to be unable to till land.

In Lytton, this caused considerable anxiety when a man died and left “a number of little children” who were sent away to residential school. The Indian agent considered reserve no. 17, where he had farmed, to be underutilized. The land was leased by agent Graham to a white farmer for five years. Chief Paul expressed anxiety about the arrangement:

> What I am kind of frightened about is that at the end of five years they won't get back the land, and when the boys get out of school they won't get it.202

Native concerns about such arrangements were sloughed off by the Commissioners who assured Chief Paul that:

> You need not have any fear about that ... you need not be afraid about this land going back to the children ... because this man cannot take the land away from them.203

Yet native people had reason to be concerned about losing their land. They were reliant on the judgement of the Indian agent and his decisions influenced their land tenure. DIA policy did allow native people to cultivate unclaimed crown land contiguous to their reserves subject to the recommendation of the Indian Agent. Chief Tommie Adolph of the Fountain Band described his understanding of this agreement to the McKenna-McBride Commission.

203 Ibid.
Some of my tribe have no cultivation in the Reserves, so they cut out on the Government land, and cultivate a little over there for their use. The Indian Agent told us that if there was any land outside the Indian Reserves, if they cultivate it, they might be able to get it. 204

Throughout the testimony, witnesses told the Commission of land they had worked outside their reserve on the basis of this agreement. In many cases, the land was subsequently claimed by white settlers. Tommie Adolph continued his testimony:

We cultivated land out on the Reserves, and we put in some ditches on Government land, but they took it away from us. ... We told our Indian Agent about that ... and the Indian Agent promised and told that he was going to write about the piece we cultivated near the Reserve, but which was outside the Reserve. I received a letter from Clinton, telling the Indian Agent that he had not power to do that, and that he had better wait for the Commission... 205

Though official policy allowed native people to cultivate crown land, it did not protect that land from subsequent claims by white farmers. Agents could also recommend that "idle" or "surplus" reserve lands be made available for railways and resource companies. 206

By the beginning of the 20th century, officials in the Department of Indian Affairs were beginning to suspect that the allocation of reserves retarded policies aimed at acculturation. Deputy superintendent general, Frank Pedley, came to the conclusion, in 1911, that reserves hindered assimilation by

204 Transcripts of the Royal Commission: Meeting with the Fountain Band or Tribe of Indians on November, 9th, 1914. p. 2.

205 Ibid.

206 E.B. Titley, op. cit. p. 16.
isolating ‘Indians.’ Agriculture was not called into question. It continued to be promoted by the Department of Indian Affairs because, as Pedley said, it ensured “fixity of tenure.” Laws which facilitated use of reserve land by non-native interests coincided with a decreased bureaucratic emphasis on the usefulness of reserves.

By 1914, swirling discourses concerning native people and land in British Columbia had consolidated into law. Native people could not pre-empt land nor would they be able to until 1953. Initial reserve allocation in British Columbia had been frugal. Parsimonious allotments of reserve land combined with limited water rights had restricted native farming. By the second decade of the twentieth century, the value of even allocating reserves to native people was being questioned by policy makers. Yet, initiatives of the Department of Indian Affairs continued to press farming on native people. Agriculture was both the route to the elusive goal of native ‘civilization’ as well a practical means to enfranchisement. For native people, the road was paved with cultural and legal impediments. The experiences of the Fountain band between 1886 and 1924 illustrate the early hope and eventual despair associated with efforts by native people to farm in British Columbia.

On October 18, 1883, Chief Chil-co-sultz and eight other members of the Fountain band submitted $302.50 to Casper Phair, the assessor and government agent at Lillooet. The money was the balance of the $1200

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207 E.B. Titley, op. cit. pp. 21-22.

208 Frank Pedly quoted in Ibid. p. 18. Pedley resigned in 1913 after being implicated in speculation on the sale of Indian lands.
purchase price of Twelve Mile Ranch.²⁰⁹ Nine men from the Fountain band had combined resources to buy the land from Joe L’Italian.²¹⁰ Referred to by the Department of Indian Affairs as Lot 37, the purchase consisted of a pre-emption of 160 acres and remained separate from the Fountain reserve which was 267 acres. Twelve Mile Ranch was private property.

The purchase received high praise from I.W. Powell, Indian Commissioner for the Province. He wrote Casper Phair, asking him to tell Chief Chil-co-sultz how pleased he was by the collective’s progress:

Be good enough to inform the young men and particularly, Chil-co-sultz who has proved himself such an excellent Chief, that I can congratulate them on being the first Indians in the Province who have proved themselves so creditably independent and self supporting, and I trust they may have a bountiful return from this most wise investment. It will always be a source of pleasure and interest to me to hear from them, and I shall be glad to be of any service to Chil-co-sultz and his people whenever a favourable opportunity offers.²¹¹

Dr. Powell participated in a general sympathy for the band’s endeavour.

Native land purchase could be interpreted as support for the ethic of farming as well as active participation in their own assimilation. Support was evident in financial contributions for the collective. In 1887, Phair sent the company

²⁰⁹Receipt issued to the Fountain Band from C. Phair on October 18th, 1882, at Lillooet. The receipt reads, “Received from Indian Kilmah of the Fountain $302.50 balance due Dr. Powell for Twelve Mile Ranch, and $18 for interest on above sum @ 5% amounting in all to $320.50. (RG10 Vol. 3612, file 3756-25B). ‘Kilmah’ or ‘Kelmah’ was later discovered by the DIA to mean chief.

²¹⁰Transcripts of the Royal Commission on Indian Affairs for the Province of B.C.: Meeting with the Fountain Band on November, 9th, 1914.

²¹¹Letter from I.W. Powell to Casper Phair, from the Indian Office in Victoria, October 29th, 1883. (RG10 Vol. 3612, file 3756-25B). Meason was the Indian Agent for that area.
of buyers a receipt for $18.75. He pointed out that 75¢ of the monies had been paid by Indian agent Captain Meason “out of his own pocket.”

The receipt, however, represented a corollary of property ownership: taxation. A note was attached to the receipt. It read:

You are now owing $7.50 for last years taxes on the land, and $3 prov. Rev. Tax each for all the Company which please pay at once.

Each of the nine purchasers was required to pay $3 in provincial revenue tax. While usually only one such tax was assessed per lot, the purchasers in this instance were collective and the levy was demanded from each member. The Fountain band had few means by which to generate cash income and taxation became an increasing burden.

Benefits of taxation were not immediately evident to the purchasers. Confusion ensued when the first water rights to Twelve Mile Ranch remained in the name of a whiteman, rather than transferring to the collective with its purchase. In 1896, the Indian superintendent A.W. Vowell reiterated to the collective what he had clearly explained before: the ‘Indians’ had not acquired the rights to all of the water of Fountain creek but only those of the Chinamen [sic]. First water rights to Twelve Mile Ranch remained in the name of a man called ‘Lorenzo.’

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212 Receipt issued to Kilmah at Fountain from Capser Phair on January 5, 1887. (RG10 Vol. 3612, file 3756-25B)
213 Ibid. Emphasis mine.
214 Notice from A.W. Vowell to Chief Fountain Indians from the Indian Superintendent’s Office, Victoria, August 15th, 1899. (RG10 Vol. 3612, file 3756-25B) The Department of Indian Affairs had subsequently bought second water rights from ‘the Chinamen’ for the band.
Rights associated with property were another source of puzzlement to the native shareholders. Though title to only 160 acres had been conferred on him, Joe L’Italian had fenced and cultivated surrounding land. Likewise, one of the nine shareholders had cultivated a field outside Lot 37. Agent Bell wrote a stern letter to the Chief telling him that Joe owned only 160 acres and that other land was not openly available to the 'Indians.'

