

KAMLOOPS AGENCY AND THE INDIAN RESERVE  
COMMISSION OF 1912-1916

by

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## ABSTRACT

In this thesis I review and attempt to provide a critical analysis of the work of the Royal Commission on Indian Affairs in the Province of British Columbia, otherwise known as the McKenna-McBride Commission of 1912 to 1916. This Commission was established to review and assess the acreage of land set aside for the use and benefit of the Indians and was empowered to cut-off land from reserves, create new reserves or to add land to existing reserves. The Commission came into existence due to contention of the increasing number of settlers in British Columbia and their governments that there was an excessive amount of valuable land locked up and lying in idle waste within reserves. I have outlined the social events and forces which led up to the formation of the Commission. Ultimately, the Commission represented a small aspect of the struggle between the colonizers and the colonized for the land and its resources.

	<u>Page</u>
ABSTRACT . . . . .	ii
TABLE OF CONTENTS . . . . .	iii
LIST OF TABLES . . . . .	v
ACKNOWLEDGEMENTS . . . . .	vii
I. INTRODUCTION . . . . .	1
II. PRELUDE TO THE ROYAL COMMISSION . . . . .	4
III. POWERS AND STRUCTURE OF THE ROYAL COMMISSION. . . . .	36
1. The Memorandum of Agreement . . . . .	36
2. The Personnel of the Commission . . . . .	42
3. Itinerary of the Commission. . . . .	43
IV. KAMLOOPS AGENCY - A RE-EXAMINATION OF THE TRANSCRIPT AND REPORT OF THE ROYAL COMMISSION . . . . .	46
1. The Native People Identified and the Agency Demographically Located . . . . .	46
2. Neskainlith Band . . . . .	49
3. Adams Lake Band . . . . .	59
4. Little Shuswap Lake Band . . . . .	67
5. Salmon Arm's Board of Trade - Businessmen's Interest in the Commission. . . . .	78
6. Decisions of the Royal Commission for the Shuswap District . . . . .	82
7. North Thompson Band. . . . .	86
8. Kamloops Band . . . . .	98
9. Kamloops Board of Trade - Businessmen's Interests in the Commission . . . . .	106
10. Deadman's Creek Band . . . . .	114

11.	Cache Creek Band . . . . .	.119
12.	Ashcroft Band . . . . .	128
13.	Cook's Ferry Band . . . . .	.137
14.	Reserve Nos. 8 to 15 (Chief Titlantea's Reserves) . .	143
15.	Summary and Assessment of the Commission's Decisions for all the Agencies in British Columbia . . . . .	.151
SUMMARY AND CONCLUSION. . . . .		157
BIBLIOGRAPHY . . . . .		166
APPENDICES . . . . .		170
A.	MEMORIAL -- To the Hon. Frank Oliver, Minister of the Interior, Ottawa . . . .	.170
B.	Carrying Capacity of Pasture Lands . . . . .	.175

# LIST OF TABLES

<u>Table</u>		<u>Page</u>
1	Animals Owned by Neskainlith Band and Land Required for Pasturage. . . . .	.55
2	Pasture Land Possessed by Neskainlith Band and Actual Number of Animals Supportable by That Land. . .	56
3	Land Classification of the Neskainlith Band . . . . .	.58
4	Animals Owned by Adams Lake Band and Land Required for Pasturage . . . . .	.62
5	Pasture Land Possessed by Adams Lake Band and Actual Number of Animals Supportable by That Land . . . . .	63
6	Land Classification of the Adams Lake Band . . . . .	64
7	Animals Owned by Shuswap Lake Band and Land Required for Pasturage . . . . .	72
8	Pasture Land Possessed by Shuswap Lake Band and Actual Number of Animals Supportable by That Land . .	.73
9	Land Classification of the Shuswap Lake Band . . . . .	75
10	Land Classification of the North Thompson Band . . . .	92
11	Animals Owned by North Thompson Band and Land Required for Pasturage . . . . .	94
12	Pasture Land Possessed by North Thompson Band and Actual Number of Animals Supportable by That Land . . . . .	.95
13	Land Classification of the Kamloops Band . . . . .	.107
14	Animals Owned by Kamloops Band and Land Required for Pasturage . . . . .	108
15	Pasture Land Possessed by Kamloops Band and Actual Number of Animals Supportable by That Land . . . . .	.109

16	Land Classification of the Deadman's Creek Band. . . . .	.117
17	Animals Owned by Deadman's Creek Band and Land Required for Pasturage . . . . .	.120
18	Pasture Land Possessed by Deadman's Creek Band and Actual Number of Animals Supportable by That Land . . . . .	121
19	Land Classification of the Bonaparte Band . . . . .	123
20	Animals Owned by Bonaparte Band and Land Required for Pasturage . . . . .	.125
21	Pasture Land Possessed by Bonaparte Band and Actual Number of Animals Supportable by That Land . . . . .	126
22	Animals Owned by Ashcroft Band and Land Required for Pasturage . . . . .	134
23	Pasture Land Possessed by Ashcroft Band and Actual Number of Animals Supportable by That Land . . . . .	135
24	Land Classification of the Ashcroft Band. . . . .	.136
25	Land Classification of the Cook's Ferry Band-A . . . . .	140
26	Animals Owned by Cook's Ferry Band-A and Land Required for Pasturage . . . . .	.144
27	Pasture Land Possessed by Cook's Ferry Band-A and Actual Number of Animals Supportable by That Land . . . . .	145
28	Land Classification of the Cook's Ferry Band-B . . . . .	147
29	Animals Owned by Cook's Ferry Band-B . . . . .	148
30	Pasture Land Possessed by Cook's Ferry Band-B and Actual Number of Animals Supportable by That Land. . . . .	.149

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I would like to dedicate this thesis to the memory of my ancestors, particularly to those elders with whom I spent my youth. It was through the consistent struggle of native women and men of past years for the rights of native people which made it possible for native youth of today to obtain training and technical skills. Skills which I have come to recognize, our ancestors would like to have seen brought back to the native communities, not to build personal careers, but to carry on the struggle for our democratic right to self-determination on the basis of self-reliance. However, this cannot be done in isolation. Our ancestors realized this and sought unity with the Chinese and Japanese during the 1930 and 1940. Native people of today must learn from this and forge alliances with Third World nations and peoples as well as obtain the principle support of the settler workers. I would also like to express heart warming thanks to my daughter Leila who inspired me.

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## CHAPTER I

### INTRODUCTION

The bourgeoisie, by the rapid improvement of all instruments of production, by the immensely facilitated means of communication, draws all, ... nations into civilization. The cheap prices of its commodities are the heavy artillery with which it batters down all Chinese walls, ... It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them to introduce what it calls civilization into their midst, i.e., to become bourgeois themselves. In a word it creates a world after its own image.

Karl Marx, 1848

At the turn of this Century, the governments of Canada and British Columbia established a Royal Commission to investigate and adjust Indian Affairs in British Columbia. The purpose of the Commission was to establish reserves in British Columbia on the same footing as those in the rest of the country in which the federal government had sole jurisdiction. Until 1912, the provincial government of British Columbia claimed ownership of reserve lands and that the Federal government was merely holding those lands in trust for the use and benefit of the Indians. However, the Commission was also empowered to establish new reserves, which was mainly done in the North-central zone of the province, and to investigate and determine whether or not

existing reserves, predominantly in the Southern portion of B.C., had excessive or inadequate land. The reserves were to be adjusted according to the Commission's assessment based on the testimony of native people, whites, Indian Agents and the data collected and compiled from various sources.

Between 1900 and 1912 the provincial government, businessmen, and farmers, maintained that native people held excessive acreages of land lying in idle waste within reserves that should be taken away and sold to settlers who would make better use of it. It was claimed that in withholding unused land Indians were impeding economic progress and settlement of the country.

The British Columbia government's claim to ownership of reserve lands and, also, its contention that reserves lands contained excessive acreages which must be cut-off so as not to impede settlement, was widely supported by settlers. It was largely in response to this contention that the provincial and federal governments established a commission to investigate claims of the provincial government.

The impetus behind this demand for reassessment of the amount of land contained within reserves was rooted in the rapid expansion in the economy and the sudden influx of settlers.

The purposes of this thesis are to determine whether or not there was any foundation to the contention that reserve lands contained an excessive acreage lying in idle waste, and to determine whether or not the testimony of Indian leaders and spokesmen had any impact on the decisions of the Commission.

Furthermore, in analysing the Commission of 1912-16 it is my hope that some light may be shed on the internal dynamics which led to the formation of the Commission, and on how it proceeded with its business. I have placed it in a historical perspective by outlining the relevant social events leading to its formation. As we will see, all this is an aspect of the struggle between the colonizers and the colonized over land and resources.

The activities of the Commission covered the whole province but I have chosen to review and analyse in detail only the investigation of the Kamloops Agency, located in the South-Central region of the province. Through a case study of the Kamloops Agency, we can witness the social and economic conditions of the Indians, the manner in which the Commission carried out its investigation, and the social relations between the Indian people and the growing settler society. This will reveal and illustrate the basis upon which the Commission carried out and made its decisions.

## CHAPTER II

### PRELUDE TO THE ROYAL COMMISSION

From the point of view of the Native people, the whole history of the Province of British Columbia is one of struggle over land and its resources between colonizers and the colonized.

The process of colonization, or the separation of the colonized from their land and the acquisition of the land by settlers, has been historically justified in Canada as elsewhere, by a racist ideology. This is vividly revealed in the words of a Canadian scholar, Stephen Leacock:

The continent remained, as it had been for uncounted centuries, empty. We think of prehistoric North America as inhabited by the Indians, and have based on this a sort of recognition of ownership on their part. But this attitude is hardly warranted. The Indians were too few to count. Their use of the continent was scarcely more than that by crows and wolves, their development of it nothing (Leacock, 1941:19)

Canadians have often commended themselves for treating 'their' Natives much more benevolently than their American counter-parts (Stanley, 1940:111). However, the process of colonization is brutal regardless of what form it takes (Cesaire, 1972; Fisher, 1977; Fanon, 1963). In the process of colonization, racism became embedded in the political economy of Canada as a means of maintaining the privileged

position of the European settler population over the Native people (Wellman, 1977: 19, 35-37).

The loss of control by Native people of their land, was a key ingredient to the growth and expansion of capitalism in Canada, particularly in British Columbia. A general European parallel is found in the Enclosure Movement in which the common lands of the peasants were expropriated and turned into the private property of the Landlords. This transformation was a key element in the birth and growth of capitalism in England. Whereas the peasants were forced off their lands into the cities to work the machines of the new industrial society or immigrated to the colonies, native people in Canada were compelled to move onto reserves so that the lands around the reserves could be opened up to developers and settlers. Furthermore, the creation of reserves to which Natives retreated, was seen as a means of avoiding conflicts between incoming settlers and the Native population. In the words of one historian

The only principle (in B.C.) was that of placating the Indians and keeping them out of the way of incoming settlers by ensuring to each tribe a definite reservation of land (Caird, 1956:316).

In the expansion of Canadian capitalism westward, represented by the Federal government's desire to establish a settler nation from sea to sea, native people in British Columbia found themselves caught in a dispute between the Dominion and provincial governments over the

size and ownership of reserves. The conflict, which was legalistic, arose because the jurisdiction over reserve lands had not been clearly spelled out in the Thirteenth Article of the Terms of Union which formulated the basis for British Columbia's entry into Confederation.

The two aspects of the Terms of Union which concern us are, firstly, British Columbia obtained legal control over most crown lands in the Province which later proved to be a stumbling block in establishing reserves, and secondly the federal government, consistent with the British North America Act, assumed jurisdiction over Indians and Indian lands in the new province. However, the federal government did not insist upon a clear statement on the rights of Indians or the nature of its jurisdiction over Indian reserves. This was due to the hostile position which British Columbia maintained on the question of Native rights. As far as the new province was concerned, the issue of Native rights was 'something of a joke'. In the debates over the Terms of Union, there was little discussion regarding Indians. A motion which advocated the protection of Indian people during the transitional stage of B.C. joining with the rest of the Canadian settler nation, was defeated twenty to one (Fisher, 1977:176). Subsequently a motion to extend Canadian Indian policy to the new Province was withdrawn. The draft proposal drawn up by the Governor-in-Council of British Columbia made no reference to Indians. It is presumed that the final draft of Article Thirteen was added in Ottawa (Fisher, 1977:176). Article Thirteen states:

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 union.

To carry out such a policy, tracts of land of such an extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted the matter shall be referred for the decision of the Secretary of State for the Colonies (Fisher, 1977:177).

Since Article Thirteen did not clearly state the Federal government's jurisdiction over reserve lands, and it did not state the per capita acreage which was to be allotted to members of Indian Bands, room was left for differing interpretations and for the claim by the new province to reversionary rights to Band lands. The nebulousness of Article Thirteen was rooted in the new province's intransigent position towards Native rights and the federal government's desire not to jeopardize the formation of a settler nation from sea to sea by pressuring the province into adopting federal Indian policy. The federal policy which had been pursued in the prairies involved the nominal recognition of Native rights by signing Treaties along with a minimum allotment of 160 acres of land per family.

The Federal government in attempting to pursue its newly acquired duties as outlined in Article Thirteen became embroiled between 1871 and 1875 over the per capita acreage to be allotted to the Indians. Since the new province controlled the crown lands, it dictated the amount of land which could be set aside for reserves and the amount it was allocating was miserly to say the least.

In 1873, the federal government in attempting to reach a compromise proposed that each family be allocated 80 acres which the new province rejected and contended that 10 acres per family was sufficient. Subsequent negotiations led to a short-lived compromise of 20 acres per family. In all the negotiations between the two governments, Native people were never consulted. Indians lived under the dictatorial rule of the colonials.

The nature and extent of allotments was such that by 1875 there arose a ground swell of protests from Indians who were supported by some philanthropists. In petitions to government officials, Native people said they felt

like men trampled on, and are commencing to believe that the aim of the white man is to exterminate us as soon as they can  
(Quoted in Fisher, 1977:184).

Fisher also pointed out that a chief from Cheam wrote to Lenihan, the first superintendent of the Mainland, protesting that



the reserves had been laid out without consultation with the Indians and that even twenty acres per family "was a mockery, was destruction to the Indian race".

(Fisher, 1977:184).

The protests were so widespread that the provincial government reluctantly agreed, to review the issue of reserve allotments. Subsequently, a commission was established in 1876 commonly known as the Joint Reserve Allotment Commission. However, the two levels of government could not come to an agreement on an acreage which the Commission would allot to each native family. The deadlock was broken, not through the consultation with Native people but, by William Duncan the Anglican Missionary. He proposed that each case where a reserve was to be established be judged individually without adherence to a standard acreage, and also land which had been set aside for the use and benefit of the Indians, and subsequently judged as no longer serving that purpose, should revert to the province. The agreement finally arrived at was stated as follows:

"to fix and determine for each nation seperately, the number, extent and locality of the Reserve or Reserves to be allotted to it" ; that "no basis of acreage be fixed - but that each nation of Indians of the same language be dealt with separately"; that "each Reserve shall be allotted"; that "in the event of any material increase or decrease hereafter of the of the numbers of a nation occupying a Reserve, such Reserve shall be enlarged or the members of the Band occupying it"; (sic)

and that "the extra land required for any Reserve shall be allotted from Crown lands, and any land taken off a Reserve shall revert to the Province". (Italics added; R.C.R., 1916:17. v.1).

This was the birth of the provincial government's claims to Reversionary Rights to reserve land. The solution proved in the long run, to be problematic to the federal government's administration of Indian Affairs. In other parts of the country, the federal government financed the Administration of Indian Affairs through the sale or leasing of reserve lands. In B.C., the federal government could not pursue such a policy without alienating reserve land at which point the province of B.C. could and did claim that such lands must revert to the province.

Primarily, the provincial government reluctantly set land aside for reserves because of the prevalent notion in the province of, what can only be termed, 'Manifest Destiny'. This notion was aptly summed up by the British Colonist in 1861:

As an inferior race..we beleive...(the Indians) must give way in order to make room for a race more enlightened, and by nature and habits better fitted to perform the task of converting what is now a wilderness into productive fields and happy homes (quoted in Fisher, 1977:95).

Another factor compounding the province's reluctance to release and set aside land was the prospect of profits to be made, with the constuction and completion of the Canadian Pacific Railway. British Columbia was induced into Confederation by the Federal government which promised that B.C. would be linked to the rest of Canada by a railway (Lower, 1939; Ormsby, 1971). Such access to the rest of the country would make the new province more accessible to settlers; more settlers

meant greater land sales and, thereby, a greater tax revenue for the provincial treasury. Trade and commerce between the new province and Eastern markets would be greatly enhanced. The socio-economic benefits of a railway linking B.C. with the East were numerous, and have been summarized as follows:

To the nascent trading class of the white settler community, no more than 10,000 people, the Canadian Pacific Railway was a godsend. The construction of the line, which promised to stimulate a depressed economy, would create a huge demand for goods and services, raise the value of property to holders in the vicinity of the track and provide the missing trading link with the Dominion east of the Rockies (Robin, 1972:52).

The provincial government in its anticipation of a booming economy was reluctant to relinquish to the Joint Allotment Commission land to be set aside for reserves. Consequently, the provincial administrators actively hindered the activities of the Commission. William Smith, who became Premier of B.C. in 1883, fought against the amount of land which the Commission was setting aside for reserves. He critically remarked that

...an almost criminal wrong had been done in withdrawing from settlement so large a tract of fertile land; a wrong particularly apparent at this time, when there is such a demand for settlers, who are entering the country in search of homes. Consequently applications are being made to me for just such lands as are locked up in these reserves by men who would invest large means in their development and make them productive of wealth to the state (quoted in Cail, 1956:376, v.2).

The meager amounts of land allotted as reserves, which ranged from five to thirty acres per family, stood in blatant contrast to the amount permitted an individual settler. White settlers east of the Cascades were permitted to pre-empt 320 acres of land.

If the period between 1871 and 1903 can be characterized as a period in which the provincial government balked at the amount of land being set aside for reserves, the period between 1903 and 1912 may be characterized as a time in which the provincial government agitated for recognition of its claims to reversionary rights and for the reduction in the size of reserves.

The man who was instrumental in pursuing the province's claim to reversionary rights and for reduction in size of reserves was Richard McBride. Richard McBride became premier of B.C. in 1903 at a crucial turning point in the province's history. There were plans for the construction of transcontinental railways at a time when the province was beginning to experience a phenomenal population increase. As we will later see, these changes created a powerful demand for land and for the reduction in the size of reserves. These changes were to lead to Richard McBride becoming the premier of B.C. and to influence him to agitate for the reduction in the size of reserves which, in turn led to the formation of the McKenna-McBride Commission in 1912.

The population increase of 213,823 in the decade 1901 to 1911 far exceeded the population increase over the previous three decades

1871 to 1901, which was only 142,410 (Census Canada, 1931:354, v.1). The population increase between 1891 and 1901 was 87 per cent, while from 1901 to 1911 it amounted to 119 per cent (Canada Year Book, 1960:175).

Such increases were due, on the one hand, to the Canadian government's need for settlers and, on the other hand, the European powers willingness to export their surplus population which was in turn brought about by the industrial revolution and the mechanization of production. Mass migrations to North America benefited both labour and capital. A historian in his detailed study of immigration wrote:

At the time of the great famine in Ireland, and during the various agricultural depressions in England, it cannot be gainsaid that by sending the sufferers to North America many were spared from disease and death. It is not, however, during such troublous times alone that emigration rendered assistance. Every year it redeems thousands of men who for want of sufficient work in the Mother Country are gradually sinking deeper into poverty. By remaining at home they become demoralised and their chances slowly slip away from them, their ultimate fate being the work-house (Johnson, 1966:324-25).

Cecil Rhodes, a king of finance in 1895 observed and advocated the export of Europe's surplus population for the following reasons:

I was in the East End of London yesterday and attended a meeting of the unemployed. I listened to the wild speeches, which were just a cry for 'bread', 'bread', 'bread', and on my way home I pondered over the scene and I became more than convinced of the importance of imperialism ...My cherished idea is a solution for the social problem, i.e., in order to save the 40,000,000 inhabitants of the United Kingdom from a bloody civil war, we colonial statesmen must acquire new lands to settle the surplus population, to provide markets for the goods produced by them in the factories and mines. The Empire, as I have always said, is a bread and butter question. If you want to avoid civil war, you must become imperialists (quoted in Lenin, 1916-17:151, v.19).

What was true for the United Kingdom was true for other European countries. Such were the immigrants that came to British Columbia. The attraction of B.C. was the potential of finding new homes and jobs. The jobs would come from the construction of the Grand Trunk and Canadian Pacific Northern Railways; these two railways later amalgamated to form the Canadian National Railway. Both railways were simultaneously constructed between 1908 and 1916. The former, from Jasper to Prince George and on to what has become known as Prince Rupert; the latter from Jasper to Kamloops and on to Vancouver through the Fraser Canyon. The construction of these lines lead to the opening up of new and vast areas to farming, ranching, mining and logging.

In the negotiations for the terms on which the Grand Trunk Pacific Railway was to be constructed, McBride became disaffected with Premier Dunsmuir for whom he was serving as the Minister of Mines. As a

consequence of his disaffection, he quit the Dunsmuir Ministry and joined the opposition.

He was displeased with a Bill which, had it been passed, would have given to MacKenzie and Mann the railway contractors \$4,000 cash subsidy and 20,000 acres of crown (Indian) land per mile, to build the Grand Trunk Pacific.

McBride actively opposed Dunsmuir's proposed railway scheme in the fall election of 1903 (Stevens, 1961:87-88, v.2) on the grounds that:

If the proposed scheme had come into effect,....., it would have involved the whole northern portion of British Columbia being "handed over to MacKenzie and Mann-timber, water and coal" (Robin, 1972:89).

The rest of his campaign platform consisted of the Exclusion of Orientals to protect the white workers and to win their support. He also revived the demand for Better Terms of B.C. from the federal government which appealed to the provincialist sentiment of the general voting population (C.A.R., 1903:218-19). The point which McBride was putting across to the voters, in respect to the issue of Better Terms, was that the provincial Treasury was paying more into federal Treasury than it was receiving in provincial subsidies. The agitations for Better Terms was later to include the demand for the recognition of the province's claims to reversionary rights. McBride's platform won him the votes necessary to become Premier - a position which he held for 12 succeeding years.

Although McBride had opposed Dunsmuir's railway scheme, he was not against the idea of constructing railways. If the Northern and Central regions of the province were to be opened up, the 'Cariboo Trail' which was the only link between Vancouver and the Cariboo had to be augmented. McBride was simply opposed to the timing of the scheme. Nor could he have been able to stop the Prime Minister of Canada, Sir Wilfred Laurier, from achieving his plans of constructing an 'all Canadian Railway'. Laurier was building a powerful case for it in Parliament (C.A.R., 1903:31-54).

The timing of Dunsmuir's scheme had appeared to be conceived more in haste than with any consideration of the provincial debt. The new Premier was immediately warned by the province's agent general in London that British Columbia's credit 'on the London market was very low' (Smith, 1959:36). When Richard McBride became Premier, in the words of one historian

a tremendous challenge faced the first Conservative ministry: the province was close to bankruptcy. The public debt stood at over \$12,000,000; financial guarantees to railways amounted to more than \$1,000,000; and the credit of the government exhausted. Before Tatlow could obtain a bank loan he was required to promise that all work on highways and other projects would be suspended at once (Ormsby, 1971:337).

McBride, in an attempt to remedy the problem, developed an economic program which involved the minimization of public expenditure, on the one hand, and a maximization of revenues, on the other. He



accomplished this by opening up 'crown' timber lands and by liberalizing the timber license system. Consequently, 80 per cent of Crown timber lands were alienated from 1903 to 1908. The result of the new forestry policy was an increase from 7 per cent of the provincial revenue in 1901 to 41 per cent in 1908 (Robin, 1972:92-93). The mining and fishing industries were also experiencing a boom. The general upswing in the economy was due to the recovery of Europe and North America from a recession, a condition which lead capitalists to seek new areas of investment for their capital. McBride's economic program was an invitation for capital investment (Ormsby, 1971:356-61), which one historian summarizes as follows:

The mining industry recovered from a recession, with production in 1906 approximately \$26,000,000 or 18% over 1904, British Columbia led all provinces in 1905 in the value of its fisheries for the first time in history. The timber industry, aided by the government's alienation policy, mushroomed overnight as a rival to mining, while the Okanagan was peopled with a prospering class of Conservative orchardists. In 1901 a mere 7,000 acres were devoted to orchards; *seven years later over 100,000 acres* were set aside for fruit growing..... *revenue from lands and forests quintupled* between 1901 to 1906,....(italics added; Robin, 1972:99).

The success in the fishing industry was due to a prodigious run of salmon, the introduction of new fishing regulation which permitted the use of massive fish traps - not to be confused with the traditional fish traps used by Indian people, and purse seines. The government also opened up new areas to commercial fishermen.

In contrast, Indian food fishermen were being limited to the use of dip-nets, small gill nets and spears; therefore, it is important to contrast these techniques with commercial fish traps. The commercial traps caught indiscriminate amounts of salmon. Salmon which could not be used was left to rot. One witness, reporting on the use of massive fish traps, commented that once all the barges had been filled and the day was coming to an end fish traps had to be emptied of the excess salmon. The observer recorded:

...they wanted to...empty the pot of...fish  
..., and they were anxious to do this without  
cutting out the pot and necessitating all the  
labour and delay of replacing it.

