Article

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Historical Papers / Communications historiques, vol. 10, n° 1, 1975, p. 79-94.

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The Joint Commission on Indian Land was only a brief episode in the continuing, and in many ways repetitive, story of Indian land claims in British Columbia. Yet it was an interlude that threw into focus many of the factors that have, to the present day, prevented a resolution of the Indian land question. Most importantly, the failure of the Commission to effect any significant change in Indian land policy demonstrated that the provincial government, representing settler society, would not willingly make any concessions to the Indians on the crucial matter of land.

Under the Terms of Union by which British Columbia had entered the Canadian confederation in 1871 responsibility for the Indians and Indian land was assumed by the dominion government. According to clause 13 of the Terms federal officials were to continue an Indian policy "as liberal as that hitherto pursued by the British Columbia Government."[1] However, it soon became apparent to Ottawa that British Columbia's Indian policy prior to union was remarkable for its lack of liberality and that, although the Indians were now under federal jurisdiction, there was considerable resistance in the province to any liberalization. During the early 1870's there was a series of agreements and disagreements between the federal and provincial governments over the amount of land to be reserved for the Indians, but no final decision was reached, and the administration of Indian land policy remained a shambles.[2]

By 1875 the province was under increasing pressure from some quarters to modify its intransigence. The Indians themselves were appreciating the value of their land in new ways at the same time as they were being hemmed in on limited reserves by the advance of settlement. The government had appeared before many of the Indians only in the form of a land agent, and so it is not surprising that they concluded that taking their land was the only official Indian policy. Many of the British Columbia Indians were aware that, with the signing of the numbered Treaties, the Canadian Government had allocated larger Indian reserves on the Prairies, and they hoped that this more generous policy would be extended across the Rockies. But during the four years that

had passed since British Columbia joined confederation little had been done about their reserves, and the Indians were growing restless. The federally appointed Indian Superintendents in British Columbia, Israel Wood Powell and James Lenihan, both publicized the need to redress the Indians' grievances without delay, and Powell claimed that it was pointless for him to visit the Indians to discuss any matter while the land question remained unsettled.[3] In 1874 the Governor General of Canada, Lord Dufferin, wrote to the Colonial Office noting the fact that Indian policy in British Columbia was different from that of the rest of Canada and pointing out that British Columbia's actions in the past had created "a very bad feeling amongst the native tribes."[4] Two years later, when he visited the province, Dufferin made the same point to the local government and urged recognition of Indian rights.[5] At the same time newspapers in the east reported on the "high handed injustice" with which British Columbia had treated its Indians,[6] and even some local editors called for the government to stop behaving in a way that was bringing disgrace to the province.[7]

Early in 1876, under mounting pressure, British Columbia came to an agreement of sorts with the federal government on the Indian land question. The basis of this accord was the suggestion of the missionary, William Duncan, that Indian lands should be examined by a commission and that, rather than alloting a set acreage per family across the province, reserves should be allocated according to local situations. A federal order in council was passed on 10 November 1875 recommending that a Joint Commission be established to deal with Indian land in British Columbia. The Commission would comprise one member appointed by the provincial government, one by the federal government and a third selected jointly by the two levels of government. The Commissioners would investigate the "Habits, wants and pursuits" of the various Indian groups and, considering the amount of land available in each area and the claims of the European settlers, allocate reserves. Any extra land required for Indian reserves would be taken from crown lands, while any land taken away from a reserve would revert to the province.[8] Like all other Indian land policies in British Columbia since 1864, this one was predicated on the assumption that the Indians possessed no aboriginal title to the land that had to be extinguished before settlement took place. The British Columbia Government agreed to this federal proposal on 8 January 1876. Many hoped that the Indian land mess in the province would now be sorted out.[9] But these people were too sanguine.

From the beginning the provincial government made every effort to retard the work of the Commission. There had been no real change in governmental attitude in British Columbia and the province's acceptance of the proposed Commission was somewhat less than wholehearted. In its letter

accepting the federal proposal the Provincial Executive Council noted that, now that Indian affairs were a federal matter, "strictly speaking" British Columbia should not have to assume any of the expense of the Commission.[10] It was also portentous that the province deleted the words "with a view to the speedy and final adjustment of the Indian Reserve question" from its version of the first clause of the terms of the Commission.[11] Early in 1876 Alexander Caulfield Anderson and Archibald McKinlay were appointed as Commissioners representing Canada and British Columbia respectively, but there was delay over the appointment of the joint representative. Anderson was constrained to address the provincial government "pointedly" on a number of occasions before the third member was appointed,[12] and the summer, the best time for field work, had passed before a decision was taken. Finally agreement was reached on the appointment of Gilbert Malcolm Sproat to represent both governments.

Anderson and McKinlay, both former Hudson's Bay Company men, brought to the Joint Commission a considerable knowledge of the Indians of British Columbia, but Sproat was the pivotal and most energetic member. His earlier writings, in which he records his experiences during his residence at Alberni in the early 1860's, reveal him as a thoughtful observer of the Indians and their reactions to the presence of white settlers.[13] Now, as Reserve Commissioner, Sproat proved to be long-winded and opinionated, sending a blizzard of letters to Ottawa. Other officials found Sproat's lengthy letters and reports rather tedious. The Department of the Interior, for example, was impressed with Sproat's ability, but thought him to be "somewhat prolix" when he sent "a *volume* as his first report."[14] In British Columbia the Premier, George Walkem, huffed that Sproat was "wholly unfit for anything but verbose, voluminous, tiresome correspondence."[15] But, the judgement of the province's first minister notwithstanding, Sproat's letters to Ottawa provide a detailed and generally accurate account of the working of the Joint Commission and the considerable problems that it encountered. His letters also reveal Sproat's growing sympathy with the Indians and, correspondingly, his increasing criticism of the provincial government's dealings with them. In fact he defended his lengthy reports on the grounds "that *great evils* have been caused in the past by loose and curtailed records of many transactions of the government with the Indians."[16]

The provincial government, ignoring growing Indian dissatisfaction particularly in the interior, continued to procrastinate. After the delays on the appointment of personnel, Victoria began to prevaricate on the question of the expenses of the Commission. Because it still considered Indian affairs to be a purely federal matter, the British Columbia Government was initially unwilling to contribute anything towards the cost of the Reserve Commission.