Despite being property holders and taxpayers, native people could not legally claim ownership of land off the reserve by any means except outright purchase. Though they were unable to secure additional land or water rights, the shareholders continued to pay taxes on Twelve Mile Ranch.

Those taxes were a hardship and in 1914 Chief Tommie Adolph told the McKenna-McBride Commission:

We bought a ranch, and we have been paying taxes since we got that land, and I wish that land to be included in the Indian Reserve, so that we will not have to pay any more taxes on that land.

Commissioner Shaw questioned the Chief about his request to have Lot 37 amalgamated in reserve land:

This piece of land that you have been paying taxes on; you want that turned into a Reserve?

Adolph: Yes.

Shaw: And then it will belong to the whole Band and it will save paying taxes — In other words you want to sell that to the government so that they can make a Reserve out of it. If the Government takes that land and makes it a Reserve, do you want your money back?

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215 Letter from E. Bell to Chief Fountain Indians, from Clinton B.C. on April 21st, 1903. (RG10 Vol. 3612, file 3756-25B)

216 Ibid. p. 3. By 1914, Lot 37 was referred to as 'French Joe’s land by the Fountain band (p. 25).
Adolph: Yes, we want our money back, and make it a Reserve.217

Indian agent Graham had arranged for an appraisal of the land. The estimate of the land’s value by a Mr. Burton was accepted by Ottawa and the band was offered $100 an acre. Chief Adolph told Mr. Graham:

that after consulting the other Indians of the Tribe they were of the opinion that they were not getting enough money for it and that they should get $200 and acre instead of the $100 an acre, which was the amount agreed upon [by the government].218

Adolph and others considered the assessment of $100 per acre undervalued their land. Suspicion of the appraisal process was echoed by Commissioner McKenna. He asked Agent Graham if Mr. Burton had looked at white land in the area as a point of comparison. Graham initially assured him that Mr. Burton had done so. When questioned further, Mr. Graham allowed that:

I did not hear him nor did he tell me that he had formed any judgement as to the value of any of that [other] land.

McKenna asked if a comparison wouldn’t “be the proper way to ascertain the value of land?”219 Despite aspersions cast on the integrity of the appraisal process, it was not renegotiated. The government assessment of Twelve Mile Ranch, like its purchase, proved a disappointment to its shareholders.

Why did the Fountain collective decide to sell its land to the government? The answer seems to be linked to their failure to achieve any of the privileges accorded white property holders. By 1914, it was increasingly evident to native

218Ibid. p. 31.
219Ibid. p. 32.
people that the basis for land rights in British Columbia was tied to racial identity. For native people, the rewards of land and agriculture were elusive and their demands a burden.\footnote{By 1911, $36 a year was collected in taxation for the land. Transcripts, p. 27.}

Like its tenure, the divestment of Twelve Mile Ranch was fraught with difficulty. After the Commission’s visit, Twelve Mile Ranch retreated from public purview until 1918 when Agent Graham requested the title deed from the band. Members of the band who had been bequeathed the land from the original owners continued to pay taxes on it until 1922. In that year, the government agent at Lillooet advised them to cease payments but provided no explanation.\footnote{Letter from “Chief of the Fountain Band of Indians and said son of Kelmah.” written to W.E. Ditchburn, Chief Inspector of Indian Agencies on March 29th, 1924. (RG10 Vol. 3612, file 3756-25B)} Without the knowledge of the band, Fountain reserve No. 3 had been “extended” by the DIA to include Lot 37.\footnote{Letter from Duncan C. Scott to Father Welsh on September 25th, 1922. (RG10 Vol. 3612, file 3756-25B.) ‘Lot 37’ was an official reference to Twelve Mile Ranch.}

When owners of Lot 37 discovered that their land had been amalgamated into reserve land with neither their consent nor compensation, they protested. Their ire was communicated to the Department of Indian Affairs. A response to was drafted by the department secretary, J.D. McLean, to Agent Graham about Lot 37:

\ldots which was later taken over by the Department to be held as part of the Indian Reserve. I have to request that you inform the Indians that the Department is not disposed to make any distribution of moneys on this account. It should be emphasized to them that the land, although taken over and forming part of the reserve, is still the property of the band but subject to the terms of the Indian Act should the band desire to make any disposition of the
property and that this action was taken by the Department only on account of the request of the Indians themselves that it should be so taken over, in order that they might not be assessed for taxes on this property.\textsuperscript{223}

Chief Adolph, son of one of the original collective members, objected to the DIA assumption that a small group of shareholders was indistinguishable from the entire band. In a letter to W.E. Ditchburn, Chief Inspector of Indian Agencies, Adolph stressed that “the majority of the Band paid nothing.” Nor did they know that their land had been incorporated into Reserve No. 3. Adolph emphasized that members of the collective had continued to pay taxes until 1922 when the taxes were refused by the government agent. Adolph presented this as “proof that the purchasers or their descendants did not know that it was made into a reserve.”\textsuperscript{224}

The right of private property owners to be compensated for land had been circumvented by the paternal relationship of the state to its wards. The process was deeply resented. Chief Adolph continued in his letter to Ditchburn that:

\begin{quote}
I, for myself, contend that the land was private property and should not be made into a Reserve without our consent.
\end{quote}

This was a straightforward refutation of the government’s appropriation of private property. Adolph’s next claim was more mysterious:

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\textsuperscript{223}Excerpt from a letter from J.D. McLean to “the Indian Agent, Lytton” on November 28th, 1923. It is contained within a letter from “Chief of the Fountain Band of Indians and said son of Kelmah,” written to W.E. Ditchburn, Chief Inspector of Indian Agencies on March 29th, 1924. (RG10 Vol. 3612, file 3756-25B)

\textsuperscript{224}Ibid.
The Indians, who did not pay a cent on account of the purchase, may have requested that it be formed into a Reserve, but their request had nothing to do with the owners who never consented.225

The transcripts of the Royal Commission directly contradict this statement. Ten years earlier, during the hearings of the Royal Commission, Chief Tommie Adolph himself had publicly requested that the government incorporate Lot 37 into Reserve #3. Adolph denied this:

We can produce sufficient information to show that not one of the purchasers or their heirs requested the land be made into a Reserve... We have now learned that the Official Administrator disposed of our land and we cannot understand what right he had to do so without our consent or even consulting us."226

Explanation for Chief Adolph's seemingly flagrant lie is enmeshed in the history of his people's relationship to the Department of Indian Affairs and reflects the difficulty of farming and its pursuit for native people. The sale of Joe L'ltalian's land to the nine members of the Fountain band was a story of disappointment and unrewarded financial hardship. Power and privilege accorded white land owners were denied native members of the collective. The land which they had purchased and paid taxes on for 39 years was later absorbed into a reserve without their notification or compensation. Adolph's recourse was linked to a disavowal of consent for the transferal of the land. Denial allowed members of the collective to maintain a credible voice with which to contest the absorption of Lot 37 into Reserve No. 3. It assured them continued access to the discursive ground where land issues were determined.

225Ibid.

226Ibid.
Though racial criteria permeated land discourse in BC and influenced the province’s social construction, native people were able to participate in an oppositional discourse. Adolph and other members of the collective testified before the Royal Commission and their requests were considered, if inappropriately acted upon. On a larger political scale, the Allied Tribes were able to represent native opposition to decisions made by the Royal Commission to Ottawa.\textsuperscript{227} Though native people were in each instance unsuccessful, they were actors in the political discourse over land. For native men, access to public speech arenas was possible if not ideal.

