INDIAN RESERVE CUT-OFFS IN BRITISH COLUMBIA, 1912-1924:
AN EXAMINATION OF FEDERAL-PROVINCIAL NEGOTIATIONS
AND CONSULTATION WITH INDIANS

by

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Abstract of Thesis

Indian Reserve Cut-offs in British Columbia, 1912-1924: 
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by Dana McFarland

Indian people in every agency in British Columbia suffered an injustice when the McKenna-McBride joint commission of the federal and provincial governments adjusted Indian reserve lands between 1913 and 1916. The report of this Royal Commission was amended before it was adopted by both governments in 1924, but the amendments only served to compound the inequity. This history of reserve land cut-offs in British Columbia considers the individual development of federal and provincial Indian land policies, the negotiations to homogenize them after union in 1871, and the efforts of Indians to resist reserve cut-offs.

The primary sources, many of them generated by the reserve adjustment process of the Royal Commission, have allowed me to calculate the relative values of lands cut off or added by the commission, to discern the practical effects of the 1924 amendments, and to identify the principal consultants of the commission. These results, considered together with secondary sources which treat various aspects of reserve land cut-offs, indicate that the injustice was done at the insistence of the British Columbia government. Nevertheless, the federal government must share in the blame. It betrayed its role of protector of the Indians for the sake of creating a uniform Indian policy, no matter how unjust.
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Physical survival in Canada today does not require a close relationship with the land. But, the cultural survival of British Columbia's Indian people depends utterly upon continued and assured access to their ancestral lands and resources. Indians' efforts to retain or regain an adequate land base to remain culturally viable have brought them into repeated conflict with white neighbours and institutions. Since the 1890's when settlement intensified in British Columbia, land has been the most frequent focus of dispute between the white newcomers and Indians.

To regulate land-use, early British Columbia governments created reserves which segregated white and Indian communities. In the 1840's and 1850's, when treaties were signed with some Indian groups on Vancouver Island, colonial Indian policy appeared consistent with British imperial tradition, which required Aboriginal title to be extinguished before reserves were assigned and settlement commenced.¹ However, before British Columbia entered Confederation, the colonial government had discarded this imperial tradition. Beginning in the 1860's, the colony ceased to recognize title and began to assign reserves

without treaty. New reserves were allotted grudgingly and existing reserves were reduced through survey and, after 1871, by joint government commissions.

Reserve lands were confiscated legally under the auspices of the McKenna-McBride Royal Commission on Indian Affairs in British Columbia (1913-1916). Through a series of "adjustments," "cut-offs," "resurveys," and "confiscations" for public works, this federal and provincial joint commission rearranged reserve boundaries paternalistically, and without any reference to the issue of Aboriginal title. Most often the interests of settlers and the resource economy were given priority at the expense of Indians. In recent years, Indians in British Columbia have gained unity and political recognition which they lacked in the first half of the century. They have begun to successfully challenge the cut-offs and other land-related injustices, demanding compensation, or the return of confiscated lands and authority. Their concerns have been acknowledged, if not ameliorated, by the federal government, which passed legislation in 1984 allowing for negotiations to restore lands cut off by the McKenna-McBride Commission.² More recently, British Columbia's Ministry of Native Affairs identified the settlement of

outstanding claims for cut-off lands as a policy objective.³

To date the history of Indian reserve reductions has been written in a piecemeal fashion. The issue of reserve cut-offs is often treated as an aspect of land claims, provincial or federal Indian policy, or Indian political organization. Some writers of history mistakenly assume that the process of cut-offs ended with the Royal Commission report in 1916,⁴ or they relate the history incompletely so that the influence of W.E. Ditchburn's and J.W. Clark's amendments to the findings of the Royal Commission has rarely been associated with the cut-offs.⁵

This study of reserve land cut-offs in British Columbia will consider the individual development of federal and provincial Indian land policies, the prolonged efforts to combine them after 1871, and the role of Indians in resisting reserve reductions. The time frame includes both the completion of the Royal Commission report in 1916, and the report's acceptance by both governments in 1924.

In the many years that passed between the McKenna-McBride Commission and the 1984 federal decision to re-examine the cut-

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offs, an intensification of research and writing in Indian history in Canada has gradually prepared the historical community for innovations in the writing of Canada's history. In the 1960's and 1970's, springing from the popularity of social history following the second World War, geographers, historians, and other social scientists (such as F.E. LaViolette, A.J. Ray, Sylvia Van Kirk, Calvin Martin, Jean Usher, Bruce Trigger) began to address topics related to Aboriginal peoples. The accelerated Indian political activism of the 1960's and 1970's, manifested in resistance to federal assimilationist policies and in discussions of land claims, Aboriginal rights, and self-government, further encouraged research in the above areas and into the historical circumstances of Indians in Canada. The result has been the rapid growth of a body of scholarship on

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8 Sylvia Van Kirk, "Many Tender Ties:' Women in Fur-Trade Society in Western Canada, 1670-1870" (Winnipeg: Watson & Dwyer, 1980).


Native issues.

British Columbia's historians have generally conformed to patterns of historical writing prevalent in the broader field of Canadian historical scholarship. Themes of the expanding frontier, of the heroism of white adventurers, of nation-building, and of adherence to European ideals traditionally framed the way in which historians have treated Canada's past. The development of an interest among Canadian historians in Indian history has been slow to evolve, as James W. St. G. Walker notes in his 1982 historiographical essay.\(^{12}\) In British Columbia, the incorporation of an 'Indian component' into general historical works has yet to become regular practice, even though Robin Fisher has written a history of early British Columbia which describes Indian-white relations. The well-known writer George Woodcock is presently working on a history of British Columbia, which promises to be among the first attempts to popularize and incorporate Indian history as part of a larger history of the province. Woodcock identifies the ethnocentric characteristics of the "official version" in earlier general works on British Columbia by Margaret Ormsby and Martin Robin. Although Woodcock acknowledges the value of the work of each of these historians, he faults the "belief" inherent in their writing:

that the history of this province is that of the Europeans and their descendants who came to the coast and destroyed the Native cultures that had been developing for millennia... [the above historians appear] to have been wholly uninterested in the decline and resurgence of the Indian culture in British Columbia...

In British Columbia, as elsewhere in Canada, the recent proliferation of writing in Native history has meant the exploration of a variety of social, economic and political questions, many of which concern both Indians and whites. Some researchers, such as Douglas Sanders and Daniel Raunet, address legal aspects of Aboriginal title and land claims, thereby contributing to the province's unresolved legal debate; certainly litigation has been a major legacy of British Columbia's Indian policy. In recent years, the reluctance of British Columbia to negotiate has forced Indian plaintiffs to take their disagreements with the provincial and federal governments to the courts. The disputes are manifold. Comprehensive and specific land claims have been filed. Indians have contested their

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14 In 1973, the Supreme Court decision in the Calder case determined that Indians who had never signed treaties had never relinquished their title to land. This decision paved the way for comprehensive claims by Indians. To the federal government this meant nothing other than the extinguishment of title through cash-for-land arrangements. To Indians, comprehensive claims were to insure for themselves an ongoing role in the administration of their lands, resources, and affairs. This has recently been the source of contention in the Lubicon and Gitksan-Wet'suwet'en cases in Alberta and British Columbia. Comprehensive claims also were the basis of the James Bay and Dene agreements.

Specific land claims usually arise in areas where Indians have agreements or treaties of some sort with the federal government.
right to the free use of game resources. Most disputes are related to basic questions which the provincial government has not yet seen fit to address. Despite the far-reaching effects of the reserve land cut-offs and the current urgency of this question, the work of the McKenna-McBride Commission and the subsequent amendments made to its report by Ditchburn and Clark have been studied only peripherally, if at all, by historians. For instance, the British Columbia Social Credit politician Brian Smith wrote a biography of the former B.C. premier, Richard McBride for his 1959 Master's thesis for Queen's University. Not once did he mention the work of the commission which bears McBride's name.

In 1961, F.E. LaViolette published *The Struggle for Survival: Indian Cultures and the Protestant Ethic in British Columbia*. This ambitious study spans the period from contact to 1951, examining missionary efforts, acculturation and potlatch laws, the land title question, and Indian political activism after 1945. LaViolette's treatment of the land title question notes the reversal of imperial Indian land policy by British Columbia's colonial government and documents Indian responses to British Columbia's policies. Related to the reversal of traditional Indian policy, he discusses the notions of "peaceful 

One such case was recently won by the Fort St. John Beaver Indians of Treaty 8, who went to court to reclaim Indian Reserve No. 172 which had been alienated and sold under the Veterans' Lands Act in 1948. Claims for reserve lands cut off by the McKenna-McBride Commission are also specific claims.
penetration" and "reserve psychosis" as ideas which explain the contact experience in British Columbia. Missionaries and other white advocates (eg. James Teit, an associate of anthropologist Franz Boas) are important in LaViolette's analysis, especially regarding the early efforts to generate Indian resistance and political organization. A significant omission of the study however, is that the author does not consider the work of the Indian reserve commissions which were an important factor in the growth of Indian political awareness. The importance of LaViolette's work lies in his conclusion that the British Columbia Indians' response to government policy has essentially been a struggle to survive unassimilated.\(^{15}\) He recognizes the obsessive attachment of some Indians to their reserves, but does not connect this defensive reaction with the imperative relationship between land and cultural survival.

LaViolette's sources reflect an interdisciplinary approach. The primary materials he used were limited to Department of Indian Affairs Annual Reports, the report of the 1916 Royal Commission on Indian Affairs in British Columbia, and the proceedings of the 1926 Allied Indian Tribes claims. The secondary material, which dominates the bibliography, is more eclectic. The author makes extensive use of ethnographic material, articles dealing with the fishing industry, histories of Indian administration in Canada, and monographs on indigenous

\(^{15}\) F.E. Laviolette, pp. 186-187.
nationalism and acculturation in other parts of the British Commonwealth. LaViolette uses George Edgar Shankel's thesis to support his conclusions regarding missionary activity among Indians in British Columbia. This thesis examines the interaction of government, Indian groups, and missionary advocates in the formation of British Columbia's Indian policy, with emphasis on the coast region. Newspaper articles and editorials from British Columbia, Winnipeg, and Toronto are also featured in LaViolette's research.

In *Land, Man, and the Law* (1974), Robert Cail discusses Indian land policy in British Columbia from 1871 to 1913, and details the processes of land survey and alienation. Cail emphasises the work of the Joint Reserve Allotment Commission of the 1870's, and devotes some attention to the McKenna-McBride Commission. He analyzes both the circumstances of reserve allotment, and problems of agreement between the Dominion and the province. Cail makes no mention of the 1924 report by Ditchburn and Clark which modified the 1916 report before it was adopted through the Dominion Order-in-Council in 1924. This is because the later report fell well outside his time frame. Although incomplete in its treatment of the cut-off lands, Cail's work is nevertheless valuable because it provides insight into policy

16 George Edgar Shankel, "The Development of Indian Policy in British Columbia" (University of Washington, 1945).

17 Cail's 1958 Master's Thesis was edited and published posthumously as *Land, Man, and the Law*. 9
formation in colonial and provincial British Columbia and because it explores the federal-provincial relationship concerning the administration of Indian affairs. It has been cited by subsequent writers as a reliable secondary source, although, as political scientist Paul Tennant indicates, the book does contain a number of factual errors. These, while annoying, can be avoided by cross-referencing Cail's factual information with that of other scholars, and with that of his primary sources.

Cail's work relies heavily on the Sessional Papers of the federal and provincial governments, on the reports of the Indian reserve commissions of 1876 and 1916, and on the Annual Reports of provincial and federal ministries (eg., British Columbia, Departments of Lands, Mines; Canada, Departments of Indian Affairs, Railways and Canals). Correspondence between the colony of British Columbia and the British Colonial Office (1858-1871) and the proceedings of the Special Committee on the Claims of the Allied Indian Tribes of British Columbia also figure among the primary sources. Cail's secondary material includes the Ph.D. dissertations of Margaret Ormsby and George Edgar Shankel, although he appears to have relied more on the latter. Later articles published in B.C. Studies by Robin Fisher and Douglas Sanders, and F.E. LaViolette's The Struggle for Survival appear in the bibliography, but the extent to which these were used in the posthumous editing of Cail's work for publication is not

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Cail's sympathies lay with the early policies of James Douglas, which appeared to follow the British imperial tradition of the recognition of Aboriginal title. He accepted the traditional interpretation of Douglas as a historical actor in that he attributed Douglas' shortcomings to the intense pressures of rapid immigration due to the 1858 Gold Rush, and to a lack of funds with which to pay Indians for ceded lands. Douglas' successors who significantly revised his Indian land policy, Joseph Trutch in particular, were presented in a less favourable light. 19 Cail described the involvement of missionaries in the Indian land question, calling upon the example of Metlakahtla and the popularity of missionaries William Duncan and A.E. O'Meara who, to the displeasure of government, advocated the recognition of Indian land title. To further elaborate the disposal of Crown lands in British Columbia, Cail also discussed mining and timber legislation and water rights, and special situations created by the railway belt in surveying for reserves and homesteads.

In some respects, Robin Fisher continues in the tradition of Cail and LaViolette. Fisher's study Contact and Conflict (1977) analyzes, among other topics, colonial and provincial government

policy leading to cut-offs from reserve lands. He adopts the point of view that the British Columbia governments which succeeded Douglas distorted traditional British Indian policy and refused to recognize Aboriginal rights. Fisher uses this premise, and the nature of agricultural land-use, to predicate his argument that marginalization of Indians accelerated in the wake of the settlement frontier.

Fisher concludes that the negative change in Indian policy coincided with the end of Douglas' tenure. We are left in no doubt as to who the heroes and villains are for Fisher. He portrays James Douglas very favourably and harshly criticizes the frugal Indian policy of those who followed him. Trutch seems particularly Machiavellian; Fisher makes a strong case that Trutch adopted a wilfully backward attitude toward the Indian Land Question, misrepresented British Columbia's Indian policy to the federal government, and after Confederation tried to have Indian Affairs for British Columbia subsumed under his own office so that he could personally oversee the maintenance of the pre-1871 status quo. Fisher further claims that Trutch misrepresented Douglas' intentions for Indian policy in order to justify his changes to the reserve allotment system prior to

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This article was subsequently included in Fisher's Contact and Conflict (1977).
union. He also identifies the reserve allotment commissions of
the late nineteenth century, and particularly that headed by
Peter O'Reilly, as agents of settlement whose purpose was to
administer the Indian policy of Joseph Trutch. Compelling as
elements of Fisher's argument might be, why did Douglas, who was
still active while Trutch was revising Indian land policy to suit
himself, not object, or at least reiterate his own policy
intentions?

The role of missionaries in early British Columbia is
examined by Fisher, but he does not cast them as the same quasi-
sympathetic activists of Cail's or LaViolette's studies. Rather,
he concludes that by the 1890's their efforts had served only to
undermine Native institutions, thereby contributing to the
process of marginalization:

Their aim was the complete destruction of the
traditional integrated Indian way of life. The
missionaries demanded even more far-reaching
transformation than the settlers, and they pushed it
more aggressively than any other group of whites.\textsuperscript{22}

According to Fisher, efforts of missionaries to assert Indian
rights to land were insignificant compared to the damage that
their activities inflicted.\textsuperscript{23} Contacts between Indians and the
fur trade, mining, and settlement frontiers in British Columbia
are the other facets of Fisher's treatment of Indian-white
interaction. His discussion of each of these subjects reinforces

\textsuperscript{22} Fisher, \textit{Contact and Conflict}, p. 145.