The steam-winch hauled, and the men hauled,  
and they tied the web together to hold every  
little advantage they made. At last the men  
seemed discouraged and wanted to give it up,  
but the young captain urged them to try again,  
pointing out that the tug at the next trap  
was still working on her pot.

There were thousands of dead fish in the trap  
and their weight was immense. But they  
worked and worked, till at last they succeeded  
in getting the centre raised above the edge,  
and the fish began to slide out, till 2,500  
dead fish had been cast adrift with thirteen  
more traps to be emptied. The canneries could  
not begin to use them. What a fearful waste of  
good food! No one seemed to think anything  
of it. They were 'only' salmon (Herring,  
1903:278).

While on one side of the coin, McBride's economic program was giving European settlers and capitalists greater access to the resources of the province, Native people were being restricted from use of resources

which they knew were rightfully theirs. Fishing regulations in force in 1903 stipulated under section six (6) that Native people could only use dip-nets and spears, in non-salt water lakes and rivers, with the permission of the inspector of Fisheries.

However, bona fide (European) settlers and farmers could purchase a "domestic license", under section twenty-two (22), for a fee of \$1.00 to fish for home consumption. The regulations stipulated that they were permitted to use a net with commercial size mesh not in excess of "three hundred yards in length" in any waters in B.C. (Yearbook of B.C., 1903:253-5). As McBride pursued his economic program of economic growth and expansion increasing restrictions were placed on Native people.

As a result of McBride's economic program, the Minister of Finance was able to announce a surplus revenue of \$7,000,000 just prior to the 1907 election.

While the Premier was building up the provincial treasury, he had been carrying out quiet discussions and negotiations on the terms for railway construction, and a noisy campaign for 'better terms' for the province which included federal recognition for provincial claims to reversionary rights (S.P. of B.C., 1903:K1; 1903-04:G15-23; 1905:D1; 1907:D1-41; C.A.R., 1903:218-19; 1906:483). His campaign for better terms netted B.C. an additional \$100,000 per year for ten years in provincial subsidies from the federal government (Ormsby, 1958:349). However, he was not successful in obtaining recognition for provincial claims to reversionary rights until, as we will later see, he made it into a public issue by making it an aspect of terms on which the Grand Trunk Pacific was to be constructed in B.C.

McBride was pressing the Laurier government "to have the Western section of the Dominion guaranteed Grand Trunk Railway built eastward from the coast, besides westward from Winnipeg. If this idea were adopted the province would enjoy construction and labour benefits immediately" (Smith, 1959:57). From the provincial government's point of view, this was not the only benefit which the province was to 'enjoy' with railway construction being carried out in B.C. When railway construction began and as it expanded, the population dramatically increased and the alienation of land intensified. Pre-emptions increased from 213,062 acres between 1900 and 1905 to 545,458 acres between 1906 and 1913; while 172,332 acres of land were purchased between 1900 and 1905, this increased to 3,342,290 acres between 1906 and 1917. Between 1900 and 1913, eight million acres of land were crown granted (Cail, 1956:456, 458). Also, railway companies had obtained 18,694,334 acres by 1913 (Cail, 1956:428).

These benefits, which the province was to enjoy, did not come easy. Stevens (1962) in his historical study of railway developments in Canada wrote that negotiations in British Columbia were long and difficult.

Indecisive negotiations between the province (of B.C.) and the railway continued for three years, punctuated by threats, bluffs, bribes and backstairs deals. By 1908 the Grand Trunk Pacific, in the words of a local editor, had been "whittled down to size" (Stevens, 1962:186).

The tables of negotiations turned in the Province's favor with the Company's desire to purchase a portion of the Tsimpsean reserve for its Western terminus. Ormsby pointed out that McBride in...

seeing a chance to drive a bargain which would assure the commencement of construction on the Pacific seaboard, he had decided to make use of the Company's desire to obtain Kaien Island, about twenty miles south of Port Simpson, as its terminus (Ormsby, 1958: 354).

Since Kaien Island formed a portion of a reserve, McBride saw the opportunity to press his claim to reversionary interests in reserve land. The opportunity arose when the federal government requested the provincial government to waive its reversionary rights to portions of the Tsimpsean reserve. The intentions of the federal government were simply to transfer the title of the reserve lands over to Grand Trunk Pacific. The province refused to accept the request of the federal government. Cail summed up the Province's case:

On April 2, 1906, a Dominion Order in Council asked the province to waive its reversionary interest. The request was promptly refused. The province based its refusal on the Dominion Order in Council of November 10, 1875, which had stated that "any land taken off a Reserve shall revert to the Province". British Columbia had acceded to the Order by Minute in Council of January 8, 1876. The two together had become known as the 1875-76 Agreement. The province took strong objection to the assumption by the Dominion of the right to surrender portions of the Tsimpsean reserve. This the Dominion had done on September 21, 1906, by Order in Council, to facilitate construction of the terminus and wharf accommodation for the

Grand Trunk Pacific, a railway project to which the Laurier government had lent its support, both moral and financial. A provincial Minute in Council of March 11, 1907, pointed out that the moment the Dominion assumed to surrender part of the Indian reserve, the property then became the Crown's in the right of British Columbia (Cail, 1956:400-401).

The above position was not a new one, it had been originally developed by Premier Dunsmuir (Cail, 1956:403).

The provincial government's refusal to waive its claim to reversionary rights to the Tsimpsean reserve, involving thirteen thousand acres, created an impasse from which British Columbia sought a judiciary decision. This step by the provincial government was page one news in The Province:

The question of reversionary rights in Indian Reserves in British Columbia a matter involving the ownership as between the province and the Federal government of hundreds of thousands of acres of some of the most valuable land west of the Rocky Mountains - is to be brought before the full court of British Columbia at its next setting in Vancouver this fall. The papers in the case were filed in the office of the Registrar of the Supreme Court in Vancouver today...(Province, August 12, 1908:1; also see Victoria Colonist, February 28, 1907:8).

The outcome did not settle the issue of reversionary rights. It merely accommodated both sides on the issue of reversionary rights surrounding the construction of the railway. It was reported that the provincial government netted over \$2,000,000 from the sale of a fraction

of the lands upon which Prince Rupert now sits - lands which were formerly Tsimpsean (C.A.R., 1909:597). The Province, continuing in its reportage, pointed out that the dispute over the Tsimpsean reserve focused attention on the issue of reversionary rights:

For many years questions respecting the reversionary (rights) in Indian lands in British Columbia, as claimed by the province, have been continually arising but not until the Dominion Government undertook to sell to the Grand Trunk Pacific Railway some thirteen thousand acres of Indian lands...in the neighbourhood of where Prince Rupert now stands, did the subject become of such paramount importance as to require settlement finally and for all times (Province, August 12, 1908:1).

The dispute spawned many newspaper articles condemning the federal government while supporting the provincial position. The articles demanded that the rights which the province claimed, be recognized by the federal government; they also demanded that the size of the reserves should be reduced. This was, undoubtedly, fueled by McBride's admonition to the public 'to get in' on the speculation of the rising real estate prices adjoining the projected railway lines (Robin, 1972:113).

One example of the newspaper reaction is found in the Colonist on February 23, 1907 demanding re-examination of lands contained within reserves:

By the census of 1881, the Indian population of the Province was 25,661, the Indian reserves covering a little more than 400,000 acres. In 1901 the Indian population had decreased to 24,523, while the reserves covered 525,846 acres. Thus while it is certain that the Indian population has grown smaller..., the area of Indian reserves has shown a large accession. Today there is a reserve placed over 107 acres of the best land in the province for each family of five Indians. According to what was agreed upon as a fair proportion, each family has five times too much (Colonist, February 23, 1907:12).

The Province carried an article on page one by Chas F., Law titled, 'Indian Lands Are Almost Deserted, Great Farce Had Grown in Manner which Dominion Reserves Large Tracts'. The article vehemently argued that Indians held far too much land and the federal government in proposing to contest provincial reversionary rights was doing a grave injustice. The exact wording of the article went as follows:

If the Dominion proposes to contest the reversionary rights of the province to those lands after they cease to be used for the purpose for which they were set aside, then one of the greatest injustices will be worked....

It is well known that these lands are the choicest in British Columbia...(The Province, January 30, 1907:1).

Twelve months later the Province carried another article titled 'Throw Open Indian Lands'. The thrust of this was that Indian lands were lying idle in the Okanagan Valley and should be put to good use by opening them up for sale to settlers who would gladly develop them (The Province, February 12, 1908:8; see also, the Colonist, May 9, 1909:7).



While newspapers carried on their defense and call for recognition of provincial reversionary rights, McBride received anew impetus to his increasing denunciation of Native Rights, in general, and for his campaign for reversionary rights in particular, by a Federal announcement. Just prior to the completion of negotiations for railway construction, the federal government announced that it was going to open up 'excess reserve lands for sale'. Cail summed up this point:-

The incident involving Grand Trunk Pacific terminus created an impossible situation. This was particularly so after the announcement by the Indian Department in 1908 that the policy in connection with the sale of agricultural and timber lands, where such lands were beyond the possible requirements of the Indians, would be relaxed. The Department had always opposed such sale so long as no particular harm or inconvenience arose from the Indians holding vacant lands beyond their requirements, and so long as no profitable disposition of the lands was possible. But now, because of the large influx of settlers into the western provinces, the Department felt some relaxing of its policy in order less settlement be seriously impeded. In addition, sale of excess Indian lands would fetch a price sufficiently high to reduce materially the costs of administration of Indian Affairs (Cail, 1956:402-03).

The construction of railways, making new areas accessible to mining, lumbering, ranching, farming and the rapid influx of European immigrants, which was giving rise to the provincial government's demands that reserves be reduced, caused Native people in B.C. much concern.

The basis of this concern was the total disregard of their rights involving use of the land and its resources, by racist legislation and the outright alienation of their land base. Furthermore, Native people were being driven out of the mainstream of the labour market, just as Asians were restricted in the labour market by an effective racist movement to exclude Asian immigrants (Patterson:199; Smith, 1959:92-113).

In response, Native people began to organize, at first on a regional basis. The Thompson Indians in 1908 and again in 1909 petitioned the federal government for a hearing on their claims to 'unsurrendered lands of the province' which was inseparable from their demands for recognition of their hunting, fishing, trapping and water rights. In July of 1910, the Shuswap, Okanagan and Thompsons sent the federal government a declaration outlining their rights to 'unsurrendered lands'. In August of 1910, those same tribes petitioned Prime Minister Laurier in Kamloops, requesting that the federal government recognize their land title claim. Unsatisfied with the responses they were continually receiving, chiefs of the Shuswap, Thompson, Stalo, Carrier, Chilcotin, Lillooet and Thaltans met in Spences Bridge and drew up a long list of grievances and demands for recognition and settlement of their claims to sovereignty to their traditional land base. They were incensed at the fact that the provincial government and corporations were alienating land without any consideration of, and in direct violation of their rights (see Appendix A).

On the westcoast similar grievances of the Indians had compelled them to spear-head a drive to have the Indian claims adjudicated by the Judicial Committee. In March of 1909 the Indians on the westcoast had laid their claim before the Imperial government; in January of the next year a 'Statement of Facts and Claims' was placed in the hands of the Justice Department. In the same year a memorial was presented to Laurier, and delegations waited on all three governments. In each case the Indians' plea was for a ruling by the Privy Council on their aboriginal title claim (Cail, 1956:418). In 1909, the 'Indian Tribes of British Columbia' was formed to try and find a solution to the apparent disregard of their rights (Patterson, 1962:70).

The only response Indians received from the provincial government was that Indians had no rights (Patterson, 1962:70). The political activities of the Indians against this colonial intransigence lead to the Formation of the Allied Tribes of British Columbia in 1916 (Cail, 1956:420). This organization remained active until 1927 when the federal government turned down this appeal and made it an offense for Native people to solicit funds to campaign for Native land rights (Patterson, 1962:163).

Due to a combination of pressures from Native movements, McBride's campaign for reversionary rights, and the Department of Indian Affairs desire to sell off 'excess lands', the federal government sought a solution to the vexing issues of Native and reversionary claims. In 1910, the year railway construction was to begin in B.C. the federal government altered

Clause 37A of the Indian Act to enable the government to have judicial hearing on the issues of Native rights and reversionary interests (S.J.C., Report and Evidence, 1927:11). Subsequent to the amendment of the Indian Act, the Chief Civil Law Officers of the federal and British Columbia governments were brought together to draw up a case for 'submission to the Supreme Court of Canada' (Cail, 1956:406). They drew up a case which involved ten points of concern. The first three points centered around the rights of Native people to land and its resources; the other seven points dealt with reversionary rights and the size of reserves. However, the consent of the B.C. government was necessary before the case could be brought before the Supreme Court of Canada. McBride refused to give his consent, on behalf of the provincial government, due to the inclusion of the first three points. He maintained "Indians had no title to public lands of British Columbia" (Cail, 1956: 406) and, also, "it would be madness to think of conceding to the Indians ...." (Patterson, 1962:70).

The following year the Laurier government, in its determination to break the deadlock, amended and strengthened the Act again so that it would over-ride the veto power of the provincial government of B.C. The Act was amended

...with the express purpose of having a judicial decision on the case despite the refusal of British Columbia to consent to the stated case (S.J.C., Report and Evidence, 1927:11).

Meanwhile, on the provincial level, McBride was carrying out an active campaign against federal liberal representatives in support of the federal conservative party under the leadership of Borden. The orientation of his campaign against the federal liberals can be illustrated by the criticism of the federal liberal candidates - Mr. Smith and Mr. Templeman:

Fifteen years ago, gentlemen, the fisheries of the Fraser River were in the hands of white men...now, these same fisheries are under the absolute control of the Japanese. And now they have not only invaded the sawmills but have taken up the timber industry as well, and if nothing is done to prevent it they will seize these great Provincial industries. Mr. Smith and Mr. Templeman must soon answer to the people of this Province...for their neglect to keep this great heritage for people of our colour and for people of our own race (C.A.R. 1908:216).

Such racist accusations were not founded on truth. In fact, the timber, lumber and fishing industries were falling under the control of American, British, French, Belgian, German and Canadian monopoly capitalists. The total American investment in mills and timber lands in B.C., by 1910, amounted to \$65,000,000; MacKenzie and Mann, the Canadian railway barons, in conjunction with Swift Meat Packers of Chicago formed a company with investment capital of \$20,000,000 with which they purchased 75,000 acres of timber; subsequently, they formed the Canadian Western Lumber Company which was the largest company of its kind in the world. A.D. McRae of Winnipeg, a financial associate of the Western Lumber Company,

By 1911,...was ready to enter the salmon canning industry; organizing a syndicate with a capitalization of \$1,500,000, he purchased canneries on Princess Royal Island and at Rivers Inlet and Smith's Inlet (Ormsby, 1958:357).

German capital investments in coal and real estate amounted to \$5,000,000; the French invested one and a half million dollars in real estate; the Belgians purchased nine hundred and fifty thousand dollars of fruit land in the Okanagan in 1911 (Ormsby, 1958:357).

Although the charges, as illustrated above, against the Japanese were not founded on facts; such charges helped in the federal conservative victory in B.C. In 1911, the Laurier government was defeated at the polls by the federal conservative party led by Borden. Consequently Laurier was never able to act on the newly amended legislation which had the power to over-ride the veto of the provincial government of B.C.

Due to the defeat of Laurier, the Department of Justice was not informed of the amendment to the Indian Act until April 18, 1912 (S.J.C., Report and Evidence, 1927:11).

Attention to the amended Act was brought by the Native delegates who visited Borden in his first days in Office and, then by a Memorandum to Borden from the government of B.C. on February 12, 1912.

The Native delegates were particularly concerned about reports that the provincial government had claimed all the reserves and assumed the authority to alienate the land leaving the Indians landless. Borden's response to the Indians' queries were:

"Oh, is that your trouble? Now listen, I am going to tell you something. I only came in here yesterday. You see the snow how it is falling heavily. That is just the way all the troubles are pouring in to me at the present time. You must all go back. I will look into this later on, then I shall tell you all about it" (R.C.E., Kamloops Agency, Cook's Ferry Tribe, p.119).

This additional link in a long chain of unsatisfactory answers undoubtedly weighed heavily on the Indian delegates especially as they had to return to their people without any answers.

McBride submitted the Memorandum of the Provincial government by hand to the Lieutenant-Governor, Thompson W. Patterson. An aspect of the Memorandum focused on the issue of reversionary rights; furthermore, the memo linked the issue of reversionary rights with the necessity from the provincial point of view to readjust the size of reserves. The section of the Memorandum dealing with reserves read:

The title of the Crown in right of the Province to Indian reserve lands in British Columbia was never questioned until within the past few years, when certain objections were raised thereto by the Department of Justice at Ottawa. We still maintain that the reversionary interests in all Indian reserves is the property of the Province, and that it is essential in the public interest that the attitude of the Province be maintained. It may be well, in this connection, to refer to the large excess acreage held on account of Indian reserves in British Columbia, and to the necessity in view of the rapid increase in white population, of having an immediate readjustment of all reserves, so that the excess acreage may be released to the Province (S.P. of B.C., 1912:N2).

McBride was hoping to obtain a sympathetic hearing from Borden. He hoped that Borden would see and act from the province's point of view as opposed to taking a federalist position as had Laurier. Laurier had intended to seek a judicial decision even if it meant over-riding the objections of B.C. If Laurier had been able to proceed in obtaining a hearing in the Supreme Court of Canada, B.C. stood a chance of losing, not to Native claims, but to federal interests. The underlying fears of the Province were pointed out by Hon. Mr. Stevens and Dr. Scott at the hearing of the Special Joint Committee in regards to the Claims of the Allied Tribes; the former stated

"We come back to the position as pointed out... by Senator Belcourt that any claims which we might now recognize would be against the province, and not against the Dominion." The latter - Dr. Scott interjected: "That is clear, because the province has the lands." (S.J.C., Report and Evidence, 1927:21,56).

The provincial government of B.C. jealously guarded the control it asserted over land in B.C. because it considered the land as its security (C.A.R., 1909: 596). The Federal government, especially under Laurier, supported Native people because it stood to gain control over certain portions of 'provincial crown lands' coveted by British Columbia and to consolidate federalist authority in the Dominion. However, with the victory of Borden over Laurier, McBride received a more conciliatory attitude from Ottawa; subsequently



...direct negotiation with British Columbia was resumed in an effort to settle all three of the troublesome questions concerning Indian lands (Cail, 1956:407, v.2).

The federal government, for all intents and purposes, side stepped the issue of Native rights and took a conciliatory position in its negotiations with the province of B.C., while taking a hard line on Native rights in its negotiations with Native people (S.J.C., Report and Evidence, 1927: viii).

On May 24, 1972, the federal government, by Order in Council, appointed Dr. James A. J. McKenna as a Commissioner

...to investigate claims put forth by and on the behalf of the Indians of British Columbia, as to lands and rights, and all questions at issue between the Dominion and Provincial governments and the Indians in respect thereto, and to represent the government of Canada in negotiating with the government of British Columbia a settlement of such questions (S.J.C., Report and Evidence, 1927:8).

The first intention of the federal government was to deal with all the controversial questions revolving around Native rights and Native lands. However, after McKenna presented a memorandum to Premier McBride on the issues to be taken into consideration, McBride refused to have anything to do with the Commission. Dr. McKenna summed up his negotiations with the Premier of B.C. on July 29, 1912, as follows:

Adverting to our conversations let me say that the claims made on behalf of the Indians are:- (1) that the various nations or tribes have aboriginal title to certain territories within the province, which, to perfect the Crown title in the right of the province, should be extinguished by treaty providing for compensation for such extinguishment.

As to the first claim, 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 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. You take it that the public interest, which must be regarded as paramount, would be injuriously affected by such reference in that it would throw doubt upon the validity of titles to land in the province. As stated at our conversations, I agree with you as to the seriousness of now raising the question, and, as the present negotiations go, it is dropped (S.J.C., Report and Evidence, 1927:8-9).

Rather than over-ride the position of the province by invoking the authority vested in the Indian Act by Laurier, the Borden government sought a conciliatory solution. Therefore, the federal negotiator - McKenna

...concentrated his efforts to securing for the Indians of British Columbia lands by the same title as that under which lands are held by the Dominion for Indians in other parts of Canada (S.J.C., Report and Evidence, 1927:9).

The outcome of the negotiations between McKenna and McBride was an agreement for establishment of a five-men commission, the official title being The Royal Commission on Indian Affairs for British Columbia, which I will hereafter simply refer to as the Commission. The professed purpose of the Commission was...

to adjust the acreage of Indian Reserves in British Columbia, and to set apart new lands for reserves. The reserves finally fixed by the Commissioners were to be conveyed to the Dominion free of any provincial reversionary interests therein (S.J.C., Report and Evidence, 1929:9).

The newly appointed commission began its investigations on March 31, and disbanded on June 30, 1916.

### CHAPTER III

#### POWERS AND STRUCTURE OF THE COMMISSION

##### 1. The Memorandum of Agreement

The basic principles which the two levels of government agreed should be the parameters of the activities of the Commission, were spelled out in the Memorandum of Agreement. Signed on September 24, 1912, this was composed of eight sections or articles preceeded by an introductory paragraph outlining the Commission's objectives. This is the Memorandum of Agreement in full.

Whereas it is desirable to settle all differences between the Governments of the Dominion and the Province respecting Indian lands and Indian Affairs generally in the Province..., therefore the parties above named, have, subject to the approval of the Governments of the Dominion and of the Province, agreed upon the following proposals as a final adjustment of all matters relating to Indian Affairs in the Province of British Columbia:-

1. A Commission shall be appointed as follows: Two Commissioners shall be named by the Dominion and two by the Province. The four Commissioners ...shall select a fifth..., who shall be the Chairman of the Board.

2. The Commission so appointed shall have power to adjust the acreage of Indian Reserves in British Columbia in the following manner:

(a) at such places as the Commissioners are satisfied that more land is included in any particular Reserve as now defined than is reasonably required for the use of the Indians ..., the Reserve shall, *with the consent of the Indians*, as required by the Indian Act, be reduced to such acreage as the *commissioners think reasonably sufficient* for the purpose of such Indians.

(b) At any place at which the Commissioners shall determine that an insufficient quantity of land has been set aside for the use of the Indians ..., the Commissioners shall fix the quantity that ought to be added for the use of such Indians. And they may set aside land for any Band of Indians for whom land has not already been reserved.

3. The Province shall take all such steps as are necessary to legally reserve the additional lands which the Commissioners shall apportion to any body of Indians in pursuance of the powers set out.

4. The lands which the Commissioners shall determine are not necessary for the use of the Indians shall be subdivided and sold by the Province at public auction.

5. The net proceeds of all such sales shall be divided equally between the Province and the Dominion, and all moneys received by the Dominion under this clause shall be held or used by the Dominion for the benefit of the Indians of British Columbia.

6. All expenses in connection with the Commission shall be shared by the Province and Dominion in equal proportions.

7. The lands comprised in the Reserves as finally fixed...shall be conveyed by the Province to the Dominion with full power...to deal with the said lands in such manner as they may deem best suited for the purposes of the Indians, including the right to sell such lands and fund or use the proceeds for the benefit of the Indians, *subject only to a condition that in the event of any Indian tribe or band becoming extinct, then any lands within the territorial boundaries of the province which have been conveyed to the dominion as aforesaid for such tribe or band, and not sold or disposed of as hereinbefore mentioned, or any proceeds of any Indian reserve in the province..., shall be conveyed or repaid to the province.*

8. Until the final report of the Commission is made, the Province shall withhold from pre-emption or sale any lands over which they have a disposing power and which have been heretofore applied for

by the Dominion as additional Indian Reserves or which may during the sitting of the Commission, be specified by the Commissioners as lands which should be reserved for Indians. If during the period prior to the Commissioners making their final report it shall be ascertained by either Government that any lands being a 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, and *each government shall thereupon do everything necessary to carry out the recommendations of the commissioners into effect* (R.C.R., 1916:10-11, v.1; italics added).

The Memorandum in its introductory paragraph claims its intent is to settle 'all differences between the two levels of Government respecting Indian lands and Indian affairs'. This is misleading. There were no provisions in the Memorandum to deal with such matters as Native land title, water, hunting, foreshore, salt and fresh water fishing rights. The federal government, seeing the seriousness of raising the issue of Native rights, dropped it and in so doing sided with the provincial government which maintained "that the public interest, which must be regarded as paramount would be injuriously affected by such reference in that it would throw doubt upon the validity of titles to land in the province". (S.J.C., Report and Evidence, 1927:8-9).

The Commission had but shortly begun its investigation and was inundated by Native leaders agitating against the Commission's position on the rights of Native people. Consequently, the Commission requested authority to deal with 'matters extraneous to the Agreement'.

The Commissioners thought that if they did not deal with 'matters extraneous to the Agreement', 'serious disaffection' might arise amongst the Indians and hamper the work of the Commission. The Commission received the following response from a Committee of the Privy Council:

The Minister observes that it is clear that the Agreement between the representatives of the Province of British Columbia and the Dominion does not contemplate an investigation and settlement of matters appertaining to general Indian policy in British Columbia. It is confined to matters affecting Indian lands which require adjustment between the parties.

The Minister is of the opinion that it would be inadvisable to burden the Commission with the investigation of all matters that might be brought to their attention by Indians, many of which would be of slight importance not affecting the relations of the two governments ("Confidential, Report of the Royal Commission on Indian Affairs...of British Columbia"; published in The Lands We Lost by the Union of B.C. Indian Chiefs, 1974:180-81).