Nancy Fraser has posited political contestation over ‘needs’ (in this case, land) as a discursive site.\textsuperscript{228} She describes the configurations of discursive sites:

Subordinate or oppositional groups ... articulate needs interpretations intended to challenge, displace, and/or modify dominant ones. In neither case are the interpretations simply “representations.” In both cases, rather, they are acts and interventions.\textsuperscript{229}

Fraser identifies three principles of discursive sites in contemporary society: oppositional, reprivatization and expert discourses. If these principles are transposed onto early twentieth century British Columbia, ‘oppositional’ discourse was dominated by first nations men who were officially sanctioned by the state to serve as witnesses to the Commission. Railways, power

\textsuperscript{227}Titley, op. cit. p. 154. A meeting was held in Ottawa in March of 1927 to consider the Allied Tribes objections to the McKenna-McBride recommendations.

\textsuperscript{228}Nancy Fraser, \textit{Unruly Practices: power, discourse and gender in contemporary social theory}, (Minneapolis: University of Minnesota Press, 1989) Chapter 8. Fraser emphasized that who defines ‘needs’ is as important as which of those needs pass into the realm of ‘rights’. Rights are simply needs ensconced in hegemonic discourse.

\textsuperscript{229}Ibid. p. 161.
companies and settlers controlled ‘reprivatization’ or private-interest discourses while the Canadian state represented ‘expert’ discourses which managed politicized claims in the interests of the dominant (white) culture. The government goal was to control oppositional discourses through state intervention.\(^{230}\) The McKenna McBride Commission served this interest by constructing native land as a realm of state authority to be managed in the interests of railways and settlers. It *supervised* the struggle over land. As wards of the state, native people could engage in the political battleground in a limited but recognized capacity.

Representation in the discursive site was restricted on the basis of gender rather than race. Women did contest their liminality in the struggle over land. In 1914, Akeie Kenton presented herself before the McKenna McBride Commission in Boston Bar. There was no precedent for her testimony. The only other woman encountered in over 500 pages of ‘evidence’ from the Lytton Indian Agency was Miss Blatchford who served as an interpreter. For Akeie Kenton, the Commission was her last hope for securing title to her land in the face of encroaching claims by settlers and the CPR. Her endeavour to halt the subsumption of her land challenged the gender composition of the discursive arena.

Akeie Kenton bought her land, near Boston Bar, in 1898 for $180. The white man who originally pre-empted it had died in the Old Men’s home in Kamloops and the sale was managed by Joe Burr. In 1910, Burr wrote to Akeie Kenton in 1910 advising her that she must pay $5 in taxes every year. She complied and paid the money to the Postmaster. The Commission asked her

\(^{230}\)Ibid. p. 173.
if she had receipts for the tax money but they were in the hands of a ‘half-breed’ [sic] Catherine Southwell who had written Kenton’s letters for her and collected the receipts. Southwell had promised to obtain a ‘clear title deed’ for Kenton and insisted that she needed all the relevant papers to do so. No deed had been forthcoming and Catherine Southwell would not turn over the receipts though Akeie Kenton asked for them on two occasions. Kenton was reliant on Southwell to translate the spoken as well as the bureaucratic language. Southwell’s positioning as a ‘half-breed’ married to a white man constituted her credentials to navigate between cultural and racial realms. Southwell was a cultural translator, and Kenton had no choice but to trust her.

There was an urgency to Kenton’s petition, in 1914, as C.P.R. surveyors had just built a house on her land. The surveyors had told Kenton that her land was now government land and their house on Kenton’s land was a menacing reminder of the railway’s designs. Ownership of this land was clearly being negotiated despite Kenton’s traditional and legal claim to it. Kenton told the Commission: “[o]riginally, that land was Indian land, and Tom Ryan borrowed it from the Indians.” Despite Kenton’s recognition that the land rightfully belonged to her as an ‘Indian’, she had paid for it. Her failure to obtain title was due in part to her positioning on the margins of white society. It was, however, consolidated by Kenton’s parallel marginalization, as a women, within native culture. Kenton was not part of the official subordinate group and therefore lacked easy access to the discursive site, of

231 Evidence of the Royal Commission on Indian Affairs in British Columbia at Boston Bar, November 17, 1914.

232 Ibid.
the Commission’s hearings, where who had the right to land was being determined. That realm was dominated by men. Her testimony challenged the authority of both the state and her band to determine who has the right to speak from the realm of oppositional discourse.

Despite Fraser’s recognition of ‘oppositional’ groups, I would argue that there are officially sanctioned oppositional groups which have their own exclusionary criteria. In British Columbia, first nations men dominated native opposition to the subsumption of their lands by whites. Akeie Kenton stood outside the discursive site where land claims were being determined. She neither represented an officially recognized discourse nor was recognized by one. Kenton emerged from “[b]etween patriarchy and imperialism, subject-constitution and object-formation”233 to speak to the Commission. The realms through which Akeie Kenton travelled to present her story to the Commission represent borders: gendered borders within native society, cultural borders between native and white society, and exclusionary borders of literacy which kept first nations from the world of buying and selling. Akeie Kenton had been marginalized as a woman in the native world and in the white realm of property realtions. She was sequestered on a reserve and did not speak or read the language of the increasingly rationalized white economic realm. She was contained materially, culturally and economically. For her efforts, she was named in the record.

Discursive sites are culturally negotiated and their composition shifts through time. Kenton forced entry into a domain where native women are

increasingly found. Like their participants, discourses change over time. The native shareholders who bought Joe L’Italian’s land questioned the authority of the state to control access to land. They contested their subordinate positioning as wards of the state with small influence over land decisions affecting their welfare. The premise that the government, acting on behalf of white society, should determine “who owned the land, who had the right to settle and work on it, who kept it going, who won it back, and who now plans its future” was not accepted by the Fountain band. Nor is it generally accepted by the dominant culture in British Columbia today. Native participation in the discursive realm of land tenure negotiations led to its gradual transformation.

The 'foreigness' of language is the nucleus of the untranslatable that goes beyond the transferal of subject matter between cultural texts or practices. The transfer of meaning can never be total between systems of meaning, or within them ...

(Homi Bhabha, post colonial critic\textsuperscript{235})

The English language is the most inappropriate tool on God's green earth to speak from the heart.

(Myra Laramie, Cree counselor to high school students\textsuperscript{236})

Much of the anomie encountered in testimony given by native witnesses was related to tremendous stress placed on native people as they struggled with the material effects of fifty years of intense colonization. Witnesses tried to describe the repercussions of white settlement, the destruction caused by railway construction and the restrictions to fishing and hunting. They tried to communicate between two opposing worldviews but cultural misunderstanding prevailed, buttressed by a gross imbalance of power.

This chapter is concerned with the strategies of cultural enunciation native witnesses used to present their claims before the Royal Commission and describe the difficulties they had endured as a result of colonization. In some

\textsuperscript{235}Homi K. Bhabha, \textit{the location of culture}, (New York: Routledge, 1994) p. 163.