\textsuperscript{23} Fisher, \textit{Contact and Conflict}, pp. 144-145.
the notion that access to land and its resources is essential to Indians' cultural survival. Contact between groups with mutually incompatible land-use priorities meant conflict.

Fisher draws from a wide array of primary sources, including ships' journals, travellers' accounts, Hudson's Bay Company records, newspaper articles and editorials, Department of Indian Affairs records, and correspondence of public and private persons. Like LaViolette, Fisher considers ethnographic and cross cultural data among his plentiful secondary sources, but the influence of this on his analysis is not obvious.

Reviewers do not generally find fault with Fisher's research, but some challenge his conclusions, which portray Indians as progressively silent, marginalized, and ineffectual victims. Calvin Martin criticizes the sociological model of limited culture change which leads Fisher to discount the impact of disease and game depletion on the responses of Indians to early intrusions by whites. Rolf Knight, in *Indians at Work* (1978), challenges Fisher's use of the accelerated culture change model to describe the post-settlement period. He demonstrates the broad extent to which Indians in British Columbia were adaptive and could control their economic environment as late as 1930, if not through access to land, through their labour

There is one study which deals specifically with the issue of reserve land cut-offs. This is Reuben Ware's *The Lands We Lost* (1974), published under the auspices of the Union of B.C. Indian Chiefs (UBCIC). A researcher for the UBCIC at the time, Ware sympathetically defines the problem of reserve land cut-offs by the McKenna-McBride Commission and the Ditchburn-Clark amendments, as well as by other means. He carefully separates the issue of cut-off lands from questions of Aboriginal title and claims. Excerpts from documents concerning cut-off lands (eg. Interim Reports of the Royal Commission) constitute a large part of the book. Short interpretive commentaries accompany the primary documents. Ware concludes that research into issues related to reserve cut-offs should be expanded for the purpose of redressing patent inequities of the reserve alienation processes. He suggests a search for the recipients of cut-off lands through the Land Registry Office, and an analysis of the fate of cut-off lands, to aid Indian bands seeking compensation or restoration. He also recommends a study of the Ditchburn-Clark Report, and of

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26 Reuben Ware further states that cut-offs resulted from the resurvey of Indian lands before the turn of the century, sale by the Department of Indian Affairs, confiscation for public works, and settler and miner encroachment. Reuben Ware, *The Lands We Lost: A History of Cutoff Lands and Land Losses from Indian Reserves in British Columbia* (Vancouver: Union of B.C. Indian Chiefs, 1974).
its role in modifying the conclusions of the McKenna-McBride Commission. Ware presents a brief history of cut-off lands together with a partial research strategy toward their reclamation.

A more recent work to approach the subject of the cut-off lands in British Columbia is E. Brian Titley's *A Narrow Vision* (1986), which examines the administration of Indian Affairs in Canada during Duncan Campbell Scott's career in the Department of Indian Affairs. Scott's tenure as a frame for the fifty-year span of this study is compelling and useful, particularly in light of the reserve land cut-offs in British Columbia in which Scott was so instrumental. Titley devotes a chapter to land claims in British Columbia in which he summarizes Indian policy and Indian resistance in the province between the 1870's and the long-awaited transfer of British Columbia Indian reserve lands to the federal government in 1938. In less than thirty pages Titley explains clearly, and with a solid understanding of the literature, perhaps not land claims in British Columbia, but certainly the events which led to the contemporary situation of land claims.

Some studies offer a regional perspective on cut-off lands. Douglas Sanders' article on "The Nishga Case" (1973) places the Nishga claim to Aboriginal title in a legal and historical context. The decision of the British Columbia Supreme Court

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in the 1969 case is significant to the historical question of reserve land cut-offs. The court's determination was that Nishga territorial rights had been abrogated by general land legislation in British Columbia before 1871; but for the Nishga, and other tribes in British Columbia, the question of title was very much open during the 1913-1916 meetings with the Royal Commission on Indian Affairs. At that time, the commissioners claimed that Aboriginal title was beyond their jurisdiction and did nothing to persuade Indians that the question had been decided.

Daniel Raunet's history of the Nishga land claim, Without Surrender, Without Consent (1984), documents Nishga responses to the commissions on Indian lands, and to the associated surveys. The Nishga resisted discussing reserve allotment and matters of economy, education, and health on reserves with the McKenna-McBride Commission without first deciding the issue of Aboriginal title. Raunet, in his journalistic style, details the Nishga resistance strategy which included appealing beyond the Canadian government to the Privy Council. The role of missionaries among the Nishga as partisans in the Indian Land Question is also a subject of Raunet's study. The author characterizes the Methodist denomination as more sympathetic to Indian land grievances and more willing to take a stance in opposition to the provincial government than were the Anglicans. Over time however, Anglicans, such as A.E. O'Meara, also became active.

Although not commissioned by the Nishga as an 'official' history, Raunet's work is notable for its use of Indian sources,
usually in the form of interviews. Newspapers, Department of Indian Affairs records, and other provincial and federal publications regarding the Nishga make up his complement of primary material. Secondary sources include Cail, LaViolette, Fisher, and Jean Usher's *William Duncan of Metlakatla* (1974).

In *Aboriginal Peoples and Politics: the Indian Land Question in British Columbia, 1849-1989* (forthcoming), political scientist Paul Tennant describes both Native political organization in British Columbia and those aspects of contact with white society and institutions which led Indians to so organize. Implicit in Tennant's work is the notion that political activism among Indians can be attributed to the perpetual uncertainty in which they have occupied their land. Accordingly, Tennant elaborates, from a refreshingly revisionist perspective, the Indian land policy of British Columbia's governors and premiers, together with Indians' political responses. British Columbia has bred injustice and political resistance through its dispossession of Indians and its consistent refusal to recognize aboriginal title and rights.

Because secondary sources which deal specifically with the McKenna-McBride Commission and cut-off lands are few, the study of the circumstances of land cut-offs that were made under the McKenna-McBride Commission must be supported by research in primary records. The questions of federal-provincial relations, and of consultation with Indians regarding changes in reserve size or location, can be investigated in the documents generated
by the work of the McKenna-McBride Commission and in related contemporary documents. For example, correspondence among the commissioners, and between the commission and the federal and provincial governments, reveal federal-provincial strains, as well as the two governments' irritation with Indian resistance and Indian advocates, such as A.E. O'Meara, J.A. McCullaugh, and L. Norman Tucker. The evidence submitted to the Royal Commission by Indians, Indian agents, surveyors and private interests, the responses of the commissioners, and the final recommendations of the commission make it possible to investigate the nature of the dichotomy between federal and provincial management of Indian affairs; these documents also disclose how serious the commission was about consulting with Indians.

Following the Royal Commission, the records of meetings between the Allied Indian Tribes and representatives of government throughout the 1920's furnish information regarding the commissioners' consultations with Indians, as well as the function of missionaries in Indian legal and political action. The published proceedings, reports, and evidence of the Special Committees of the Senate and House of Commons to inquire into the claims of the Allied Indian Tribes of British Columbia (1926-1927) leave little doubt about how Indians regarded the Royal Commission's consultation process. Other information of this kind is available from the DIA Black Series in the form of correspondence and reports related to the British Columbia Indian Land Question.

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Finally, the recommendations of Ditchburn and Clark, which substantially amended the findings of the McKenna-McBride Commission, represent yet another twist in the federal-provincial relationship with respect to Indian Affairs. This additional report was commissioned because British Columbia officials complained that too much land had been allotted for Indian reserves. Although the Ditchburn-Clark Report adjusted reserves both upward and downward, the net result was that even less land was set aside than there had been under the McKenna-McBride Commission; and the latter commission had substituted a greater quantity of poorer quality land for confiscated reserve land of better quality. The correspondence related to the work of Ditchburn and Clark has also been preserved, allowing for an examination of federal-provincial relations and the seriousness of consultation with Indians in the subsequent negotiations which further reduced the base of Indian reserve land in British Columbia.

The McKenna-McBride Commission, as a joint effort, ostensibly worked to serve the best interests of the federal and provincial governments. Indians, as wards of the federal government under the Indian Act, were also considered by the

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28 In 1919, despite the ongoing debate, British Columbia adopted an "Act to provide for the Settlement of Differences between the Governments of the Dominion and the Province respecting Indian Lands and Indian Affairs in the Province of British Columbia." This act empowered the lieutenant-general to resolve residual conflicts according to the 1916 Royal Commission Report, in anticipation of its acceptance by both governments.
authorities to be well-represented. In fact, the McKenna-McBride and Ditchburn-Clark efforts at reserve adjustment were at the centre of complex tensions. British Columbia wished to obtain as much land for development and expansion at as little cost and compromise as possible. The federal government desired to assure settlement and development in British Columbia while upholding the principles of treaty and land title extinguishment. Indians came increasingly to realize that their cultural survival hinged upon the possession of an adequate land base, and accordingly they grew in political awareness and activism. The interplay of these tensions which determined the findings of the commission and the place of Indians in the reserve land negotiations will form the focus of this study. To begin, we must briefly examine the history of Indian land policy in British Columbia.
Indian Land Policy in British Columbia
1849-1912

The Vancouver Island portion of present-day British Columbia first received colonial government in 1849. Until then, island and mainland had been governed by the Hudson’s Bay Company as a fur trade preserve. The Company administered Indian policy as the agent of the Crown. With the establishment of a colonial government on Vancouver Island, the state took over the administration of Indian affairs. Governor James Douglas, a senior Company officer until 1858, became the central figure who shaped early colonial Indian policy. Under subsequent governors, and coinciding with the increasing attenuation of ties with the Hudson’s Bay Company and British Columbia’s fur trade past, the status of Indians in relation to land changed.

British Indian policy was stated with reference to reserve lands within the Royal Proclamation of October 7, 1763:

We do, with the advice of our Privy Council, strictly enjoin and require, that no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement; but that, if at any Time any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us in our Name...

Imperial Indian policy set a precedent for negotiating with Indian groups in Canada as sovereign nations. This is the spirit

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in which the Royal Proclamation was written, and recognition of Indian title and compensation for cession of title characterized treaties between the English Crown and Indians. Between 1786 and 1836, the Crown negotiated treaties with Indians in what is now southwestern Ontario on the basis of the above principles. The Robinson Treaties of 1850 that were concluded between the Province of Canada and the Huron and Ojibway also were negotiated on the basis of recognition of, and compensation for, title and they would provide the model for the "numbered treaties" that were negotiated between the Dominion of Canada and Indians in Ontario, Manitoba, and the Northwest Territories between 1871 and 1921.

Imperial Indian policy, as interpreted and applied by the Hudson's Bay Company, was not initially concerned with the issue of Aboriginal land title because the fur traders were not interested in acquiring land. As Robin Fisher indicates with some validity: "During the fur-trading period Europeans and Indians were part of a mutually beneficial economic symbiosis, in which neither gained from the hostility of the other."² Hudson's Bay Company traders stood to lose by promoting the extinguishment of land title and settlement since such actions would undermine the economic and social systems of the peoples who supplied them with fur. Further, British imperial policy generally required responsible relations between British citizens and indigenous

² Fisher, Contact and Conflict, p. 47.
people. Even if it had been in the interests of the Hudson's Bay Company to dispossess Indians of their land, or to otherwise contravene imperial policy, the Company's actions were limited by the Crown through the trading charter that it had granted in New Caledonia. By the time of the Company's penetration into New Caledonia in 1821, monopoly trading charters were falling from favour among intellectuals and lobbyists in Britain. Robin Fisher observes:

“As a monopoly, the company offended current economic dogma in England... Missionaries and humanitarians also tended to denigrate the influence of the company on the Indians, claiming, for example, that the company held the Indians in slavery.”

As an increasingly important fur-producing region, New Caledonia became a Company fur trade preserve despite criticism; but this decision had to withstand political attacks of the sort described above.

No such inhibitions characterized the mandate of the colonial government, and Fisher raises the possibility that “the co-operative relationship between the races during the fur-trading period was poor preparation for the Indians when they had to cope with the new and disruptive elements that came with the

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3 In the mid nineteenth century, elsewhere in the British Empire, it was this sense of responsibility, a result of paternalism more than of respect and acceptance, which led the British Colonial Office to end the slave trade between the African and West Indian colonies, and to attempt to regulate the circumstances of Chinese, Indian, and Pacific Islander indentured labour.

4 Fisher, Contact and Conflict, p. 34.
settlement frontier." Settlers had a very different economic agenda from that of fur traders. The change was manifest principally in mounting interest among Indians, settlers, and government in issues related to land tenure.

The Hudson's Bay Company had the initial responsibility for developing the fledgling agricultural colony. The Colonial Office recognized the potential conflict of interest inherent in having the settlement promoted by a fur trading company, and appointed Richard Blanshard, a lawyer unconnected with the Hudson's Bay Company, as the first governor. Blanshard was unremarkable as governor, except for an incident in which he ordered the general punishment of a group of Vancouver Island Indians, the Newitty, in retribution for the murders of three British sailors. Following this unfortunate beginning, James Douglas became governor of Vancouver Island in 1851. His long experience, both with Indians in British Columbia and with the British Colonial Office, gave Douglas a quality of tact in dealing with Indians which his predecessor had sadly lacked. Well-acquainted with imperial Aboriginal policy, Douglas' priority as governor was to stabilize relations between Indians and the colony's few white settlers. Douglas knew that in order to maintain peace and stability Indian land title must be

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6 For further information regarding this incident, or Blanshard's term as governor, see: Fisher, *Contact and Conflict*, pp. 49-53.
extinguished properly before the promotion of settlement in the colony. Vancouver Island settlers supported him in this view, not from any sense of altruism toward Indians, but out of fear of becoming the victims of possible Indian discontent.

Colonial Office policy required that the Crown be the sole purchaser of Indian lands in advance of settlement. Yet, despite this commitment, inadequate financial resources may have hampered Douglas' attempt to purchase Aboriginal title. In 1849 Douglas raised the question of land title with the Hudson's Bay Company. Company directors replied by citing the precedent of a committee report to the House of Commons regarding Aboriginal title in New Zealand. This report stated that Aboriginal title existed only where houses had been built or land had been cultivated. The remainder, Company officials concluded, could be considered open for new settlement.\(^7\) Seemingly, the change from administering the fur trade to administering settlement had brought about a change in attitude towards Vancouver Island. Now, the formerly accommodating Company came to perceive Indians as obstacles to its colonization effort. Acting upon his new instructions, Douglas arranged fourteen agreements for the cession of title on Vancouver Island, mostly in clearly inhabited areas, between 1850 and 1854. While the precedent for this acknowledgement of Indian title was expressed in the Royal Proclamation of 1763, the Vancouver Island agreements were patterned after agreements that

\(^7\) Fisher, *Contact and Conflict*, p. 66.
had been signed with the Maori.  

The compensation paid to Indians came from the coffers of the colonial government, funded by the Hudson's Bay Company. Unwilling to sustain the cost of further treaty agreements, and facing the pressure of settlement and development occasioned by the Gold Rush and the formation of the colony of British Columbia in 1858, Douglas applied to the Colonial Office for a loan in 1861. He wanted financial backing to complete the alienation of Aboriginal title at least in the populated areas of Vancouver Island. The Colonial Office refused the loan arguing that the extinguishment of Indian title for the purpose of settlement was exclusively to the advantage of the colony. Therefore the colonists should bear the expense. This response reflected changes in the British attitude toward the settler colonies of the empire. That the Colonial Office was now reluctant to accept responsibility for Aboriginal title negotiations was merely one manifestation of growing British frugality toward the settler colonies in the latter half of the nineteenth century. The unwillingness of the Colonial Office to finance land acquisition did not reflect a waning belief in the validity of Aboriginal title, however. On the contrary, the colony was still expected to extinguish title somehow.