Fishing rights of Indians on the westcoast, as an example, were a problem of Indian Affairs which should have been the concern of the federal government. The northern Indian fishermen were being forced into the background of the fishing industry because of the racist manner in which fishing regulations were being enforced. This even moved the Commission to form an opinion against the practice of dealing with Indians on the basis of their race. The Commission stated in its Confidential Report

...the Commission is of the opinion that in the matter of 'independent' fishing licences, applications of Northern British Columbia Indians should...be considered and dealt with upon their individual merits and not refused because of the applicant being an Indian (Union of B.C. Indian Chiefs, 1974:190).

The federal government did not view such practices as being against the better interests of its 'wards' <sup>is</sup> a clear indication that the federal government did not recognize or extend, in practice, the aboriginal rights of Indians. The federal government did not choose to extend Native rights because this would have gone against the interests of the colonizers, whose interests were its interest. This is indicated by the reasoning behind the creation of the fishing regulations established in 1912.

In the summer of 1912, W.A. Found, Superintendent of Fisheries for the Dominion, was dispatched to the coast, and with the present writer, Deputy Commissioner of Fisheries for the province, toured the entire northern district. A report was adopted BY BOTH DEPARTMENTS as an inducement to white fishermen to settle in the northern districts of the province, OFFERED SPECIAL PRIVILEGES, licences to fish for salmon independently of the canners, and advantages over and above those held by the fishermen, largely Japanese and Indians, ...(Canada and Its Provinces, "Pacific Province", v.2, part 2, pp.459-60).

There is no doubt that provincial and federal governments were working fast to turn resources over to people of their own color and race. In fact, colonization is the negation of the sovereignty of the colonized.



In section two of the Memorandum, there was a provision recognizing the legislation whereby the consent of the Indian people was to be obtained before any lands could be cut off from a reserve. However, the Report of the Royal Commission was accepted by both levels of government, as we will see, without following the original requirement for Indian Consent.

Section 3 and the first part of section 8 stated that the province would withhold lands from being pre-empted or sold 'which have been applied for as additional Indian Reserves'. These provisions in practice proved difficult to fulfill because by 1913 a vast majority of the (prime) lands had been given to Railway companies and their subsidiaries, leased by Timber and Mining interests or purchased by real estate companies and immigrants.

The last section of part seven indicates the tenacious desire of the province to hold on to remnants of its claim to reversionary rights and the conciliatory position of the federal government by allowing in the Agreement, which set out to extinguish provincial interests in Indian Reserves, a provision by which the provincial government could claim lands and funds of a Band which had become extinct.

2.        The Personnel of the Commission

In accord with the agreement reached between the federal and provincial governments, the Commission was composed of five members. Each government appointing two representatives; the appointees, in turn, appointed a chairman. The Dominion government appointed Dr. James A.J. McKenna from Winnipeg, Manitoba. He was described by the federal government as 'one of our Council learned in the Law' (R.C.R., 1916:8, v.1). Aside from this, he had served the Department of Indian Affairs as Commissioner for Treaty 8 (Fumoleau, 1975). From 1901 to 1910, he had also served as the Assistant Indian Commissioner for Manitoba, Saskatchewan and Alberta. The other federal appointee was Nathaniel W. White, K.C., from Shelborne, Nova Scotia. He was the son of a prominent lawyer.

The provincial government appointed Mr. James Pearson Shaw. He was a member of the Legislative Assembly representing the Shuswap District. In his private life, he operated a substantial ranch in the vicinity of Salmon Arm. He was also the President of the Kamloops Trust Company, Ltd., incorporated in 1910 under the management of Mr. Sidney C. Burton (Boam, 1912:330). The second appointee was Mr. Day Hort MacDowall. I could find no information as to his background.

The four Commissioners appointed an ex-Chief Magistrate from Saskatchewan - Mr. Edward Ludlow Whitmore, as their chairman. These five Commissioners were sworn in on May 19, 1913.

3.        Itinerary of the Commission

The manner in which the Commission contacted different Bands was never clearly outlined. It is difficult to determine how meetings were established with each of the Bands. In all probability, the meetings were established through the Indian Agents. The problems of communication was difficult on the Northwest Coast. On a number of occasions, the Commission found itself arriving at a village only to find that the inhabitants had left for the fishing season. This may have been less of a problem in the Southern Interior of the province since most of the Indian people were 'settled' on reserves as mixed farmers. Also, in this region, the means of communication and transportations were more firmly established.

Between 1913-16, the Commission in its travels throughout the province gathered statements from chiefs, sub-chiefs and individual Band members. It never met with an organized body of Indian representatives, even though a chief from the Okanagan requested such a meeting. The Commission viewed the Chiefs and elders with mistrust because it felt their influence held back the progress of the younger generation and that they had been filled by outside agitators with misguided notions about Indian rights.

The Commission sought statements and received numerous requests for representations from public bodies - municipal councils, boards of trade, railway companies, as well as various departments of the provincial and federal governments.

All evidence, statements, requests, and the deliberations of the Commission, were summarised and published in four volumes as Report of the Royal Commission on Indian Affairs of British Columbia.

The decisions of the Commission were made and recorded either as Interim Reports, which can be found on pages 21 to 137 of the first volume, or Minutes of Decisions which are located at the end of the report for each Agency.

The Minutes of Decisions dealt mainly with reductions of reserves, establishment of new reserves, or confirmations of old reserves. The Interim Reports mainly dealt with requests for right-of-ways. These requests were made by different levels of government and railway companies. The Commission made a total of 98 Interim Reports - 43 of these dealt with applications by various railway companies for right-of-ways through reserves. This does not mean that only 43 reserves were traversed by railways. One Interim Report could and did cover one or more reserves. In this respect the Commission served as an important mechanism by which railway companies obtained legal access through reserves. The funds raised by the sale of reserve land, for right-of-ways, was equally shared between the two governments. The federal government's share, after expenses incurred by the Commission, was to be held in trust for the Indians. In some instances, locally affected Bands were given half of what the federal government received. In relation to the other Interim Reports, eleven involved applications for road right-of-ways by both federal and provincial governmental bodies plus another application for right-of-way for a hydro line. Another eight Interim Reports were miscellaneous applications for such projects as a bird sanctuary, an

experimental farm in the Okanagan, a beacon light and a customs building in the Kootenays. The remainder dealt with such decisions as reducing the size of reserves, confirming old reserves and creating new ones. These were more fully dealt with in the Minutes of Decisions.

The Kamloops Agency was visited on November 13, 1914. The Commission completed its investigations by November 13, 1914.

The testimony of the Indians, the Indian Agents and other non-Indian people form the Evidence of the Royal Commission. The micro-films contain the verbal statements of witnesses. Therefore, they form a valuable source of information about the social and economic conditions of Indian people and thier relations to local settlers, the provincial and federal governments. These transcripts have not yet been published and the originals are kept in the Victoria Archives. Although, they have been recently transcribed and are now in the Library of the Union of B.C. Indian Chiefs. The case study of the Bands in the Kamloops Agency are largely based on the evidenace recorded on micro-film. In essence, there was the raw data, or transcripts, of Evidence of which the Royal Commission Report was a synthesis.

## CHAPTER IV

### KAMLOOPS AGENCY --

#### A RE-EXAMINATION OF THE TRANSCRIPT AND REPORT OF THE ROYAL COMMISSION

There is no doubt, where everything is held in common, aspiration and thrift have no stimulus...

The recognition and protection of individual property rights are the first and distinguishing principles of civilisation, and if we fail to extend these benefits along with our gifts of money and land, how can we expect Indians to profit materially by them, or adopt the manners and customs of civilized life to the exclusion of...barbarism? Give the Indian... a tract of land, the boundaries of which are recognized as his own...

In a very short time every acre of any Reserve would be cultivated, and the pernicious custom among our Indians, ..., would no doubt... be abandoned.

J.W. Powell - 1880

1. The Native People Identified and the Agency Demographically Located

The Native people of British Columbia have been classified (by anthropologists) on the basis of their linguistic divisions (Duff, 1964:12-15). In the Kamloops Agency Indians come under the Ethnic Division of Interior Salish, and speak two languages - Thompson and

Shuswap. However, the only Thompson speaking peoples in the area covered by this study are those of Cook's Ferry in the vicinity of Spences Bridge (see Map on page 48).

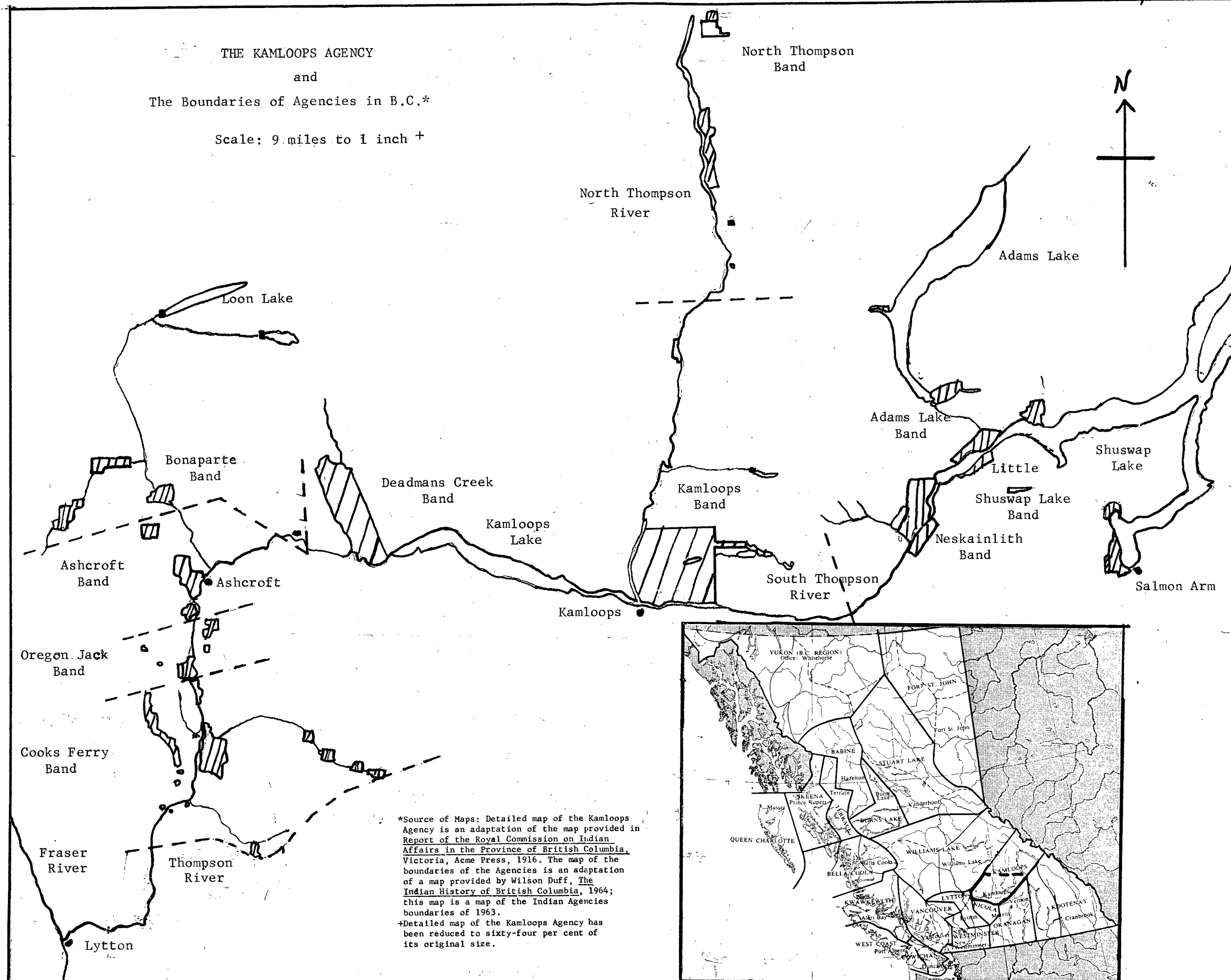
The general outposts of the Kamloops Agency are, roughly, the towns of Barrier to the North of Kamloops, Salmon Arm and Chase to the East, and Ashcroft and Spences Bridge to the West, the hub being Kamloops. The Nicola Valley was added to the Kamloops Agency later, therefore I have not included it in this analysis. Time limitations have caused me to limit the number of Bands taken under consideration. However, this case study of Bands in the Kamloops Agency will provide ample exposition of the social and economic relations of Indians to the settler society, and the manner in which the Commission carried out its investigations and made its decisions.

The Indian Reserves in Kamloops Agency, when the Commission began its considerations, contained 166,555.94 acres. After the Commission visited this area and carried out its investigation, it added, 640 acres on the grounds that this would be 'presenting more favourable opportunities for utilization of the land by the Indians'. In short, it was believed that the lands were necessary to the Band which received the additional acreage, since the 'surrounding lands are held privately or by lease, and open range cannot be obtained' ( R.C.R., 1916:306, v.1).

On the other hand, the Commission ordered a total of 3,498.53 acres cut-off, which brought the total acreage in the Agency down to 163,707.41 acres. The reductions were ordered on the grounds that the land 'was more suitable for growing fruit and truck farming and therefore less acreage could meet the necessary and reasonable requirements of the Indians ( R.C.R., 1916:306, v.1).

THE KAMLOOPS AGENCY  
and  
The Boundaries of Agencies in B.C.\*

Scale: 9 miles to 1 inch +





The Commission also noted that it had held a total of 18 meetings of which 13 were with Indian people. The other meetings were with local boards of trade and the Indian Agent. The Commission questioned the Indian Agent about the local conditions of each Band. He provided the Commission with such information as the nature and extent of land use of Bands, their population, whether or not a Band would like to have a school on the reserve, the amount of stock and farm equipment a Band possessed.

The detailed examination which follows is based on the published Report of the Commission, and the Transcripts of Commission Hearings. From these we can outline the social conditions of Kamloops Bands. I have given close attention to statements of the Indians and tried to determine whether or not their statements on the nature and extent of land use are supported by the data compiled by the Commissioners. This has been synthesized and is presented in the form of tables indicating the nature and extent of land use. Whereas the Commission based its judgements on the overall per capita of acreage of a Band regardless of the nature of the land, I have broken the data down and assessed the amount and type of usable land which existed for each Band. This provides a better way of determining whether or not a Band had too much valuable land lying in idle waste.

2.        Neskainlith Band

The Commission met with the Neskainlith Band on October 24, 1913. The interpreter was Issac Harris. The Transcript of the Commission

recorded that the "Chairman briefly explained to the assembled Indians, the scope of the Commission" (R.C.E., Kamloops Agency, Victoria Archives, p.19). Throughout the majority of the Agencies and particularly the Kamloops Agency, the Commission did not record the actual explanation of the intent and scope of the Commission. I can only presume that what was stated to the Capilano Indians, at the start of the Commission's hearings, was reiterated to all the Bands, particularly in the Southern Interior of B.C. The basis for the two levels of government in entering into the Commission's agreement was explained as follows:

The Commissioners are here for the purpose of adjusting the Reserve and settling the quantity of land that each Reserve should have. If a Reserve for instance, contains no more land than is reasonably necessary for the purpose of the Indians who are upon it, that Reserve will be confirmed. If a Reserve does not contain sufficient lands to be reasonably necessary for the purposes of the Indians who are upon it, the Commission will so state and set out how much more land is required, and the Government of British Columbia will give out of their reserved land such additional land as may be required. If a Reserve contains more land than is reasonably required...the Commission will specify that a portion of that Reserve shall be cut off, and will state which portion shall be cut off, but that lands can only be cut off with the consent of the Indians interested. ...Any land so cut off with the consent of the Indians will be subdivided and sold at public auction, and one-half of the net proceeds will go to the Province..., and the other one-half will go to the Government of the Dominion...to be held in trust for the Indians.

You know the Government of British Columbia has been claiming what has been called reversionary interest in these Indian lands, and they claim that it is worth money to them and that it is a valuable asset, so that if any land is sold today,

they claim to have a share in the proceeds of the sale and this has been a great inconvenience ...in the way of getting a sale brought about. Up to the present time the Indians did not get the whole of the purchase money: the (B.C.) Government claiming to have something in it... The fact that the (B.C.) Government claims a right in the disposal of the purchase money or part of it opens the door for them to come in and hold up any arrangement that the Dominion and the Indians may make--therefore it was considered advisable to cut that out, to put an end to the claim by British Columbia to have any interest in these Reserves, and with that object this Commission's agreement was entered into and when the Commission reports upon this matter and their report is carried out all the lands that remain, the title will be in the Dominion Government to hold for the Indians...so then when this comes about, if a sale takes place, the Indians who are interested in the lands sold, the Indians will get one-half in cash and the balance will be held in trust for them (U.B.C.I.C., The Lands We Lost, 1974:208-209).

It is questionable whether such an extensive explanation was given to all the Bands visited by the Commission. We can only surmise that some version of the above explanation was provided, since we are only told that 'the scope of the Commission was briefly explained to the assembled Indians'. It is possible that the explanation given was all too 'brief'.

In any event, once the explanation of the intent and purpose of the Commission had been given to the assembled Indians, the Commission permitted the Indian leaders and spokesmen to speak out, before sworn testimony was taken as part of the Commission's policy to 'hear the Indians out'.

Usually, the Chief spoke on behalf of the whole Band while Sub-chiefs or Head Men spoke on behalf of a particular reserve or section of the Band in which he resided. However, any Band member could be sworn in by the Commission and examined under oath.

The people who spoke out on behalf of the Neskainlith Band were Head Men William Perrish and Celesta. Apparently, the Chief had passed away just prior to the arrival of the Commission.

William Perrish, speaking through an interpreter, categorically stated that he did not want to sell or lose his rights on the reserve and also he did not wish to lose any land. Furthermore, he requested additional grazing land on behalf of the Band. Continuing, Perrish requested the Commission to intervene, on the Band's behalf, and settle a boundary dispute. The Indians claimed that a local white rancher had encroached upon Band land. Perrish was told that it was a departmental matter and the Commission had 'nothing to do with it'.

After William Perrish completed his statement, he was sworn in to give evidence about the nature and extent of Neskainlith land use. He testified that the Band relied on growing vegetables, grains and livestock. Their stock consisted mainly of draught horses with a few cattle, and their horses were used to serve their agricultural pursuits and transportation needs.

Their land consisted of areas for either cultivation, grazing, hay and grain fields and timber stands. Depending on the condition of the land within different reserves of a Band, a reserve could serve for one or more purposes. A reserve could serve as a source of timber from

which logs could be hewn for building homes. Another reserve could serve for either grazing stock or for growing vegetables and so on.

The nature of land use consisted of a combination of private and common interests to all Band lands. While hay, grain and vegetable fields were private domains; the grazing areas, timber stands and wild hay fields were used in common.

The witness, in response to the Commission's questions, testified that all their land fit to be cultivated was growing crops such as vegetables, wheat, and oats. The Indian Agent verified this by pointing out that the Neskainlith Band had produced in the last year; 300 tons of hay and 500 tons of threshed oats besides what they kept for their winter feed for their draught horses and cattle (R.C.E., Kamloops Agency, p.161). William Perrish told the Commission that the Band was switching to hay as a marketable commodity. This change was in response to the decreased demand for vegetables as a cash crop and to an increase in dairy farming being carried on by local white ranchers.

The Indians in this area took jobs off the reserve to supplement their income from the land. Local ranchers lamented that the cost of clearing land formerly done by Indians had gone up from \$2.00 to \$15.00 per acre.

William Perrish and Celesta, in outlining the nature and extent the Band was trying to use land, also indicated that the Band was constantly facing difficulties in attempting to develop a viable economic base. They told the Commission that they lacked grazing land, suffered from a shortage of water and that their plots were too small. In

reviewing the data collected by the Commission, I found it supported the Indians contention that they needed additional grazing lands.

The maximum carrying capacity of their pasture lands was 213 head of stock. The Band, according to the Agent, had 304 head of stock. To graze their stock adequately, the Band would have required 5755 acres of fair pasture land (see Appendix B and Tables 1 and 2). In response to the Band's request for additional land, the Commission replied that their request was 'not entertained as not reasonably required' (R.C.E., Kamloops Agency, 1916:333).

Pasture land was an important ingredient in a Band's mixed farming economy. A Band could have a reasonably sufficient acreage for growing vegetables and grains but if there was not a proportional acreage of pasture land an economic imbalance might result. Hay and grain fields could not be used for pasture during the growing season without damaging the crops. If a people were compelled out of necessity to graze their stock in their hay and grain fields during the growing season, they would not obtain enough feed to sustain their stock properly through winter.

This Band was no longer able to use common land formerly held by the provincial government for pasture because it had all been pre-empted by settlers. The settlers in occupying land surrounding reserves had also hampered Indians access to traditional hunting and fishing grounds. Consequently, Neskainlith spokesmen requested the Commission to assist them in regaining passage to their hunting and fishing grounds...

all through the country so that we will come home alright (R.C.E., Kamloops Agency, p.19).

Table 1.           Animals Owned by Neskainlith Band and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	239	4,780
Cattle	<u>65</u>	<u>975</u>
Total:-	304	5,755

Table 2. Pasture Land Possessed by Neskainlith Band and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land</u> <u>Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	2,106	42	52	94
Fair	1,860	47	62	119
Good	----	--	--	--
Total:-	3,966	89	114	213



Another problem confronting these people was the limited size of the individual plots that a family or individual could bring under production. William Perrish testified to the Commission that there were Band members who did not have land to work. In an attempt to remedy their problem, the Band divided the land...

into small plots in order to keep everybody working but not enough to make a good living (R.C.E.A., Kamloops Agency, p. 21).

Difficulties arising out of their shortage of tillable land was compounded by an insufficient supply of water. The witness stated that they were unable to obtain enough water to irrigate all the plots. As a result, competition for access to the water resulted in the people grabbing 'it from one another'.

The contention that their plots of land were too small is substantiated by data which the Commission gathered. This indicates that arable land amounted to 8.9 acres per capita, and there were only 2.8 acres per capita of potentially arable land (see Table 3). To bring that under production the Band needed land clearing equipment, water and finances.

The difficulty of bringing new land under production was pointed out by Celesta. He stated that although they could clear away brush, they lacked the necessary equipment to clear away the stumps. Once they had removed the brush, they had to wait for the stumps to rot. Celesta stated:

Table 3.

## Land Classification of the Neskainlith Band.

## Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land<sup>(1)</sup></u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land<sup>(2)</sup></u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land<sup>(3)</sup></u>
No. 1	3,245	1,500	1,460 'fair'	200	-	25	70
No. 2	2,456	60	2,106 'poor'	265	one/third	25	--
No. 3	1,273	160 (200-250)	400 'poor'	80	633	495	--
Totals:-	7,974	1,720 <sup>(4)</sup>	3,966	545 <sup>(5)</sup>	1,448	540	70

- 1) Crop land consists of gardens, hay fields, orchards and grain fields. Hereafter, Indians' estimates will be placed in brackets.
- 2) Cut-off land refers to the loss of land for various reasons such as right-of-ways and land reductions ordered by the Commission.
- 3) This includes land unaccounted for such as cemeteries and village sites or swamps.
- 4) a per capita acreage of 8.9 acres.
- 5) a per capita acreage of 2.8 acres.

We are not able to work the land into good condition because we have no tools to do it with....We cleared 70 acres...but we have been waiting for the stumps to rot. We have not sufficient tools to work it (R.C.E., Kamloops Agency, p.26).

This Band in an effort to develop its land had made good progress, but it was limited by lack of water, finances, land clearing equipment, and a shortage of land.

3.        Adams Lake Band

The Commission visited and inspected this Band and their land on October 24, 1913. After listening to Commissioner White briefly explain to them the scope and intent of the Commission, Chief Tawhalst stood up and spoke on behalf of his people:

I am glad to hear the Commission and what their duties are in coming to visit my reserve. I know we have been getting on very poor on this land, with all hardships. I know the Chief (Indian Agent) who thinks that we should be at another reserve. God thinks I should be here, and this is the same with all the other Indians...My land is very far away and very deep and very high. Therefore I am very sorry that the Victoria Government has tied up all that belongs to me. Ever since, I have to pay money before I can cut timber (stumpage), and it is my own. My land is lots and the Government has confined me to a small spot and fixed my land so that I could dig in that little spot for a living. The Government has taken lots of money that belonged to me, and has yet not helped me anything at all for machinery or any other improvements. All my rivers that are travelling through here long distance, the

Government...has made money out of them themselves. The railroad has gone through my reserve, and turned out money out of it, and has given me a certain sum to make a ditch out of it, which is only a quarter of what I was entitled to. Look at this railroad... (R.C.E., Kamloops Agency, p.30).

Chief Tawhalst's statement indicates that he was not only conscious of the economic developments which were sponsored by the provincial government but also that they were taking place at the expense of Indian people. He juxtaposes the small amount of land in his reserve with the land alienated by the provincial government. He, also juxtaposes the economic prosperity of the province with his peoples' poverty. He is indignant at the provincial government for alienating and profiting from land historically belonging to his people while they were confined to subsist 'in a little spot'. In short he was outlining his perception of Indian underdevelopment. His statement was a plea for Native rights and a stand against reductions of reserve land.

This Band has land use patterns similar to Neskainlith. Their land can be divided into three basic categories: agricultural, which formed approximately one per cent of their land; pasture land, which formed about three per cent of their reserve; and timbered land, which formed another three per cent. A fraction of the timbered land could have been cleared and used for agricultural purposes.

The focus of the Band's economy was on mixed farming - there was an emphasis on agriculture. From the testimony of Adrian Narcisse this was not always the case. Formerly, they had been stock ranchers, and still relied to a degree on hunting and fishing as a source of food.