\textsuperscript{236}Laramie cited in Boyce Richardson, \textit{People of Terra Nullius: Betrayal and Rebirth in Aboriginal Canada} (Vancouver/Toronto: Douglas & McIntyre, 1993) p. 246.
instances, the Queen, understood by native people to be a symbol of white honour, was invoked as a call to integrity. Early colonial officials had represented the Queen to native people as their great Chief. Native witnesses to the Commission had not forgotten promises made in the name of the Queen and reminded the Commissioners of them. God was likewise used by native witnesses as a common referent. Missionaries had lived among Nlha7pamux and Stl’atl’imx people since the 1860s. Many first nations had converted to Anglicanism or Catholicism. Many recognized in the Christian God a spiritual connection to their traditional beliefs. Many witnesses appealed to the authority of God in stating their claims before the Commission. Their narratives intertwined God and the Queen with more material strategies of appeal. Their tactics exposed cultural disjunctions between the witnesses and the Commission; the results illuminated the greater political power of the latter.

Native politeness contained the urgency and determination of many appeals to the state, a politeness to which the Commissioners did not respond. The disjunction of power between the state and native witnesses did not encourage cultural sensitivity. Yet, enunciative tactics were also material. Native witnesses before the Royal Commission displayed maps they had drawn to represent their claims to land. In using maps, witnesses used a strategic device which had been employed by colonizers in laying claim to the lands and resources of British Columbia.

Though common strategies were used by first nations across the province to represent their land claims before the state, there were also local differences. Nlha7pamux and Stl’atl’imx tactics before the Commissioners were not identical, and identify the two tribes as separate peoples. Yet native witnesses
to the Commission were generalized by the Commissioners as 'Indians.' It was the common plight of 'Indians' across the continent which ultimately contributed to a basis of unity between witnesses. Testimony to the Royal Commission contained the seeds of a pan-Indian identity which would emerge later in the century. Indian identity at the micro scale was deployed for different issues than was pan-Indian identity at the macro scale. Construction of identity and its enunciative strategies constituted another tactic by which native people brought their political demands to the attention of the state.

This chapter explores these strategies of cultural enunciation. The thin line between interpretation and speculation is no doubt transgressed, for this research is conducted outside of Nlha7pamux or Stl'atl'imx culture; it is not hermeneutic. Like the members of the Royal Commission I cannot speak the language of the first nations witnesses. Nor can I pretend to understand the structural or cultural barriers they may have encountered in presenting their claims. Nevertheless this interpretative foray seeks to expose a historically shadowed facet of native resistance to colonialism. Dorothy Smith reminds us that "[a]ny alternative account must be speculative." 237 This chapter is not an exception.

Two underlying problems limited native witnesses in their ability to communicate with the Commission. The first was that native witnesses often used frames of reference which the Commissioners did not fully understand—a problem that had plagued native-white relations. 238


238 Northrop Frye pointed out that linguistic barriers were accentuated between "missionaries who understood only descriptive language" and "Indians who spoke habitually in metaphors."
second and more grave obstacle to communication was that the Commission, despite its patina of paternalism, was indifferent to many of the difficulties brought to its attention by native witnesses. The two problems became intertwined and confused. Difficulties in communicating between two cultural realities merged with the Commission’s indifference to native survival. Complicating the issue was the government of the day’s refusal to respect promises made by past colonial representatives to native tribes. These difficulties were embodied in strategies of cultural enunciation by native witnesses who persisted in trying to convey to the Commission their present situation and their memory of past colonial promises.

The Queen

Native communications with the Commission were preceded by a history of misunderstanding that began when the first Europeans arrived in British Columbia. Early colonial officials used the British monarch as their symbol of authority when dealing with native people. The Queen was described in terms analogous to a native Chief. Native people treated early colonial officials of the state and, by extension, the Queen with deference and respect. Their courtesy was mistaken by white officials as obsequiousness as well as acknowledgment of their own superiority. Indian Commissioner Gilbert Malcolm Sproat wrote from Cook’s Ferry, 40 km west of Lytton, in 1878 that “15 Chiefs and over 100 representatives from tribes between Lytton and Yale


appeared on horseback at my camp [and] ... wished me to mention to Lord Dufferin that they were all as one for the Queen.” Sproat included this detail “to show [the] good feeling” of native people towards whites.²⁴⁰ Sproat understood what few white people did: that the “good feeling” toward the Queen, expressed by the Chiefs, was not a vow to ‘serve and obey.’ It was simply a sign that they were well-disposed toward the Queen who was the white’s chief. Based on his research into the papers of Reserve Commissioner G. M. Sproat, Douglas Harris writes that “the Queen was viewed by the Native peoples as the source of justice ... [she] was seen as an ally in their struggle to secure land.”²⁴¹

Continued confiscation of native land tested native trust in Canadian representatives of the Queen. In 1874 I.W. Powell, Commissioner of Indian Affairs, assured the Shuswap tribe, who were concerned about encroachment on their grazing lands, that the Queen “would not suffer them to be treated with unkindness or injustice.”²⁴² Throughout Canada, the Queen continued to be used by colonial officials as a symbol of righteous honour, and it was difficult for native people to acknowledge that her word was unreliable. The government of Canada had consistently broken its word to first nations, not the Queen. After several decades of disappointment in bringing land claims before the BC and Canadian courts, first nations turned to their historic ally, the Queen. While the Canadian state was increasingly mistrusted, native

²⁴⁰ Gilbert Malcolm Sproat in a letter to the Superintendent General, July 17, 1878 (UBC Government documents: RG10, 3666, 10176)


people strategically transformed the monarchy into a symbol of resistance and hope for retribution.

London, England became the destination for British Columbia Indian bands contesting land allocation. The Nisga’a band tried to bring a petition before Queen Victoria in 1896. Denied access to the Queen, they settled for an audience with another European symbol of authority, the Pope in Rome. The native rationale for attempting audiences with the Queen was linked to her long use, by colonial governments, as the highest authority of the state. It also had a legal basis. Until well after the First World War, the Privy Council in England remained the highest court in Canada. It was a remnant of Canada’s previous colonial status. Legal counsel to native bands saw the Privy Council as a means of circumventing the less-than-sympathetic Canadian courts, although court cases referred to the Privy Council were routinely returned to Canada’s jurisdiction. This was consistently true for native land claims.

After Queen Victoria died in 1901, King George became the symbol of the state. A deputation of native people visited him in 1906 and the Cowichan band presented him with a petition in 1909. In 1914, a Cowichan chief, holding in front of him a framed picture of King George, met the Royal Commission. Overtly this would appear to have been a symbol of respect for the Dominion government, but its significance was more complicated. The monarchy was envisaged as a legal means of bypassing the clearly unsympathetic Canadian courts in native quests for justice over land. The


244 The monarchy as a symbol of justice is an issue discussed by both Paul Tenant in his book Aboriginal Peoples and Politics (Vancouver: UBC Press, 1990) and by Robert Cail in Land, Man and the Law (Vancouver: UBC Press, 1974).
Witness at Cowichan with picture of King George.

Overtly this photo indicated loyalty to the crown but the Cowichan had presented a petition to King George in 1909, asking for the issue of Aboriginal title to be decided in the Privy Council rather than the British Columbia courts. In this context, the picture of King George assumes a more subtle meaning.
picture of King George, the witness held before him as he approached the Commission, expressed intense dissatisfaction with reserve allocation among native people in British Columbia.