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8 Paul Tennant, in press, ch. 2, p. 4.

Douglas rejected the obvious alternative of treaty annuities because he knew that Indians strongly favoured a lump sum settlement. Thus, it seemed that he could not extend the system of treaty agreements. But, did Douglas really have no alternative? In the 1870's the Dominion of Canada, also pursuing the extinguishment of Indian title with an empty treasury, insisted upon annuity payments and other services to be provided in perpetuity. Furthermore, as Paul Tennant observes, Douglas "spent large sums, notably on roads to take miners into, and gold out of, the interior... The cost of treaties, especially in the first few years, would have been a pittance compared to the amounts he was raising and spending for other purposes." When Douglas left office, the bulk of British Columbia's territory remained unalienated and Indian land policy was an amalgam of arrangements of varying degrees of formality. He had concluded fourteen treaties with Indians on Vancouver Island, but with the beginning of the Gold Rush in the British Columbia interior in 1858, makeshift measures were applied. Where once reserves were established for Indians by treaty, the influx of settlers and miners in the 1860's meant that reserves were

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10 James Douglas, quoted in Tennant, in press, ch. 2, p. 3.

11 By procuring title through payment over time, Canada was able to rapidly extend settlement and development westward having 'satisfied' Indian claims and having secured their own claim against American competition for the Northwest Territories. Treaty annuities were paid out of trust funds created from the revenue of government land sales.

allotted without the formality of treaty. Sometimes the boundaries of these reserves were not surveyed. Robert Cail noted that:

Despite Douglas's directions and his own efforts, however, there was no codified system for the reservation of lands for the use and benefit of the various tribes at the time of his retirement. The rights of the Indians to hold lands were totally undefined...\footnote{Cail, p. 175.}

Tennant, on the other hand, proposes that Douglas deliberately declined to recognize Indian title in mainland British Columbia, encouraging instead the pre-emption of land by Indians on an equal basis with white settlers. In other words, Douglas did have a purposeful Indian policy, and cost may not have been the determining factor in the failure to make treaties on the mainland. The object of Douglas' policy was to foster assimilation on an equalitarian basis.\footnote{Tennant, in press, ch. 3, pp. 18-19.} Previously, historian David T. McNab contended that Douglas pragmatically applied both aspects of Colonial Office Indian policy: insulation on reserves where Indian-White contact was most frequent, and amalgamation through miscegenation and acculturation on the mainland.\footnote{David T. McNab, "Herman Merivale and Colonial Office Indian Policy in the Mid Nineteenth Century," from As Long as the Sun Shines and Water Flows, Ian A.L. Getty and A.S. Lussier, eds. (Vancouver: UBC P, 1983), p. 86.} The right of mainland Indians to pre-emption was not protected, however, and mainland reserve allotment went on under Douglas in
an unsystematic fashion which did not ascribe to a consistent acreage formula. With Indian land policy being implicit rather than codified, misinterpretation was inevitable. In the years following Douglas' retirement, his foundations for Indian land policy, debated to this day, were construed to the disadvantage of Indians.

The tendency among historians of British Columbia, such as Cail, LaViolette, and Fisher, has been to view Douglas as the friend of the Indian, who, insofar as permitted by external conditions, dealt fairly with Indians. Joseph Trutch, Douglas' successor, is commonly portrayed as the one who grossly misapplied Douglas' policy to the great detriment of Indians. He is regarded as a villain who distorted Douglas' 'generous' land policy, thereby condemning Indians to geographical (and subsequently, political, social and economic) marginalization.\(^\text{16}\)

As demonstrated above, this traditional interpretation is now being challenged. This is fortunate because this simplistic polarization of the two governors obscured more crucial questions. There is no doubt that Indian land policy was more generous under Douglas than under Trutch. But, was Douglas responsible for the scant compensation for ceded lands?\(^\text{17}\) He could have insisted on the payment of annuities and a continuing

\(\text{16}\) Cail, p. 173, 188-189; LaViolette, pp. 107-110; and Fisher, pp. 162-168.

\(\text{17}\) The Songhees, for example, received a lump sum payment for their lands which cost the Hudson's Bay Company approximately one hundred pounds. See, Fisher, Contact and Conflict, p. 67.
relationship between Indians and the colonial government. He did permit Indians to determine the size of their own reserves in the face of overwhelming settlement, but he did not insist that his instructions be carried out regularly. Rather, he allowed local magistrates and government surveyors to implement them as they saw fit.\(^{18}\) In the absence of a constitutional government he could not safeguard the programme of assimilation through pre-emption, which Tennant identifies as his policy priority. But, he did not even protect his policies when he might have, by committing to paper many reserve arrangements for which he was personally responsible. Surely he knew that his preference for verbal instructions would make his policy vulnerable to distortion at a later date.\(^{19}\) Finally, only once after he had retired did he write a clarification of his acreage policy. He did this at the request of the federal government.\(^{20}\) Otherwise he made no attempt to rectify Trutch's misconstructions. All of these actions, or failures to act, raise doubts about the widely-held view that Douglas was sincerely concerned about Indians' rights and their survival as a people.

Trutch assumed the part of the villain by harming Indians in the way that he applied land policy, but Douglas' silence aided Trutch, as did the increasing lassitude of the British Colonial

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\(^{18}\) Tennant, in press, ch. 3, p. 13.

\(^{19}\) Cail, pp. 176-177.

\(^{20}\) LaViolette, p. 105.
Office with respect to the domestic affairs of the colonies.\textsuperscript{21} Earlier, the Colonial Office had left Douglas responsible for the formation of British Columbia Indian policy because of its commitment to self-government in the white settler colonies and because of the colony's distance from the imperial centre.\textsuperscript{22} This imperial detachment continued into Trutch's term, enabling him to depart substantially from the imperial tradition of Aboriginal land policy. However, when finally criticized by the Colonial Office his response was to seek shelter in the imperial norms of treatment of Aboriginal people:

\begin{quote}
The Indians have, in fact, been held to be the special wards of the Crown, and in the exercise of this guardianship Government has, in all cases where it has been desirable for the interests of the Indians, set apart such portions of the Crown lands as were deemed proportionate to, and amply sufficient for, the requirements of each Tribe; and these Indian Reserves are held by Government, in trust, for the exclusive use and benefit of the Indians resident thereon.\textsuperscript{23}
\end{quote}

This statement was misleading. In fact, Trutch had started to deviate from previous policy by diminishing existing reserves, while following Douglas' lead in neglecting to establish a formal code for Indian policy.\textsuperscript{24} He also abruptly terminated the practice of allowing Indians to pre-empt land. The ways in which

\begin{itemize}
\item[\textsuperscript{21}]Writers of British Columbia history have yet to redeem Trutch from his unsavoury reputation; in the field of Indian history, at least, this may prove to be an impossible task.
\item[\textsuperscript{22}]McNab, pp. 98-99.
\item[\textsuperscript{23}]Quoted in Cail, p. 183.
\item[\textsuperscript{24}]Cail, p. 188.
\end{itemize}
Trutch sought to dispossess Indians of their land are manifold, but he primarily reformed policy through land survey.

As mentioned above, land survey had not been finished under Douglas; it had been impossible for surveyors to complete it before the advance of settlement. Given that the cost of extensive surveying was prohibitive, Douglas gave priority to the survey of Indian reserves and pre-emptions in the areas experiencing most rapid population growth. By the 1860's, the growth rate had increased so greatly that settlers were permitted to take up unsurveyed land and Indians claimed areas as reserve land often years before a formal survey was completed.\(^{25}\)

Trutch took advantage of this chaos to manipulate colonial practice for the allotment of Indian reserve land. Whereas Douglas' acreage policy had been flexible, and in one instance he had ordered that no single reserve should fall below one hundred acres,\(^{26}\) Trutch seized upon Douglas' 1864 statement, inconsistent with the record of his governorship, that the standard reserve size should not exceed ten acres per family.\(^{27}\) Trutch accused earlier surveyors of overgenerosity and of abusing their instructions. Cail cites the case of a surveyor named McColl who

\(^{25}\) Cail, p. 60.

\(^{26}\) Cail, p. 180.

\(^{27}\) Tennant, in press, ch. 3, pp. 13-14.

Douglas' statement, made near the end of his career, is clearly out of keeping with his practical policy record and with his other explicit statements. It does, however, serve to reinforce the haphazard tone of Douglas' Indian policy.
had set out reserves between New Westminster and Harrison River according to Douglas' verbal instructions, only to be reproached by Douglas' successor.\(^{28}\) In this case, as in others,\(^ {29}\) Trutch declared that the surveyor had exceeded his orders. The reserves that Trutch's colonial government thought were larger than the Indians could ever make 'productive' were reduced through resurvey. When taking this action Trutch obtained the concurrence of the colonial secretary, William A.G. Young, indicating again that the Colonial Office sought to avoid playing arbiter in any disputes over Aboriginal title in the colony.\(^ {30}\)

By the time British Columbia entered Confederation in 1871, its Indian land policy had taken a much different course from that of the Dominion government. Continuing to build upon the imperial precedent set out in the Proclamation of 1763, Canada negotiated a series of treaties that recognized and extinguished Aboriginal title. At the time of union with British Columbia, the Canadian government was preparing to extend its treaty network systematically across the Northwest Territories. These treaties had their flaws, and Indian signatories often endured hardship because treaty promises went unfulfilled. Nevertheless, the reserve sizes negotiated in the numbered treaties of Canada with Indians were frequently as high as six hundred and forty

\(^{28}\) Cail, pp. 179-180.  
\(^{29}\) Cail, p. 181.  
\(^{30}\) Cail, pp. 181-182.
acres per family, and nowhere were treaty reserve allotments ever less than eighty acres per family. Furthermore, the federal government supplemented the provision of reserves with annuities for treaty Indians, and promises of health care, education, and aid in economic transition. These provisions were far more liberal than those of colonial British Columbia.

The drastic imbalance in the treatment of Indians between British Columbia and Canada apparently escaped the notice of negotiators at the time of union. Cail suggests that while the delegates from British Columbia (Trutch, J.S. Helmcken, James Carrall) must have been well-rehearsed in Dominion Indian policy, their counterparts representing Canada may have been much less well-informed about the colony's arrangements. Fisher and Tennant agree with this interpretation, citing the dismayed response of Dominion representatives upon learning the details of British Columbia Indian policy after the union had been completed. Further, Cail and Fisher attribute authorship of the post-union Indian policy of the federal government, as it pertained to British Columbia, to Joseph Trutch. Because he was then directing British Columbia Indian affairs, it is not surprising that the policy outlined in the Terms of Union bore a striking similarity to Trutch's 1870 Memorandum on British

31 Cail, pp. 185-186.

32 Fisher, Contact and Conflict, pp. 176-177; Tennant, conversation, March 29, 1990.
Columbia's Indian policy.\textsuperscript{33} The thirteenth article of the Terms of Union, by which the federal government replaced the province as administrator of Indian Affairs, 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 the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time 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.\textsuperscript{34}

Given the familiarity of the British Columbia delegates with both their own Indian policy and that of the Dominion, the above statement must have been intended to mislead the federal government. Certainly the irony of the words, "a policy as liberal as that hitherto pursued by the British Columbia Government" cannot have been lost on Trutch, who had consistently acted to make the policy of the colony of British Columbia as niggardly as possible. In the circumstances, Fisher's explanation becomes compelling; he proposes that through duplicity Trutch sought to assure his continued control over Indian policy, particularly with respect to land, following union.

\begin{footnotes}
\item[33] Cail, p. 187; Fisher, Contact and Conflict, p. 177.
\item[34] Quoted in Fisher, Contact and Conflict, pp. 176-177.
\end{footnotes}
with Canada.\textsuperscript{35}

Of course, Trutch's hope that Indian land policy in British Columbia could remain a secret between himself and Indians was not realistic. By the end of 1871 the federal government had obtained information regarding the extent of surveyed Indian reserves in British Columbia, which amounted to less than one acre per Indian, and federal officials now were aware that Indian title had been neither recognized nor extinguished in the province. Subsequently, the federal government appointed I.W. Powell to be superintendent of Indian Affairs for British Columbia, much to the consternation of Trutch who had hoped to gain control of Indian Affairs himself "for some time to come at least."\textsuperscript{36}

Relations between Powell and the provincial authorities were not cordial and delays in the transfer of information and documents to Powell were so commonplace as to suggest obstruction of the new superintendent.\textsuperscript{37} When in 1873 a Dominion Order in Council suggested that the amount of land granted to each Indian family be raised to eighty acres, Trutch's government reacted with what it considered to be great generosity by compromising at twenty acres - a full ten in excess of what was implicitly required under the Terms of Union! Having no recourse, Powell

\textsuperscript{36} Quoted in Cail, pp. 190-191.
\textsuperscript{37} Cail, p. 194.
temporarily had to satisfy himself and the Dominion with this concession.  

38 The implementation of the new twenty acre policy was not without incident, though. The province balked at adjusting existing reserves to match the new specifications, and the resulting conflict with the Dominion together with the unresolved issue of land title culminated in the Joint Allotment Commission.

The Joint Allotment Commission was born early in 1876. It was charged with reaching a conclusive settlement of the Indian Land Question in British Columbia. To this end, the three commissioners confirmed and extended existing reserves and apportioned new ones. They performed an arbitrating role where the claims of settlers and Indians clashed, but did not attempt to revise boundaries where settlers held legally recognized title to the land. In the course of their duties, the commissioners also took a census. For the first time reserve allotment decisions were made on the basis of a realistic assessment of Indian populations.  

39 The findings of the commission on Vancouver Island tended to be sympathetic to Indians and critical of their past treatment. This reflected the influence of Commissioner Gilbert Sproat, who blamed the makeshift nature of British Columbian Indian policy for past injustices. He wrote: "great evils have been caused in

38 Cail, p. 195.

39 Fisher, Contact and Conflict, p. 190.
the past by loose and curtailed records of many transactions of
the government with Indians." 40 Despite his strong sense of the
need for a formal and codified Indian policy, Sproat regretted
the loss of Douglas for his supposedly generous dealings with
Indians. 41

The provincial government viewed suspiciously the direction
taken by the commission. By early 1877 British Columbia was
pressing for its replacement and suggesting that reserve
distribution become the responsibility of the Indian
superintendents. Final approval of reserves should be the
prerogative of the provincial chief commissioner of lands and
works. However, the threat of Indian uprisings in the interior
suddenly overcame the resistance of the province to the
commission. At the request of the provincial government, the
commissioners began their work in the interior in the summer of
1877. The depth of Indian dissatisfaction which the commission
encountered led Sproat to conclude that "any outbreak that
occurred would be the logical outcome of provincial policies." 42
The Dominion Minister of the Interior concurred in this opinion
and further predicted that if conflict resulted "the people of
Canada generally would not sustain a policy towards the Indians
of [British Columbia] which is, in my opinion, not only unwise

40 Quoted in Fisher, Contact and Conflict, p. 189.
41 Fisher, Contact and Conflict, p. 189.
42 Fisher, Contact and Conflict, p. 192.
and unjust, but also illegal."\(^{43}\)

The reserve commissioners managed to avert violence in the interior of British Columbia, but their efforts towards reserve allotment continued to be obstructed by the province. The provincial government exerted pressure upon Sproat, who had become the sole commissioner in 1878. In 1880, this opposition led him to resign. Peter O'Reilly succeeded him; he was Trutch's brother-in-law and he already had a history of unhappy relations with Indians as a colonial magistrate.\(^{44}\) This appointment resulted in a shift of the reserve apportionment policy of the commission so that it once again reflected the interests of settlers over those of Indians. In this way the Joint Allotment Commission ceased to be a body which was sympathetic to Dominion policy and Indian concerns; it became a hand-picked position which mirrored provincial government policy objectives. The British Columbia Department of Lands and Works did not approve one reserve proposed by the commission under Sproat. Furthermore, after Sproat's resignation the process of consultation with Indians regarding the allotment of new reserves ended.\(^{45}\)

Under O'Reilly and his successor, A.W. Vowell, reserve allotment proceeded in a deceptively smooth fashion until 1908.