Band members who had little or no land sought temporary employment off the reserve.

Adrian Narcisse testified that the Band had to change its focus away from stock raising because all public grazing land had been pre-empted by settlers. The witness answered questions about the economy as follows:

- Q. Mr. Commissioner McKenna: After the open range was taken up by homesteaders, was your range confined to those hills?
- A. Yes, my stock is forced to go to the mountainside, where the grass is not much good.
- Q. And when the open range was closed, you had to reduce the number of your horses and horned cattle?
- A. Yes,..., therefore we want more land.
- Q. And instead of making your living largely from horses and cattle you had to make it from the sale of grain and hay and vegetables?
- A. Yes, if I had good enough land so as to cultivate it for raising vegetables, grain and fruit (R.C.E., Kamloops Agency, p. 34).

Since this Band had 241 horses and 52 horned cattle, the Band members required 4,600 acres of fair pasture land (see Tables 4 and 5). They had only 3,762 acres of questionable grazing land (see Table 6).

This Band's request for additional pasture land was not entertained by the Commission, and undoubtedly stock continually dwindled in numbers. This could only give rise to adverse financial effects since stock was a ready source of cash income and meat.

Table 4. Animals Owned by Adams Lake Band and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	241	4,820
Cattle	<u>52</u>	<u>780</u>
Total:-	293	4,600

Table 5. Pasture Land Possessed by Adams Lake Band and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land</u> <u>Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	184	4	5	9
Fair	2,038	52	68	120
Good	<u>1,540</u>	<u>77</u>	<u>51</u>	<u>128</u>
Total:-	3,762	133	124	257

Table 6.

## Land Classification of the Adams Lake Band.

## Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land</u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land</u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land</u>
No. 1	2,178	50 (80)	see Timber Land	150	2,000	---	22 (over?)
No. 2	80	2	38 'fair'	20	20	---	--
No. 3	25	80	---	17	-----	---	72 (over?)
No. 4 + 4a	3,540	1,500 (1,100)	1,540 'good' ('poor')	300 (700)	200	---	--
No. 5	250	---	---	---	---	---	--
No. 6	766.37	30 (30)	66 'poor'	25	645	55.22	--
No. 7	313	20 (30)	118 'poor'	170	-----	82	23
Totals:	7,152.37	1,610 <sup>(1)</sup>	1,762 (+2,000)	1,392 <sup>(2)</sup>	2,865	137.22	

1) a per capita acreage of 8.89 acres.

2) a per capita acreage of 7.69 acres.



Narcisse had stated that his people had to dig 'in a little spot' to make a living, and that even if all the good land could be brought under cultivation it would still be insufficient. Difficulties created by shortage of land were compounded by a shortage of water. The witness told the Commission that the Band had only enough water to irrigate two allotments. Undoubtedly, he meant two allotments at a time. As with the Nekainlith Band, these people found themselves 'fighting over water all the time'.

The land used for various purposes such as for growing vegetables, grain and hay, amounted to approximately 8.9 acres per capita. This is what the Chief was referring to when he stated they were confined to a small spot. The data collected by the Commission indicates that an additional 7.69 acres per capita of new land could be opened up for cultivation (see Table 6). However, capacity to bring new land under production depended on accessibility of water and financing. In many cases, these proved insurmountable obstacles. Adams Lake Band could have raised some capital by selling timber from their land. It had 2,000 acres of fair timber and another 745 acres classified as good timber stands. However, the Department of Indian Affairs would not permit the Band to sell its timber. The Agent in his sworn testimony to the Commission stated that the Indians were not allowed to cut the timber on their reserve. He did not clarify why this prohibition was enforced.

The Band could have logged their timber and sold it to the Adams River Lumber Company, which was leasing one and a half acres on No. 3 Reserve. Instead of developing greater contact with the lumber company, the Agent wanted the Native people removed from the influence of the lumbermen. This point was brought out when he was examined by

the Commission:

- Q. Regarding liquor on the Adams Lake Reserve, have you ever had any trouble arising from liquor being used on this Reserve?
- A. Not until recently - about two months ago I got information; a party wrote me about this matter and asked me to take some action regarding these lumbermen bringing in liquor, and I immediately took action.
- Q. Mr. Commissioner Shaw: Do you know of any time past where there has been any trouble?
- A. No, not in my time.
- Q. Don't you think it would be better to get them away from here?
- A. Yes, I think it is the only Reserve where I think they should be removed. I think the Band is very progressive kind of people and have not sufficient land to supply the people. There are two families of about 10 people who are reported to be leading an immoral life...(R.C.E., Kamloops Agency, p.168).

The Indians were aware of the Agents' desire to have them removed from their land. The Chief told the Commission that he and all other Band members desired not to be moved. They wanted and requested more land only to be turned down by the Commission. The Band's contention that they lacked water, land and finances were substantiated by the Indian Agent and the data gathered by the Commission. The Indian people of this Band were eager to develop their land but the expansion of the settler society and the negation of their rights continually frustrated their efforts. It was not simply contact with lumber men which was the cause of their 'immoral life'. The letter complaining that these Indians were consuming alcohol, might well have come from someone

in the town of Salmon Arm: . . . This particular reserve . . . was coveted by the Salmon Arm Board of Trade. The issue of morality and liquor hints at defamation of Indians to justify their dispossession. As we will later see, members of the Board of Trade did not hold Native people in high esteem.

4. Little Shuswap Lake Band

The Shuswap Lake Band was visited by the Commission on October 25, 1913. After the scope of the Commission was briefly explained to the assembled Indians, Chief Clemma Arnouse and Sub-Chief Francois Silpahan spoke. Issac Harris acted as the interpreter. Chief Arnouse stated:

I am glad to see the Commissioners who are visiting my place...This place where I am now, is my own place. I am glad now to have the chance to speak on my place truly, because it is my own land. I cannot let my land go. I want to say also one word about the laws of this country. I want to get the rights of the law to administrate my own reserve (R.C.E., Kamloops Agency, p.43).

Sub-Chief Silpahan, after telling the Commissioners that he was happy to see them, went on to state.....

...I will tell you today, how the Indians do come to have hard feelings. You have been staying home when the Indians began to travel (to England, Ottawa, Victoria), and explain their troubles; therefore you people have found out about our troubles, and have come to us. Now you have heard what the Indians explained at Ottawa and then you have come to the reserves to see, and have the Indians to tell you all about it. It is not on our reserve only that our hard feelings commence; it is for land outside the reserves where the white men have stopped us. They stopped us from getting deer and birds, and stopped us fishing. That is what we told the Government at Ottawa...When the Indians were here a very long time ago, and able to look for their own food all over, the Indians used to increase, and they used to have a good living.

...You all know yourselves that we were born here on this land here. You see your own selves as to how we love our land, which land we have made improvements... You have seen our work...We all want to work our land to good advantage, and we are short as to our means...(Continuing, he also stated)

We are also short in the authorities of our chief, and we want you people to help us and give him authority so he will have as much authority on his reserve as the white people have in their own places...Our Chief is here on the reserve and we have some troubles...and the police comes and takes our people away, and that is why we call upon you to help us by giving authority to our Chief (R.C.E., Kamloops Agency, pp. 43-44).

The Sub-Chief's statement is an indictment of the settler society for its intransigence towards Native rights which, was the root cause of impoverishment of Native people. The speaker, continuing on in his statement, outlined the type and condition of the land in the

Shuswap Lake reserves. He stated that not all the land was good and that the level lands were too dry to grow crops. Despite all the hardships they endured on their land, he tried to convince the Commission they loved their land and that they were struggling to develop and farm their reserves. They recognized that unless they had finances and control over it, they would be unable to cultivate the level and timbered lands. The former type of land required irrigation and the latter required land clearing equipment. The Band had no finances to build ditches or to purchase such equipment. The issue of financial assistance led to an exchange of questions between Commissioner McKenna and the Native spokesmen which proceeded as follows:

- Q. Did you ever ask Smith, for a stumping Machine?  
A. No.  
Q. What machines did you get?  
A. Threshing and mowing machines. We asked for some fencing to fence the graveyard. We called on Smith and he helped us. The Indian Agent before Smith, he never helped us and we had to buy our own things. We have made up our minds to ask Smith..., for help for stumping machines, and work horses and other machinery. I would like to know from Mr. Smith, now where that money came from what was given to us in machinery? Was it government money or was it some of our money which had been paid for us for some of our land which has been taken by the white men?
- The Chairman (after consultation with Agent Smith):  
It came out of the money which the government holds in trust for you (R.C.E., Kamloops Agency, p.45).

It would seem that the issue of financial assistance was a political issue for the speaker in which the accountability of the Department of Indian Affairs to Indian people was at issue. Native people had no way of knowing how much money was held in trust for them, or the sources of money which was spent on their behalf. The source of the funds with which implements were purchased for them was important to the Indians because they did not particularly appreciate taking government aid for fear of jeopardizing their campaign for recognition of their rights to 'unsurrendered lands' and even less did they like their own money being spent in ways they did not approve.

This Band's reliance on agriculture appears to have been a recent phenomenon. According to Peter Tommah, who was examined under oath, they used to work for white men until three or four years prior to 1912. In 1908 or 1909, the Band began making their living primarily on the reserve.

- Q. Do the Indians on this reserve go outside to work for other people?
- A. A long time ago they used to do it.
- Q. Don't they do it anymore now?
- A. Some of the young fellows work for white men.
- Q. At what kind of work?
- A. On farms, at logging, and in the lumber camp.
- Q. Speaking generally, the Indians here make their living by cultivating their land, and by working on the reserve as a whole?
- A. Yes, it is just a little while since the Indians have begun to work their land. A long time ago we used to work for the white men.
- Q. How long is it since you commenced to work your land?
- A. About 3 or 4 years ago (R.C.E., Kamloops Agency, p.48).

At the time the Commission visited these people, a certain section of the population was engaged in cultivating the soil, growing hay, potatoes and vegetables; they grew 'anything the white men buys'. Another section of the population was logging and clearing land for cultivation on Reserve No. 4. Just as the Adams Lake Band had done, they had sold off most of their stock due to a lack of grazing land (see Tables 7 and 8).

The most revealing discussions revolved around Scotch Creek Reserve No. 4. Peter Tommah, a Band member sworn in by the Commission, had this to say:

- Q. How about Scotch Creek reserve? How many families live or have their homes on Scotch Creek?
- A. Six families.
- Q. Do they live there all the time?
- A. Not always.
- Q. Have they houses anywhere else on any of the other reserves?
- A. Yes, they have their own houses here in the village, and they have their own land there, which they work.
- Q. Is there anyone living there at present?
- A. They are all here at the present time.
- Q. Do you mean that they are all here today or have been living there for the last two weeks or a month?
- A. When the work comes in to the other place, they go there to work, and when there is work here they come back here.
- Q. How much land is cleared....?
- A. About 80 acres. That reserve is awfully hard to clear.
- Q. What do you grow on the land...?
- A. Hay and other crops. We are just trying that land to see what we can raise on it (R.C.E., Kamloops Agency, pp. 50-51).

Table 7.      Animals Owned by Shuswap Lake Band and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	44	880
Cattle	-- --	--- ---
Total:-	44	880



Table 8. Pasture Land Possessed by Shuswap Lake Band and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land</u> <u>Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	1,236	25	32	57
Fair	170	4	5	9
Good	----	--	--	--
Total:-	1,406 (-170)	29	37	66

Bands that had more than one reserve often resided on one reserve and moved back and forth to the different reserves in which they were clearing or cultivating the land. The Indians who moved back and forth to the Scotch Creek Reserve were mainly engaged in logging. As an area was logged out, they would cultivate the cleared land. However, the real value of this reserve was the timber; the soil was overly sandy. In response to the Chairman of the Commission, the Indian Agent testified:

- Q. Scotch Creek is on the Big Shuswap Lake - how many acres does it contain?  
A. 2,105 acres.  
Q. No permanent residents there?  
A. No.  
Q. They go there from time to time?  
A. Yes, and work in the lumber camp and make hay (he later pointed out that they worked for themselves and do not work for anyone outside the reserve)  
Q. That is a pretty good reserve for fertility?  
A. No, I don't consider it good at all - the land is sandy, and a great deal of the bottom land is very hard to clear on account of the heavy cedar (R.C.E., Kamloops Agency, p. 172).

This Band had utilized a total of 155 acres, according to the Indian Agent, for growing apples, vegetables and hay. They had cleared an additional 270 acres, of which a portion was ready for the plough (see Table 9). The Indian Agent, taking into consideration that these people lacked access to water, finances and had just began to farm their land, testified to the Commission that

Table 9. Land Classification of the Shuswap Lake Band.

Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land</u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land</u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land</u>
No. 1	4,265	40 (202)	1,050 'poor'	125	3,000	---	40
No. 2	600	14 (100)	-----	50	535	---	--
No. 3	60	20	15 'fair'	25	50%	60	--
No. 4	2,105	--	155 'fair'	50	1,950	2,105	50 (over?)
No. 5	782.59	80 (60)	186 'poor'	20 (12)	500	4	17 (over?)
Totals:	7,812.59	155 <sup>(1)</sup>	1,406	270 <sup>(2)</sup>	6,015	2,169	

1) a per capita acreage of one acre.

2) a per capita acreage of 2.4 acres.

within the last two years they have made quite an improvement (R.C.E., Kamloops Agents, p.172).

The shifting emphasis towards cultivating the land was widespread in the first decade of the 20th Century. A.W. Vowell, Indian Superintendent for B.C. wrote in his general report, to the Deputy Superintendent General of Indian Affairs, that

The Indians, have to contend against so many competitors in the labour field, owing to the increasing influx of whites and others into the country during late years, find that they cannot make money as easily as they did in former years when disposed to work...outside their reserves, and are as a consequence giving more attention to the resources nearer home, such as farming and stock raising. During the year reported upon (1908) I know many Indians who formerly went to the canneries and other places during summer in search of work, that have now come to the conclusion that they would be much better off and more comfortable by remaining at home and attending to their gardens and stock, etc., a course which for years I and others have endeavoured to persuade them to adopt as being in every way to their advantage...  
(D.I.A., Annual Report, 1907-08:270; see also  
D.I.A., Annual Report, 1908-09:245; 1907-08:258).

Other factors which led Indian people to begin cultivating their lands were restrictions on hunting and fishing and racist hiring practices.

The Indians of the Shuswap Lake Band having just begun using their land gave the appearance that they were uninterested in developing it. Consequently, the Commissioners thought the Indians were unable to handle their land or did not want to use the land. This seeming indifference gave the Commission a pretext to justify ordering 2,105 acres cut-off.

The Commission in contemplation of a cut-off, discussed it with the Indian Agent, but the notion of cutting off 2,105 acres was never mentioned to the Band. The Indian Agent in response to the Commission's desire to cut off Scotch Creek, stated that if that reserve was sold the Band would not derive as much income from the sale of the land as it would from the cutting and sale of the timber. The land was worth less than the timber.

- Q. Mr. Commissioner Shaw: Would you say it (No.4) is not reasonably required for this Band of Indians?
- A. No, I would not say that. I would say that it is required for the Indians.
- Q. Why...?
- A. Because from the proceeds of the sale of the timber, they would be able to clear the land where their village is, so as to enable them to make homes and cultivate their land.
- Q. By what means?
- A. By the sale of the timber.
- Q. Would the sale of the timber help them in this respect?
- A. The timber is worth more than the land.
- Q. If it were sold at public auction, would the money derived from the sale assist them in the same way?
- A. If it were sold by auction under the present system and the revenue that would be derived after the same was divided between the two Governments, there would not be sufficient money left to bring it under cultivation... (R.C.E., Kamloops Agency, p.173).

The Indian spokesmen and the Indian Agent tried to point out to the Commission that the Band had just recently begun to farm the land. They lacked finances, farming and land clearing equipment. They also had land which was difficult to clear and a lot which was second and third class land. A partial financial solution for this Band resided in their timbered land.

The argument by the Agent against cutting off Reserve No. 4 did not influence the decisions of the Commission. However, the members of the Salmon Arm Board of Trade appear to have carried more weight. They presented an argument for the reduction of the Indian reserve lands on the grounds that the Indians had an excessive amount of land which they were not using, and that the unused lands were impairing growth of the town.

5. Salmon Arm's Board of Trade - Businessmen's Interest in the Commission

The Royal Commission met with the local business representatives of Salmon Arm in the Montebello Hotel. A Mr. James Evans and Mr. A.D. Currie represented the Board of Trade.

The basic position of the board, as I earlier indicated, was that they felt Indians had too much land. Mr. Evans began by stating that the valuable land lying in idle waste in the vicinity surrounding Salmon Arm was impeding the growth of the town, and he declared that lands held by the Indians 'were very dirty in appearance'. According to Evans:

Some six miles west of here, just across the front of the settlement, there are about 2,300 acres of land, and about 15 families in occupation of it. In Tappen Siding reserve there are about 3,100 acres of land and about 20 families averaging about 160 acres each. That 3,100 acres of land, if it was properly cultivated, ought to comfortably support a great many more people...(R.C.E., Kamloops Agent, p.8).

In the first instance, Evans misrepresented the facts, because Neskainlith Band had 36 acres per capita; Adams Lake Band, 39 acres per capita, and the Shuswap Lake Band, 70.54 acres per capita. In the last instance the Indian Agent, as we have stated, declared that 2,105 acres of their land were of poor quality and the value rested in being a timber reserve.

However, Evans, and people like him, viewed Native people and their land in a different light. In pursuing his case, Evans argued as follows:

I should like this matter of the 3,000 acres between 20 families, to be dealt with in such a way as would benefit the Indians, the Dominion Government, and the white people in this vicinity.

Q. Commissioner MacDowell: How would you suggest dealing with the Indians in a matter of this kind?

A. I would deal with the Indians as I would deal with a child. I would not give them title to any part of the land until I found they were capable of taking care of it.

Q. Chairman: What would you say would be a fair allowance of land, per family, for the Indians taking into consideration their present conditions, and looking forward also to a possible increase in their numbers in the future?

- A. I don't think there are 20 per cent of the Indians on these reserves that there were 20 or 30 years ago, but taking into consideration all the facts, the nature of the land, the ability of the Indians and the possibility of an increase in their numbers, I think 40 acres would be sufficient for each family, but they should have assistance in cultivating it.
- Q. Commissioner Shaw: You made the statement..., that you considered 40 acres was enough for a whiteman to farm, and farm properly, in this vicinity?
- A. Yes, 40 acres is enough for a whiteman.
- Q. And does the Indian not look forward to an increase?
- A. Yes.
- Q. And 40 acres is enough for a whiteman, also looking forward to an increase?
- A. No, I don't think so.
- Q. Mr. Commissioner White: You take an Indian and give him 40 acres. He has 3 boys, and a wife; he dies, and the three boys have that 40 acres divided between them, what would be done for those acres?
- A. Well, they have the same privileges as a whiteman who is similarly situated, but I would suggest that land might be put aside in other parts of the Province for future allotments...
- Q. Commissioner Shaw: Do you know of any single Indian who cleared say 10 acres of land?
- A. No.
- Q. Do you think it possible that any will, in the future?
- A. I would not say that, I regard the Indian as a child who should be taken care of (R.C.E., Kamloops Agency, pp.12-13).

Commissioner Shaw asked Mr. Evans if he thought it would be fair to equate an Indian with a white man. Evans responded by stating that it would be unfair to compare an uneducated white man to an Indian. He maintained that white people had more brain power.



A.D. Currie, when he was examined, basically concurred with the testimony given by his colleague. However, he thought that Indians would still be well off if they had 'only five acres' per family; but, he would not begrudge them eighty acres per family if they had assistance to develop their land.

The views held by these men - that Native people were dirty, backward child-like people incapable of developing their land and, as a consequence were an impediment to the growth of the white community - were probably a means of rationalizing their desire to speculate on Native lands. Their knowledge of real estate values became evident when Commissioner MacDowell questioned Mr. Currie.

- Q. What is the value of the land near here?
- A. Uncleared, from \$75.00 to \$150.00 an acre;  
cleared land from \$150.00 to \$200.00 an acre.
- Q. Is it not a fact that during the last twelve months some 10 acres of land in this vicinity were sold at \$20,000.00?
- A. Yes, but that of course was improved land with buildings on it.
- Q. How much would represent the value of the buildings on that land?
- A. The value of the buildings would be less than \$2,500.00. (R.C.E., Kamloops Agency, p.15).

Mr. Currie also told the Commission that the cleared lands which were selling for \$150.00 to \$200.00 an acre were being sold in 40 and 60 acre blocks.

The direct or indirect potential beneficiaries of any lands ordered cut-off from reserves around Salmon Arm were the lumber-mills employing numerous white men at good wages (Boam, 1912:310), and the

Salmon Arm Realty Company, Ltd. which was incorporated in 1910 with an authorised capital of \$50,000.00. This company had purchased an older company known as the Salmon Arm Realty Company, maintaining the old title. This company was not only involved in land speculation but also in various loan and insurance companies such as the Canada Permanent Mortgage Corporation and the British Columbia Loan Company. The Salmon Arm Realty Company had representatives across Canada and in England (Boam, 1912:338). Commissioner Shaw himself was not only a rancher but also a president of a Trust Company. The manager of that Trust Company was described as a man who 'made a special study of realty values throughout the interior of British Columbia (Boam, 1912:330).

6. The Decision of the Royal Commission for the Shuswap District

In accordance with Article 2a of the Memorandum of Agreement, the Commission was empowered to reduce the size of a reserve which it assessed as having excessive acreages. However, the reduction was to be ordered only after obtaining consent of the Indians as required by the Indian Act.

All the three Bands so far considered made statements clearly indicating that they were opposed to reductions. They had begun to develop their lands to varying degrees and expressed a desire to continue doing so. However, they pointed out to the Commission that their efforts were being hampered by a lack of arable land, inaccessibility of water, and lack of finances.

The Commission, although possessed of knowledge of the social and economic conditions of these Bands ordered land cut-off from their reserves. These cut-offs were not even discussed with the Bands.

The Commission 'ordered' 480 acres be cut-off from No. 3 Reserve of the Neskainlith Band (R.C.R., Kamloops Agency, 1916:348). Indians had stated that the land on the relevant portion of the reserve was bounded by a wagon road and encircled by settlers. It was being preserved by the Indians as a source of timber for either firewood or building material. Also, Celesta testified that if they were able to clear this land it would be good for growing wheat, oats and apples (R.C.E., Kamloops Agency, p.26).

From the Adams Lake reserve, the Commission ordered a total of 137 acres cut-off 55 acres from No. 6 reserve, and 82 acres from No. 7. The first was to facilitate construction of a wharf. The Indian Agent testified to the Commission that:

...The Department sent me up to that place to report on a right-of-way running through it (No. 6) to the lake for a wharf (R.C.E., Kamloops Agency, pp.158; see also R.C.R., Kamloops Agency, 1916:342).

The Commission also made the following decision about Adams Lake Band's No. 7 reserve:

...having under consideration the reasonable and necessary requirements of the Indians of the Adams Lake Tribe,...,with respect to lands contained in Switsemalph Indian Reserve No. 7 it was

ORDERED: That there be Cut-Off from the said Switsemalph Indian Reserve No. 7 of the Adams Lake Tribe, ..., a track of land *adjoining and to the west of the town* of Salmon Arm, on Shuswap Lake, being a portion of the said Reserve No. 7 containing approximately eighty-two (82) acres...(R.C.R., Kamloops Agency, 1916:342-43; Italics added).

This land, adjacent to the town, was described by the Indian Agent as first class land. The Indians had cleared off all brush and trees, however they could not remove the stumps and could only wait for them to rot. This particular piece of land was rented by a Mr. Palmer for grazing purposes and the rent money was being paid to two widows and a four-year-old boy. It was the main source of income sustaining these three individuals (Royal Commission Transcript, Kamloops Agency, p.161).

Without ever consulting the Shuswap Lake Band, the Commission ordered a total of 2,165 acres cut from its reserves.

ORDERED: That Measow Reserve No. 3 and Scotch Creek Reserve No. 4 in the Kamloops District of the Little Shuswap Lake (Kaut) Tribe, BE CUT OFF (R.C.R., Kamloops Agency, 1916:351).

The 60-acre No. 3 Reserve had been fenced and farmed by Indians at one time; but, it had been sold by the federal government to Mr. Whitefield Chase. However, his money was refunded after the provincial government protested the sale on the basis of its reversionary rights claim. Peter Tommah informed the Commission that the Indians were 'doubtful if they could work that land because the two governments were disputing over the

reserves' (R.C.E., Kamloops Agency, p.50). In the Agent's view;

That piece of land, as far as I have heard, is a very good piece of land, and immediately this road question is settled, I think they are prepared to fence it and cultivate it as soon as the wagon road is put through it (R.C.E., Kamloops Agency, p.50).

Indian use of land on this particular reserve was being hampered primarily because of the dispute between the two levels of government, and secondly because of inaccessibility of the reserve. It was no fault of the Indians that the land was lying idle.

The Commission, having the reasonable and necessary requirements of the Indians in mind, ordered Reserve No. 4 totally cut off. This is the reserve the Indians were logging and attempting to cultivate. The Commission, although presented with a logical argument by the Indian Agent not to cut off Scotch Creek Reserve proceeded to do so.

The Commission rationalized their 'orders' to cut off land from the Bands in this corner of the Kamloops Agency on the basis that the land which was ordered cut-off were 'unused and non-essential to the maintenance of the Indians'. Furthermore, the Commission felt that the people in this area needed less land because the Salmon Arm District was more suitable to truck and fruit farming as opposed to cattle ranching.