Fears that native people would begin to distrust whites had been prevalent in the province since the 1870's. By the beginning of the twentieth century, suspicion of whites was firmly entrenched among native people. Despite growing mistrust, first nations people continued to hope for fair treatment from the Canadian government. The "Declaration of the Lillooet Tribe" in 1911 read:

In early days we considered white chiefs like a superior race that never lied nor stole, and always acted wisely, and honourably. We expected that they would lay claim to what belonged to themselves only. In these considerations we have been mistaken, and gradually have learned how cunning, cruel, untruthful, and thieving some of them can be. We have felt keenly the stealing of our lands by the B.C. government; but we could never learn how to get redress. We felt helpless and dejected; but lately we begin to hope ... 245

First nations continued to refer to the Queen’s word but they also asked for title deeds to their reserve lands.

By 1914, when the Commission arrived in Nlha7pamux and Stl’atl’imx territory, native witnesses well realized that the ‘Queen’ was a separate entity from the Canadian government. The latter denied them aboriginal title and insisted that they be remaindered on small reserves. Patrick told the Commission at Boston Bar that:

That is what the Queen reserved for us. That was given to me by the Queen, and I want to get a clear title deed to this land. They told us they would fix that for us, in times gone by. 246

The Queen was Patrick's strategic ally. But the Commissioners were suspicious. They asked Patrick if he wanted the land so that he could sell it. Their refusal or inability to understand that Patrick wanted the land simply to live on complicated actual problems of cultural enunciation. It was hard for witnesses to know whether the Commission was simply indifferent or whether they could not understand their requests.

By 1914, when the Royal Commission arrived, native people were well-aware that white society operated within a very different set of assumptions than their own. Their language continued to reflect native protocol while attempting to find terms of reference that whites could understand. Within traditional native lifeworlds, narrative presentations had been a means of weaving events into the cultural fabric. Stories and long descriptions continued to be the means by which witnesses tried to convey their situation to the Commissioners. Patrick tried to explain to the Commissioners the agreement which the Nlha7pamux had with the Queen:

You see, the Queen gave us this land, and put us in there. It was surveyed by white men, and the Queen promised us that no white men [sic] was to go and trespass upon this Reserved land. The white men come in and take up our land, and tell us we have no right to it. They take the water and everything, even after we have begun to clear the land. The white man will come along, and say he has bought it, and we have to move along, and this is what makes us dissatisfied. So now I am pleased to have you here, because you have been sent here to settle this dispute. You can see how poor we are, and you can see we are

246 Transcripts of the Royal Commission on Indian Affairs: Patrick at Meeting with Boston Bar Band or Tribe of Indians on November 17, 1914.
not blessed with very much wealth, and I hope you will be kind enough to help us, because our conditions are very poor. That is why I am talking today. I would like our lands enlarged, because our Reserves are all very small, and not sufficient for the Indians.\textsuperscript{247}

The use of the Queen was both a call to integrity as well as a reiteration of the language used by previous officials who had allocated reserves. Patrick told the Commission that "the Queen was our Guardian." His speech called upon the government to honour its past promises.

\textit{God}

An imbalance of power between native people and the Commissioners was intensified by a gulf of untranslatability. As Homi Bhabha explains:

\begin{quote}
The aim of cultural difference is to rearticulate the sum of knowledge from the perspective of the signifying position of the minority \ldots \textsuperscript{248}
\end{quote}

Patrick sought a way to remind the Commissioners of promises made by past officials and to describe them in terms that would affect their conscience. Despite Patrick's careful attempt to bridge enunciative differences between them, the Commission dismissed him and called the next witness. Crossing the cultural divide was further complicated by the imbalance of power between the Commissioners and witnesses, a general indifference on the part of the Commissioners and their more benign failure to comprehend. Many of the references used by witnesses attempted to draw on a shared understandings of the world.

\textsuperscript{247}Ibid.

\textsuperscript{248}Homi K. Bhabha, \textit{the location of culture}, (New York: Routledge, 1994) p. 162.
Missionaries had been the first whites to present a European worldview to first nations. Missionary teachings had conflated cultural practices of incoming white society with the ethics of Christianity. This hybrid institution fit well with assumptions of native lifeworlds in which separations between social subsystems did not exist. God and tenets of Christianity were deployed as a means of asserting native land rights. God was an adjunct to a politics of resistance which employed white institutions to native ends. Chief George of Boston Bar told the Commission that “Christ ordained that we should live within this area, and we dont [sic] want things changed until such time as Christ returns.” He was asserting his people’s right to the land as decreed by the creator but within terms that the Commission might understand.

By using God in their speeches to the Commission, witnesses communicated a vision of reality in which spiritual life was not separate from material life and land entitlement. In this vision, God was not remote but integrated into daily life. He became a means of promoting native cultural use of land. According to the testimony of witnesses, the connections between animals, trees, fish and people had been seamless in the past. It was this former world which Patrick described to the Commissioners when he told them that “Anything that belongs to our band I want ... that is the animals, and the birds, or anything that the Lord has made for our use.”

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250 Transcripts of the Royal Commission on Indian Affairs: Chief George at Meeting with Boston Bar Band on November 17, 1914.

251 Transcripts of the Royal Commission on Indian Affairs: Patrick at Meeting with Boston Bar Band or Tribe of Indians on November 17, 1914.
the Commissioners, native witnesses attributed considerable authority to God.

But colonization introduced barriers between the spiritual and material realms. Patrick told the Commission that “before God left he never meant to have any gaols or any policemen ...” Breakdown of a previous world vision was precipitated by God’s departure. The materiality of modernity was supplanting a holistic worldview. Chief Peter Chalal from Seton Lake told the Commission that:

I pray to God to help me, but I cannot see God — I cannot see him because he has no body. Well the people now have a body and I can see you fellows ...  

Chalal reflected missionary teachings; whereas God was previously perceptible without a body and immanent, he was now invisible. The presence of the Commissioners, on the other hand, was very concrete. The Commissioners had bodies and their material society was responsible for Chief Chalal’s predicament.

Peter Chalal did not appear to be convinced that God had left the world forever. God’s desertion could be temporary. Chalal added hopefully:

I guess someone sent you up here to settle the grievances — may be the Almighty God sent you up here to settle my grievances; that is why you fellows ain’t [sic] going to laugh at my words.  

252 His logic that God left the world after Creation follows biblical interpretations of the book of Genesis.

253 Transcripts of the Royal Commission on Indian Affairs: Meeting with Seton Lake Band on November 5, 1914.

254 Transcripts of the Royal Commission on Indian Affairs: Meeting with Seton Lake Band on November 5, 1914.
Potlatch at North Bend, 1885. All potlatches were banned by the federal government in 1884, under provision of the Indian Act of 1884.
If the Commission was going to settle Peter Chalal’s 'grievances' and take him seriously, it would be on account of God Almighty’s intervention. He urged them to recognized the possibility.

Little patience was shown by the Commission for these orations, whether they were grounded in a material or spiritual reality. At Lytton, after a series of speeches, Commissioner McKenna warned the assembled witnesses that:

We told you at the beginning of the meeting what business was to be transacted here, and those who have ears should have heard, and I think you heard and understood what was said to you.\(^{255}\)

Despite efforts, in an eloquent and formal language to use European cultural icons to formulate land claims, neither the deployment of God nor the Queen was accepted by the Commissioners. The Commissioners equated vision and rationality with 'truth' and placed little value on belief as 'truth.' The material emphasis of European society had influenced native witnesses as reflected in their testimony. Charlie Adolph of Fountain greeted the Commission:

I am glad to see you gentlemen. About God, that created the world, and created all the white men, I am not going to say very much, but I am going to tell you about our troubles and grievances. Now about the Reserves back here, No.s 4, 5, and 6...\(^{256}\)

Adolph recognized that, by 1914, both the 'Queen' and 'Christ' had been usurped by the 'Government at Ottawa.'