\(^{43}\) Quoted in Fisher, *Contact and Conflict*, pp. 192-193.

\(^{44}\) Fisher, *Contact and Conflict*, pp.198-199.

\(^{45}\) Fisher, *Contact and Conflict*, pp. 200-201.
In that year, however, a number of problems related to Indian lands in British Columbia resurfaced. The province announced that no further reserves would be distributed until agreement had been reached with the Dominion on outstanding concerns regarding Indian reserves. British Columbia was specifically concerned about its 'reversionary interest' in what it considered to be disused Indian reserves. In addition, voices within the provincial government were advocating further reductions in reserve size. Concurrently, a third issue reappeared: Indians, who had spent the last years of the nineteenth century organizing a fledgling political movement to negotiate with the British government, entered the twentieth century with a renewed determination to address the question of Aboriginal title.

Clearly, the first sixty years of Indian land policy in British Columbia was characterized by makeshift policy implementation and a determination to avoid commitment to codification. Under Douglas such haphazardness may have been a function of either a distaste for formal record-keeping, or of the external factors which limited the extent to which Douglas could implement a consistent policy. Clarence Karr's characterization of Douglas as a "meticulous administrator" makes the first suggestion difficult to accept, whereas Tennant's

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47 Karr, p.52.
revisionist interpretation of Douglas' policy renders the second explanation attractive. None of Douglas' successors as governor or premier shared his perception of the importance of equitable relations with Indians. Rather, they exploited the apparent disorganization of colonial Indian land policy, the growing disinterest of the British Colonial Office, and the ignorance of the Dominion of Canada regarding the local situation in order to depart from the imperial precedent of recognizing Aboriginal rights. The 'discovery' of British Columbia's departure from imperial precedents following union with Canada marked the beginning of a struggle between the two governments over the direction of Indian policy. The impact of the Joint Allotment Commission of the late 1870's was ephemeral, and British Columbia imposed its miserly policy through the position of reserve commissioner in 1880.

Problems that had been suppressed rather than solved re-emerged early in the next century. The application of British Columbia's Indian policy may have appeared chaotic, yet there was a consistent objective: the denial of Indian land claims. After Douglas, this goal was pursued by withholding recognition of Aboriginal rights, and consistently giving Indians as little as possible in the way of reserve land. British Columbia's persistence in this course provoked the federal government to propose another joint commission to finally resolve outstanding issues between the Dominion and province regarding British Columbia's Indian Land Question. The response of Indians was to
begin a long period of striving for political unity and recognition.
The Work of the McKenna-McBride Commission

The appointment in 1912 of another joint commission to resolve the British Columbia Indian Land Question required optimism on behalf of both the province and the federal government. By 1912, the differences which the two governments sought to reconcile were long entrenched and had defeated the efforts of the Sproat Commission of the 1870's. That any compromises were expected in the seemingly intractable situation may be a tribute to the negotiating skill of Dr. J.A.J. McKenna. McKenna believed in the Dominion Indian policy of assimilation,\(^1\) but he also adhered to the traditional imperative of land title extinguishment. In his early discussions with Premier Richard McBride it did not take long to remove the question of Aboriginal title, in Robert Cail's words, "from the realm of practical politics."\(^2\) This left the issues of reversionary interest and reserve size to be negotiated. Thus, to attempt the uniformity of policy desired by the federal government, McKenna chose to emphasize those changes which British Columbia appeared to be more willing to consider.


\(^2\) Cail, p. 233.
McKenna's efforts first yielded the McKenna-McBride Agreement of September 24, 1912. Ostensibly, this agreement was supposed to provide for the "final adjustment of all matters relating to Indian Affairs in the Province of British Columbia."

Pursuant to this statement of intent, McKenna and Premier McBride agreed upon a list of conditions and concerns which would ideally address the priorities of each government:

1. A Commission shall be appointed as follows: Two Commissioners shall be named by the Dominion and two by the Province. The four Commissioners so named shall select a fifth Commissioner, 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 of that tribe or locality, 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 of that locality, 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 above 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 the Dominion in equal proportions.

7. The lands comprised in the Reserves as finally fixed by the Commissioners aforesaid shall be conveyed by the Province to the Dominion to deal with the said lands in such manner as they may deem best suited for the purposes of the Indians, including a right to sell the said 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 in British Columbia at some future time 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 hereinafter mentioned, or any unexpended funds being the proceeds of any Indian Reserve in the Province of British Columbia, 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 of 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 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 the recommendations of the Commissioners into effect. 3

This agreement was doomed from the outset. As demonstrated in the previous chapter, the stance of the province rendered the

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question of Aboriginal title unapproachable. The consequent omission in the agreement of any provisions to deal with Indian title guaranteed that the findings of the commission could not be the final word on Indian lands in British Columbia. Furthermore, the stipulation of the Indian Act that Indian consent must be obtained for the alienation of reserve lands proved to have no force. The operative parts of the agreement were the modification of the provincial reversionary interest in reserve lands, reserve allotment, and the reserve reduction function of the commissioners.

The members appointed to the McKenna-McBride Commission were McKenna and Saumarez Carmichael representing the Dominion, J.P. Shaw, the Shuswap MLA, and D.H. MacDowell of Victoria, for the province, and N.W. White of Nova Scotia as chair. White replaced the original chairman, E.L. Wetmore, who resigned due to failing health in April 1914. Before becoming chairman, White had been a commissioner appointed by the Dominion. The commissioners quickly discerned that despite the all-inclusive declaration of the Agreement they lacked the necessary authority to deal with Indian land questions in a conclusive way. They also foresaw that in their interviews with Indians they would inevitably receive complaints and petitions on matters beyond their jurisdiction. In response to such "matters extraneous to the Agreement," the commissioners proposed that "for the satisfactory settlement of the whole British Columbia Indian question it would be well to hear such representations as might be made therein,
reporting the same with an expression of the opinions formed by
the Commissioners consequent upon such representations and their
visitations of Indian Reserves."\(^4\)

Accordingly, the commissioners resolved on May 20, 1913 to
report to the province and the Dominion, including policy
suggestions, on any "extraneous" matters. This resolution was
affirmed by Privy Order in Council No. 1401 on June 10, 1913.
Acknowledging that the Commission might "obtain valuable
information as to Indian conditions and progress," the Order
determined that "the Commission be restricted in action to the
terms of the agreement but that the Commission be informed that
this government would be prepared to receive a general report on
the conditions of the Indians with suggestions as to the future
policy and administration of Indian Affairs in the Province of
British Columbia."\(^5\)

On June 30, 1916 the commissioners submitted a Confidential
Report according to the above guidelines and based on their
experiences in interviewing the various British Columbia Indian
bands. This report, advocating a "more progressive Indian policy
in British Columbia," in effect recommended policies of the sort

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The decision in favour of a report on "matters extraneous"
seems incongruous when considered together with the Agreement's
purported aim of a "final adjustment of all matters relating to
Indian Affairs in the Province of British Columbia."

\(^5\) *Confidential Report*, p. 3. Emphasis added.
that Canada had adopted to encourage gradual assimilation of Indians. Such recommendations included decreasing agency size, providing farming instructors and horticultural instruction, allowing Indians to hold land in severalty, utilizing 'waste' reserve land without alienating it, and providing medical services. In theory, these measures "would gradually lead fit Indians to full citizenship, which should be the goal of an enlightened Indian policy."\(^7\)

Having addressed the intricate questions related to the direction of Indian policy, the Confidential Report of the commissioners proceeded to discuss the relationship of Indians to resource management policies. Accordingly, Indian rights regarding timber, agriculture, fisheries, hunting, trapping, surveys, and water rights received attention. The resulting conclusions, while considerably more generous than previous British Columbia policies, merely affirmed the notion of Aboriginal usufructuary rights. Indians could claim the right to the use of land for traditional subsistence purposes, but they were not recognized as owners of land or of its various resources. This is clear from the statement of the report regarding timber harvest on reserve lands: "The reversionary interest of the Province in the Reserves, of course, stood in the

\(^6\) A decrease in agency sizes would reduce the workload of the Indian agents, and would ideally decentralize and diffuse Indian opposition to unpopular policies.

\(^7\) Confidential Report, p. 6.
way; but that being removed the way is clear for a policy providing for the cutting and selling of timber..."\textsuperscript{8} Similar comments appear with reference to fisheries\textsuperscript{9} and trapping.\textsuperscript{10} The intent of the commission cannot be mistaken; Indian access to natural resources on reserves should be protected, but the administration and ownership of resources should be retained between the two governments.

The recommendations of the Confidential Report were generally presented as if unanimously accepted by the commissioners. At least once, however, this report revealed federal-provincial rifts. A disagreement arose among the commissioners regarding Indian administration:

Certain Commissioners hold that the administration of Indian Affairs in British Columbia would be facilitated and improved if the Agents dealt with the Department at Ottawa through a local executive who would have such powers as would enable him to act on matters of routine and emergency without reference to Ottawa. Others are not prepared to concur in that view, and also hold that the question does not come within the scope of the Commission's instructions.\textsuperscript{11}

This proposal is reminiscent of Joseph Trutch's post-union bid to secure the administration of Indian Affairs within his own office. As we have seen, since 1871 the Dominion had struggled to wrest control of Indian policy from the province. On the

\textsuperscript{8} Confidential Report, p. 8.

\textsuperscript{9} Confidential Report, pp. 15-18.

\textsuperscript{10} Confidential Report, p. 24.

\textsuperscript{11} Confidential Report, p. 8.
basis of past federal-provincial relations regarding Indian affairs, it was unlikely that the Dominion commissioners would find the above suggestion appealing, or be deceived by the words "facilitated and improved." Unable to break the deadlock, the commissioners were forced to include the difference in their report.\(^\text{12}\)

The commission made several suggestions on the subject of land survey. Without overtly criticizing the manner in which previous surveys had been carried out, they proposed that a resurvey of reserves be made where the boundaries had become obscured. They noted that indistinct boundaries were a source of tension between Indians and white settlers, but were careful not to imply intrigue on the part of anyone in the manipulation of boundary markers. Further, acknowledging that the locations of newly allotted reserves were usually only approximate, the commission recommended that "they should be definitely located and surveyed as soon as possible after... adoption, so that without evitable delay, they may be conveyed to the Dominion."\(^\text{13}\)

The phrasing of this recommendation may well intend a subtle reference to past "evitable delays" on the part of British Columbia in transferring Indian reserve lands to the Dominion.

\(^{12}\) It is interesting to note that in contemporary court proceedings, British Columbia happily attributes responsibility for Indian Affairs after 1871 entirely to the federal government.

\(^{13}\) Confidential Report, p. 13.
To facilitate the rapid survey of reserves, the commission suggested both that Ashdowne H. Green, regularly consulted by the McKenna-McBride Commission, be appointed as head of an Indian survey office at Victoria, and that Mr. Green's considerable knowledge regarding past British Columbia survey practices be recorded for the use of the Department of Indian Affairs. Such detailed recommendations for the improvement of land surveys indicate the dissatisfaction of the commission with past methods of marking, allotting, recording, and transferring Indian reserves. This is not surprising; a great part of the commission's task consisted of untangling previous formal and informal reserve arrangements which had been recorded with varying diligence.

The final report of the McKenna-McBride Commission was long-awaited. Correspondence between the commissioners and Duncan Campbell Scott, Deputy Superintendent of the Department of Indian Affairs, indicates that the work of the commission was expected to conclude long before 1916.14 When the commission finally submitted its report to the two governments, it was held in confidence while the provincial and Dominion governments spent several years reviewing it. The obstacles to acceptance were perceived, for the most part, by British Columbia, which conceded the limitation of its prior reversionary interest in Indian


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reserves, but balked at the quantity of new reserve allotments and objected to the requirement for Indian consent before cut-off reserve lands could be alienated.

One might expect, from the unhappy response of the province, that British Columbia would not gain from the Royal Commission's report. A cursory glance at the figures would suggest that the province was making large sacrifices to the 'final settlement' of the Indian land question. But, in fact, the smaller portion of lands removed from reserves was of much greater value than the larger, relatively useless, tracts that were allotted as new reserves. Under the McKenna-McBride report, the province would sustain a net loss of territory to Department of Indian Affairs management, but would gain from the greater revenue to be had from the sale of the better quality cut-off lands [tables 3.1 to 3.4].

The material advantage to the province of the McKenna-McBride recommendations is obvious; yet, for British Columbia it was not enough. Although the provincial government passed legislation in 1919 to facilitate the acceptance of the commission's report, this legislation also provided for "further negotiations and... further agreements... as may be found necessary for a full and final adjustment of the differences between the said Governments."15 British Columbia, dissatisfied

Table 3.1

Indian Reserves in British Columbia - 1916

<table>
<thead>
<tr>
<th>Agency</th>
<th>Acreage Confirmed</th>
<th>Acreage Cut-off</th>
<th>New Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Babine</td>
<td>30,054.21</td>
<td>19.59</td>
<td>5,734.93</td>
</tr>
<tr>
<td>Bella Coola</td>
<td>18,592.93</td>
<td>4,075.00</td>
<td>7,050.60</td>
</tr>
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<td>Cowichan</td>
<td>19,362.55</td>
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<td>New Westminster</td>
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<td>1,168.45</td>
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<tr>
<td>Okanagan</td>
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<td>18,536.80</td>
<td>2,600.00</td>
</tr>
<tr>
<td>Queen Charlottes</td>
<td>3,484.50</td>
<td>-</td>
<td>360.10</td>
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<tr>
<td>Stikine</td>
<td>415.00</td>
<td>-</td>
<td>9,638.00</td>
</tr>
<tr>
<td>Stuart Lake</td>
<td>21,638.94</td>
<td>409.00</td>
<td>14,892.20</td>
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<tr>
<td>West Coast</td>
<td>11,543.10</td>
<td>840.00</td>
<td>661.95</td>
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<td>Williams Lake</td>
<td>60,940.77</td>
<td>1,490.00</td>
<td>12,167.00</td>
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</table>

666,640.25  47,058.49  87,291.17

These figures, compiled by the commission, represent the recommendations of the 1916 Royal Commission Report.
### Table 3.2

**Total Values - 1916 (Report of Royal Commission)**

<table>
<thead>
<tr>
<th>Total Value of Cut-offs</th>
<th>Total Value of Additions</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,247,912.72 - $1,522,704.72</td>
<td>$444,838.80</td>
</tr>
</tbody>
</table>

### Table 3.3

**Average Value of Land per Acre - 1918**

<table>
<thead>
<tr>
<th>Reserve Land Cut-off</th>
<th>Reserve Land Added</th>
</tr>
</thead>
<tbody>
<tr>
<td>$26.50 - $32.36/acre</td>
<td>$5.10/acre</td>
</tr>
</tbody>
</table>

### Table 3.4

**Total Values - 1918 (based on 3.1 and 3.3)**

<table>
<thead>
<tr>
<th>Total Value of Cut-offs</th>
<th>Total Value of Additions</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,247,049.99 - $1,522,812.74</td>
<td>$445,184.97</td>
</tr>
</tbody>
</table>

---

17 Report of the Royal Commission..., v. 1, p. 177.

18 The estimates in tables 3.1 to 3.4 were compiled by the Royal Commission on the basis of the valuations of Indian agents and/or contemporary Crown land prices. See: Report of the Royal Commission on Indian Affairs..., v. 1, p. 177.

with the findings of the 1916 Report, resorted to this last provision of the statute until 1924 when the report was adopted only after the federal government had agreed to substantial amendments.