The Commission in ordering land cut-off from this District was obviously not basing its judgements on the testimony of the Indians, the Agent, or the data which it gathered. All evidence indicates that the

Indians were striving to utilize their land and if some lands were unused it was through no fault of the Indians. The Commission, it would seem, was pursuing the federal government's policy of 1908 which was to sell timber and agricultural lands to aid the development and settlement of the country. This position was maintained by the provincial government and other business interests. The Commission, then, was serving the colonizing schemes of the two levels of government regardless of the conditions and wishes of the Indians.

7.        North Thompson Band

The Royal Commission met with the North Thompson Band on October 27, 1915. The interpreter was Isaac Harris. It is recorded in the Transcript that the 'scope and purpose of the Commission was briefly explained by Mr. Commissioner White' (R.C.E., Kamloops Agency, p.56). The spokesmen for this Band were Chief Andre, who spoke first, Captain George, who spoke second, and Johnny Oxine who was examined under oath by the Commission.

Chief Andre and Captain George were concerned about restrictions placed on their hunting and fishing rights. The Indians, as they expressed it, were beginning to feel locked up on small pieces of land and impoverished because of the increasing alienation of the land and the increasing restrictions placed on the access to the resources of the land. This monopolization of the land and its resources by the settler state was objected to as follows:

Chief Andre: You know how poor I am, just like as if I was tied up - therefore I am kind of poor. It seems as though I cannot help myself to better myself like as if I were afraid all the time. Everything seems to be locked up now, different from what it used to be a long time ago. It used to be that everything was open to me,... Where I am now, the Reserve is pretty small, and I want the Commissioners to help me by fixing my land right and make it solid for my children...forever (R.C.E., Kamloops Agency, p.56).

Captain George's statement was not transcribed in full, the transcript merely recorded that he spoke to the same effect along which Chief Andre had spoken. The portion of Captain George's statement which was recorded indicates the consequences of the growing web of restrictions being placed on the socio-economic pursuits of Indian people.

I want to be able to be free to go and hunt anywhere outside the reserve. When I have some crops to sell, I should be able to sell it, and so that everything will be open to me. That is all I have to say (R.C.E., Kamloops Agency, p.56).

Commissioner McKenna asked the speaker whether or not he could sell crops? He replied that he could sell his crops but he thought that someone just may pass a law to stop him. The notion that a law could be passed stopping Native people from selling their produce was not too far fetched since laws were used to restrict Native people from hunting and fishing along with a host of other laws and regulations which entangled Native people to such a point that they were trapped into a life of subsistence.

The Indians in accordance with hunting regulations were only permitted to hunt during the month of September - the hunting season. However, if they could prove that they were in need of food they would be issued a special permit which allowed them to kill one deer. The Agent for the Lytton Agency outlined the issue of hunting permits and fishing regulations as follows

...The Indians as a general rule...object to this permit because they 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 got to go quite a distance to get it. So that by the time they return there is very little of the deer left. When they go out in a party they say they are only allowed to kill one deer and they eat that all up before they get back.

...And this shooting and fishing question means a great deal of correspondence for the Agent and in fact for every Agent in the country, because there are so many of the Indians who want these permits.

I think the fishery regulations are thoroughly good with the exception of allowing the Indians to sell. I think 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 (R.C.E., Lytton Agency, pp.509-510).

These hunting and fishing regulations were enforced in areas denoted as 'regulated districts', but not enforced in others denoted 'unregulated districts'; however, the unregulated areas such as the North Thompson, were fast diminishing.



The statements of the Indians and the Agent for the Kamloops Agency indicates that the North Thompson Indians, a few years prior to 1912, had been principally trappers with a subsistence diet of game and fish. This area was rather isolated until the Canadian Northern Pacific Railway was constructed.

Johnny Oxine, when he was questioned about reliance on hunting and trapping, pointed out that his people used to get \$10,000.00 per year from the sale of furs, but

We don't get any of that \$10,000.00 worth now,  
because the white men have come along and taken  
all our furs away (R.C.E., Kamloops Agency, p.62).

The above statement simply means that with the expansion of the settled areas, the fur bearing animals were depleted through the destruction and alteration of ecological systems through the building of roads, establishment of ranches, the opening of areas for mining. This interpretation is supported by the Indian Agent's statement. He indicated that the North Thompson Indians were a very moral and hard working people, who within the last five or six years had made a great transition from basically being trappers to farmers. He also pointed out that the Indians had recently been hemmed in by settlers and coal mines (R.C.E., Kamloops Agency, p. 178-79).

Circumstances created by the influx of settlers, mining companies and the construction of the railway compelled the Indians to try and develop their land. In their efforts to do so they were encouraged by the Agent to develop a mixed farming economy. In 1912, they were in

the process of expanding their wheat, oat and vegetable production. The Indians normally sold any surplus produce which they may have had to the settlers. The Indian Agent told the Commission that this Band was fortunate in having a ready, although temporary, market for their produce in the construction camps of the railway company. The Indian Agent was asked by the Commission if the Indians worked off of the reserve; he replied that they worked very little off of the reserve with the exception of a few individuals who still trapped full time.

Johnny Oxine was also asked if the Indians worked off the reserve to supplement their new economic pursuits; he replied to the questions as follows:

- A. Yes, when we find work.
- Q. What kind of work do you find outside of the reserve?
- A. General work, farming in the haying season, etc.
- Q. Did any of you work on the Railroad during the construction of it?
- A. Yes, inside our reserve, when the railroad was going through we helped to cut the right-of-way.
- Q. Do you hunt and trap during the winter months?
- A. Yes, we trap.
- Q. Taken altogether, do you make a fairly comfortable living for yourselves on the reserves?
- A. Some of us are not living comfortably, provided we do not go outside the reserve and help ourselves.
- Q. Commissioner McKenna: You mean provided you don't go outside the reserve to work?
- A. Yes, and trap outside of the reserve too.
- Q. Would the majority of the people have to go off the reserve to labour and to trap, in order to make a comfortable living?
- A. Some of the Indians here are regular trappers and would sooner go out and trap, and some are farmers who stay at home all the time (R.C.E., Kamloops Agency, p.59).

These people were unable to make a complete transition to mixed farming for various reasons of which some of them involved lack of agricultural lands, pasture lands and finances.

In his testimony the witness also told the Commission that only about seven individuals (heads of families?) were capable of cultivating land more extensively than other Band members who 'only have small fields'. He went on to say that they were having difficulty in cultivating their land due to a 'shortage of machinery, horses, etc.' and in any event even if they had the necessary equipment for farming, the land would be 'too short'. The data collected by the Commission supported the Indians' contention their lands were too small. The acreage of arable land per capita amounted to 6.4 acres. This included the swamp hay meadows which were subject to annual flooding (see Table 10). The amount of potentially arable land of this Band equalled 50 acres. It had lost more land to railway right-of-ways than it had as potentially arable land. Furthermore, the railways' disregard of the Indians fishing stations resulted in their destruction.

Other significant factors which further aggravated the social conditions of the Indians were lack of funds and shortage of grazing lands. Testimony of the Indian Agent indicated that the irrigation system of the Band was only capable of irrigating 80 to 90 acres. According to the Agent, it was beyond the means of the Band to extend its irrigation facilities. However, the members were able to cultivate 160 acres by utilizing dry farming techniques to grow crops such as oats, wheat and hay. But this technique could not be widely adapted due to the semi-arid climate in the area.

Table 10. Land Classification of the North Thompson Band.

Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land</u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land</u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land</u>
No. 1	3,112	1,200 <sup>(1)</sup>	500 'poor' 500 'fair'	50	800 +500 fire wood	108	438 (over?)
No. 2	5	Fishing Station	---	--	---	one acre	---
No. 3	5	Fishing Station	---	--	---	washed away	---
No. 4	8	-----	---	--	---	5.5	---
Totals:	3,130	1,200 <sup>(2)</sup>	1,000	50	1,300	114.5	

1) 500 acres is swamp land which overflows annually.

2) a per capita acreage of 6.4 acres.

The hay and grains which were grown went toward feeding the stock estimated by the Agent to consist of 135 horses and 47 cattle. The Indians testified that they had 100 horses and 70 cattle.

This Band was plagued by a shortage of pasture lands which consisted of 500 acres of 'fair' land covered in scrub timber. They had an additional 500 acres which was classified as being poor and mainly served as a source of firewood. Taking this to be the case, the pasture land of the Band would have been able to sustain approximately 22 head of horses and 28 head of horned cattle. Looked at from another perspective, they needed 3,700 acres of fair pasture land for the horses and 705 acres of the same quality of land for their cattle. In total, the Band needed approximately 4,405 acres (see Tables 11 and 12). The Band requested 1,280 acres of land specifically for pasturage. The Indian Agent, under examination, told the Commission that the Indians had no pasture land to speak about. He also testified that he had made an application for land on which these people could graze their stock but no attempt was made by the Department of Indian Affairs to act on the application. The Agent stated that he had made recommendation to the Department of Indian Affairs to obtain a portion of vacant land but the Department, to his knowledge, had not acted on his recommendations by applying to the provincial government for the land.

The Indian Agent was told, by a Commissioner, to give the Commission a description of the land and that the Commission would act

Table 11. Animals Owned by North Thompson Band and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	135 (100)	3,700
Cattle	<u>47 (70)</u>	<u>705</u>
Total:-	182	4,405

Table 12. Pasture Land Possessed by North Thompson Band and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land</u> <u>Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	500	10	12	22
Fair	500	12	16	28
Good	<u>---</u>	<u>--</u>	<u>--</u>	<u>--</u>
Total:-	1,000	22	28	50

on his recommendations. The land which was 'vacant and available' amounted to 1,280 acres. However, the Agent for reasons unknown recommended 640 acres be constituted as reserve land. The Commission responded to his recommendations by stating:

Allowed: Six hundred and forty (640) acres.  
more or less, subject to survey (R.C.R.,  
Kamloops Agency, 1916:333):

As earlier indicated these Indians were concerned about the increasing web of regulations, particularly those which affected hunting and fishing. The response by Commissioner Shaw typified the Commission's position on game and fishing regulations. Commissioner Shaw rationalized the game and fishing regulations as necessary so as not to deplete the fish and wildlife. Johnny Oxine responded:

Yes, we know that, but a long time ago  
when there was no laws fishing and  
hunting was very plentiful (R.C.E.,  
Kamloops Agency, p. 62).

Native people did not and could not understand why they should be penalized while commercial fishing companies were permitted to use massive fish traps often responsible for the wasteful destruction of tons of salmon. Furthermore, Native people could not understand why their fishing rights should be curtailed since they had not conferred the right to the government to regulate the fish and game. It was the view of the



Native people that the government(s) had no authority to impose fish and game regulations on them. Native people still maintain this view today.

The contrast between the growth of capitalism and the increasing web of laws surrounding the activities of Native people, the small pieces of reserves, led people like Chief Andre to utter:

You know how poor I am, just like as if I was tied up - therefore I am kinda poor. It seems as though I cannot help myself to better myself, like as if I were afraid (to be jailed or fined) all the time. Everything seems locked up now, different from what it used to be... (R.C.E., Kamloops Agency, p.56).

As a final note about the Commissioners' deliberations in this vicinity, I would like to point out how they rationalized their decision to grant this Band, whose arable and pasture lands were negligible, only 640 acres for pasturage. The Commissioners stated that they would create a Reserve containing 640 acres in a locality.

presenting more favourable opportunities for utilization of the land by the Indians in the characteristic industries of the Agency, farming and stock raising (R.C.E., Kamloops Agency, 1916:306).

The fact of the matter is the acreage given to this Band would only have met about a third of their requirements. They simply had no

room for expansion or growth. Consequently, the philosophy of the Commissioners was contradicted by their decision to grant these people only one half of what was available for the purpose of farming and ranching.

8. Kamloops Band

The Royal Commission visited the Kamloops Band on October 28th, 1913. Issac Harris, an Okanagan Indian, was the interpreter. Mr. Commissioner McKenna began the investigation of this Band by briefly explaining 'the scope and purpose of the Commission'.

The people who stood up and spoke to the Commissioners, on behalf of the Band, were Chief Louis, Captain Lecamp, Alexander Bob and Johnnie Leonard. Johnnie Leonard was the only person examined under oath by the Commissioners.

Chief Louis told the Commissioners that the Joint Reserve Allotment Commission, headed by Sproat, McKinley and Anderson, had laid out the boundaries of the Reserve and upon completion told him that the land as demarcated is 'yours forever'. He also pointed out to the Commissioners that they had cultivated the land as far as their water supply permitted, beyond that, the land was too dry and their attempts at cultivating the soil led to failure. He attributed their shortage of water to the Western Canada Ranching Company - formerly known as Harper's Estate. This company was only supposed to be permitted by agreement, to take water remaining after the Band had taken its allotted 500 inches. However, the Ranching Company was taking more than the

agrément called for and all which remained for the Indians amounted to 250 inches. Let me quote a portion of Chief Louis statement:

I fixed the land among my children here, and wherever - the water reaches that land it raises good crop. We have tried to cultivate the land which the water cannot reach, and it has been a failure. It gets dried up without irrigation. Right east from here there is good land on the River banks, and on the beaches. If the water could reach these lands it would be better for us. There has been a ditch line surveyed to get water for these lands. Afterwards a white man took up a ranch between the reserve and the creek from where the water was to be gotten, and he stopped my water from coming. The other land we have here, it is pasture land for the cattle, and timber land, and the timber is for our improvements for my people...

Of course - you cannot expect me to find everything and find out how to work the land, but we are starting in a good way of getting on to work the land to the best advantage...Now you Commissioners have come and have seen yourselves, the shape we are in, and I have also called upon you gentlemen (presumably members of the Board of Trade) for help. Of course we are not like the white men who have all kinds of machinery to work the land, and I will say that I am glad the Commissioners have come to see and help us (R.C.E., Kamloops Agency, p.64).

Whereas Chief Louis spoke about the general situation of the Band, Captain Lecamp spoke about Harper's Ranch. He told the Commission that he understood that the Commissioners were there to hear all the grievances of the Indians; therefore, he wanted to tell the Commission that all the Indians objected to the Harper's Estate being inside the reserve. Chief Louis interjected and stated...

You know that it is the feeling of my people here, as if for instance, there was a table and a hole in the middle of that table, the dishes and utensils would fall through, and that is the way of it with this bit of land inside our reserve... (R.C.E., Kamloops Agency, p.66).

The greatest inconvenience to the Band was the water which the Ranch was taking from the Band. Alexander Bob told the Commissioners that his people were only suffering from one handicap which was a shortage of water. The Commissioners dismissed this issue on the grounds that they understood that there was enough water to go around; the Commission stated that if the Band was not getting its proper share, the Band should apply to the Water Commission 'not to us'.

The last remark by the Commissioners ended all discussion and Johnnie Leonard was then examined under oath. He pointed out that the Band members were mainly involved in the mixed farming economy of the Band; however, their involvement in the Band's economy did not preclude them from working outside the reserve for white farmers, or in mills where they were paid \$1.50 per day. As in other reserves, there was a small section of the population which could not be employed on the Reserve and worked elsewhere.

Johnnie Leonard also told the Commission that, aside from the 250 inches of water they lost to Harper's Ranch, they had also lost access to another creek in 1903. He went on to tell the Commission that they were well equipped with farm implement, which they had purchased themselves, and that their irrigation system was constructed independently of government aid! The Indian Agent, when he was examined, pointed out

that the only financial aid which the Band had received was \$300.00 to assist in the repairing of its irrigation system. Presumably, the funding was derived from the sale of Band land to the Canadian Northern Pacific Railway which had constructed a line and a train station on the reserve.

The point which becomes evident in the statements of Native people is that they were using less land, or unable to open up more land and lacked land due to the increasing incroachment of white settlers.

In the case of the Kamloops Band, the Indian Agent touched on some factors, which adversely affected the Indians. Mr. Smith was examined under oath, in Victoria, on November 19th, and 20th, 1913. He testified that the Indians had cultivated more land than their water supply could irrigate and that if they had more water they could cultivate an additional 1,700 acres. To accomplish this, he pointed out, they would need financial assistance to construct an earthen ditch. The Chairman questioned the Agent about developing a policy of 'pouring' money into a reserve everytime the Indians wanted some 'little improvements' done - a view contradictory to the provincial and federal policy of building railroads, roads, setting up experimental farms, and generally assisting development. In any event, the Agent pointed out that the Indians were in such a situation that they could not afford to build irrigation systems, having families to support. He pointed out that this Band had lost control over its finances recently when the Department took over their management, and now the Band had no funds to carry out economic development.

The Agent told the Commission, that the Band was leasing out some grazing land to a white rancher for \$1,500.00 per year and the Agent wondered where the money was going! He said that if the people had that money they could use it to construct their irrigation system. He was told by Commissioner Shaw that:

The fact of the matter is the former manager used to advance money to the Indians on behalf of the lease, but the Department stopped it and the whole thing now goes to Ottawa (R.C.E., Kamloops Agency, p.150).

The federal policy in 1912 of completely taking over Band funds had the effect of draining the Band's finances. The control of funds by the Department stifled economic growth as much as the loss of water.

The examination of the Agent switched to questions about the Indians' disaffection with the right-of-way of the C.N.P.R., which traversed the whole length of the reserve. The Agent indicated that the Native peoples' disaffection was rooted in the fact that the contract, as understood by the Band, had been broken. The Agent stated that the contract specified the width of the right-of-way to be 90 feet; however, the railway Company fenced off 100 feet. Furthermore, the railway was pushed right through the village 'practically cutting it in two'. The people had to remove 'their meeting house and several other buildings'. Also, a piece of swamp, hay land, which used to drain sufficiently early to be cut, no longer drained because the railway had blocked the natural drainage outlet of the field.

Finally, the Agent pointed out that the Indians agreed to the construction of the railway through their Reserve based on the understanding that it was to be constructed along the river bank. Had the railway been so constructed it would not have disrupted the village, the land usage, and taken so much valuable agricultural land out of production. Instead, the railroad was built, contrary to agreement, through the village, through farm lands and in addition an extra ten feet was taken. To these complaints the Commissioners replied,

The only thing is that the arrangement made with the Indians and the arrangement made with the Department are different.

Commissioner McKenna: What the Department should do is to make them pay for the damages to the buildings, and I think it is a matter for you, Mr. Smith, to take up with the Department (R.C.E., Kamloops Agency, p.155).

A final and significant point which was discussed with the Agent but never with the Band involved the issue of cut-offs; the Agent was asked what portion of the reserve could be cut-off without adversely affecting the Band. The Agent tried throughout the examination to point out that all the land was reasonably required by the Band. The questioning proceeded as follows:

The Chairman

- Q. Supposing it was desirable to cut off that portion of the Kamloops Reserve between the village and the river that sandy portion - I suppose that could be cut off without detriment to the Indians?
- A. It would be a detriment in this way - they get a small revenue in that sandy portion of the Reserve - the Contractors buy that sand from them at so much a load.

Mr. Commissioner MacDowell: How much would it (the revenue) come to in a year?

A. Possible \$300.00 or \$350.00.

The Chairman:

Q. In front of that there is some property of the Reserve - You know here there is something that looks like a river bed on marshy land - I suppose that is no good; we saw water on it as we passed along?

A. It is good - they get hay from that. It overflows every year, and when the water recedes, they cut that meadow, and they use it for pasturing their cattle.

Q. Don't their cows get mired in it?

A. No, it is not miry.

Mr. Commissioner Shaw: That water was from the fall rains?

A. Yes. The water has always been out of that slough sufficiently early for them to cut that hay...The Canadian Northern has blocked the lower end of it with their track, and there is not sufficient outlet for the water to flow off of it...

The Chairman:

Q. Supposing we should come to the conclusion that it was proper to cut off a portion of that reserve; what portion could be cut off with the least detriment to the necessary requirements of the Indians?

A. The portion that might be cut off, (and I might not be in favour of cutting off any), would be that portion lying east of the Industrial School.

Mr. Commissioner McKenna: You said just now that if land was to be cut off with the least detriment to the Indians --to their reasonable requirements--it would be near the school. Now could any land be cut off without interference with the necessary requirements of the Indians?

The Chairman:

Q. If I understand your answer, ..., in your judgement all that reserve is necessary for the reasonable requirements of the Indians?

A. Yes.

Mr. Commissioner MacDowell: Are they using all that Reserve?

A. No.

Q. Well then, if they don't use it, how can you say that it is necessary for their requirements?

A. That is not a fair way to put the question. If they had the facilities it would be to their advantage to use that reserve.

Q. What facilities?

A. Water and irrigation.

Q. Can they get that?

A. Yes. (R.C.E., Kamloops Agency, p. 145-47).



It is evident that the views of the Agent concurs with the position stated by the Indians that external factors were responsible for the limitations of their economic growth and expansion. The Agent and the Indians maintained that white encroachment on their allocated water supply had hampered the Band's economic growth. The Agent testified that the Indians were unable to construct an irrigation system due to a lack of finances and this in turn was due the Department of Indian Affairs' control of Indian monies. These and other factors led to the curtailment of the Native peoples' capacity to utilize fully the potential of their lands. It is evident from the statements of the Indians, thus far examined, that they were eager to develop their lands and expand their production. Considering the difficulties faced by the Native people of Kamloops, they had done quite well in 1912. They had outfitted themselves with the necessary farm implements which they had purchased; they had grown 23 tons of wheat, harvested 105 tons of oats and pease, 6 tons of beans, 280 tons of potatoes, 80 tons of turnips, and 30 tons of miscellaneous vegetables. According to the Agent, they had 500 horses and 123 head of cattle (The Indians estimated that they had 800 horses and 500 head of cattle). They also cropped 710 tons of hay and leased out a section of their grazing lands for \$1,500.00 per year.

Arable land, though productive, was small and amounted only to 6.19 acres per capita. Relative to the other Bands, this Band was fortunate in that its land was not divided into many small reserves; also, it had reasonably large and good grazing land so that some Band members could pursue stock ranching to the exclusion of agricultural

pursuits. The potentially arable land amounted to 10 acres per capita (see Table 13). The Agent classified the Band's 23,558 acres of pasture land as being first class. If that were the case, then one half of the pasture lands could sustain about 1,200 head of cattle and the other half could sustain about 800 head of horses (see Tables 14 and 15). Even if the Agent's or the Indians' claim as to the amount of stock are taken into consideration, the Band had room to expand their stock grazing on their pasture lands or to lease their 'excess' pasture lands. They chose the latter course, in all probability to raise finances and to preserve their level of surplus hay and grains for marketing.

From the testimony of the Indians and the Agent, and the Data collected by the Commissioners, it cannot be said that the Indians were willingly leaving their lands in idle fallow.

9. Kamloops Board of Trade Businessmen's Interest in the Commission

The Kamloops Board of Trade met with the Commissioners on October 20, 1913 in the Leland Hotel. The members representing the Board of Trade were H.T. Dennison, Secretary; Sgt. James A. Gill, President, Mr. F.J. Fulton, K.C., and Captain Worsnop.

The position of the Board of Trade was presented to the Commission by Mr. Dennison in the following memorandum:

Whereas it is the opinion of the Kamloops Board of Trade that the continued use of the land on the North Banks of the Thompson River, held as an Indian Reserve is not in the best interests of either the Indians, or the City of Kamloops, the Board desires to represent to the Royal Indian Commission here assembled:

Table 13.

## Land Classification of the Kamloops Band.

## Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land</u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land</u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land</u>
No. 1	33,131	1,700 (1,000)	23,558 'good' 4,000 'worthless'	2,800 (1,500)	600	713	180 (over?)
No. 2	15	Fishing Station	-----	-----	---	---	---
No. 3	7	Fishing Station	-----	-----	---	---	---
No. 4	180	-----	-----	75	180	---	---
No. 5	46	Fishing Station	11 'poor'	15	---	---	---
Totals:		1,720 <sup>(1)</sup>	23,558	2,890 <sup>(2)</sup>	600	713	

1) a per capita acreage of 6.2 acres.

2) a per capita acreage of 10 acres.

Table 14. Animals Owned by Kamloops Band and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	500 (800)	10,000
Cattle	<u>123 (500)</u>	<u>1,745</u>
Total:-	623	11,745

Table 15. Pasture Land Possessed by Kamloops Band and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	-----	-----	-----	-----
Fair	-----	-----	-----	-----
Good	<u>23,558</u>	<u>800</u>	<u>1,200</u>	<u>2,000</u>
Total:-	23,558	800	1,200	2,000

1st. That the land is not well cultivated, or employed to proper advantage by the Indians;

2nd. That its close proximity to Kamloops is not beneficial to either the Indians or the City;

3rd. That the development of Kamloops is restricted by the reservation of this property;

4th. That the land should be more profitably employed.

5th. That the prosperity of the Indians would be advanced by the sale of the land; and it is therefore resolved;

That the Royal Indian Commission be requested to consider the advisability of recommending the sale of all, or at least 800 to 1,000 acres of the said land on the banks of the river opposite the City of Kamloops.

Sgt. James A. Gill, Pres.

Sgt. James A. Gill, speaking on behalf of the memorandum, stated that the close proximity of the Reserve has been a 'burning question for years'. He said that convictions of Indians for possession of liquor due to accessibility, was increasing. Since a white community would be built around the new train station on the Reserve, the Board felt that the Indians should be removed from the increasing evil influences of whisky. Gill testified that the Board thought it "desirable that they (the Indians) should be removed as the land..., which is not being used to any great extent, could be utilized for industrial purposes". (Royal Commission Evidence, Kamloops Agency, p.3). Mr. Fulton, speaking on behalf of the memorandum, also alluded to the increasing accessibility of liquor and the necessity of removing the Indians from such evil influences. He further rationalized the position of the Board by stating that, in its opinion, 'not one-half' of the Reserve was being used properly and 'under modern conditions', he thought, the Indians should not be allowed

to 'hold back the development of the Province'. He added that he had seen white settlers come to Kamloops only to return to the ranges utterly disgusted because all the fertile land had been tied up - presumably he meant in Indian Reserves.