\(^{255}\)Transcripts of the Royal Commission on Indian Affairs: Meeting with Lytton Band on November 15, 1914.

\(^{256}\)Transcripts of the Royal Commission on Indian Affairs: Meeting with Fountain Band on November 9, 1914.
Reference to the trinity of Christ, the Queen and God Almighty were further complicated by the use of interpreters. Few Nlha7pamux or Stl’atl’imx people spoke English and interpreters translated their testimony. Norma Alarcón identifies the dangers inherent in translation when she writes that:

> [t]he act of translating which often introduces different concepts and perceptions, displaces and may even do violence to local knowledge through language.  

‘Local knowledge’ of the sort offered by witnesses had little valence among the Commissioners.

Speeches by Nlha7pamux and Stl’atl’imx, draped in a rich oratorial tradition, remained amazingly polite despite the burden of poverty under which the witnesses struggled. That politeness was misleading and the Commissioners did not comprehend the latent resistance embodied in the language of their witnesses. It was a politeness which, culturally, was carefully coded.  

Maps and rational signs

Communication with the Commission expressed the politeness of native tradition but increasingly incorporated ‘rational’ signs. Witnesses used maps in an effort to convey their land claims in a language understood by the Commission.

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258 This politeness stretched across Canada. The Inuit in the eastern Arctic, for example are polite to a fault. Jean Briggs has written about politeness in the Utke (who live around Gjohaven) who are what whites would consider pathologically polite. It is simply unacceptable to show anger in Utke society. All expressions of anger must be shrouded in polite speech. Though it is a dangerous manoeuvre to See Jean Briggs, *Never in Anger* (Cambridge, Mass: Harvard University Press, 1968.)
Commissioners. As Brian Harley has shown “a link is increasingly being
made between maps and power – especially in periods of colonial history.”259
Maps were certainly an essential tool in orchestrating control of British
Columbia. In 1860, Colonel Moody and the Royal Engineers began mapping
‘unknown’ territories as a preliminary step to settling British Columbia.
White settlement of the province was encouraged by a series of ‘Pre Emptors
[sic] Maps,’ distributed by the Department of Lands.260 Native people
contested that appropriation using their own maps.

Maps were precise strategies for designating land ownership and witnesses to
the Commission used maps to stake their claim in a paper battle for
possession of the land. They mapped-back their land ownership, for the
Commission. At Lillooet, Chief Retasket announced:

That is why we are gathered here in one language to ask this one thing...Now
we will tell you about our Reserve — Perhaps you have the plan of our Reserve,
but I got to show you our own plan. (Here shows Commissioners his plan and
points out on same the different Reserves).261

The alternate maps he produced were signs co-opted from a colonial
discourse. Chief Retasket engaged in the politics of representation used by
whites in an attempt to regain native ownership of land. Commissioner
Macdowall asked, “[w]hat are these yellow spots on the map?” Retasket

259Brian Harley, Maps, knowledge, and power. In The Iconography of Landscape: Essays on the
symbolic representation, design and use of past environments. (Cambridge/New York:

260Ken Brealey, “Euro-Canadian Cartography and the Nuxalk and Ts’ilkasquot’in First

261Transcripts of the Royal Commission on Indian Affairs: Meeting with Lillooet Band on
November 4, 1914 . p. 2. Emphasis mine. By ‘one language’ Chief Retasket meant English. He is
one of the few witnesses who spoke fluent English.
answered that "[t]hese spots are land which does not belong to the Indians," but which his tribe claimed as their own. Cartographies of power were being negotiated by both sides. The Chief explained that the yellow spots were traditional Indian land. He referenced his own map to illustrate possession.

Nlha7pamux and Stl’atl’imx witnesses realized that maps were coincident with claims to land and strategized accordingly. In Lytton, Harry Sam told the Commission:

I would be pleased to have the new piece of land that I asked from Ottawa, that it be given to me personally on a map that I could hold in my possession.262

Maps signified possession. They were instruments of colonialism and they had transcended cultural barriers as a means of communicating land ownership.

At Seton Lake, Chief Peter Chalal also produced a map of his reserve. He used it as a tool to tell the troubled history of negotiating land ownership with whites. Chalal told the Commission:

I am pointing out on the map where the Indians had trouble about their land on No. 1. When the surveyors came to measure up this land, when they got down to the N.W. corner they asked me if the line will go through this way (indicating on map) ....263

262 Transcripts of the Royal Commission on Indian Affairs: Meeting with Lytton Ban on November 15, 1914. p. 8.

263 Transcripts of the Royal Commission on Indian Affairs: Meeting with Seton Lake Band on November 5th, 1914.
Maps were a common language with which native people tried to negotiate their differences with a colonial government. Maps were a strategy of cultural enunciation.

**Construction of Identity**

Despite use of maps by both Nlha7pamux and Stl’atl’imx witnesses, the two tribes used different tactics of representation to communicate with the Commission. Separate identities as nations are reflected in the different strategies each tribe chose to represent its land claims to the Royal Commission. As distinct cultural groups, the Nlha7pamux and Stl’atl’imx employed different geographies of resistance. Many Stl’atl’imx witnesses drew their own maps which they referenced during the hearings. Their identity as a nation with a right to the land was envisioned and reinforced by those maps. It was also expressed in statements given by each Stl’atl’imx Chief, that emphasized his people’s *a priori* right to their land. In Seton Lake, Chief Chalal told the Commissioners:

> Our old forefathers are all gone and we are now living on our own land and are looking after it — That is why we are saying we are the original inhabitants of the land. (He here produces map showing his Reserves.)

Stl’atl’imx statements appear to have been coordinated between the chiefs of each band before the Commission’s arrival. Speeches by Stl’atl’imx chiefs had a common theme. At Bridge River, the Commission was told, “[w]e are the first people here.” Chief Retasket stated, “[w]e think we have a right to claim our rights in this country because we owned this country before the whites

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264 Transcripts of the Royal Commission on Indian Affairs: Meeting with Seton Lake Band on November 5th, 1914. p. 1.
came to this country." Each Stl’atl’imx Chief stated his claim based on his band being ‘the original inhabitants’ of the land.

Nlha7pamux witnesses, who occupied land farther south along the Fraser river, pursued a tactic of representation based on maintaining tribal unity. Their tribe had been administratively divided in 1910 by the Department of Indian Affairs. In that year, Indian Agencies in British Columbia were reorganized, and the Nlha7pamux people were separated into two agencies under the jurisdiction of different Indian Agents. Each Nlha7pamux Chief began his address to the Commission by stating their rights to live within the “4 posts.” A white man, most likely a gold miner without governmental authority, had promised in the name of the Queen that these posts would be the inviolable boundaries of Nlha7pamux territory. Nlha7pamux people had been promised by the ‘Queen’ that they could live for perpetuity within “4 posts” which defined the perimeter of Nlha7pamux lands. Patrick from Boston Bar explained the agreement to the Commissioners:

> The four posts that were mentioned extend from Spuzzum to Lillooet, from Lillooet to Lytton, from Lytton to Kamloops, back again to Lytton, and Lytton to Nicola, and Lytton is the center of our district. That is what our former Chief, Pellock — he was the first one to state that we live within these four posts. Pellock was really the first Chief that we had, and the Queen was our Guardian. You see when the first white men came here, we were at war, when

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266 Members of the Stl’atl’imx from Lillooet were taken from the Williams Lake Agency and put into the Lytton Agency; other Nlha7pamux from the Kamloops and Nicola areas were transferred to the Kamloops Agency.
they were killing us off. In the Spring there was an agreement made between
the Queen's Officers and Chief Pellock about the four posts.\textsuperscript{267}

The Commission asked to see this agreement but Chief Benedict of the
Boothroyd band testified, "That document has gone into the offices in
England and also to the Offices of the Victoria Government." Most likely, the
agreement was made by a miner without jurisdiction; certainly no document
was ever produced.