The final report of the commission was organized according to agency. Following a general report, interim reports, and a description of the value and acreage of British Columbia Indian reserves, each agency was treated in a detailed report. Maps were included to indicate new, confirmed, and cut-off reserve lands. Improvements, residency, access, quality of land, and per capita acreage appeared listed in tables accompanying the detailed reports. The economic life of the Indians in the agency, and the potential for resource development appeared among the commissioners' observations. Further, the commission noted populations and demographic trends, the degree of "progressiveness" among the various bands, their medical and educational facilities, and their attitudes toward education.

The commissioners distilled the above information from their own impressions, from the opinions of the agents, and from the evidence advanced by the various bands. Presumably on these bases, the commissioners decided on the reduction, creation, or confirmation of reserves. They listed the changes or confirmations for each agency by reserve, along with those lands applied for by Indian bands, and the reasons for the approval or refusal of the requests. Concerns specific to each reserve (eg. fishing rights, water rights) appear under separate headings.
within the detailed reports.

The treatment of the Bella Coola and Okanagan agencies by the McKenna-McBride Commission reveals something of its decision-making patterns. In the Bella Coola Agency, visited between August 16 and September 5, 1913, the commissioners confirmed 18,592.93 reserve acres, cut off 4,075 acres, and added 7,050.6 acres. In this case, they reported that most of the cut-offs were made at the request of the interior Indians of the agency, who found the reserves set out by the reserve commissioner in 1901 inappropriate for agriculture. The commission also interviewed the Bella Coola Indian agent, Iver Fougner, "at considerable length and on several occasions" regarding local Indian conditions and land requirements.20 Because agriculture had come to replace subsistence hunting and trapping in the interior of this agency, the commissioners allotted reserves which they considered would be more conducive to farming and stock-raising.21 A reduction of ten acres resulted when the commission discovered the Kitisa reserve to have been Crown-Granted22 prior to its allotment in 1901. Oddly, both the lands cut-off and the lands added were valued at an average of $5.00


22 The term "Crown-Granted" was used broadly by the Royal Commission in its report to describe land which may not have been alienated, but to which the Crown had granted access for the purposes of timber harvest, mineral extraction, etc.
per acre.  

The Royal Commission reviewed the case of the Okanagan Agency between October 2 and 14, 1913, interviewing the agent in November. Of the 44 reserves listed in the 1913 Schedule, the commissioners confirmed 34 in whole or in part. They removed nine entirely as "not necessary to the Indians." Canadian Northern Pacific and Kettle Valley Railway rights-of-way required deductions from reserves totalling 255.59 acres, and public road rights-of-way removed a further 16.22 acres. Okanagan Indian bands made ten applications for additional reserves; the commission approved only one of these. The commissioners refused some applications because the land requested had been alienated, Crown-Granted, or was "not reasonably required." Still others were "not entertained" for unspecified reasons. The end result for the Okanagan Agency was 18,536.8 acres cut-off, and 2,600 acres added in the form of a new reserve, in response to only one of the bands' applications. The commission included a statement on water rights with the detailed report on the Okanagan Agency, affirming the rights of access of several reserves.

In both Bella Coola and the Okanagan, the Indian agent was

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26 This reserve was subsequently disallowed by Ditchburn and Clark and replaced with another of larger size.
the principal consultant regarding local conditions, requirements, and land values. In both cases, if a conflict arose between confirmation or allotment of an Indian reserve and a right-of-way, pre-emption, or Crown Grant, the Indian claim failed. The commissioners unilaterally defined the terms "necessary" and "reasonable" with respect to Indian land requirements. There is some inconsistency between these two detailed reports, and in others, in the recording of the reasoning behind decisions. For instance, in Bella Coola, the cut-off lands are explained to the last acre in terms of the utility of land and Crown Grants. In the Okanagan case, both cut-offs and refusals of additional land requests are sometimes explained with an enigmatic "not necessary" or "not entertained." 27

The characteristics of decision-making evident in the examples of the Okanagan and Bella Coola Agencies also appear in treatments of the other British Columbia agencies visited by the commission. The Indian agent was the accepted local consulting authority; the commissioners often devoted days to interviewing the agent to determine "necessary" and "reasonable" allotments. 28

In other agencies the commissioners were also inconsistent in


28 The record is not always clear, but in at least two agencies (Babine and Stuart Lake), and probably more, the agent was interviewed at greater length than were the Indian representatives. The ramifications of the agents' position as consultants as opposed to those of Indian representatives will be explored in the next chapter.
recording the reasons behind their decisions. In the Babine Agency, the applications "not entertained" were nearly always explained. In the Cowichan, Kamloops, and many other examples, applications were frequently denied for unstated reasons. Aboriginal title, never recognized by British Columbia, was further denied by the commission's recognition of government disposal of lands as more binding than Indian claims, which were recognized only on a usufructuary basis.\textsuperscript{29}

Because the work of the commission was drawn out over nearly four years, land-related questions requiring the immediate attention of the commission forced members to make rapid recommendations in the interim. They dealt with such situations through a series of Interim Reports which had been provided for under the McKenna-McBride Agreement. The Interim Reports most often removed lands from Indian reserves for the purposes of public works or railroad rights-of-way. Their recommendations were usually approved through Dominion or provincial Orders in Council.

Although interim reports were supposed to be used chiefly to expedite routine decisions, Reuben Ware, in \textit{The Lands We Lost} (1974), suggests that the Interim Report system was flawed, and

\textsuperscript{29} Usufruct is the legal right to use and enjoy the profits of something that belongs to someone else. British Columbia has found this a particularly useful concept; it has allowed the province to acknowledge certain Aboriginal land-use rights without having to recognize Aboriginal land title.
susceptible to abuse.\textsuperscript{30} Not only did the reports occasionally remain unapproved by Order in Council, and thus not legally ratified, but they were also employed to ends which were sometimes inequitable. For example, the larger question of compensation for lands removed by interim report is raised neither in the Orders in Council, nor in the reports. It is not readily apparent to whom, if anyone, compensation was paid in these cases.\textsuperscript{31} The Interim Report alternative allowed for ambiguity and abuse that might have been avoided by strict application of other commission procedures (confirmation, reduction, review of Additional Lands Applications).

Further injustices resulted when lands removed by interim report were not used for the avowed purpose. For instance, under Interim Report No. 17, the Maclure Tramway of the Victoria, Vancouver and Eastern Railway & Navigation Company claimed a 32.6 acre right-of-way from the Upper Sumas reserve in the New Westminster agency. When the line was abandoned in the 1940's, the land was subdivided and sold, apparently without compensation to the band.\textsuperscript{32} On the Okanagan No. 1 reserve, more acreage was appropriated for a Canadian Northern Pacific Railway right-of-way

\footnotesize{\textsuperscript{30} Ware, p. 28.}

\footnotesize{\textsuperscript{31} Ware, p. 26. Ware asks whether compensation recommended by the commission would even have been adequate; land valuations by the commission tended to be below the market value.}

\footnotesize{\textsuperscript{32} Ware, p. 28; \textit{Report of the Royal Commission...}, v. 1, p. 40 and v. 3, p. 658.}
than was approved by Interim Report No. 22. Ware alleges numerous discrepancies between the Interim Reports and the realities which they pretended to describe. Without the Interim Reports, however, numerous public works and private undertakings would have been stalled for the duration of the Royal Commission's work.

Were the apparent inequities of the Interim Reports intentional? In the absence of evidence that such injustices were the result of malice or self-interest on the part of the commission, one might assume that errors detrimental to Indians arose from carelessness and haste. In the documents of the McKenna-McBride Commission there are certainly ample instances of carelessness, some of which may be attributed to a desire to finish a task which had become larger and more time-consuming than expected. The difficult question of jurisdiction in railway belt reserves, for instance, was never resolved by the commissioners. Further, when Indian reserves were finally conveyed to the Dominion by provincial Order in Council No. 1036 on July 29, 1938, some right-of-way acreage had been deducted, and some had not, so that the schedule of reserve lands submitted to the Dominion was inaccurate. The net effect was to artificially inflate reserve acreage. For example, the Schuswap reserve was recorded as containing 2,759 acres, despite a 22.75

\[33\] Ware, pp. 28-29.

\[34\] Ware, p. 29-30.
deduction for the Kootenay Central Railway under Interim Report No. 28. In total, ninety-eight Interim Reports were made. These resulted in deductions from reserves for railways, public roads, experimental farms, customs houses and lighthouses, and other public purposes. In addition to the cut-offs recommended by the final report of the commission, totalling 47,058.49 acres, the deductions by Interim Reports amounted to more than 6,219 acres.

The completion of the Royal Commission Report in 1916 did not produce harmony and understanding between the province and the Dominion. British Columbia objected to the necessity of obtaining Indian consent before cut-off lands could be alienated, and to the amount of new reserve land that had been recommended by the commission. The province had agreed in 1912 to limit its reversionary interest in reserve lands, and was unwilling to accept the recommendations of the report without assuring that it would reap the profits cut-off lands. The "consent" provisions of the Indian Act and the McKenna-McBride Agreement jeopardized the potential profit of the province.

In 1919, the two governments began intensive negotiations toward the adoption of the 1916 Report. The main actors in these discussions were Arthur Meighen, then Minister of the Interior, Duncan Campbell Scott, W.E. Ditchburn, Chief Inspector of Indian Affairs at Victoria, and T.D. Pattullo, then British Columbia

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35 Ware, p. 27.
Minister of Lands. Pattullo initiated the line of discussion which led to the appointments of Ditchburn and Clark to review the Royal Commission Report. Writing to Meighen, he requested clarification regarding whether or not Indian consent was truly required for the sale of reserve lands: "It has been suggested that an understanding was arrived at between the two governments that the consent of the Indians would not be required [sic]."  

Pattullo clearly favoured such an understanding. Meighen replied that "as the law stands" Indian consent was indeed required, and that he knew of no such agreement.  

But, this did not mean that Meighen was averse to such an agreement; by January, 1920 he and Scott had agreed between themselves that the cut-offs should be facilitated where necessary by legislation that would override the requirement of the Indian Act. In 1923, Scott ventured to express this opinion to Ditchburn.  

The correspondence between Pattullo and Meighen was strained. In November, 1919, miffed at his failure to obtain an interview with the federal minister, Pattullo withdrew his

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36 Pattullo to Meighen, December 17, 1918, Black Series, RG 10, v. 3820, file 59,335-3. 


proposals for negotiation regarding the report.\textsuperscript{40} Shortly following this display of temper, Meighen received a report from Ditchburn via Scott:

The Minister of Lands [Pattullo] has written letters to the various members of the legislature asking their opinions as to how their constituencies will be affected in the event of the report being adopted. Accompanying the letter... is a map on which it is shown the new reserves, the reserves which have been confirmed and also the cutoffs. It is apparent that the Government is looking at this matter more from its political aspect than that of carrying out a duty laid down by the thirteenth article of the Terms of Union.\textsuperscript{41}

Scott added to this relation of Ditchburn's account his own conviction that the report had been confidential. He had attempted to repair Pattullo's indiscretion by sending copies of the report to British Columbia Indian agents and inspectors. Considerably provoked, the Minister of the Interior upbraided Pattullo:

the withdrawal of these proposals, is not with me a very serious matter, as the position you took certainly was impossible of consideration by this Department... No one... has ever known where the Government of British Columbia stood with regard to the whole subject, or any phase of the subject, nor in view of the withdrawal of your memorandum... does there seem to be any way in which the position of your government is to be ascertained, until at least you choose to put it - and leave it - in definite understandable form.\textsuperscript{42}

Several months of tense correspondence intervened before the

\textsuperscript{40} Pattullo to Meighen, November 26, 1990, Black Series, RG 10, v. 3820, file 59,335-3.

\textsuperscript{41} Scott to Meighen, November 28, 1919, Black Series, RG 10, v. 3820, file 59,335-3.

\textsuperscript{42} Meighen to Pattullo, December 1, 1919, Black Series, RG 10, v. 3820, file 59,335-3.
two ministers agreed upon the appointment of two officers to finally review the report. Scott recommended British Columbia's Chief Inspector W.E. Ditchburn as the Dominion representative. He further suggested that anthropologist James Teit assist Ditchburn by representing Indian views, a task which Teit was willing to accept with the acknowledgement of the British Columbia Indian chiefs. After his death, a committee from the Allied Indian Tribes of British Columbia represented Indians in the negotiations. British Columbia chose Major J.W. Clark, Superintendent of British Columbia Soldier Settlement, as the provincial representative.

Ditchburn's sympathy for Dominion Indian policy is evident in his history of close cooperation with Scott. Clark made his own inclinations clear in his April 1, 1920 Memorandum to Pattullo regarding the 1916 Report. In this document, he expressed doubt that the commission had correctly applied the per capita acreage formula to reserve allotment, complaining that the reserve additions were an impediment to settlement and of no practical use to Indians. Together, these two officers were supposed to make the Royal Commission Report acceptable to both governments.

43 Scott to Lougheed, October 1, 1920, Black Series, RG 10, v. 3820, file 59,335-3.

44 Memorandum to the Hon. Minister of Lands re: the report of the Royal Commission on Indian Affairs in British Columbia, from Major J.W. Clark, April 1, 1920, Black Series, RG 10, v. 3820, file 59,335-3.
Ditchburn and Clark reassessed the work of the Royal Commission from 1920 to 1924. The outcome of their reserve by reserve examination was a set of amendments to the 1916 Report. The McKenna-McBride Commission had confirmed and allotted a total of 753,931.42 acres in Indian reserve lands. The changes made by Ditchburn and Clark reduced this total by approximately 10,000 acres, and, according to Scott, they reduced reserve acreage to approximately 715,000 acres.\footnote{Memorandum re: British Columbia Indian Reserve Settlements, by Duncan Campbell Scott, July 31, 1924, Black Series, RG 10, v. 3820, file 59,335-3. Scott's estimate is approximately 29,000 acres lower than the total of Ditchburn and Clark's confirmations and additions. This unexplained difference may represent an allowance for right-of-way deductions or survey variations.}

The changes affected most agencies, notably excepting the Fraser Valley East, Bella Coola, and West Coast Agencies [Tables 3.1 and 3.5].

The problems which had always plagued relations between the two governments on the subject of Indian Affairs did not disappear as a result of the further consultation between Ditchburn and Clark. In fact, tension between these two representatives was more obvious than it had been among the members of the McKenna-McBride Commission. Whereas the commissioners reported to Ottawa as an official body, and therefore could not freely reveal their differences of opinion, Ditchburn and Clark were not similarly restrained. Another explanation for the greater candour, particularly in the correspondence between Ditchburn and Scott, may be Ditchburn's...
tendency to speak frankly. For these reasons, differences between British Columbia and the Dominion appeared with new vigour in the negotiations between Ditchburn and Clark. In reviewing the reserve allotments in the Kootenay Agency, Ditchburn reported that he was "fighting every inch of the way" to "make a good showing" against Clark and the grazing commissioners who advocated further reductions in the area. He added ruefully that:

I would have greatly preferred if the Provincial Government had appointed somebody with broader views on Indian matters than Major Clarke [sic] has. While he is a very decent fellow still he is inclined to be very cheese-paring where a few acres of land are concerned [sic]... I have to be somewhat diplomatic, but I eventually get my way.  