The Kamloops Standard reported that Commissioners J.P. Shaw and D.A. McDowell "expressed opinion that it seemed feasible suggestion, that of removing the Indians further from the City, as their proximity to white men was demoralizing (Oct. 21; 1913:1). However, the Chairman of the Commission told the Board of Trade that its requests were beyond the Commission's powers. In any event the Commissioners agreed to cutting off 380 acres on February 11, 1915 (see Royal Commission Report, 1916:346, v.1).

The position of the Board was not arrived at without some complaints and opposition. The Board members criticised the Commission for not giving them adequate notice of its desire to meet with them; the Board also criticised the Commissioners for not clearly outlining why it wanted to meet with its members. The Kamloops Standard on October 21, 1913, reported on page one, that Capt. Worsnop and President J.A. Gill had expressed surprise that the meeting had not been properly announced. A day later, an editorial in the Inland Sentinel expressed more succinct views:

It was extraordinary enough that the Commission should seek a conference with the...Board on a public holiday; it was extraordinary enough that the Commission should give such inadequate notice of their plan to visit Kamloops; but it is almost inconceivable that the Commission should neglect

to state why a meeting with the Board was desired. The result was that the members of the Board of Trade were rushed together, and, all unprepared, discussed a proposal initiated by the President that the Kamloops Indians be transferred from the present Reserve...After a great deal of acrimonious interchange of opinion the Board decided to recommend this removal of the Indians, and Mr. F.J. Fulton was deputed to enunciate the desirability of the step. This, however, proved an utter waste of time, for the chairman declared that it was not within the purview of the Commission to make any such recommendations. (October 22, 1913:4).

The manner in which the Commissioners announced their desire to meet with the Kamloops Board of Trade is significant especially if it is an indication of their procedure of establishing meetings with Indian people.

The opposition which the Board met in drawing up its position came from the Indian Agent and from a minority of its members. The Kamloops Standard in reporting on the meeting at which the memorandum was drawn up, reported that the Indian Agent opposed the memorandum. Agent Smith, in arguing on behalf of the Indians, stated that the Reserve was being cultivated to the extent permitted by the supply of water. Mr. Smith objected to the request to have the Indians removed from their Reserve and he added "that money cut no figure; the Indians wanted the land and not the money". (Kamloops Standard, Oct. 21, 1913:1). The Agent also indicated to the Board that its request exceeded the powers of the Commission. In response, the President, Mr. J.A. Gill, "declared that there were always ways of accomplishing these things". (Inland Sentinel, Oct. 21, 1913:1). The members who opposed the memorandum were Capt. Worsnop, J.M. Harper and Alderman McGill. Capt. Worsnop condemned the



memorandum as a mere land grabbing scheme. However, he pointed out that he would not mind purchasing the Reserve land if the impetus to sell had come from the Indians. Ald. McGill maintained that the Indians were not a detriment to the city from a financial point of view because they spent a lot of money in the city. J.M. Harper merely pointed out that the Indians had never been treated fairly by whites and in any event Kamloops had a lot of room to branch out in without bothering the Indians. These objections were over-ridden by the majority of the members who were present and the memorandum passed without any alterations as it was originally presented by the President. However, the Inland Sentinel published an editorial critical of the intentions of those behind the memorandum:

There is no disguising the fact that consideration for the Indian did not stir the general run of those present at Monday's meeting, and the Indians' lack of enterprise was brought forward merely to show how Kamloops would benefit were the aborigine driven away and a townsite with stores and banks near the C.N.R. depot established, and the remainder of the land farmed by white men--from the East according to the recommendation of one speaker. This would be advantageous to the real estate dealer, to the banks and merchants, and to the white people generally, and might under certain circumstances be desirable. What treatment of the Indian in the transaction is to be expected, though, of a man who says that those discussing the matter need take no thought of the Indian as his interests are protected at Ottawa and Victoria? Such a man is speaking either as a partizan against his conscience or in ignorance. Offences against Indians in land jobbery reek to Heaven; and the Attorney General of this Province has had to be restrained by the Dominion authorities in connection with Indian land transactions. (October 22, 1913:4).

The above editorial is in many respects a commendable condemnation of the land grabbing schemes continuously experienced by Native people. However, it should be noted that the federal government moved to restrain 'land jobbery' only under certain circumstances. At times it contributed to the problem. For example, the railway company, backed by both levels of Government, had the choice of building on the lands of the Esate of Pragnell and Cosier, which was established in 1909, and on the land of other land owners (see Boam, 1912:338), but chose to build on the Indian Reserve (see Inland Sentinel, Oct. 23, 1913:4 - 'The Mail Bag'). They chose this course because the land could be obtained as part of the Government's land grants to the railway or at a price below the market value of the land. Private lands could not be obtained in such a manner, while lands under federal jurisdiction could be so obtained. This in my view was another form of land speculation. The disruptive influence of the railway has already been discussed; it could not be argued that the breach of contract and the construction of the train yard, station and tracks on Band land was in the best interests of the Indians.

10.        Deadman's Creek Band

The Commission met with the Deadman's Creek Band on October 29, 1913. The scope and purpose of the Commission was briefly explained to the people by Commissioner White through Issac Harris. Once this was

completed, Chief Joe Tomma stood up and spoke about the plight of Native people, in general, and the members of his Band, in particular. He also touched upon the response of the federal authorities to the demands by the Indians to have their rights recognized. But, he refused to answer any questions about the condition of the reserve and the nature and extent of land use on the reserve. However, Jimmy Taylor volunteered to be sworn in and examined under oath. Before I deal with his sworn evidence and that of the Indian Agent, I would like to quote Chief Joe Tomma's statement because it outlines very well the economic and political position of Native people within the settler state.

Chief Joe Tomma, said:- My brothers, you have known that I have been poor for a long time. It is nine years ago since we started to state our grievances, which also went to Ottawa (aside from London and Victoria). You can see the way I am situated here now. Therefore all the Indians of this part have gathered up what they have to say, and have sent it to Ottawa. I have been waiting for an answer to what I have said before on that account, till the present time.

The Chairman:- Are you prepared to give a statement with respect to your reserves, as to how you use them and how you are situated?

A. NO ANSWER (sic).

Mr. Commissioner McKenna:- What was the subject which you brought to the attention of the Government at Ottawa?

A. The grievances of all the Indians in British Columbia, that the white man has spoilt (socially ruined) us and locked us in. The white men have taken all the land and claimed all the water rights, and stopped us from hunting, fishing, etc. (R.C.E., Kamloops Agency, p.77)

This statement of the Chief, just as testimony of other Native spokesmen, is an indication of the Indians reaction to the devious

position of the federal government. In order to recognize rights of Native people and rectify injustices perpetrated against them, the Federal government would have to oppose its own scheme to colonize Native land. The federal government stood for colonialism, and colonialism is a negation of the rights of the colonized. History has demonstrated this to be a fact of life.

The testimony of Jimmie Taylor centers around the Band's problems related to water and range lands. He testified that the reserve lacked range land, consequently, they had to enter into a lease arrangement to graze their stock on 'common' range land leased by white ranchers. According to the witness Indians were permitted to use the common range land as part of a land lease agreement entered into with a Mr. Smith-Curtis. Apparently, the Indian Agent, Mr. Irwin, who preceeded Mr. Smith, had advised the Band to lease 3,864 acres (Agent Smith quoted 4,926 acres) of good land for 999 years. In exchange the Band was to receive \$1,000.00 per year for the duration of the lease and the use of 'common' grazing lands. In addition, the leasee was to construct for the Band a high level ditch capable of carrying 200 "miner's inches" of water. That amount of water would have been enough to irrigate four to nine hundred acres. Through the lease, the Band hoped to augment their irrigation system(s) which was only capable of irrigating 150 acres (see Table 16).

The Indians had built this system without government aid, which represented all the cultivated land on the reserve due to the difficulty of obtaining water; and their dream to expand their economic

Table 16.

## Land Classification of the Deadman's Creek Band.

## Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land</u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land</u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land</u>
No. 1	20,134	150 (200) <sup>(1)</sup>	11,800 'poor'	4,500 <sup>(2)</sup> (1,100)	---	4,926 (leased)	---
Totals:	20,134	150	11,800	4,500		4,926	

1) a per capita acreage of 1.4 acres.

2) a per capita acreage of 31.6 acres.

base vis-a-vis the lease proved to be an empty one. The Indians discovered that Smith-Curtis had not intended to honour the agreement. The witness described the way in which Smith-Curtis was able to deny the Band their ditch and the way the government responded to their complaints:

- Q. (by a Commissioner): Did you ever bring this under the notice of the Government?
- A. Yes, but I don't know whether they payed any attention to it or not. He (Smith-Curtis) came back here last year and he said "you fellows have not got any stated time for me to dig the ditch," and he said he would give us the \$1,000.00 with which we were to dig the ditch ourselves. We have found out since that this Company (B.C. Orchard Company) over here have digged a ditch for him, but he will never dig our ditch (R.C.E., Kamloops Agency, p.80).

The Indian Agent, Smith, in his testimony to the Commission, stated that the \$1,000.00 was a promise of compensation to go towards the improvement of the old ditch until such time as Smith-Curtis was prepared to construct the water system as agreed upon in the lease arrangement. Leases could only be signed by the Department of Indian Affairs and not by the Band. The Department was solely responsible for the lease agreement which in this case, can only be seen as fraudulent. While Smith-Curtis had refused to construct the ditch for the Band, as the Indians had expected, he had contracted with the Walachin Company to construct a flume which had already been completed prior to the arrival of the Commission. This flume, which ran from one end of the reserve to the other, was capable of carrying 750 "miner's inches" of water. The water was destined to irrigate some 3,000 acres of land which

was planted in apples trees and was to have been divided into ten acre lots and sold to British immigrants.

The Indians had, apparently, placed a lot of hope on the irrigation system, which had been agreed upon in the lease, to expand their meagre economic base on the reserve. Without the water, the Band was limited to 1.4 acres per capita of cultivable land. Their potential arable land of 4,800 acres, or an additional 31.6 acres per capita, would remain an unrealizable potential (see Table 16). The members of this Band augmented their meagre income by working as farm and ranch hands. Ranching on the reserve was questionable due to the quality of their pasture lands (see Tables 17 and 18).

The small sample of problems confronted by this Band were undoubtedly problems which Chief Tomma and other chiefs had presented to the federal and provincial authorities. Chief Tomma was very conscious that all Native people lived under similar conditions and had suffered the same ill-treatment at the hands of interlopers such as the state and capitalist entrepreneurs.

11. Cache Creek Band

The Bonaparte Band, and we will later see, the Ashcroft Band, were classified as the most impoverished of the Agency. The Bonaparte Band lacked land and finances to build an irrigation system for the small amount of arable land it had. According to the Agent, these people were very poor because "All the good land in that valley is held by white settlers" (R.C.E., Kamloops Agency, p.186).

Table 17. Animals Owned by Deadman's Creek Band and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	300 (300)	6,000
Cattle	<u>40 (25)</u>	<u>600</u>
Total:-	340	6,600



Table 18. Pasture Land Possessed by Deadman's Creek Band and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land</u> <u>Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	11,800	236	295	531
Fair	-----	---	---	---
Good	-----	---	---	---
Total:-	11,800	236	295	531

The Chief of the Bonaparte Band clearly understood the basis of the plight of his people. This is illustrated in his statement to the Commission:

I have no object (sic) in waiting so long for this Commission to come, but I have learned and seen how my children are poor, therefore I would like to say a few words. What I say in regards to my children, I guess you have seen it yourselves as well. I might say quite a lot, but when it comes to the fine point, I am short of land and it is hard to get water. We are not the only ones that have the same grievances, but mostly all the Indians all over this part have the same grievances (R.G.E. , Kamloops Agency, p.86)

An analysis of the data collected by the Commission supports his contention. The Commission reported that this Band had a total of 6,133.8 acres of land and a population of 186, for 32 and 2/3 acres per capita. However, the Commission did not analyse its data for if it had it would have discovered that this Band was only capable of using 0.9 acres per capita (see Table 19). The Band had an additional potential of 815 acres but the Commission declared that 350 acres of this land was impossible to irrigate. This land was potentially cultivable only in so far as the Band could raise funds to build an irrigation system. This it could not do.

A comment made by the Commission indicates the social and economic condition of this Band and, also, that the Commission was fully aware of its plight:

Table 19. Land Classification of the Bonaparte Band.

Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land</u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land</u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land</u>
No. 1	2,057	80 (21)	-----	300	---	---	1,677 <sup>(1)</sup>
No. 2	2,078	78 (24)	1,900 'poor'	200	---	---	100 (over)
No. 3, 3a	1,760	20 (4)	1,550 'poor'	250	---	---	60 (over)
No. 4	65	Fishing Station	-----		---	---	---
No. 5	99.8	Fishing Station	-----	65	---	---	---
No. 6	80	Fishing Station	-----		---	---	---
Totals:	6,133.8	178 <sup>(2)</sup>	3,450	815 <sup>(3)</sup>			

1) mountainous terrain.

2) a per capita acreage of 0.9 acre.

3) a per capita acreage of 4.4 acres.

With the Bonapartes (the Ashcroft Band are), the most unfortunately situated Indians of the Kamloops Agency (Royal Commission Report, v.1, 1916:326).

This Band was endowed with 1,677 acres of land unfit even for pasturage and 1,900 acres of land which was classified as 'indifferent pasturage'. The line between the two categories is very thin. This accounts for approximately fifty per cent of the Band's land. The pasturage of this Band was practically negligible (see Tables 20 and 21). The Chief, conscious of the nature of his land, put to the Commission 'a broad request "for more land" ' (Royal Commission Report, v.1, 1916:333). The Commission, in full knowledge of the conditions of this Band, responded to the request by declaring that it was "not entertained" (Royal Commission Report, v.1, p.333). The Band certainly must have been angered by the Commission's response to their request, and the Commission, in not responding to such apparent need, gave clear indication that it was not acting to solve problems related to Indian affairs in British Columbia. It becomes increasingly clear that the Commission was designed not to understand and alleviate the plight of the Native people, but to aid the state to colonize and settle the land. To have positively responded to the request of the Indian people would have been, in the state's view, disrupting and impeding settlement of the land.

In order to survive these Indians had to seek work outside of the Reserve. This proved fruitless, as the Indian Agent stated "they are looking in other channels for their support and can't find it" (Royal Commission Evidence, Kamloops Agency, p.186). A field in which the Indians in this and other areas had earlier played a significant role

Table 20.      Animals Owned by Bonaparte Band and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	272	5,440
Cattle	<u>20</u>	<u>300</u>
Total:-	292	5,740

Table 21. Pasture Land Possessed by Bonaparte Band and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	3,450	65	86	151
Fair	-----	--	--	---
Good	-----	--	--	---
Total:-	3,450	65	86	151

was in freighting. However, they were being forced out of the business as white freight managers began to contract only with white freighters. This situation was likely brought about by pressure from the white transport workers union which had been established in this area in 1903 (Year Book of B.C., 1903:330). The sudden increase in the immigrant population, in this era, had placed a premium on jobs and on farm lands and as a result whites favored whites, resulting in the economic subordination of Natives and other colored peoples in the province.

Tenas Lapp, a Band member discussed the problem faced by Indians in getting freighting contracts. He responded to Commissioners McKenna's questions as follows:

Commissioner McKenna: Do you do any freighting at all?

- A. The Indians used to freight a long time ago, but the whites have made regulations so that the Indians cannot haul freight.
- Q. Who made these regulations?
- A. They were made in Ashcroft.
- Q. Have they a freighter's Union there?
- A. I don't know.
- Q. If an Indian went down to Ashcroft with a wagon, and someone wanted him to take freight down for him, would anyone stop him from hauling that freight?
- A. No, if an Indian was sent from here with freight he could take it alright, but they could not enter the business on their own account. When an Indian hauls a load he is charged \$5.00 for a license before he can take a load of freight (R.C.E., Kamloops Agency, p.94).

The Indian Agent's comment about the Ashcroft Band was also applicable to the Cache Creek Band. He stated "If debarred from teaming there is nothing to keep these Indians alive" (R.C.R., v.1, 1916:326)

In short the poverty of the Bonaparte Band was due to the shortage of land, due in turn, to alienation of all the good land by settlers, racist hiring practices, and the lack of finances to build an irrigation system to be able to use the meagre acreage which was 'reserved for them' by the state.

12.        Ashcroft Band

The manner in which the Ashcroft Band had become underdeveloped economically, was different in some respects from the Bonaparte Band. Originally, the Ashcroft Band had successfully farmed its land. However, as white settlers moved in, the Band began losing land and more devastatingly, water. These difficulties were compounded by the fact that they, too were being 'pushed out' of the freighting business.

The story behind the loss of this Band's water supply was told to the Commission by Chief Francois Scotty. He stated that Band had lost two sources. First, they lost to a Mr. Steve Tingley, who had appropriated a small spring which the Band used to irrigate 20 acres. Tingley built a cement flume and completely diverted all the water. Scotty stated that...

We had a spring down the road here, with which we used to irrigate 20 acres..., and we had very good crops. When John Creek was there he used to borrow water from us. Since Steve Tingley took over the ranch he has built a cement flume, so that we cannot get a drop of water (R.C.E., Kamloops Agency, p.104).



From borrowing a portion of water the ranchers had shifted to out-right appropriation of all the water. The inevitable corollary to the loss of water was disuse of the land.

The other source of water, McLean's Lake, which had also been lost to the settlers, had a more profound effect. The Ashcroft Band had been allotted a lake at the time their reserve was established by Judge O'Rielly, so that they could cultivate land which would otherwise have no value without water. The Indians explained to the Commission that a white rancher had taken it upon himself to dam up the outlet of McLean's Lake even though the lake was within the middle of McLean's Lake Reserve No. 3; the consequences were, primarily, the loss of a main source of water for irrigation and secondarily, the flooding of 'a rich fertile plateau' rendering the land useless. A Band member, Samson, indicated that since the dam was built they were not permitted use of the water. They were compelled to pack their drinking water from a great distance. Samson pointed out:

They have damned McLean's Lake and have stopped us from getting water water there, and even when they have finished irrigating..., they might turn it in to us, but instead of doing so, we have to walk half a mile for drinking purposes (R.C.E., Kamloops Agency, p.105).

Another witness, Waskin, the acting Sub-Chief, was sworn in and examined under oath by the Commission. This man, it appears, became Chief just after the dam had been built. In response to the Commission's questions about the construction of the dam, he had this to say:

Commissioner White:- Do you know anything about the dam that was built at McLean's Lake?

A. No, I don't know anything about it, because when this dam was put in, Harry Cornwall was chief, and I have not been Chief very long.

Q. You do not know what bargain was made?

A. No.

Q. When you were Chief, did you ever object to the dam being put in there?

A. Yes, I objected to it always. I did not want the dam there.

Q. Did you complain to anyone about it?

A. I told the Indian Agent that I did not want the white men to go and put the dam there.

Q. What was the name of the Indian Agent?

A. Mr. Irwin.

Q. Did you ever complain to the present Indian Agent?

A. Yes...

Q. Do you know who put the dam there?

A. Barclay.

Q. Did you ever complain to Barclay about it?

A. No, I did not, we always depended upon for Indian Agent to do that for us (R.C.E., Kamloops Agency; pp.114-115).

The Indian Agent, Mr. Irwin, who was replaced by Agent Smith just prior to the inauguration of the Commission, was the same Agent who advised the Deadman's Creek Band to accept the fraudently misleading Smith-Curtis lease. These practices could be carried on since the provincial government did not recognize the water rights of Native people. The Indian Agent for Lytton in his testimony to the Commission, outlined some of the problems confronting the Indian Bands regarding their water rights by stating:

- A. In regards to water throughout my agency, but not only my Agency but throughout all the Agencies where irrigation is carried on; the provincial government is working a good scheme, but at the present time they seem to have left the Indian Records out altogether, and I would like to suggest that it would be a good thing if the matter were taken up by the Commission and pointed out to Ottawa the advisability of appointing an Engineer to look after the water records... if there was an engineer who could take his instructions from the Comptroller of Water Records and the Indian Department it would facilitate matters very much not only for the Agents but also for the Indians.
- Q. This is a question of advising the Indians as to the best means for utilizing the water?
- A. Yes, the provincial Government are having surveyors going round and surveying the lands that white men have taken and they are leaving out the lands of the Indians altogether - our records up to the present are not recognized by them.
- Mr. Commissioner Shaw: Is not Mr. Cochrane looking after them?
- A. He is only looking after the records for them.
- Q. They don't make any provisions to get the water to the land.
- A. No.
- Mr. Commissioner McKenna: Is not the Water Rights Branch here co-operating with the Dominion Government?
- A. No...
- Mr. Commissioner McKenna: What does the provincial Government engineers do as to the water records of the white settlers?
- A. They control the water, how it is to be used and the quality that is allowed them for the land they have under cultivation.
- Q. Have they no right to do anything on the reserves?
- A. They claim they have no right to do anything on the Indian reserve at all...(R.C.E., Lytton Agency, pp.115-16)

The Indian Agent from Lytton also pointed out that he had received numerous complaints from whites that Indians were wasting water and because of these complaints he feared the engineers would cut-off or cut back the water from the Bands. The fact of the matter was that settlers

were taking water even if it was within the boundaries of reserves.

The Chairman of the Commission in summing up the Commission's meeting with the Ashcroft Band expressed surprise at the manner which the Band lost its water:

THE CHAIRMAN: Addressing the Indians: "Some matters have been brought under our notice today which have been rather a surprise to us, that is, with respect to the manner in which the water seems to have been cut off from these reserves. It may be alright according to the law, but I do not know how the law in these parts is as regards this matter. However, I think the Indian Agent should look into it, which no doubt he will do I have no doubt that the Commission will, in due time make representations to the Government at Ottawa, upon the subject, so that if a wrong has been done with respect to these reserves, the Indian Agent will be instructed to permit no such wrong to be done in the future without taking proper steps to prevent it." (R.C.E., Kamloops Agency, p.115)

Oddly, the statement by the Chairman does not denote any intention to recommend to Ottawa that the past injustice should be corrected; he only states that the Indian Agent should in the future prevent such injustices.

The loss by this Band of its water and the use of its fertile plateau represented a critical aspect of the on-going usurpations of the Natives' means of production and subsistence.

Chief Francois Scotty testified that the Ashcroft Reserve was at one time connected with the McLean's Lake Reserve. However, he pointed out that settlers had come in, since the reserve was set up, and taken portions of land from the reserve, thereby, leaving them very little pasture land:

Mr. Commissioner White: What is the pasture like on these reserves?

A. Our pasture land is not very big, on account of the white people cutting off portions of it.

Q. Do you mean to say that the white men have cut off portions of the reserve?

A. Yes, the reserve that Judge O'Rielly gave us the white men came and cut off portions of it. That reserve used to run from Ashcroft to McLean's Lake.

Mr. Commissioner MacDowell: Did you sell any portion of it?

A. No, we never sold any of it ( R.C.E., Kamloops Agency, p.109).

The Chief's contention that the Band lacked pasture land is supported by the data which the Commission had gathered. The Commission classified this Band's Reserve No. 2, the reserve with the pasture land, as having 2731 acres with 'pasturage limited' (see Tables 22 and 23). Yet, this acreage formed the backbone, a very weak backbone, of the Band's pastureland. In any event, this Band could have had sufficient pasture land but it would have been useless without its complementary hay fields. According to the data gathered by the Commission the Band had a total of 496 acres under cultivation - 5.9 acres per capita (see Table 24).

The Indian peoples' capacity to farm the land was not the only means of subsistence which was being curtailed. They were being forced out of the freighting business and, ultimately, out of developing a Native freighting company. The prevalence of horses amongst Native people indicates their past involvement in the business of freighting goods and supplies.

Table 22. Animals Owned by Ashcroft Band and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	54	1,080
Cattle	<u>5</u>	<u>75</u>
Total:-	59	1,155

Table 23. Pasture Land Possessed by Ashcroft Band and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	720	14	18	32
Fair	3,234	81	108	189
Good	----	--	--	--
Total:-	3,954	95	126	221

Table 24. Land Classification of the Ashcroft Band.

Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land</u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land</u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land</u>
No. 1	770	50 (20)	720 'poor'	---	---	32	---
No. 2	3,470	446 (10)	2,731 'fair'	1,000	---	--	---
No. 3	1,003 <sup>(1)</sup>	---	503 'fair'	200	---	--	---
No. 4	307	---	---	---	---	--	---
Totals;	5,550	496 <sup>(2)</sup>	3,451	1,200 <sup>(3)</sup>	---	32	---

- 1) 300 acres classified as useless.
- 2) a per capita acreage of 5.9 acres.
- 3) a per capita acreage of 14.29 acres.



Under the examination of McKenna, the Chief testified that even though the Indians took out licenses to freight goods the forwarding Agent at Ashcroft would not permit them to haul goods:

- Q. Do you do any teaming at all?  
A. The boys started in teaming. They took out a license and just went one trip when the white men told them they could not do any more.  
Q. Since then you have not done any more?  
A. Yes...because the white men won't give us any teaming to do.  
Q. Who won't?  
A. The forwarding Agent at Ashcroft (R.C.E., *Report*, Kamloops Agency, p.110).