Patrick explained Nlha7pamux objections to their administrative separation:

...I want it so my friends in Lillooet can come down through this land, and go
all the way to Spuzzum to catch his fish, if he needs it; and I want to have the
right to go and get everything I want, even if I have to go as far as Lillooet for
it. Anything that belongs to our band I want; and I want my friends in Kamloops
to have the same rights, and that they may come here, or any other place — to
come here and get anything they want; and the birds, or anything that the Lord
had made for our use. That I may go to Nicola if I wish to get anything of the
animals that I need for my food, and that the Indians at Nicola can come here
and catch fish for their use; and that I have the same right to go and get deer
and grouse in their country. I dont want any close seasons, and I dont want any
policemen to come along and stop us from taking this. This is what we used to do
in former days.\textsuperscript{268}

Patrick described the area within the four posts as delineating one language
group; their common tongue provided the basis for a nation and an identity.

\textsuperscript{267}Transcripts of the Royal Commission on Indian Affairs: Meeting with the Boston Bar Band
on November 17th, 1914. p 2.

\textsuperscript{268}Transcripts of the Royal Commission on Indian Affairs: Meeting with the Boston Bar Band
on November 17th, 1914. p 3. Lillooet and Kamloops were outside traditional Nlha’pamux
territory. Patrick may have been encouraging bonds between traditionally separate tribes.
Alternatively, he may have overstated the extent of Nlha’pamux territory in order to claim
more land.
Chief Paul Klawaskut reiterated Nlha7pamux identity based on language to the Commission at Lytton:

I am not satisfied with the division [of the Agency] because we belong to the one tribe, and we are the same language, and we don’t why [sic] we should be separated. We had a meeting one time, and talk [sic] the matter over, and we all agreed that we want to be back in this Agency. 269

Language was the basis for Nlha7pamux identity and the Chiefs wanted to maintain their freedom to move within that area.

At the micro level, cultural difference between first nations peoples was emphasized by their different politics of representation, which likely derived from their exposure to different colonial patterns of land appropriation. On a macro scale, however, a ‘pan-Indian’ identity was forming. Both identities were strategically deployed on separate occasions to represent claims before the Royal Commission. Demands for land constituted a shared focus among first nations in British Columbia. By 1914, a general disillusion with reserve size was evident as Chiefs from many bands recounted unfulfilled promises of land. The Chiefs, emphasized native right to an inherent ‘aboriginal title’ based on being the “original inhabitants.” Aboriginal title and Indian identity were related and increasingly imbricated in enunciative tactics. Chief Tommie Adolph greeted the Commissioners:

I am very welcome to see the Commission. We would like to tell the Commissioners that we are the original inhabitants of the land. We have sent

269 Transcripts of the Royal Commission on Indian Affairs: Meeting with the Lytton Band on November 13th, 1914. p 2. Emphasis mine.
a Petition to the Government about this, but we have had no answer yet. We have been traveling pretty nearly all over to try and get our title.270

Tommie Adolph saw his quest for legal title to his land as part of a struggle by Indian people across North America. He continued:

I hope the Commission will try to help the Indians in regard to the question of Aboriginal Title. When this country was discovered, the King promised that he would fix up and have a treaty with the Indians. Why do the Indians in the United States and in Eastern Canada have treaties, and the British Columbia Indians no treaty?271

The absence of treaties between first nations and the Canadian government remains a contentious issue today. It has provided the basis for a century of native political agitation in the interests of securing just land settlements.

Comparison between first nations of British Columbia and those of other areas of North America were made based on their common identity as ‘Indians.’ In this context, identity was relational. Chantal Mouffe writes that every identity requires a ‘constitutive outside.’272 In this instance, the constitutive outside, of ‘Indian’ identity, was provided by colonialism and reinforced by intensive white settlement. White encroachment on native land generated Nlha7pamux and Stl’atl’imx awareness of problems shared by their nations and other ‘Indians’ across this continent. A sense of ‘Indian’ identity and entitlement was woven into the testimony as were requests for recognition as the ‘first people here.’ The Commissioners remained resolutely

270 Transcripts of the Royal Commission on Indian Affairs: Meeting with Fountain Band on November 9, 1914. p. 1.

271 Ibid.

unreceptive, a predetermined indifference. In 1912, Commission McKenna had promised Sir Richard McBride, Premier of the province of British Columbia, that he would ensure the issue of ‘aboriginal title’ would remain outside the mandate of the Royal Commission. In a memorandum to Premier McBride, McKenna confirmed that the Commission would uphold the province’s denial of Aboriginal Title.273

Despite gargantuan efforts by native witnesses to obtain recognition of aboriginal title, their enunciative strategies fell on deaf ears. Absence of a political will to negotiate the issues characterized the Canadian State and therefore the Commission.

That’s about right

Throughout the testimony, enunciative obstacles frequently separated the Commissioners from native witnesses. Commissioners thirsted for statistical detail which interfered with witnesses’ attempts to convey what they considered more pressing problems. A typical exchange, repeated many times throughout the hearings, took this form:

Q. How many people are in the three families?
A. About 10.
Q. Any children?
A. Yes.
Q. How many?
A. Four.
Q. Are they of school age?
A. Yes, some of them are.
Q. Do any of them go to school?
A. There are two going to school at Mission, and 8 at Lytton.

273McKenna quoted in Robert Cail, op. cit. p. 233.
Q. There are 18 acres on No. 5 Reserve?
A. Yes.

Q. How many acres have the Indians under cultivation on that reserve?
A. I don't know how many acres – I don't know anything at all about acres.

Q. What is grown there?
A. The only thing I know of is potatoes.

Q. Do you grow any hay there?
A. Yes; a little hay, but that is all – not even apple trees.

Q. Have you any cattle?
A. Yes a few.

Q. How many?
A. Eight head of cattle, and I also own four horses.

Q. Are there any more horses on the Reserve?
A. You had better ask another man to speak.274

Questions like these were asked of almost every witness. Often the number and specificity of questions annoyed witnesses concerned with other issues. At Bridge River, the Chief was asked, “Is this a large Reserve?” He answered “It is just like this.” Chief David was aware that the Commissioners already knew the exact acreage of his reserve yet seemed oblivious to the structural poverty of his reserve. Witnesses encountered a recurring problem in trying to convey the urgency of issues to a steely and reticent Commission.

When it became clear that there was no point in further explicating or supplicating, witnesses withdrew. Frequent responses of “[t]hat’s about right” signified that the issue could not be understood by whites. Such responses were laced with resignation. At Lillooet, Commissioner McKenna insisted that Chief James Retasket had quite enough water to irrigate, despite native testimony to the contrary:

274Transcripts of the Royal Commission: Meeting with the Boston Bar Band on November 17, 1914.
Mr. Commissioner McKenna: According to the Schedule you have 25 inches of water from Cayuse Creek.