Despite these words of confidence, Ditchburn soon heard from Scott that "we put up quite a fight for the reserves on the supplementary list but without result." The report of the McKenna-McBride Commission was adopted July 19, 1924, together with the amendments proposed by Ditchburn and Clark, which ended by increasing cut-offs and reducing new reserve acreage. The province had won the point; the Dominion conceded that it had not fully achieved its objectives in reserve allotment. The Dominion had succeeded in limiting the reversionary interest of British Columbia in reserve lands, however; reserve acreage would revert


47 Scott to Ditchburn, April 6, 1923, Black Series, RG 10, v. 3820, file 59,335-3.
### Table 3.5
Indian Reserves in British Columbia - 1924

<table>
<thead>
<tr>
<th>Agency</th>
<th>Acreage Confirmed</th>
<th>Acreage Cut-off</th>
<th>New Acreage</th>
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</thead>
<tbody>
<tr>
<td>Babine</td>
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<td>7,040.60</td>
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<td>62,170.77</td>
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<td>7,895.00</td>
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</tbody>
</table>

| Total      | 653,395.08        | 167,345.75      | 90,624.31   |

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48 Canada. Department of Indian Affairs. Schedule of Indian Reserves in the Province of British Columbia, attached to Dominion Order in Council No. 1265 (Ditchburn-Clark Report), July 19, 1924. The values that I have compiled in this table, and particularly those of new reserves, are approximate. The phrase "more or less, subject to survey" appeared widely in the 1916 Report, and, pending survey, Ditchburn and Clark could do little to clarify these figures.
to the province only in the event of the extinction of the Indians. The question of title remained unaddressed.  

Although some matters related to Indian affairs appeared to have been resolved by the Ditchburn-Clark modifications to the 1916 Report, the solutions proved to be illusory. Reserve acreages were established, "more or less," but ownership, particularly in the railway belt, remained in dispute. The acreages adopted under the 1924 Order in Council were subject to survey, and thus could be disputed. The reserve acreage transferred to Dominion ownership was inaccurate; the schedule figures did not match reality in many cases. Aboriginal title was not discussed at all. The different philosophies behind the Indian policies of the two governments appeared to have come no closer together, but in fact, the Dominion had compromised toward the British Columbia strategy for resolving the Indian Land Question. 

Unfortunately British Columbia's strategy was not a solution. The McKenna-McBride Report, with its subsequent amendments, reflected the objectives of the province but did not address outstanding Indian issues in British Columbia. The work of the commission was flawed by carelessness, time constraints, deadlock between the two governments, the failure to consult with Indians, and the paternalistic attitudes of commissioners and


50 See p. 69n.
government to Indian representations. These last two factors shaped the terms of agreement between the two governments, but also determined that the agreement could not be final.
The McKenna-McBride Commission, and later Ditchburn and Clark, travelled extensively in British Columbia to receive evidence and testimony from the many Indian bands who would be affected by reserve land adjustments. These submissions, many of a remarkably similar nature, were meant to be considered by the commissioners in conjunction with evidence advanced by federal, provincial and local governments, and private interests, in order to arrive at reserve land settlements which would equitably satisfy both Indian and white interests. Unfortunately for Indians, this ideal miscarried due to the unwillingness of the province to accept Indian evidence, to recognize Aboriginal title, or even to allot Indian reserves on a scale comparable to the rest of Canada. The Dominion government became complicit in the negation of consultation efforts through a series of decisions and actions which constituted abandonment of the recognition of Aboriginal title as a policy priority. Not the least damaging to the cause of Indian consultation however, was the persistence of the paternalistic assumption that Indians must be treated as wards who could not be expected to understand the management of their own affairs.  

1 Paternalism sought to regulate the conduct of Indians in their relations with one another and with authorities. The object of this race-based treatment of Indians was ostensibly to protect them in a position of wardship until they became sophisticated enough to assimilate into white society. The result was frequently
McKenna-McBride commissioners, by the Department of Indian Affairs, and by the province, qualified any evidence and all testimony received from Indians concerning their own land needs and uses.

British Columbia Indians did not initially grasp the specialized function of the commission; still less were they willing to accept it once the commission had explained itself. By 1912, years of Indian Reserve Commissions and land surveys had acquainted the Indians of the province with the European concept of land ownership and with the idea of reserve land. The difficulty for Indians arose in trying to separate Aboriginal title from the notions of Aboriginal rights and compensation. To the governments which had constructed the commission and determined its mandate, to discuss rights but not title, compensation but not extinguishment, may or may not have been distasteful, but was evidently possible. To Indians title and rights were inseparable.

The reception of the McKenna-McBride Commission by most British Columbia Indian groups revealed a sophisticated understanding, if not of the function of the commission, of the opposite; Indians were isolated on reserves and encouraged to become dependent upon government and white institutions. Paternalism may not have been intended to the detriment of Indians, but because the self-interest of paternalists was usually incompatible with that of Indians, this was the effect. Paternalism became the way in which governments pursued their own objectives in the name of protecting the Indians, and it allowed some white advocates of Indian rights to rationalize the exclusion of Indians from activism in their own causes.

73
necessity of explaining and defending their positions. Frequently, in meetings between Indians and the commission, Indian representatives opened their presentations by identifying Aboriginal title as their central concern. The Kitwanga Band of the Naas Agency was adamant about the title question, refusing to answer the questions of the McKenna-McBride commissioners unless comprehensive claims were discussed. Indians at Bella Bella, Bella Coola, Hartley Bay, Skidegate, and Kitkahtla shared this stance, earning for the Indians of the northern coastal region of British Columbia a reputation for recalcitrance.

The commissioners ventured into the field to collect evidence in the summer seasons of 1913, 1914 and 1915. The Sproat Commission of the 1870's had encountered anger and hostility among Indians, but the McKenna-McBride Commission met with disaffected people whose suspicions regarding their security on their ancestral lands would not be relieved by a commission's reassurances of goodwill. As Brian Titley observed, "the frequent assurances that no cut-offs would be made without band consent did little to dispel their suspicions." But, neither did Indians pose the serious threat to white settlement in 1912

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2 Chief Jim, Kitwanga Band, April 17, 1915, Evidence submitted to the Royal Commission on Indian Affairs for the Province of British Columbia, reel no. 1.

3 To C.J. Doherty, Minister of Justice (unsigned), October 23, 1913, Black Series, RG 10, v. 3822, file 59,335-1.

that they could have in the late nineteenth century. In the intervening years, as the white population had rapidly grown, the Native one had rapidly declined in numbers. The commission had prepared itself to hear Indian grievances "extraneous" to its jurisdiction through the provision for the Confidential Report. Yet, the greatest concern of Indians, with Aboriginal title, received no attention in this document. Apparently, this matter was not to be approached, even in confidence, between the commissioners and their governments. Unable to respond to Indians' inquiries, commissioners typically dismissed concerns regarding title. Speaking to the Indians at Spuzzum, McKenna chided them to negotiate as "practical men" (thus placing the question of title outside the realm of the practical), and promised that the Dominion government had decided to refer the issue of Aboriginal title to the courts. While it was true that this had been the stated intent of the Laurier government, Borden's Conservatives had already rejected the alternative of a court hearing.

Other concerns that Indians raised in their presentations to the commissioners usually related to land. Indians expressed their desire to have recognized rights to timber, water, and

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5 Titley, p. 137.
6 McKenna, Spuzzum, November 18, 1914, Evidence..., reel no. 2.
7 Titley, p. 140.
minerals, in addition to hunting and fishery resources. When the commissioners inquired regarding educational and medical services Indians would criticize their quality, or more rarely state their satisfaction with them. For the most part the commissioners initiated discussions of health care and education; frequently bands, such as the Kitwancool and Andimaul, refused services of this sort, as well as agricultural aid, fearing to compromise their position with respect to the Land Question. The Kitwancool, at least, acted on the advice of a Toronto lawyer, who also recommended that they refuse reserve allotments pending an answer to their land claim petitions. The Hagwilget band, on the other hand, requested schools. Encroachment by white settlers on Indian reserve lands was another issue which seems to have concerned Indians universally, and which they brought before the McKenna-McBride Commission.

The commissioners spent between six days and "three seasons" interviewing the Indian representatives of each agency. As noted in the previous chapter, in some agencies the local agent was

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8 Chief Michel to the Royal Commission, Evidence..., reel no. 2.

9 April 18 and 20, 1915, Evidence..., reel no. 2.; September 6, 1910, Surveyors' Letterbook, RG 10, v. 1310.

10 April 21, 1915, Evidence..., reel no. 2.

The desire of some Indians to obtain and maintain Eurocanadian educational services is akin to the desire of some to convert to Christianity. Robin Fisher writes "acceptance of missionary teaching by Indians was a sign that they sensed that their culture was undergoing major change and that they needed new knowledge to cope with their new situation." (Contact and Conflict, p. 124.)
interviewed at greater length than were the Indians [Table 4.1]. In the Queen Charlotte Agency, the commissioners visited only the Indians at Skidegate. When the Indians there refused to cooperate with the commission, it resorted entirely to the agent for information.\footnote{Report of the Royal Commission..., v. 1, p. 144.} In addition, the commissioners examined expert witnesses on two occasions. These witnesses, A.W. Harvey B.C.L.S., and W.E. Ditchburn, gave evidence regarding Indian land requirements and the availability of land in the Babine and Cowichan agencies.

The nature of the information that the commission collected from Indians varied considerably. Apart from Indians' appeals regarding title, resource rights, and government services, the commissioners heard their applications for additional reserve lands. The land-uses given by Indians in the applications included village and grave sites, fishing stations, and fields for agricultural purposes. Based on these applications and the recommendations of the Indian agents and any special consultants the commission decided whether to confirm or to reduce existing reserves, and whether to add new reserves. The success of Indians' Additional Lands Applications ranged from none in the Cowichan Agency to part or whole approval of 85\% (or 28 out of 33 applications) in the Stikine. Approximately 45\% of Indian applications in the fourteen agencies succeeded wholly or in part [Table 4.2]. This average figure suggests that, in general,
4.1 Royal Commission: Time Spent in Consultation

<table>
<thead>
<tr>
<th>Agency</th>
<th>with Indians</th>
<th>with Agent</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Babine</td>
<td>12 days</td>
<td>18 days</td>
<td>1 day</td>
</tr>
<tr>
<td>Bella Coola</td>
<td>20 days</td>
<td>&quot;considerable length&quot;</td>
<td></td>
</tr>
<tr>
<td>Cowichan</td>
<td>21 days</td>
<td>2 days</td>
<td>2 days</td>
</tr>
<tr>
<td>Kamloops</td>
<td>21 days</td>
<td>2 days</td>
<td></td>
</tr>
<tr>
<td>Kootenay</td>
<td>11 days</td>
<td>2 days</td>
<td></td>
</tr>
<tr>
<td>Kwakwewlth</td>
<td>13 days</td>
<td>3 days</td>
<td></td>
</tr>
<tr>
<td>Lytton</td>
<td>19 days</td>
<td>4 days</td>
<td></td>
</tr>
<tr>
<td>Naas</td>
<td>15 days</td>
<td>13 days</td>
<td></td>
</tr>
<tr>
<td>New Westminster</td>
<td>3 seasons</td>
<td>23 days</td>
<td></td>
</tr>
<tr>
<td>Okanagan</td>
<td>12 days</td>
<td>several days</td>
<td></td>
</tr>
<tr>
<td>Queen Charlotte</td>
<td>6 days</td>
<td>6 days</td>
<td></td>
</tr>
<tr>
<td>Stikine</td>
<td>12 days</td>
<td>several days</td>
<td></td>
</tr>
<tr>
<td>Stuart Lake</td>
<td>14 weeks</td>
<td>15 weeks, 4 days</td>
<td></td>
</tr>
<tr>
<td>West Coast</td>
<td>17 days</td>
<td>4 days</td>
<td></td>
</tr>
<tr>
<td>Williams Lake</td>
<td>12 days</td>
<td>4 days</td>
<td></td>
</tr>
</tbody>
</table>

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12 I have compiled the information in this table from the Detailed Reports of the Report of the Royal Commission..., all volumes.

13 Mr. A.W. Harvey B.C.L.'S was consulted "as to land suitable for Indian requirements." Report of the Royal Commission..., v. 1, p. 180.

14 Chief Inspector W.E. Ditchburn was examined "with respect to the various Reserves and conditions obtaining thereon." Report of the Royal Commission..., v. i, p. 275.
Table 4.2

Additional Lands Applications, Success Rate - 1916

<table>
<thead>
<tr>
<th>Agency</th>
<th>Requests</th>
<th>Number Granted</th>
<th>Agent Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Babine</td>
<td>91</td>
<td>27 or 30%</td>
<td></td>
</tr>
<tr>
<td>Bella Coola</td>
<td>99</td>
<td>48 or 48%</td>
<td></td>
</tr>
<tr>
<td>Cowichan</td>
<td>9</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Kamloops</td>
<td>16</td>
<td>2 or 12.5%</td>
<td></td>
</tr>
<tr>
<td>Kootenay</td>
<td>10</td>
<td>8 or 80%</td>
<td>yes\textsuperscript{16}</td>
</tr>
<tr>
<td>Kwakwewlth</td>
<td>195</td>
<td>33 or 17%</td>
<td></td>
</tr>
<tr>
<td>Lytton</td>
<td>158</td>
<td>104 or 66%</td>
<td>yes\textsuperscript{17}</td>
</tr>
<tr>
<td>Naas</td>
<td>184</td>
<td>101 or 55%</td>
<td></td>
</tr>
<tr>
<td>New Westminster</td>
<td>110</td>
<td>25 or 23%</td>
<td>yes\textsuperscript{18}</td>
</tr>
<tr>
<td>Okanagan</td>
<td>10</td>
<td>1 or 10%</td>
<td></td>
</tr>
<tr>
<td>Stikine</td>
<td>33</td>
<td>28 or 85%</td>
<td></td>
</tr>
<tr>
<td>Stuart Lake</td>
<td>190</td>
<td>120 or 63%</td>
<td>yes</td>
</tr>
<tr>
<td>West Coast</td>
<td>54</td>
<td>14 or 26%</td>
<td></td>
</tr>
<tr>
<td>Williams Lake</td>
<td>70</td>
<td>36 or 51%</td>
<td></td>
</tr>
</tbody>
</table>

Average success rate = 45%

\textsuperscript{15} Compiled from the Additional Lands Applications of the Report of the Royal Commission..., all volumes. "Granted" in whole or in part.

\textsuperscript{16} Agent R.L.T. Galbraith, October 28, 1914, Evidence..., reel no. 3.

\textsuperscript{17} The agent supported applications for additional fishing stations.

\textsuperscript{18} Evidence..., New Westminster, 1916, reel no. 4.

The poor showing of the applications in New Westminster results from the scarcity of uncommitted Crown land in this populous agency.
information given by Indians was not the commission's principal basis for decision-making. Greater emphasis was placed on the recommendations of the Indian agents.