The Indian Agent explicitly stated that if these people were debarred from teaming that they would starve to death, a likely outcome, since diseases such as tuberculosis, whooping-cough, bronchitis and alcoholism are linked to the social and economic condition. The Commissioners commented on the plight of the Native people by stating that they were the 'most unfortunately situated Indians'. Their misfortune and the misfortune of all Native people was not a result of where they were situated, but of how they were exploited and oppressed.

13. Cook's Ferry Band

The Cook's Ferry Band was comprised of two portions. The Chief responsible for Reserve Nos. 1 through 7 was Johnny Whitmetea (sic). The man who was chief of the Reserve Nos. 8 through 15, as well as the Oregon Jack Reserve, was Johnnie Tetlanetea (sic). For the sake of

convenience, I will deal with each section of the Band as outlined above, but only after I have dealt the statements of each of the chiefs.

The first speaker was Chief Johnny Whitmetea. He outlined the historical and changing relations between the Indians and the settlers, and the establishment of reserves:

...the Government of Victoria had taken all the outside land and claimed it as theirs. They have taken possession, and sold our land, and that is how we are so poor. Everything that was on the land they have taken possession of it and we have been very sorry about it. Now we hear again lately that the Victoria Government has said "We own all the reserves; any day that we feel inclined, why we will turn you out" (R.C.E., Kamloops Agency, p.117).

The origin of the Chief's concern, expressed in the latter part of his statement, undoubtedly derived from the politicians, settlers, and newspapers who clamoured for appropriation of reserve land. Indians here responded to the 'rumor' that the province had asserted control over the reserves by organizing themselves into a committee. This committee travelled to Ottawa and Victoria to seek answers and to discuss the Land Question. The officials at Victoria, after hearing their case, simply told them that they, the Indians, were wards of the Queen and they, themselves, were servants of the Queen and that everyone must wait for an answer from the Queen. The Chief told the Commission that ever since then they had been waiting for a reply.

Chief Titlantea also indicated his concern over the notion that the Victoria government was going to take over the lands in the reserves. The speaker recounted how Indians went to Ottawa and met with Prime Minister Borden. The Prime Minister responded to their questions by stating that since he was a new official, he could not give them an answer. They were told to go home and wait for a response. The Chief concluded his testimony in the following manner:

Since then we have been waiting to hear from him and have written to him since, quite a number of times (R.C.E., Kamloops Agency, p.119).

The statements and actions of the Indians indicate that they were not willing to give the land in the reserves to the province or to stop seeking a solution to the question of sovereignty to the land in the Province. Let us turn to the nature of their land use and see whether or not that the contention of the Chiefs that they were an impoverished people, is supported by the data of the Commission.

The reserves, of which Johnny Whitmetea was chief, were mainly small plots of land scattered about the valley near the confluence of the Nicola and Thompson River. These people could not feasibly develop their land because of the small size and a lack of water (see Table 25). In some of their reserves, they had lost some of their tillable lands either to slides and to the Canadian Northern Pacific Railway Company. On reserve Nos. 2 and 3, the railway company had not bothered to go around the garden plots. The Chief testified that he had lost a garden plot

Table 25.

Land Classification of the Cook's Ferry Band-A.

## Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land</u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land</u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land</u>
No. 1	21.34	1.34	20 'poor'	---	---	---	---
No. 2	55	Fishing Station	-----	---	---	8.95	---
No. 3	106.56	15	50 <sup>(1)</sup>	---	---	12.8	---
No. 4, 4a, 4b	150.56	--	120	34	---	---	---
No. 5, 5a	40	30 (10)	-----	---	---	---	---
No. 6	2,008/5 <sup>(4)</sup>	200	1,008	800	---	---	---
No. 7	218	15 (3)	200 'poor'	4	---	---	---
Totals:	2,399.84	261.34 <sup>(2)</sup>	1,378	834 <sup>(3)</sup>	---	21.75	---

1) balance of land classified as useless.

2) a per capita acreage of 2.4 acres.

3) a per capita acreage of 7.7 acres.

4) I cannot account for discrepancies between the figures given by the Agent in his testimony and those finally recorded in the Report of the Commission.

ten feet long and forty feet side. This may not seem very substantial except for those people who were forced to live on very small amounts of arable land. Reserve Nos. 4, 4a and 4b were basically suitable for a village site and pasturage. Reserve Nos. 5 and 5a, constituting a combined acreage of forty acres was reportedly very fertile and productive at one time. However, the land had fallen into disuse because a settler had appropriated the water supply. A witness testified that

...Years ago the Indians used to get very good crops off those two Reserves, when we had plenty of water, but since the white men took the water, we have not done half as well ( R.C.E.; Kamloops Agency, p.124).

Of all the reserves which these people had, Reserve No. 6 could have been the foundation for developing a reasonably viable economic base. The Indian Agent under sworn testimony indicated that approximately 1,500 acres was excellent bottom land suitable for cultivation. However, the people were only able to utilize 80 acres but not without increasing difficulty because they were losing their water. To attempt to remedy their problem, Agent Smith examined a stream nearby with the intention of building a dam to store water for irrigation purposes. Apparently he approached the Department of Indian Affairs in search of funds to carry out his plans; however, the Department would not 'entertain the cost of constructing' the dam (Royal Commission Evidence, Kamloops Agency, p.193). Two or three years prior to 1913, the Indians had been cultivating the 80 acres with increasing success. However, a Mr. Curnow claimed prior record to the water which the Indians had been using. The loss of water impoverished these people. The Indian Agent in his testimony told the

Commission that he had

...made arrangements with him (Mr. Curnow) last year through which he gave them some water sufficient to raise a small patch of potatoes there. It is too fine a valley to allow it to go that way. These Indians, among them, they have quite a lot of cattle. They had a lot a few years ago but they lost a good many, with the result that they are poorly off. They are very nearly as bad (off) as the Ashcroft Band ( R.C.E., Kamloops Agency, p.193).

Reserve No. 7 had 218 acres of land, of which the Agent classified 200 as poor, stony, hilside pasturage. This reserve was the home of three adults and four children. From this land they claimed they had formerly carved out a meagre subsistence on 3 acres, growing potatoes and hay. Even this became impossible after the railway company diverted their water. Apparently, the Canadian Pacific Railway had built a flume across the Thompson River and appropriated the water to fill its water tanks for the steam locomotives.

The data collected by the Commission indicate that the land which the Indians were able to use amounted to 2.4 acres per capita (see Table 25), that is, if we go by the figures presented by the Indian Agent. According to the figures provided by the Indians they had 0.47 acres per capita. The potentially cultivable land amounted to 7.7 acres per capita. This Band had no timber land to speak about and pasturage was also meagre. They had 1,378 acres, of which the Agent classified 220 acres as poor, stony, if not worthless, even for pasturage. This left 1,178.56 acres of fair, lightly timbered sidehill pasture land.

These people had 470 horses and 310 cattle; however, the figures are not that clear. By utilizing the guidelines established in Appendix B, fifty per cent of these people's pasture land could sustain only 28 head of horses; the other fifty per cent of their pasture would have been able to sustain only 34.5 head of cattle (see Tables 26 and 27). It is obvious that these people lacked pasture land. The shortage of such land and loss of their water obviously formed the basis for deterioration of their stock which the Indian Agent reported in his testimony.

14. Reserve Nos. 8 and 15 (Chief Titlantea's Reserves)

The people on Reserve No. 8 and 15 had developed a broad reputation for their agricultural produce whereas the people on Reserve Nos. 1 to 7 had formerly excelled in raising stock.

The mainstay of this general portion of the Cook's Ferry Band rested on their No. 9 Reserve-Pemymos. Their other reserves were either covered by swampy lakes, providing some swamp hay, or lacked water. Pemymos Reserve had excellent soil for growing grains, fruits and vegetables. These people, as had other Natives, received a letter of excellence for their beans, potatoes, oats and wheat at a Chicago Exhibition. The Indians, according to the Indian Agent, had 400 acres under cultivation on Reserve Nos. 9 and 11. Also, they had 800 acres "cultivable open land with facilities for irrigation (which) will be

Table 26. Animals Owned by Cook's Ferry Band-A and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	470	9,400
Cattle	<u>310</u>	<u>4,650</u>
Total:-	780	14,050



Table 27. Pasture Land Possessed by Cook's Ferry Band-A and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	220	4.4	5.5	9.9
Fair	1,178	24.0	29.0	53.0
Good	-----	-----	-----	-----
Total:-	1,398	28.4	34.5	62.9

utilized if better road facilities can be secured" (Royal Commission Report, v.1, 1916:318; see also Table 28). As the Indian Agent revealed, the Indians productive capacity was curtailed by a lack of road facilities. Without a road, they found it difficult to market their produce, for they had to bring it out by pack horses and it often arrived at the market late and damaged. Consequently, the Indians would not receive the price for their produce which they might have otherwise obtained. The Chief, under sworn testimony, disclosed that he had complained to Agent Irwin about the necessity of a road. He had told the Agent that they were compelled to use packhorses, as they had done 100 years ago, even though there were now trains. Their requests for roads fell on deaf ears. Agent Smith, under examination by the Commission, explained to the Chairman why the Indians could not get their road:

(Chairman) That is the place where they say they have no road?

A. Yes, they have to pack all their fruit and produce out on horseback.

Q. Is there no way of stopping that - could they not have representation made to get them proper roads?

A. Yes, I have had Mr. Griffiths estimate the cost of building this  $5\frac{1}{2}$  miles, and he estimates the cost would be about \$3,000.00, and the suggestion was, that if the Department would contribute  $\frac{1}{2}$  of the amount, they (the provincial government) would build the road.

Q. Did you bring that matter under the notice of the Department?

A. They informed me that they had no funds to apply for that purpose, and this year I took the matter up again, and I was informed by the provincial government that THEY REFUSED TO CONSTRUCT IT, BECAUSE NO ONE WOULD BE USING IT BUT THE INDIANS, AND THAT IS THE REASON THEY WOULD NOT BUILD IT (Royal Commission Transcript, Kamloops Agency, p.196).

Table 28.

## Land Classification of the Cook's Ferry Band-B.

## Estimated Acreage of Classified Land

<u>Reserves</u>	<u>Total Acreage Surveyed</u>	<u>Agent's Estimate of Crop Land</u>	<u>Agent's Estimate of Pasture Land</u>	<u>Potential Crop Land</u>	<u>Timber Land</u>	<u>Cut-Off Land</u>	<u>Unassessed Land</u>
No. 8, 8a	29.8	Fishing Station	-----	29.9	---	---	---
No. 9	4,507.8	250 (70)	3,457 'fair'	800	35-40% firewood		
No. 10	22	16	10 'poor'	---	---	---	4 (over?)
No. 11, 11a	369	150 (10)	214 'poor'	140	---	---	235 (over?)
No. 12	395 <sup>(1)</sup>	-----	320 'poor'	75	---	---	---
No. 13, 14	1,115	-----	805 'poor'	310	---	---	---
No. 15	520	-----	300 'fair'	220	---	---	---
Totals:	6,958	416 <sup>(2)</sup>	5,106	1,674 <sup>(3)</sup>	---	---	---

1) over 100 acres covered by lake.

2) a per capita acreage of 15 acres.

3) a per capita acreage of 66 acres.

Table 29.      Animals Owned by Cook's Ferry Band-B and Land Required for Pasturage.

<u>Kinds of Animals</u>	<u>Number of Animals</u>	<u>Acreage of Fair Pasturage Required to Sustain Stock</u>
Horses	217-242	4,340-4,840
Cattle	<u>110</u>	<u>1,650</u>
Total:-	327 to 352	5,990 to 6,490

Table 30. Pasture Land Possessed by Cook's Ferry Band-B and Actual Number of Animals Supportable by That Land.

<u>Kinds of Pasture</u>	<u>Acreage Possessed</u>	<u>Animals Supportable on Land</u> <u>Committing Half to Cattle and Half to Horses</u>		
		<u>Horses</u>	<u>Cattle</u>	<u>Total</u>
Poor	1,349	27	34	61
Fair	3,757	94	125	219
Good	-----	--	--	--
Total:-	5,106	121	159	280

The decision of the two levels of government not to build a road for the Indians, even though the Indians were struggling to use their lands to the best of their capabilities, demonstrates that the governments' concern was something other than in assisting the Indians to prosper. The federal government, in denying Johnny Whitmetea's people their dam and Chief Titlantea's people their road, could not be construed as living up to a desire to assist the Indians to realize potentialities of their land, especially, since it gave outright grants of millions of dollars to the C.N.P.R. and the G.Tr.P.R., along with millions of acres of land. Oddly enough, the terminals' of these railway lines were often on Indian reserves. The examples which come to mind, are False Creek in Vancouver, Prince George, Kamloops and Prince Rupert, just to name a few. Furthermore, the federal government was able to appropriate from Department funds \$76,400.00 to finance the operation of the Commission in the years of 1914-15 (Department of Indian Affairs Annual Reports, 1914/15:176).

The provincial government's reason for not constructing the road directly contradicts its notion that Native people were responsible for the idle waste of their land. While the provincial government was refusing to build roads for Native people, it was boasting, through the press, that it had spent \$10,000,000.00 for improving roads and wharves throughout the province. An article in the Kamloops Standard quoted a member of the provincial government as stating:

"It has been a year of general and substantial development in all branches," said Hon. Thomas Taylor, ..."and there is no part of the province where settlement exists in which some work of improvement has not been undertaken" (The Kamloops Standard, Jan. 2, 1914:1).

The provincial government outlined the philosophy behind its plans and works in developing the province:

Asked about the race problem...in British Columbia, Sir Richard replied that British Columbia was a white man's country, and he was doing his best to keep it such. Sir Richard stated that, although land prices in the west were generally thought to be high, there were still many: thousands of acres open to the settler which the government would be glad to give him and the government is doing all in its power to open up this grand country so as to make life easier and pleasant for the newcomer (Kamloops Standard, Nov. 4, 1913:1).

The provincial government's notion that Native people held excessive acreages which were lying in idle waste, does not hold up under scrutiny. On the contrary, Native people were struggling to utilize their land but because of the province's disregard for Native rights and the complicity of federal authorities, Native land could not be rendered productive.

15. Summary and Assessment of the Commission's Decision for All the Agencies in British Columbia

The Commission's activities covered the whole province. It collected four volumes of statistics and a volume of Evidence for

each of the fifteen Agencies in the province.

The deliberations of the Commission over the Kamloops Agencies resulted in it ordering a cut-off of 3,498.53 acres of land valued at \$130,814.40. The average value of the land ordered cut-off amounted to \$37.39 per acre. By the same token, the acreage of land ordered by the Commission to be constituted as new reserve land amounted to only 1,477 acres valued at \$7,385.00, with an average value of \$5.00 per acre. The minimum amount of quality land in the Kamloops Agency on which the Indians were trying to subsist was greatly reduced by the decisions of the Commission.

Throughout the whole province, in all fifteen Agencies, the lands ordered cut-off by the Commission far exceeded the value of land added and hence reduced the quality of reserve lands.

The Commission ordered 47,055.49 acres cut-off, from all fifteen Agencies, which had been valued at \$1,347,912.72 to \$1,533,704.72; the average value per acre of that land ranged from \$26.52 to \$32.36. In contrast, the acreage of land ordered to be constituted as new reserve lands amounted to 87,291.17 acres valued at only \$444,838.80, with an average of \$5.10 per acre (Royal Commission Report, 1916:177).

The Indians objected to the decisions of the Commission on the grounds that the federal and provincial governments lost nothing and the real losers were the Indians. They also objected to the legislation which enabled the governments to adopt the findings of the Commission.



"The Order in Council states that the Indians shall accept the findings of the Royal Commission as approved by the Governments of the Dominion and the Province, as a full allotment of reserve lands, and further, that the Province, by granting said reserves as approved, shall be held to have satisfied *all claims of the Indians against the province*. What chance will there be for the Indians in the future to get additional lands or a fair adjustment of all their rights, if Bill 13 is made law?" (It has been said) Bill 13 is merely an enabling Act, giving the Government power to deal with British Columbia, and that the whole bargain is so advantageous to the Indians, that the Indian Department feels justified in backing it up. We are sorry that the Indian Department is of this opinion, for it places it out of sympathy with us, and makes it appear to the Indians an instrument of oppression and injustice (Italics added; S.J.C., Report and Evidence, 1927:125

To return to a consideration of an overview of the Commission's decisions, I would like to point out that these varied in accord with the economic conditions of an area. There were, in my view, two basic zones. The North-central zone of the province which had not been 'opened up' by corporate investors until the construction of the Grand Trunk Pacific Railway in 1914, consequently there had been limited demand for land traditionally used by Native people. Since the area had not been 'opened up' by capital investors in railway construction and resource explorations, fewer reserves had been established. Therefore, the work of the Commission consisted in large part of institutionalizing the reservation system. Prior to the inauguration of the Commission there existed only 381 reserves in the North-central zone. However, in 1916, the Commission established 387 new reserves in the area. The decisions of the Commission brought the total number of reserves in the area to 768. By contrast, in the Southern

zone of the province where the political economy of the settler nation had been more broadly established and the majority of the Indians placed on reserves, the activities of the Commission consisted mainly in assessing and adjusting the acreage of the reserves. In this zone the Commission merely added 125 new reserves in an existing 531 reserves bringing the total of reserves to 656 (see Cail 1956:462, Table X).

Viewing the Commission in this light it can be seen as a mechanism by which the federal government extended and consolidated the reservation system. The federal government viewed the reservation system as a stage (Indians might say a purgatory) through which Indians must pass before entering civilization. Superintendent of Indian Affairs - J.W. Powell outlined the role the reservation system was to play in altering the lifestyle of the Native people. He stated:

There is no doubt, where everything is held in common, aspiration and thrift have not stimulus...

The recognition and protection of individual property rights are the first and distinguishing principles of civilisation, and if we fail to extend these benefits along without gifts of money and land, how can we expect Indians to profit materially by them, or adopt the manners and customs of civilized life to the exclusion of...barbarism? Give the Indian, ..., a tract of land, the boundaries of which are recognized as his own, ...

In a very short time every acre of any Reserve would be cultivated, and the pernicious custom among our Indians, ..., would no doubt be abandoned (D.I.A.; Annual Report, 1880:120) ).

The Deputy Superintendent General of Indian Affairs - Frank

Pedley restated the above position in the following manner:

The importance of agriculture in relation to Indians has to be considered in various aspects, of which the main are the production of fixity of abode, which is the first and essential step towards any form of civilization, then the furnishing of a means for the acquisition of habits of industry, and finally as a permanent occupation and source of maintenance.

In so far as concerns the two first mentioned, it has effectively answered its purpose, ...

The main factors tending to increase the aggregate area (cultivated) are the recruiting of the ranks of the farmers from Indians who so far have preferred to prosecute their natural resources, and that is in turn chiefly affected by the gradual disappearance of game and fur before the advance of settlement (D.I.A., Annual Report, 1907/08:xxv).

The main factors increasing dependence on agricultural were not disappearance of game and fur, as the case study of the Kamloops Agency indicated. They were also racist hiring and contracting practices, technological changes, and racist laws and policies which effectively limited the scope of business and employment opportunities. It is no accident that the majority of Native people are chronically unemployed in the mid 20th Century - there are deep historical roots.

Aside from the reservation system producing fixity of abode, it was also viewed as a means of resolving the thorny issue of Native claims to sovereignty. It was seen as a means of satisfying 'all the claims

of the Indians against the province'. The governments then felt they could develop the lands surrounding the reserves without the burden of 'Native Title'.

## SUMMARY AND CONCLUSION

The primary purpose of this thesis was to determine whether or not the testimony of the Indians before the Joint Commission on Indian Affairs, 1912-16 had any impact on the decisions of that Commission and ultimately on the actions of the governments. A secondary purpose was to see whether there was any foundation to the B.C. government's contention and popular opinion that Indian Reserves contained too much valuable land lying in idle waste.

The Commission, in its attempts to determine the nature and extent of land used by Indians, visited and investigated Indian Bands throughout the province gathering data and Indian testimony on which it professed to make its decisions.

The Commission, as exemplified by its visits to different Bands in the Kamloops Agency, obtained testimony from the Indians outlining their successes and failures in attempting to develop their lands. Indians' economic life had been in a state of transition for some time and at the turn of the Century and the time of the Commission, income from wage labour, trapping, transporting of supplies by pack train, was declining and being augmented or being replaced by mixed farming. These changes in work patterns were brought about by a combination of fishing laws, preferential hiring of European labourers, and decimation or reduction of hunting and trapping areas through extensive railway construction, resource extraction, and settlement. The Indian Agent testified to the Commission that in view of these changes he was pleased

and surprised at the extent Indians had been able in just a few years to clear and utilize their land. The Agent and Indian leaders outlined to the Commission that these accomplishments had been achieved not only against great odds but also without government aid.

Spokesmen for each Band testified that although Indians were trying to develop their land they found it difficult. Their arable land was so small they found it impossible to 'make a good living'. In many instances, reserve lands which had not been put to plow were either prohibitively rocky, steep, covered in shrubs and trees or, the Indians lacked the finances to put the land into production. Such barriers to land use were compounded by the provincial government's repudiation of Native rights and the web of laws undermining them. These factors moved the Indians to state that they felt as though they were 'locked up'. In other words they felt imprisoned.

The data and testimony of Indian spokesmen collected by the Commission, conclusively demonstrated there was no foundation to the contention that there was an 'excessively large acreage' of land wasting away within reserves. On the contrary, the data demonstrated reserve lands lacked stands of timber for construction and land for pasture, hay fields, and other purposes.

In respect to the main purpose of this paper, one can determine whether or not the testimony of the Indian spokesmen had any impact on the decisions of the Commission, and ultimately on the governments, simply by examining the application of Clause 2a of the McKenna-McBride Agreement.

As we have shown, in the Commission's work in the Kamloops Agency, the Commissioners sought the advice of others but not those directly affected by reserve reductions. On occasion the Commission even went against the sound advice of the Indian Agent that reductions would prove detrimental to the Bands affected.

The Commission ordered reduction of reserve land without once complying with Clause 2a of the agreement. In ordering the reductions, they went against the explicit wishes of the Indians who told the Commission that they stood opposed to reductions of their reserves. On many occasions the Indians requested additional land. The Commission's response, in many instances, was that such requests were 'unnecessary and unreasonable'. Data gathered by the Commission indicated the opposite. In spite of the small amount of Indian land prior to the reductions, the federal government, which was responsible for safe guarding Indian interests, sanctioned the decisions of the Commission to reduce some reserves.

The Commission's meetings with Bands and provision of opportunities to air their views, seems merely to have been a public campaign to show that justice was being pursued on a democratic basis. The Commission's hearings were a facade which mocked Native peoples' rights and their aspirations to have injustices brought out into the open and corrected. Principle among these was loss of access to resources due to repudiation of Native rights, mainly by the province of B.C. The provincial government disavowed the water rights of Indians, and encouraged what can only be termed theft of their water supply by corporations, farmers and ranchers.

Furthermore, the Province legitimized such theft by issuing water rights permits to such non-Indians.

Federal and provincial governments in order to promote settlement on the westcoast, jointly passed Fishing Regulations in 1912 deliberately designed to favour European fishermen and undermine Indian and Japanese in the industry.

These and other injustices which Indians desired to have corrected were brought by them before the Commission. But such issues were termed by the Commission 'matters extraneous to the Agreement'. The Commission had been advised by a Committee of the Privy Council not to burden itself with issues which the Minister considered as being of 'slight importance not affecting Indian land which require adjustment between the parties' - the parties, in their thinking, included the two senior governments but not the Indians.

The governments cannot argue or claim to have been uninformed about the grievances and claims of Indian people. Native leaders and spokesmen from both the westcoast had already, between 1902 and 1912 petitioned the governments in Victoria and at Ottawa and even travelled to England to petition the King, in attempt to obtain a fair hearing from the Privy Council or the Supreme Court of Canada (Patterson, 1962:48-49, 70, 73).

The federal government claimed that the purpose of the Commission was to place the status of reserves in B.C. on the same footing as those in the rest of the Canada. However, this was not the only purpose it served.



The Commission, served the government in Victoria as a pretext to perpetrate once again, under the cloak of legality, its practice of land jobbery. The possibility to share in profits from sale of cut-off land, which proved to be of prime quality, was certainly a windfall. A case in which the Province stood to gain at the expense of Indians who were struggling to make a living on reserves already too small, scattered, inaccessible and dry reserves to which they were compelled to retreat as avenues of employment became increasingly circumscribed.

In the light of the history of conflict between the two governments, the Commission may have served as a means of 'peacefully' opening up reserves to the railway companies by averting conflict such as that which arose over the Tsimpsean reserve. In this way it may have hastened the opening up of new areas for investment and settlement to the financial and political benefit of all except the Indians.

More fundamentally, the Commission served as the means for expanding and consolidating the reserve system, particularly in the northern and central zone of the province. As indicated earlier in this paper, government policy was to establish and extend the reserve system as new areas were opened up for resource exploitation and settlement. Creating Indian reserves was a way to undermine any conflicts which might arise between settlers and natives.

The main thrust of the Commission's work in the northern and central zone was creating reserves where none existed. This is demonstrated by the Commission's summary of its activities in the Stuart Lake Agency:

The Commission's work in this Agency, as in the Stikine, was chiefly incident to the creation of Reserves for tribes and bands of Indians hitherto, unprovided for and which railway construction (G.T.P.Rly.) and the subsequent influx of white population have only recently brought in touch with civilization other than as represented by Northern frontier trader, trapper, and prospector (Royal Commission Report, Stuart Lake Agency, v.4, 1916:767).