A. It is not 25 inches.

Q. What is it then?

A. Yes, that is about right.275

‘That is about right’ can be read as a code for resignation. When efforts to communicate their difficulties failed, witnesses desisted. Issues easily understood, like first nations’ demand for water or title to their land were often brushed over by the Commissioners. Much of what witnesses said did not appear to be understood. The two spoke across a cultural divide which the latter had incentive to bridge as the balance was firmly tilted toward the state. Indifference was exacerbated by language. Native attempts to communicate were obfuscated by “the ill-fitting robe of language.”276 Despite efforts by native people to convey their claims to aboriginal title and demands for land, an imbalance of power allowed the Commission to respond selectively to first nations testimony.

An enormous gulf of power separated indigenous people from the colonizing society. Yet native people in British Columbia did not easily accept their loss of land and their marginalization on small reserves under the jurisdiction of the Department of Indian Affairs. They used many strategies to present their claims. Native witnesses to the Royal Commission in 1914 sought to overcome communicative barriers through a number of strategies, many of which were introduced by colonialism. Witnesses mapped back colonial strategies of power. Metaphors of the Queen’s authority introduced by

275Transcripts of the Royal Commission: Meeting with the Lilooet Band on November 4, 1914.

276Homi Bhabha, op. cit. p. 164.
Reserve Commissioners and previous officials, to coax first nations people onto reserves, had no purchase with the Royal Commission. Nor did the references to the God on which Christian missionaries had insisted. Many first nations witnesses, however, did not bank on a shared consciousness. Strategies for cultural enunciation were diverse, and rational signs included maps and references to legal title deeds. Failure to secure a hearing in their favour, during the tenure of the Royal Commission, was not a reflection of efforts exerted by native witnesses to bridge an enunciative divide, buttressed by a gross imbalance of power.

The Royal Commission’s report in 1916 extinguished any remaining native belief in the benevolence of the federal government. No native band in the province accepted its recommendations. Native people in British Columbia have continued through the twentieth century to pursue their land claims at all political levels. The seeds of their efforts were contained in evidence presented before the Royal Commission in 1914. Despite the dangers inherent in interpreting native testimony to the Royal Commission, it is an avenue for re-examining Canadian history which has paid little attention to native tactics of resistance.
The Royal Commission on Indian Affairs for the Province of British Columbia concluded its interviews with native bands in 1914 and produced its final Report in 1916. During the period of its investigation, it collected "5,665 folios of typewritten evidence and 253 exhibits." The final Report was preceded by 98 interim reports and 5 progress reports which detailed each segment of the Commissioners' journey and the mode of transport used to reach each of their destinations. The Report's numerical detail included an (exaggerated) estimate of 25,000 Indians visited in the province over an area covering 395,000 square miles, equal to one-tenth of the Canadian total area, larger than the States of California, Washington and Oregon combined, or than Italy, Switzerland and France, and three times the size of the United Kingdom, and with a Coastline of 7,000 miles, all of which had to be covered.

The tone and content of the Report resembled an explorer's diary, linking it to preceding geographies of colonialism. Missing, however, from the inflated description and statistical emphasis of the Report, which consisted of well over one thousand pages in four volumes, was any consideration of the difficulties of native life that had been described by witnesses. Witness after witness had tried to convey to the Commissioners a sense of the intense

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278Ibid. p. 19.
hardship created by restrictive fish and game laws. At the end of the General Report was a short section called ‘Miscellaneous.’ It read:

Much general work of importance to Indian interests in British Columbia has also been accomplished by the Commission during the past six months.

The Game Act of British Columbia (Cap. 33 B.C.S., 1914) and the special privileges thereunder of Indians, hunting exclusively for their own food requirements, have been the subjects of special consideration and investigation... steps have been taken to secure more effective co-operation between the Provincial Game Warden's Department and the Agents in British Columbia of the Department of Indian Affairs, with a view to educating the Indian population as to the game laws and their value to the Indians as well as to the whites...279

Given British Columbia’s poor record in attempting ‘effective co-operation’ with first nations, the report did not bode well for a resolution to the problems so poignantly described by witnesses, some of whom were near starvation. The report did not mention discussions that had taken place, in 1915, at the federal level, about ending the native food fishery. Promises of being ‘educated... as to the game laws and their value to the Indians’ did not auger well.

A paragraph on the absence of water rights for native people noted that “[t]he Commission has also given special consideration to the question of the Water Rights of Indians... .” Aside from a reference to the future compilation of data, nothing was actually done about the arid reserves. Problems caused by railroad construction, lack of sufficient reserve land, restricted hunting and fishing rights as well as demand for aboriginal title were erased from the report. Reports for individual agencies were reduced to tables listing the

279Ibid. p. 156. The section entitled ‘Miscellaneous’ is one and one half pages long.
reserve name, its value in dollars and a brief description. The thousands of
testimony in which native people explained the disruptions of
colonialism were absent, as were traces of the suffering inflicted on native
people through the loss of their lands and livelihood. There are no references
to the structural constrictions of the Indian Act or to discriminatory policies
and laws.

Also missing was any acknowledgment of the huge efforts native people had
made to negotiate with the state in its language and on its terms. Native
witnesses had deployed symbols of church and state to their own ends; the
final report acknowledged God and the Queen only when they were arraigned
on the side of the Royal Commission. Likewise, maps used by witnesses to
‘map-back’ their land claims were not mentioned in the four volume report
submitted by the Commissioners. Throughout the hearings, native people
had used every opportunity to poke at the state that had circumscribed their
lives. They appealed to promises made by earlier colonial officials and drew
attention to the unresolved issue of Aboriginal Title. Ultimately, however, a
huge imbalance of power protected the Royal Commission, and by extension
the government at Ottawa, from the impact of native tactics. In the context of
a growing settler society, native people were increasingly irrelevant; they
lacked a vote and their geographic and political marginalization was ensured
by the terms of the Indian Act. The Commission’s final report reflected this
political reality.

Moved by disappointment with the Commission and an increasing distrust
in “the Government at Ottawa,” native people began to pursue alternate
avenues in their struggle for basic civil rights. In 1916, the Allied Tribes of
British Columbia, a political coalition of first nations, emerged out of a
meeting to protest the terms of the Royal Commission's report.\textsuperscript{280} In the same year the Interior Tribes Association released a statement opposing the Report:

The Indians see nothing of real value for them in the work of the Royal Commission. Their crying needs have not been met. The Commissioners did not fix up their hunting rights, fishing rights, water rights, and land rights... \textsuperscript{281}

The Report of the Commission confirmed for native people of British Columbia what many had begun to suspect before the first Reserve Commissioners travelled through their territory in the late 1870's: that whites wanted only their land and resources. The hope, expressed in the Lillooet Declaration of 1911, that "after all we may get some redress from the greater white chiefs away in the King's country or in Ottawa" was extinguished. For first nations people in British Columbia, the Commission's report reinscribed the colonial appropriation of first nations land and in doing so drew the battle lines for native people's continuing political fight for land and basic human rights. The Allied Tribes and the Interior Tribes Association were manifestations of a political will fomented partly by native disappointment in the Royal Commission. For them the report exemplified what Chief Benedict of Kanaka Bar had told the Commission:

\[\text{[the reserve] is where we are stored and corralled so that we are not to do anything that is not right...}\textsuperscript{282}\]

\textsuperscript{280}Joanne Drake-Terry, \textit{The Same as Yesterday} (Canada: Frisen Press, 1989) p. 278.

\textsuperscript{281}Ibid. p. 279.

\textsuperscript{282}Transcripts of the Royal Commission: Chief Benedict of the Boothroyd Band at Kanaka Bar on November 14th, 1914. p 1.
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