The agents' impact upon the decision-making of the commission was even greater than is immediately apparent. Surveyor Ashdowne H. Green was another key consultant to the Royal Commission. As Green made his surveys, he corresponded with the commission on a regular basis. His information included not only boundaries and acreage, but also his observations regarding the condition of lands, improvements and use of reserve lands, demographics, agricultural potential, water and timber resources, fisheries, and hunting. This information was most frequently obtained from the Indian agent. Green also reported to the commission on a subject which the agent could not influence - the availability of land for Indian reserves. In the Cariboo, he had to report that the most valuable land "appears now to have been acquired by white men," making the extension of existing reserves and the location of new ones very difficult.\(^\text{19}\)

The success rate of Additional Lands Applications in the William's Lake Agency was about half, but Indians found that the new lands they received were frequently at some distance from old reserves.\(^\text{20}\) As Andrew Paul! stated:

The fact that the commission could only give to the Indians new reserves from crown lands, which at this

\(^{19}\) Ashdowne H. Green BCLS to G.H. Bergeron, Secretary of the Royal Commission, February 15, 1915, NAC, Department of Indian Affairs, Victoria Surveyor's Office, Letterbook, RG 10, v. 1310.

time were not easily found, resulted in new reserves being recommended which were not accessible to humanity.  

The advice of the agents could coincide with the desires of the Indians, or it might be very different. In some cases, Indian agents' recommendations for reserve confirmations or additions reflected the opinions of Indians. In Lytton, for example, the agent, H. Graham, advised the confirmation of fishing stations for which Indians in his agency had applied.  

Subsequently, the commission confirmed or approved thirteen of the fourteen fishing stations requested by Indians in the Lytton Agency.  

Stuart Lake agent G.J. McAllan also interceded, through the Victoria Surveyors' Office, requesting that "some of the applications from Indians for additional lands in his agency be considered." Of the one hundred and ninety applications made by the Stuart Lake Indians, one hundred and twenty were approved by the commissioners - a better than average result [Table 4.2].

On the coast, where Indians first became politically active, relations between agent and Indians exhibited more strain and

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21 Andrew Paull, quoted in Patterson, "Andrew Paull...," p. 71.

22 Agent H. Graham of Lytton, in Victoria, December 1, 1914, Evidence..., reel no. 2.


Application no. 25, for a five-acre fishing station at the confluence of Eleven Mile Creek and the Fraser River, failed because the land had been Crown Granted in March, 1914.

less cooperation. Agents could not side with the comprehensive claims of the north coast Indians, and frequently assumed the role of informant, advising the McKenna-McBride commissioners and the Department of Indian Affairs regarding political developments among Indians. For example, Agent Thomas Deasy of the Queen Charlotte Islands kept Scott informed regarding the Rev. A.E. O'Meara's activities among the Haida, although they did not seem receptive to O'Meara's suggestions.25

The increasing appearance of white advocates of Indian rights was one of the aspects of Indian political activism which most alarmed the Department of Indian Affairs. Frequently these advocates were missionaries, who with or without the approval of their denominations, had decided to champion the cause of the Indians against government authorities. The Rev. A.S. Grant, Superintendent of the Presbyterian Board of Home Missions wrote to Scott affirming his support for the negotiations of the Royal Commission and condemning the partisanship of some missionaries on behalf of Indians.26 On the other hand, writing of the Anglicans among the Nishga, Daniel Raunet states that:

> Helped by a deep sense of morality, [the clergy] developed the understanding that colonization also meant the theft of land, and they sided with the Natives in the struggle for their rights. From an instrument of oppression, the Church thus developed into one of defence, acting as a model


organization and support group in the fight for the land.\textsuperscript{27}

Among the most prominent agitators of this sort between 1913 and 1924 were A.E. O'Meara (an Anglican deacon and lawyer),\textsuperscript{28} the Rev. Dr. Louis N. Tucker, and Methodist minister C.M. Tate. James Teit, anthropologist and associate of Franz Boas, also attempted to be influential on behalf of the British Columbia Indians.

O'Meara, who was the most persistent of the white advocates, remains a shadowy figure and the unfortunate destruction of most of his papers contributes to the mystery.\textsuperscript{29} For twenty years he played a controversial role in disputes between Indians and the two governments. Certainly he was dedicated to the cause of the British Columbia Indians, although government, Indians, and historians such as Titley\textsuperscript{30} and LaViolette\textsuperscript{31} have questioned his motives and abilities. O'Meara's activism led him to undertake fundraising, agitation among Indians, pamphleteering, and harassment of key officials in the British Columbia and Dominion governments. A problem to government - he inundated Scott with propaganda published under the auspices of the Conference of the

\begin{itemize}
\item \textsuperscript{27} Raunet, p. 73.
\item \textsuperscript{28} Patterson, "Andrew Paull...," p. 65.
\item \textsuperscript{29} Patterson, "Arthur E. O'Meara...," p. 95.
\item \textsuperscript{30} Titley, p. 144.
\item \textsuperscript{31} LaViolette, p. 139.
\end{itemize}
Friends of the Indians of British Columbia\textsuperscript{32} - he may have posed at least as great a problem to Indians. In all likelihood, he was sincere in his efforts on behalf of Indians, but was limited in his competence as an advocate and advisor by his prejudices and his consistent inability to accept the rejection of his proposals.\textsuperscript{33}

O'Meara met with some success in rallying the Indians of some agencies. At Metlakahtla, Agent Clifton Perry worried about his promotion of "obstructive proposals" in anticipation of the Royal Commission.\textsuperscript{34} For a time the Nishga welcomed O'Meara, but by 1913 they seem to have rejected his unfruitful efforts to organize "a collective defence in the name of all the indigenous peoples of British Columbia... [instead] the Nishga decided to carry on the fight under their own banner."\textsuperscript{35}

Government and Indians alike seem to have suspected O'Meara's motives in promoting Indian interests. The federal government believed that he was in search of public acclaim and political influence.\textsuperscript{36} Indians, such as the Haida, increasingly preferred to be represented in a non-paternalistic manner by

\textsuperscript{32} Scott to O'Meara, May 1, 1914, Black Series, RG 10, v. 3822, file 59,335-2.
\textsuperscript{33} Patterson, "Arthur E. O'Meara...," p. 98.
\textsuperscript{34} Clifton Perry to Scott, September, 1914, Black Series, RG 10, v. 3822, file 59,335-2.
\textsuperscript{35} Raunet, p. 136.
\textsuperscript{36} Titley, p. 156.
their own people, such as Peter Kelly and Andrew Paul.\textsuperscript{37} E. Palmer Patterson, writing in 1976, suggests that O'Meara worked closely with Indian leaders Kelly and Andrew Paull,\textsuperscript{38} but that with increasing political activism among Indians, "the single-minded fatherly zealot" and other white activists were replaced.\textsuperscript{39} Others, such as Raunet\textsuperscript{40} and Titley\textsuperscript{41} doubt the unity of purpose of the activists, although these authors disagree on details. For example, Titley believes that O'Meara was involved in the 1913 petition of the Nishga to the Privy Council, while Raunet does not.\textsuperscript{42} Although O'Meara was successful in attracting some support among Indians, he was not able to achieve recognition of Aboriginal title; his repertoire of agitating tactics was so limited as to handicap his efforts while angering government officials.\textsuperscript{43} The two governments characterized him as an opportunist, who attempted to create unrest among Indians for his personal aggrandizement - more an annoyance than a representative of justice and moral rectitude. But, it was to

\begin{itemize}
\item \textsuperscript{37} Titley, p. 151.
\item \textsuperscript{38} Patterson, "Andrew Paull...," p. 68.
\item \textsuperscript{39} Patterson, "Arthur E. O'Meara...," p. 98.
\item \textsuperscript{40} Raunet, p. 136.
\item \textsuperscript{41} Titley, p. 144.
\item \textsuperscript{42} Raunet, p. 136; Titley, p. 142.
\item \textsuperscript{43} It can be argued that continued support for O'Meara among some of the membership of the Allied Tribes until 1927 is a symptom of the chronic problems of unity and mutual suspicion faced by the organization.
\end{itemize}
the advantage of the federal government not to acknowledge this most active of partisans. If he could be disqualified as an opportunist, he could be abused and humiliated, as he later was at the 1927 meetings between the Allied Tribes and the Special Committee of the Senate and House of Commons.

Others who supported Aboriginal rights in British Columbia were treated with greater seriousness, at least by the Dominion government. The Rev. C.M. Tate was thought by McKenna to be a "recognized authority on Indian ethnology," sympathetic to the Indians. McKenna advised Scott to make him a friend rather than an enemy. In fact, Tate had been in contact with British Columbia Indians since the 1870's, yet he appears to have been distinctly unsympathetic to Indians in some regards. For example, he led a lobby to gain strict government enforcement of the potlatch laws. On reflection, however, Tate would not have seen his opposition to Indian ceremonials as out of keeping with his advocacy of Aboriginal rights. His missionary perspective required just recognition of Indian land rights, but justice in conjunction with conversion and civilization: Indians must become Christian and must have lands and resources with which to support themselves as civilized and Christian people. Land rights, to Tate, had nothing to do with self-determination.


46 LaViolette, pp. 69-70.
James Teit, a Scottish trader and ethnologist who gained the respect of government officials, later served Ditchburn and Clark in an advisory capacity at the request of Duncan Campbell Scott. Teit was probably the most positively influential of the many white advocates. Not only did he try to represent Indians more than lead them, but he encouraged the Allied Tribes to approach the Canadian government with their problems.¹⁴⁷ O'Meara, on the contrary, remained obsessed with appealing directly to the Privy Council, and continued to urge this until his death.

The nature of the activism of the white advocates may best be described in the title of the Rev. Dr. Tucker's address of March, 1914: "The Protection of the Native Races."¹⁴⁸ While the advocates spoke of justice and the necessity of recognizing Aboriginal title, theirs was also a paternalistic approach. The missionaries, in particular, believed that while Indians must not be unfairly deprived of property and rights, they must be aided in their administration, and in becoming civilized and assimilated so that they (and white society) could properly benefit from their property. Thus, while missionary advocates should receive credit for their efforts in defense of Indian property, they remained agents of cultural assimilation. They understood racial survival, but could not perceive the value of Indian cultures.

¹⁴⁷ LaViolette, p. 135.
Others who used the popular rhetoric of civilization and protection had less altruistic motives. The McKenna-McBride commissioners interviewed some of these others who represented private interests, such as white settlers, railway companies, and municipal governments. These petitioners presented their wishes either in terms of the public good or in terms of the Indians' own good, and often in terms of blatant racist stereotypes.

On November 23, 1914, the Royal Commission heard a petition from the Agassiz Board of Trade requesting a 390 acre reduction of an Indian reserve on Seabird, or Maria, Island. First, the Board desired to protect this acreage and the adjacent land of white farmers from river erosion. Second, they claimed that the Indians had made very few improvements to the land and seemed to be learning agricultural skills very slowly. Finally, Mr. McCaffrey of the Board stated that "as you all know the [Indian] men are very averse to work," and that the Indians, by retaining this acreage, were no better than the proverbial "dog in the manger." The commission accepted these arguments and reduced the Seabird Island reserve by 1,690 acres, leaving the "improved" 2,821.5 acres to the Indians. The Agassiz Board of Trade was

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49 McCaffrey to the Royal Commission, November 23, 1914, Evidence..., reel no. 2.

According to Daniel Raunet, "after two years of hearings, [the McKenna-McBride Commission] basically confirmed the locations of the reserves set up by O'Reilly and assigned the Natives of British Columbia the reduced territories to which they are still confined today." While this statement is not entirely accurate, Raunet correctly infers that the Royal Commission was, in the end, little better than an instrument of provincial policy. Because provincial policy was incompatible with the priorities of Indian groups, consultation with Indians failed. Indian concerns such as title and resource rights were shunted aside in favour of the testimony of white experts. When Indians did state their preference for reserve size and location, they often failed to obtain action in their favour. The small size of reserves, for example, was a common source of complaint among Indians on the north coast, yet the recommendations of the commission for the Naas and other agencies were in numerous instances for reserves of fewer than twenty acres each, and for many, as small as one to five acres each. The paternalism which partly motivated the commission to ignore Indian requests was not limited to government officials. Even white "friends" of the Indians took a more or less oppressively paternalistic approach.

51 The commissioners met with municipal or commercial representatives from Duncan, Ladysmith, Comox, Courtenay Bay, North Vancouver, Kamloops, Nicola and many other regions of the province. Invariably, these representatives attempted to obtain reductions in specific Indian reserve lands.

52 Raunet, p. 136.
The consequence of these accumulated frustrations was heightened political awareness among British Columbia Indian groups. Indian political organization in British Columbia started with the Nishga land claims and their appeals to the Privy Council beginning in 1910. The investigations of the McKenna-McBride Commission accelerated political activism among Indians. Not only did the mandate of the commission provide Indians with an impetus to act, but it allowed young Andrew Paull, a Squamish Indian, to gain experience with government and legal procedures and to make contacts with other Native groups in the province while he was employed by the commission as an interpreter.

By 1915, representatives of interior Indians frustrated with the rejection of their petitions by both governments and the joint Royal Commission, declared a similar statement of aims to that of the Nishga. Subsequent meetings between coastal and interior groups led to the organization of the Allied Tribes of British Columbia in 1916. This group found its leadership primarily among northern coastal Indians despite its professed desire to be broadly representative. The Allied Tribes retained O'Meara as counsel, although, as we have seen, he was not

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54 Patterson, "Andrew Paull...," p. 64.

55 Patterson, "Andrew Paull...," p. 67.
universally popular.

It is important to consider the impact of this fledgling political organization upon Ditchburn and Clark's review of the Royal Commission's work. From the initial arrangements for the investigation, which included Teit as consultant, it appeared that Indians would have greater representation in these negotiations between the federal and provincial governments than in previous ones. The reality was that the federal government fostered this appearance in order to appease Indian activists. While still disapproving of the British Columbia government's attitude toward Indian policy, the Dominion became less inclined to champion the recognition of Aboriginal title as the twentieth century progressed and as more land was alienated for settlement or was Crown-granted. Not only did Indians want recognition and compensation for title, but the Nishga, at least, wanted the return of alienated lands from their new occupiers at Ottawa's expense. But, to acknowledge title was becoming increasingly impractical for the federal government. As early as 1914, Duncan Campbell Scott suggested that Aboriginal title comprised no more than a "usufructuary right dependent on the good will of the sovereign." This statement represents a significant departure from previous federal policy. It was not the last such

\[\text{D.C. Scott, quoted in Titley, p. 142.}\]
With the object of appeasing Indian aims, Scott recommended that James Teit advise Ditchburn and Clark in their research. Teit did this until his death in 1922, after which the federal government allowed a committee representing the Allied Tribes to succeed him in an advisory capacity. One might expect that in moving from resisters and activists to officially-appointed advisors, Indians would be better able to influence the outcome of the deliberations. However, for various reasons, this was not the result; the consultation process proved to be of less advantage to Indians with Ditchburn and Clark than it had been with the McKenna-McBride Commission.

One reason for the failure of consultation was that within and without the Allied Tribes organization, Indians were not sufficiently united to challenge government positions. The federal government took advantage of this weakness. For instance, in October, 1922, Paull wrote to Ditchburn accusing O'Meara of exploitation in his representation of the Allied Tribes. Paull described disapprovingly O'Meara's agitation in the press and among Indian bands. Writing to Scott, Ditchburn concurred in Paull's estimation of O'Meara, but also expressed his own distrust of Paull's motives in representing the

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57 In May, 1990, a Supreme Court decision in British Columbia's Sparrow Case finally stated that Aboriginal title was not reducible to a mere right of use, subject to the "good will" of the sovereign.