In contrast, the Commission's work in the southern zone of the province was mainly concerned with 'adjusting and correcting' the size of reserves. Funds to be raised from sale of cut-off land would have assisted in financing the expanding administration and its programmes. Also by eliminating the encumbrance of the province's claim to reversionary rights, the federal government was given a free hand in leasing or selling reserve land or resources as a means of raising funds to finance the Department of Indian Affairs. Furthermore, the federal government, as indicated by Agent Smith, took control of Band funds. Previous to 1912 Band funds raised from timber sales and land leases went directly to Band members, which, they had used to finance various development projects.

The funds raised from administration of reserve lands would, in the government's view, relieve 'the burden of the administration of Indians from the country' (Department of Indian Affairs, Annual Report, 1907/08:xxxv).

In essence, Indians were financing their own colonial administration. The objectives and the work of the Administration on which the federal government was expending funds raised from Band land and resources, was summed up by the Commission in its General Report:

The first legislation of the Dominion respecting Indians was enacted by Chapter 42 of the Statutes of 1868. It provided that "all lands reserved for Indians or held in trust for their benefit, shall be deemed to be reserved and held for the same purpose as before this Act.

At the time of entry of British Columbia into the Dominion, the Federal Act of 1868 continued in force; and a further enactment, Chapter 6, of the Statutes of 1869 continued in force, had been made for the gradual enfranchisement of the Indians. It provided (and the law remains with variations) for the subdivision of Reserves into lots, and the holding thereof by individual Indians under location tickets with the view to the subsequent issue of "Letters Patent" (equivalent to crown grants of settlers) to the holders of such enfranchised Indians (R.C.R., v.1, 1916:16).

Basically, the government's strategy involved undermining the Native economic principles of common usage of land and its resources, by gradually directing them into adopting principles of private property and creating a Native population after its own image, albeit a poor image. By this strategy, as J.W. Powell expressed it,

In a very short time every acre of any reserve would be cultivated, and the pernicious custom (common usage of land, potlatching, and so on) among our Indians, ..., would no doubt be abandoned (D.I.A., Annual Report, 1880:120).

Once Indian people had abandoned their 'pernicious customs' and adopted principles of private property, the government reasoned, they

would have proved themselves worthy of enfranchisement (Department of Indian Affairs, Annual Report, 1913/14:xxvi-vii). In the government's estimation the reservation system was 'designed as a stepping stone to municipal government' (Department of Indian Affairs, Annual Report, 1909/10:xx).

Where the Provincial government asserted that Native people had no rights and must simply give way to the superior race of Europeans, the Dominion government viewed itself as having a mission of ridding Natives of pernicious customs and preparing them for life amidst the superior Europeans. In this fashion the trustee of the Indians hoped to solve the Indian land question to the satisfaction of all concerned and put an end to what it considered unjustified Indian claims - what I call sovereignty - to the soil (Department of Indian Affairs, Annual Report, 1909/10:266; 1911/12:229-30). Therefore, when Indian leaders and spokesmen agitated for recognition of Native rights, and also clearly indicated to the government that they did not want any land cut-off and sold, the government interpreted the demands of the Indians as 'unreasonable views of their rights and privileges which have been stirred up by demagogues, either of their own people or some unscrupulous white men' (Department of Indian Affairs, Annual Report, 1908/09:260; 1910/11:xx). Believing this, the Dominion government felt justified and duty bound, in preventing the Commission from dealing with the issue of Native rights, and in over-riding the objections of the Indians to reductions of their reserves and thus ignoring Clause 2a of the Terms of Agreement of the Commission. The Dominion government accomplished the last by passing

the Indian Settlement Act (c.32, S.C. 1919) in conjunction with the British Columbia Settlement Act (c.51, S.C. 1920) giving the Lieutenant Governor-in-Council and Governor-in-Council legal authority to

order such reductions or cut-offs to be affected without surrender of same by the Indians, notwithstanding any provisions of the Indian Act to the Contrary...(Union of B.C. Indian Chiefs, 1974:199).

In summation, we can say that by reviewing the relevant social events which led to formation of the Commission, and by critical analysis of the Commission and its role in federal Indian policy, we have shown how the legal system of the settler nation was used as an instrument by which colonized Natives were dispossessed of their land and its resources. This dispossession, subsequent impoverishment, and oppression of Native people was accomplished under the notion of 'Manifest Destiny' and an ingrained belief in racial superiority. These are the corner stones on which the political economy of the settler nation presently rests. It is no accident that Native society remain economically underdeveloped and politically dominated.

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## APPENDIX A.

## MEMORIAL

To the Hon. Frank Oliver, Minister of  
the Interior, Ottawa

\* \* \*

Dear Sir and Chief,—We the undersigned Chiefs of the Shuswap, Couteau or Thompson, Okanagan, Lillooet, Stalo or Lower Fraser, Chilcotin, Carrier, and Tahltan tribes in the interior of British Columbia, assembled at Spences Bridge, B. C., this tenth day of May, 1911, hereby greet you, and make known to you as follows:—

That in this letter we desire to speak to you heart to heart, and as man to man about those things which concern us most. We do not come to you with lies in our hearts, nor in any scheming way, but simply with plain statements of facts, and ask you to listen to us patiently. We do not wish to get the best of anybody, but just to obtain our rights, and the justice we believe we are entitled to. We ask for the same treatment that has been accorded to other Canadian Indians in the settlement of our land question, and in other matters. We know your government is strong, and has the power to treat us who are weak as it suits them; but we expect good and not evil from them. We regard you as a father appointed to look after our interests, that we may not be oppressed and imposed upon by others. We believe the settlement of our grievances will result in benefit to the whites of this country, as well as to us

You already know most of those grievances we complain of, and the position we take regarding them. Some of our chiefs have written you from time to time, and several have visited the government in Ottawa within the last ten years. Your government has received petitions and complaints from the chiefs of the Thompson tribe in 1908 and 1909. The Declaration of the Shuswap, Thompson, and Okanagan tribes, July, 1910. The memorial of the same tribes presented to Sir Wilfred Laurier at Kamloops, August, 1910. Then Mr. McDougal, Special Commissioner, visited us twice, and no doubt sent in a report to your government as to our condition. Consequently we need not reiterate everything here.

You know how the B. C. government has laid claim to all our tribal territories, and has practically taken possession of same without treaty, and without payment. You know how they also claim the reservations, nominally set apart for us. We want to know if we own any land at all in this country. As a last chance of settling our land question with the B. C. government, we visited them in Victoria on the third of March last, and presented them with a petition (a copy of which we believe has been sent your government), asking for a speedy settlement. Forty of us from the interior waited on the government along with the Coast Indians. In this letter we wish to answer some of the statements made to us by the B. C. government at this interview.

Premier McBride, speaking for the B. C. government, said "We Indians had no right or title to the unsundered lands of the province." We can not possibly have rights in any surrendered lands, because in the first place they would not be ours if we surrendered them, and, secondly, we have never surrendered any lands. This means that the B. C. government asserts that we have no claim or title to the lands of this country. Our tribal territories which we have held from time immemorial, often at cost of blood, are ours no longer if Premier McBride is correct. We are all beggars, and landless in our own country. We told him through one of our chiefs we were of the opposite opinion from him, and claimed our countries as hitherto. We asked that the question between us be submitted for settlement to the highest courts, for how otherwise can it now be settled? His answer was: "There was no question to settle or submit to the courts." Now, how can this be. That there is a question is self-evident, for Premier McBride takes one side of it, and we take the other. If there was no question, there would have been nothing to talk about; and nothing to take sides on. We wish to tell you, Chief, this question is very real to us. It is a live issue. The soreness in our hearts over this matter has been accumulating these many years, and will not die until either we are all dead, or we obtain what we consider

any proposition be made to us by the Government, we would not trust them; we would demand a full understanding of everything, and that all be made subjects of regular treaty between us and them. Mr. McBride claimed many reserves are larger than the Indians need, and much of the land remains unoccupied. We of the Interior claim this is not so. We think we at least should have as much land of our own country to farm as is allowed to white settlers (viz.: 160 acres), or as much as our Indian friends of Eastern Washington, Idaho, and Montana retain on the opening of their reserves (viz.: from 80 to 160 acres of the best agricultural land available, chosen by themselves, for each man, woman and child). At the time the Indian Reserves of British Columbia were set apart, and for long afterwards, the British Columbia Government allowed 320 acres of land to each white person pre-empting land from them. As at this time our population was much greater than now, the amount of reservation land per capita would be smaller in proportion, and the farce of the Reserves being adequate when set apart all the more apparent. We ask Mr. McBride to state the amount of good land in the Reserves which can be successfully cultivated by us under present conditions. Why should we be expected to make a good living on four or five acres of land, whilst in 1881 and later 320 acres was deemed none too much for a white man? Pasture need not be taken into consideration at that date, as then the unfenced range country formed a sufficient pasturage, and was used equally as much by whites as by Indians. A few of the reserves may appear large on paper, but what amount of good land is in them? Most of them consist chiefly of more or less barren side hills, rock slides, timbered bottoms hard to clear, and arid flats devoid of water for irrigation. In very few places do we have any chance to have good farms, and they must of necessity be small in area. Either the land or the water is lacking. In many places even the total acreage of the reserves is exceedingly small. All parts of all reserves known to us are used by us one way and another as fully as possible, considering our present disadvantageous position, and the nature of the lands. If by occupancy Mr. McBride means actual living on or cultivating of each part of reserve, then we plead guilty to our inability to occupy the greater part of them, for we cannot live on and cultivate rocks, side hills and places where we can get no water. Even in many places that we do occupy fully, and cultivate continually, we lose our crops altogether, or in part, every year, owing to whites taking the irrigation water, and stopping us from using it when we most require it under the claim of prior rights to the water. In this they are sustained by the British Columbia Government who recognize their water records as superior to ours. Mr. McBride also said the Indians share in enjoying the advantages arising from building of railroads, wagon roads, trails and other Government utilities. Perhaps we do, but have we not assisted in building them, and have they not been built up from the direct robbery of ourselves, and our country? We claim these things are rightfully ours, and yet we are made to pay for using them. Had we never assisted in the making of these railways and roads; had his Government paid us for all our timber that was used, and all our fifty millions of gold taken out of this country, and all our salmon that has been caught, and destroyed, and many other things which might be mentioned that went into the making of these roads; had we been paid only a small share of all this wealth derived from the destruction (in most cases), not the improvement of our country; or had the country been bought from us, so it were actually the property of the whites to destroy or do with as they pleased, then the British Columbia Government might speak of our sharing in the benefits of roads to which they infer we are in no way entitled. Good trails we had in plenty before the whites came. The whites are indebted to us for having them ready made when they came, and allowing them to use them without charge. The wagon roads benefit us but little, for most of them do not go to our reserves, and besides, we have no chance to have much produce to haul over them. Railroads have not helped us much. They cut up our little farms, and give us no adequate compensation. They have killed many of us, and also many of our horses and cattle since their advent. Besides they act as highways for robber whites, and all kinds of broken men who frequently break into our houses and steal from us.

We never asked that any of these things be built so we could share in them, and we well know they were not built for our benefit. Government utilities such as the police, for instance, we see no benefit in, for they are used to force laws on us we never agreed to, and some of which we consider injurious and unjust. This, then, appears to be all the British Columbia Government can claim to have done for us, viz.: They let us use a few inferior spots of our own country to live on, and say we ought to be grateful to them for giving us such large pieces. They made some roads of various kinds for themselves, and say we ought to be grateful for being allowed to share in the use of them. We ask is this the brotherly help that was promised us in early days, or is it their compensation to us for the spoliation of our country, stealing of our lands, water, timber, pastures, our game, fish, roots, fruits, etc., and the introduction of diseases, poverty, hard labor, jails, unsuitable laws, whisky, and ever so many other things injurious to us? Now you have the British Columbia Government's statements re these questions, and you have our statements. We leave it to you to decide who has done wrong. We or they. We desire a complete settlement of our whole land question, and the making of treaties which will cover everything of moment to us in our relations between the whites of this country as represented by their Governments, and we as Indian tribes. As the British Columbia Government through Mr. McBride has refused to consider any means of settling these matters legally, we call on the Dominion Government at Ottawa—the central and supreme Government of Canada—to have the question of title to our lands of this country brought into court and settled. We appeal to you for what we consider justice, and what we think you would yourself consider justice if you were in our position. Who has the power to help us in this matter? a just settlement. If a person takes possession of something belonging to you, surely you know it, and he knows it, and land is a thing which cannot be taken away, and hidden. We see it constantly, and everything done with it must be more or less in view. If we had had nothing, or the British Columbia Government had taken nothing from us, then there would be nothing to settle, but we had lands, and the British Columbia Government has taken them, and we want a settlement for them. Surely then, it is clear there is a question to be settled, and how is it to be settled except in the courts?

Mr. McBride made the statement, "We Indians were well satisfied with our position, and that the present agitation among us was fomented by certain whites." We deny this statement completely—it is not true. The fact of our visiting the Victoria Government—many of us from long distances, and at great expense—shows that we are not satisfied. As we have stated before, we never have at any time been entirely satisfied with our position, and now that the country is being more and more settled up, and we becoming more restricted in our liberties year by year, we are very far from satisfied. Why should we be satisfied? What have we received, and what has been done for us to make us satisfied? All the promises made to us when the whites first came to this country have been broken. Many of us were driven off our places where we had lived and camped from time immemorial, even places we cultivated, and where we raised food, because these spots were desirable for agriculture, and the Government wanted them for white settlers. This was done without agreement with us, and we received no compensation. It was also in direct opposition to the promises made to us by the first whites, and Government officials, that no white men would be allowed to locate on any place where Indians were settled or which were camping stations and gardens. Thus were we robbed by the Government, and driven off many of our places by white settlers (backed by the Government), or coaxed off them with false promises. Then we were promised full freedom to hunt, fish and travel over our country unrestricted by regulations of the whites, until such time as our lands were purchased or at least until treaties were made with us. Another promise broken, and so on with all. We can tell you all of them if you want to know, and prove them through witnesses still living. What of Governor Seymour's promises made to the Lower Fraser Indians who convened at his request purposely to hear his message to them concerning the proposed policy of the whites towards the Indians of this country? They rank with the other early promises—all broken. This is enough to show there is a sufficient reason for our dissatisfaction, and also that it required no white men to point out these things to us, and urge us to be dissatisfied. Even if it be true that certain white men help us at the present day in our agitation to

obtain our rights by doing writing for us; etc., why should Mr. McBride find fault with them? Did not Governor Seymour and other great men of the Province in early days state to us that the whites had come here to help us and be brothers to us? Why should he denounce these men for doing what his predecessors, and, we believe, also the Queen, said was the right thing to do? We have learned that most whites do not keep their word (especially when it is not written word). Only those very few whites who help us appear to be trying to keep the white man's promises made to us by the white chiefs of this country in early days. They alone appear to uphold the honor of their race. We assure you, Chief, the present agitation among us over these matters is simply the culmination of our dissatisfaction which has been growing with the years. With changing conditions, greater pressure and increasing restrictions put on us, we had at last to organize, and agitate. Either this, or go down and out, for our position has been gradually becoming unbearable. We have not been hasty. It has never been our policy to jump at conclusions. We have never believed in acting without full knowledge, nor making charges without full proof. Although we have known, yet we have waited a long time for the hand of the British Columbia Government to be shown so we could read it without any doubt. Some of our chiefs, distrustful and impatient, many times during these long years, one way and another, through the Indian office, through Victoria, through Ottawa and in other ways, have attempted to get matters concerning us straightened, but they have always been baffled in their efforts. Others, hopeless and disgusted, would not try. Then we were ignorant and groping in the dark; now we are more enlightened and can see things clearer. Like conditions drove us of the interior, and the Indians of the Coast, to organize and agitate independently, and unknown to each other. It is only lately we have joined forces to try and obtain a settlement of all questions concerning us. Mr. McBride gave a partial explanation of how the Reserve System of British Columbia originated. This does not concern us. What we know and are concerned with is the fact that the British Columbia Government has already taken part of our lands without treaty with us, or payment of any compensation, and has disposed of them to settlers and others. The remaining lands of the country, the Government lays claim to as their property, and ignores our title. Out of our lands they reserved small pieces here and there, called Indian Reserves, and allowed us the occupancy of them. These even they claim as their property, and threaten in some places to take away from us, although we have been in continuous occupancy and possession. No proper understanding was arrived at, nor proper agreements made between ourselves and the British Columbia Government, when the reserves were laid off. Not one of us understood this matter clearly nor in the same light the British Columbia Government seems to have done. Things were not explained to us fully, and the Government's motives appear to have been concealed, for they were understood differently by the various chiefs. We never asked for part of our country to be parceled out in pieces and reserved for us. It was entirely a Government scheme originating with them. We always trusted the Government, as representing the Queen, to do the right thing by us, therefore we never have opposed any proposition of the Government hastily and without due consideration. We thought, although things appeared crooked, still in the end, or before long, they might become straight. To-day were the like to occur, or Only the Federal Government, and we look to them. As the building of railways, and settlement in this country is proceeding at a rapid pace, we wish to press on you the desirability (for the good of all concerned) of having these matters adjusted at as early a date as possible. In the hope that you will listen to our earnest appeal, we, the underwritten chiefs, subscribe our names in behalf of our people.

JOHN CHILAHITSA, Chief Douglas Lake Band, Okanagan Tribe.  
BABTISTE CHIANUT, Chief Nkamlp Band, Okanagan Tribe.  
JOHN LEOKOMAGHEN, Chief Ashnola Band, Okanagan Tribe.  
CHARLES ALLISON, Chief Hedley Band, Okanagan Tribe.  
FRANCOIS PAKELPITSA, Representative Penticton Band, Okanagan Tribe.  
BABTISTE LOGAN, Chief Vernon Band, Okanagan Tribe.  
JOHN INHAMCHIN, Chief Chopaca Band, Okanagan Tribe.  
ALEXANDER CHILAHITSA, Hereditary Head Chief, Okanagan Tribe.  
LOUIS GHLEGHLEGHKEN, Chief Kamloops Band, Shuswap Tribe.  
BASIL DAVID, Chief Bonaparte Band, Shuswap Tribe.  
FRANCOIS SELPAGHEN, Chief Shuswap Lake Band, Shuswap Tribe.  
BAPTISTE WILLIAM, Chief William's Lake Band, Shuswap Tribe.  
SAMSON SOGHOMIGH, Chief Alkali Lake Band, Shuswap Tribe.  
JAMES CAPEL, Chief Clinton Band, Shuswap Tribe.  
THOMAS PETLAMITSA, Chief Deadman's Creek Band, Shuswap Tribe.  
MAJOR CHESCHETSELST, Chief Leon Creek Band, Shuswap Tribe.  
ANTOINE CHELAHAUTKEN, for Chief Etienne, Chase Band, Shuswap Tribe.  
JOSEPH ISTCHUKWAKST, Chief High Bar Band, Shuswap Tribe.  
FRANK TAHIMESKET, for Chief Samuel, Canim Lake Band, Shuswap Tribe.  
LOGSHOM, Chief Soda Creek Band, Shuswap Tribe.  
AUGUST JAMES, for Chief Maximum, Halowt Band, Shuswap Tribe.  
ANDRE, Chief North Thompson Band, Shuswap Tribe.  
LOUIS CHUIESKA, Captain Spallumcheen Band, Shuswap Tribe.  
JOHN INROIESKET, Acting Chief Canoe Creek Band, Shuswap Tribe.  
JOSEPH TSEOPIKEN, Chief Dog Creek Band, Shuswap Tribe.  
ADOLPHE THOMAS, for Chief Dennis Skelopautken, Fountain Tribe.  
ROBERT KUSTASELKWA, Chief Pavillion Band.  
JOHN NELSON, Chief Quesnel Band, Carrier Tribe.  
JAMES INRAITESKET, Chief Lillooet Band, Lillooet Tribe.  
JAMES JAMES, Chief Seaton Lake Band Lillooet Tribe.  
JOHN KOIUSTGHEN, Chief Pasulko Band, Lillooet Tribe.  
DAVID EKLIEPALUS, Chief Zezil No.2, Lillooet Band, Lillooet Tribe.  
JAMES STAGER, Chief Pemberton Band, Lillooet Tribe.  
CHARLES NEKAULA, Chief Nkempts Band, Lillooet Tribe.  
JAMES SMITH, Chief Tenas Lake Band, Lillooet Tribe.  
HARRY INKASUSA, Chief Samakwa Band, Lillooet Tribe.  
PAUL ROITELAMUGH, Chief Skookum Chuck Band, Lillooet Tribe.  
AUGUST AKSTONKAIL, Chief Port Douglas Band, Lillooet Tribe.  
JEAN BABTISTE, Chief No. 1, Cayuse Creek Band, Lillooet Tribe.  
DAVID SKWINSTWAUGH, Chief Bridge River Band, Lillooet Tribe.  
PETER CHALAL, Chief Mission Band, Lillooet Tribe.  
THOMAS BULL, Chief Slahoos Band, Lillooet Tribe.  
THOMAS JACK, Chief Anderson Lake Band, Lillooet Tribe.  
SIMO NIZDE, Representative Anahem Band, Chilcotin Tribe.  
DICK ANAHEM, Representative Risky Creek Band, Chilcotin Tribe.  
NANOK, Head Chief Tahltan Tribe.  
PIERRE KENPESKET, Chief of the Kinbaskets, Kootenay, Shuswap Tribe.  
WILLIAM MAKELTSE, Chief Thompson Band, Couteau or Thompson Tribe.  
ANTONE YAAPSKINT, Chief Coldwater Band, Thompson Tribe.  
MICHEL SHAKOA, Chief Quilchena Creek Band, Thompson Tribe.  
WILLIAM LUKLUKPAGHEN, Chief Petit Creek Band, Thompson Tribe.  
GEORGE EDWARD INKWOITUNEL, Chief Potatoe Garden Band, Thompson Tribe.  
CHARLES KOWETELLST, Chief Kanaka Bar Band, Thompson Tribe.  
BENIDICT INGHABLETS, Chief Keefers Band, Thompson Tribe.  
SHOOTER SUTPAGHEN, Chief Nicola Lake Band, Thompson Tribe.  
PAUL HEHENA, Chief Spuzzum Band, Thompson Tribe.  
GEORGE SROI, Chief North Bend Band, Thompson Tribe.  
JONAH KOLAGHAMT, Representative Coutlee Band, Thompson Tribe.  
JOHN WHISTAMNITSA, Chief Spence's Bridge Band, Thompson Tribe.  
SIMON WAUESKS, Chief Ashcroft Band, Thompson Tribe.  
JOHN TEDLENITSA, Chief Pekaist Band, Thompson Tribe.  
MICHEL INHUTPESKET, Chief Maria Island, Stalo or Lower Fraser Tribe.  
PIERRE AYESSUK, Chief Cat's Landing and Hope Band, Lower Fraser Tribe.  
JAMES KWIMTGHEL, Chief Yale Band, Lower Fraser Tribe.  
HARRY YELEMITSIA, Chief Agassiz Band, Lower Fraser Tribe.  
HARRY STEWART, Chief Chilliwack Band, Lower Fraser Tribe.  
JOE KWOKWAPEL, Chief Quoquapol Band, Lower Fraser Tribe.  
CHARLES JACOB, Chief Matsqui Band, Lower Fraser Tribe.

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CHARLES JACOB, Chief Matsqui Band, Lower Fraser Tribe.

APPENDIX B.        CARRYING CAPACITY OF PASTURE LANDS.

I developed and utilized the following guidelines to determine the carrying capacity of pasture lands for different reserves analyzed in my thesis:

1.    good pasture lands can sustain approximately one cow for every ten acres or one horse for every fifteen acres.
2.    fair pasture lands can sustain approximately one cow for every fifteen acres or one horse for every twenty acres.
3.    poor pasture lands can sustain approximately one cow for every twenty acres or one horse for every twenty-five acres.

The above method of classification is not a scientific assessment of the carrying capacity of Indian reserve lands. There are many variables, such as weather, different types of soil, types of vegetation, types and extent of use in determining the carrying capacity of pasture lands on an accurate basis. My intention is merely to present an approximation of the carrying capacity of pasture lands within the reserves under consideration. The above guidelines were developed on the basis of the Report of the Deputy Superintendent-General of Indian Affairs, the testimony of a white rancher - Mr. Jackson of Merritt, B.C., and by consultation with a professor at the University of British Columbia.



The Deputy Superintendent-General - Sir John A. MacDonald stated that the Joint Reserve Allotment Commission was assigning '22 acres of grazing land for each horse or head of cattle' to the Shuswap and Okanagan Indians (D.I.A., Annual Reports, 1878:16). The white rancher from the Merritt area stated to the Commission that...

We generally always calculate 15 acres to the head; that is mountain land (R.C.E., Kamloops Agency, p.229).

Dr. R.M. Strange, an associate professor with appointments in the Plant Science and Forestry Departments at U.B.C., verified that my assessments of the carrying capacity of range lands in the Kamloops area was within reasonable bounds. Also, he pointed out to me that the forage patterns of cattle are less destructive than those of horses. Consequently, two horses are equivalent to three cows, or, where one cow requires 10 acres of pasture land, a horse would require fifteen acres. In all fairness, I would like to point out that lands so sown in hay for pasturage and irrigated can sustain one and half animal units per acre a modern phenomena. On the other hand, very poor pasture lands can sustain one animal unit for every sixty acres of pasture land. Finally, I am solely responsible for the criteria developed to categorize and determine the carrying capacity of Native pasture lands.