58 Paull to Ditchburn, October 25, 1922, Black Series, RG 10, v. 3820, file 59,335-3.
Indians. Ditchburn was not alone in his suspicions. Patterson, Paull's biographer, admits that "as a child [Paull] was taunted for seeming to his peers to be acting like a white child... His career within the Squamish band administration was marked by debate about his powers... Some thought that he had too much influence." Regardless of which leaders were more or less representative of Indian interests, mutual accusations and suspicions among them did nothing to strengthen the position of the Allied Tribes.

Further weakness in the front of the Allied Tribes appeared when it became apparent late in 1923 that the interior Indians (Kamloops, Okanagan, Kootenay, Cariboo Agencies) preferred to deal directly with the Department of Indian Affairs. In addition to regional, religious, and cultural differences, the interior Indians found the expenses and demands of the Allied Tribes excessive. Interior groups, too, had a different agenda for negotiations from those on the coast; they maintained a more traditional economy than did coastal Indians, who were relatively modernized and who emphasized their part in the commercial fishing industry in their petitions to government.

LaViolette states that despite the internal differences, the federal government considered the Allied Tribes representative of

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59 Ditchburn to Scott, April 27, 1923, Black Series, RG 10, v. 3820, file 59,335-3.

60 Patterson, "Andrew Paull...," p. 66.

61 G.S. Pragnell, Inspector of Indian Agencies, to Scott, December 6, 1923, Black Series, RG 10, v. 3820, file 59,335-3.
Indian claims. In fact, as a result of the regional divisions, in the spring of 1924 the interior and coastal organizations had separate meetings in Ottawa with Scott and the Deputy Minister of Justice. Scott dismissed the discussions with the interior chiefs as a "waste of time," saying that the meetings with the more experienced representatives of the Allied Tribes were "more important." They must have been more important purely from a political standpoint, for neither set of meetings yielded changes to Ditchburn and Clark's adjustments of reserve lands.

Dissent among Indians also erupted within agencies. Inspector of Indian Agencies, G.S. Pragnell, attributed unrest among interior Indians to conflict between 'Old' and 'New' (pro-Allied Tribes) factions. Two residents at Nicola who were interviewed by the commission disagreed, however. They reported that conflict among local Indians was the result of internal disagreements over the use of reserve land.

Even if the Allied Tribes had been united, it may not have not have made much difference. The federal government had entered further negotiations with British Columbia concerning the report of the Royal Commission after it had already relinquished

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62 LaViolette, p. 132.
63 Scott to Ditchburn, April 1, 1924, Black Series, RG 10, v. 3820, file 59,335-3.
64 Pragnell to Scott, March 28, 1924, Black Series, RG 10, v. 3820, file 59,335-3.
65 Mr. Jackson and Mr. Clapperton, October 18, 1913, Evidence..., reel no. 3.
its commitment to the equitable extinguishment of title. Titley asserts that "creating uniformity of administrative practice was the real issue"\(^\text{66}\) in federal policy. The well-being of Indians as federal wards was not a policy priority. This is borne out by Scott's tentative refutation of Aboriginal title in 1914 and by another statement that he made in 1923:

> The only object in employing Tait [sic] and subsequently the Indians was to enable them to be assured that their final representations had received attention, and our correspondence will show that their requests have been placed urgently and emphatically before the provincial authorities. If we do not succeed we cannot I think be fairly held responsible, although the Indians will no doubt be dissatisfied.\(^\text{67}\)

The significance of this statement is in the exoneration which Scott claims in the words "our correspondence will show" and "we cannot... be fairly held responsible." The proper extinguishment of title, according to British imperial precedent, had ceased to be important to the federal government, but it was still important to maintain the appearance of having exerted an effort on behalf of Indians. Scott expressed no remorse over the outcome of the negotiations, but rather was satisfied that his government's tiresome obligation to the Indians had been laid to rest. To finally resolve the Indian Land Question in British Columbia had become a priority in itself. When the Indians failed to gain their objectives, without the support of the federal government, the federal government could blame British

\(^{66}\) Titley, p. 161.

\(^{67}\) Scott to Ditchburn, April 6, 1923, Black Series, RG 10, v. 3820, file 59,335-3. Emphasis added.
Columbia. British Columbia cannot be excused; their stance on Indian policy was perverse from the start. Yet the federal government made itself complicit. Nowhere is this complicity more apparent than in Bill 13, the British Columbia Indian Lands Settlement Act. In order to gain the support of British Columbia for the amended report of the Royal Commission, the federal government passed legislation containing this provision:

For the purpose of adjusting, readjusting or confirming the reductions or cutoffs from reserves in accordance with the recommendations of the Royal Commission, the Governor in Council may order such reductions or cutoffs to be effected without surrenders of the same by the Indians, notwithstanding any provisions of the Indian Act to the contrary.  

In 1924, the federal government resorted to this provision to end Indian protest and to appease provincial dissatisfaction. Thus, in order to attain the final resolution of British Columbia's Indian land question, the federal government betrayed imperial precedent, the Indian Act, and the numerous promises made to the British Columbia Indians by the Royal Commission. Consultation with Indians had merely been a ruse.

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68 The British Columbia Indian Lands Settlement Act, quoted in Titley, p. 147.
Conclusions

Both Canada and British Columbia had clear Indian policy objectives, but it was the intractible stance of the province that finally determined the direction of British Columbia's Indian policy after 1871. Repeated discussions between the two governments served only to reflect and magnify their policy differences and the disadvantaged position of Indians in negotiations and decision-making. In post-Confederation Canada, outside British Columbia, the accepted way to address the Indian Land Question was to recognize and extinguish title through treaties which followed imperial precedent. Canada accomplished this in the numbered treaties of the 1870's which were concluded with a great deal of altruistic-sounding rhetoric directed at the public and at Indians. Although altruism may have been a factor in the numbered treaties, the desire to facilitate safe settlement and expansion across the Northwest Territories was the driving concern. Treaties were a pragmatic alternative to wars of the sort that occurred in the United States between settlers and Indians.

Following union with British Columbia in 1871, the federal government expected that its approach to Indian title extinguishment naturally would be extended to the new territory. This was not to be. British Columbia had pursued a very different course in the development of its Indian policy.
Although James Douglas had established treaties somewhat similar to those of the Dominion in a limited area of southern Vancouver Island, elsewhere in British Columbia later governments granted Indians relatively small reserves without gaining consent through treaty.

The shift away from Douglas' approach by subsequent British Columbia governors and premiers reflected their assimilationist philosophy, which was discriminatory rather than equalitarian. After Douglas, Indians were no longer allowed to pre-empt land as white settlers could, and many earlier reserve allotments were reduced. British Columbia, like Canada, pursued the expansion of settlement while seeking a solution to the problem of Indian lands. In the case of the province, where only three percent of the land base lends itself to agriculture, the government was reluctant to give lands to Indians on the same scale as the Dominion had done elsewhere in Canada. By the same token, it was extremely reluctant to allot reserves in perpetuity. Therefore, land survey and reversionary interests became the instruments which Douglas' successors used to recover lands that they felt had been too extravagantly given to Indians.

The Dominion and the province had similar goals for Indian policy; however, their methods of achieving their objectives were not alike. British Columbia, after Douglas, opted to resolve the Indian Land Question by denying Indian title and avoiding substantial reserve allotments. This policy of denial became relatively fixed before 1871. Post-union efforts to compromise
between the two positions came from the federal government, and compromise measures usually came at the expense of the Dominion position. Gradually, the Dominion came to believe that whereas recognition and extinction of title may have been the most expedient solution in the Northwest Territories, in British Columbia the only solution was to give in to the aggressive demands of the province regarding title and reserve allotments. In defense of its own capitulation, Canada could blame the province for its obstinate breach of imperial aboriginal policy and its unwillingness to compromise on anything other than reversionary interest. Thus, the federal government set the precedent for a practice which persists today - taking shelter behind the provinces to avoid responsibility for the problems of Indian policy. The recognition of Indian title was not the end goal of the federal government, but a means of extinguishing claims and proceeding with development. Because British Columbia consistently blocked this means, adhering to its doctrine of peaceful penetration and denial of aboriginal title, the Dominion eventually tacitly complied with this alternate means of closing the land question.¹

¹ The argument for a makeshift progression toward fixed policy objectives is not a new one in the study of British Empire. In The Enigma of Colonialism: British Policy in West Africa (1989), Anne Phillips argues that British autocratic paternalism in West Africa dictated definite economic goals for the colony, but that the implementation strategy was so flexible as to have the appearance of a series of ad hoc decisions. I believe that a similar case can be made to describe the development of Canada's Indian policy in British Columbia and in the rest of Canada.
Paternalism was the rationale for Indian policy decisions of both federal and provincial governments. A mixture of paternalism and self-interest guided the McKenna-McBride Commission when it collected and disregarded evidence from Indians. This same combination led the governments to decide that Indians could not manage their own land or land-related affairs. The official view - institutionalized in the mandate of the McKenna-McBride Commission, in the Indian Act and in every Dominion treaty - held that Indians were unsophisticated and uncivilized and must be protected as wards of the state. Unparalleled as a subtle means of divesting Indians of power, paternalism ensured that governments could discount Indian resistance as the unreasonable demands of spoilt children. Paternalism also became an invaluable shield with the beginning of Indian political activism; Indians could easily be influenced and exploited by unscrupulous agitators.

While the federal and provincial governments sought to homogenize their means of disposing of the Indian land problem, Indians became increasingly aware of the threat to their ancestral lands and to their economic and cultural life. The political organization which resulted from this awareness had problems however, and the federal government exploited the internal divisions of the Allied Tribes. Duncan Campbell Scott allowed a committee of the Allied Tribes to have a consulting role in the review of the 1916 Royal Commission Report, but the object of this concession was rather the appeasement of Indian
protest and the vindication of the federal government than the equitable examination of Indian concerns.

The continued involvement of white advocates in Indian political action into the late 1920's, and in particular that of A.E. O'Meara, provided the federal government with yet another means of dismissing Indian resistance. Historian Palmer Patterson argues that federal condescension characterized the 1927 meeting between the Allied Tribes and the Special Committee of the Senate and House of Commons:

> The testimony suggests that the Committee's attitude toward the Indians was condescending, perhaps even paternalistic. The Committee members, who were considerably older than Paull and Kelly, were probably genuinely surprised to learn that the young Indians were able to speak so coherently for their people.  

Regardless of this revelation, the committee did not recognize Paull and Kelly as genuine representatives of Indian opposition. Rather, they resorted to the traditional federal explanation of such opposition, which was that it must be inspired by white agitators.

Patterson wrongly concludes that the Dominion came to "reluctantly acknowledge" O'Meara as the legal counsel for the Allied Tribes. In fact, the federal government and the Special Committee recognized him only as an agitator who "professed to


[^3]: Patterson, "Arthur E. O'Meara...," p. 94.
represent" Indians.⁴ To have recognized him as legal counsel would have given credibility to the Allied Tribes as an able, Indian-led political movement. Because the federal government would not accept the validity of the Allied Tribes, O'Meara, who was also present at the 1927 meetings, was tarred as an instigator while the two Indian representatives were treated only with condescending courtesy. Titley notes that many of the committee members

seemed to be convinced that the problem [of aboriginal title] would never have arisen but for the meddling of that bête noir of Indian politics, A.E. O'Meara...As counsel for the Allied Tribes, O'Meara was treated with unprecedented discourtesy. He attempted to present a historical argument for aboriginal title citing legal precedents, but he was constantly interrupted. "Piffle," "rubbish," "rot," "nonsense," and similar remarks punctuated his presentation.⁵

Among the findings of the Special Committee, which also closed the question of Aboriginal title as far as the federal government was concerned, was a direction that fund-raising for the purposes of furthering land claims be made illegal. This measure was directed at such activists as O'Meara, in the belief that by curtailing their activities Indian political agitation could be ended.

The political organization which Indians had managed to assemble by 1915 was too vulnerable, inexperienced, and disunited

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⁴ C.J. Doherty, Minister of Justice, quoted in the Claims of the Allied Indian Tribes of British Columbia, as Set Forth in Their Petition Submitted to Parliament in June, 1926. Proceedings, Reports and the Evidence (Ottawa, 1927), p. x.

⁵ Titley, p. 155.
to effectively challenge the machinations of the federal and provincial governments. In wartime, perhaps, the governments had less patience with political activism than they would have had at another time. In any event, the attempts of Indians to press their concerns through the Allied Indian Tribes were not well-received. The Allied Tribes had no illusions that the federal government would come to the rescue of Indians in their struggle for the recognition of title, but neither were they prepared for Canada's wholesale abandonment of what had hitherto appeared to be its Indian policy.

Federal policy was codified, to a large extent, in the Indian Act and in the treaties. This presented a difficulty when the time came to extend federal Indian policy to British Columbia. When the province proved to be intransigent on Indian title and reserve size, the federal government was forced to compromise, because, as Brian Tilty states, "creating uniformity" of policy was more important than extending their own strategy.

In order to compromise on British Columbia's terms, the Dominion had to make changes to its own codified policy - specifically to the Indian Act, which prohibited the alienation of reserve lands without the consent of the Indian occupants. But, to change the Indian Act was merely a technical legal matter; no question of morality entered into it. In return for compromise, the federal government gained an agreement with the province which gave it jurisdiction over Indian reserve lands,
but which did not assure the desired uniformity of policy. British Columbia did not face the problem of revision, first because it had compromised very little, and second because its Indian policy had been kept informal, the better to modify it when the government deemed necessary.

The tension which prevailed between the two levels of government regarding Indian Affairs from the time of union to the 1920's and beyond, was not a result of contradictory aims, but of conflicting means of achieving those aims. In the course of their separate political histories, Canada and British Columbia had each constructed their policy on a makeshift basis, responding to the geographic, demographic, and financial pressures of their individual situations. As a result, Canada developed a policy which, although similar in aim to that of British Columbia, has been considered more humane and just. British Columbia had early rejected the imperial norms for the treatment of aboriginal people and their lands, but Canada maintained a vestige of them.

The work of the Joint Reserve Allotment Commission, the McKenna-McBride Commission, and Ditchburn and Clark represents a process of discussion between the two governments during which the federal government slowly capitulated. This is reflected in the increase in reductions of reserve lands and in the decline in reserve allotments and confirmations between 1913 and 1924 [table 5.1]. Even while giving in to the province's demands for smaller reserve allotments and the reclamation of reserve land through
Table 5.1
Reserve Confirmations and Allotments

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<tr>
<th>Year</th>
<th>Acreage Confirmed</th>
<th>New Acreage</th>
<th>Total</th>
</tr>
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<tr>
<td>1913</td>
<td></td>
<td></td>
<td>799,335.235</td>
</tr>
<tr>
<td>1916</td>
<td>666,640.25</td>
<td>87,291.17</td>
<td>753,931.42</td>
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<td>1924</td>
<td>653,395.08</td>
<td>90,624.31</td>
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<tr>
<td>1943</td>
<td></td>
<td></td>
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</tr>
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</table>

Some cut-offs recommended by Ditchburn and Clark in 1924 were restored when the railway belt jurisdiction was settled in favour of the federal government in 1942. This inflates the difference between the 1924 and 1943 total figures.
cut-offs, the federal government preserved its benevolent facade, encouraging Indians to give futile advice to Ditchburn and Clark, whose findings were all the while being dictated by British Columbia.
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