However, the argument shifted to quibbling over the relative share that each government would bear. As a result of these delays the Commission was not able to start work among the troubled tribes of the interior during 1876, but had to confine its activities to the lower mainland and Vancouver Island. The Commissioners were aware of the urgency of their task and felt that these delays would produce a "pernicious effect" among the Indians.[17] But Sproat was hopeful that the Commission's operations on the coast would begin to allay the fears of the interior Indians. He realised that whatever they did on the coast would be known by the inland Indians.[18]

The Reserve Commissioners began their work with an examination of the reserve of the Musqueam, a Coast Salish group living on Point Grey. Their deliberations and decisions on this first case indicated the basic principles on which the Commission was to operate. A census was taken so that, for the first time, reserves were based on some knowledge of the Indian population in the locality. The Musqueam had their existing reserve of 342 acres confirmed, but the Indians complained that another part of their tribal land had been occupied by a European settler. The Indians were told by the Commissioners that they would not interfere with land legally held by settlers, but the Musqueam were given an extra 80 acres of land on Sea Island. This addition gave them 422 acres which worked out at 15 acres for each adult male in the band,[19] considerably less than the minimum of 160 acres that a European farmer could acquire. The Indians of the lower mainland were informed that they would not be given any more land than they could actively use, although the day after McKinlay had made this point to the Musqueam he recorded in his diary that it was a great pity to see so much fine farm land unused because it was in the hands of white speculators.[20] McKinlay, as the provincial representative on the Commission, was particularly prone to delivering homilies to the Indians on how the white man had improved the land and the benefits that would accrue to the Indians if they followed the settlers' example. However, the Commissioners had been especially instructed not to make any attempt to alter radically the habits of the Indians, "or to divert them from any legitimate pursuits or occupations."[21] Within their terms of reference the members of the Joint Commission did try to treat the coast Indians with a modicum of liberality and justice.

Meanwhile the Indians of the southern interior were growing more and more angry. The delays in the visit of the Commission had only increased their discontent. They had expected the Commissioners in the summer of 1876 and were exasperated when they failed to appear. It was to be late in June 1877 before they arrived in Kamloops. Once again the delays were the result of the parsimonious approach of the provincial government which was already asking for the Commission to be abolished. The province complained

that the Joint Commission was an excessively expensive way of settling land disputes with the Indians and, in any case, that only those Indians presently in contact with settlers needed to have reserves allocated. Throughout the greater part of the province, wrote the Provincial Secretary, the Indians were likely to remain completely isolated from the whites. Even if this were true it was evident that experience had still not convinced the provincial authorities that the Indian land question should be dealt with before it became a problem. Victoria now suggested that in future Indian reserves be allocated by the Indian Superintendent, subject to the approval of the Provincial Chief Commissioner of Lands and Works.[22] But, as Sproat rightly observed, if decisions were dependent on the approval of the Chief Commissioner of Lands and Works not a single reserve would be laid out.[23]

Early in June the Commission's trip to the interior was still being delayed by the interminable discussions between Victoria and Ottawa. Then, suddenly, there was a demand for action. A member of the provincial government came to the Commissioners' office in Victoria urging them to leave at once for the interior. After their enforced inactivity the members of the Commission found this sudden impetus for action surprising. They later discovered that the provincial government was responding to settlers' fears of an Indian uprising in the interior.[24]

There is conflicting evidence on whether the Indians were actually planning militant action against the settlers of the southern interior in the summer of 1877. Many settlers were quite sure that the Indians were organising an uprising, while others thought that there was no cause for alarm. The Upper Thompson, Shuswap and Okanagan Indians had always been considered a greater threat to the settlers than most groups, so some of those who predicted an outbreak were undoubtedly panicky. But other quite level-headed individuals, who were careful to point out that they were not alarmists, thought that there was serious cause for concern.[25] Growing dissatisfaction over the land question certainly reached a peak among the Shuswap and Okanagan Indians during 1877. In their exasperation some Indians argued in councils that armed force was the only way to extract concessions from an unresponsive government. There was talk that the Indians were contemplating linking up with the Nez Percé insurgents in the United States. Indians among the Shuswap who claimed to have come recently from Chief Joseph's camp gave accounts of the battles that the Nez Percé had fought.[26] Other Indians were said to be in contact with a Spokane sect which advocated complete withdrawal from any kind of contact with the Europeans.[27] There was a meeting of Indians to discuss problems and tactics at the head of Okanagan Lake in late June or early July. This council was an attempt to confederate the Shuswap and Okanagan Indians, although it

probably did not produce absolute unanimity. An Okanagan chief known to Anderson for many years told him that the young men at the meeting were eager to fight but that the older chiefs advocated caution.[28] What does seem to have come out of this meeting was a determination to present a united front to the Reserve Commissioners who were expected in the area.

When the Commissioners finally arrived in Kamloops they were expecting to deal with Indian dissatisfaction, but they were not prepared for the depth of disaffection that they encountered. At Kamloops they found the Indian village to be nearly empty as most of the inhabitants were away at the Okanagan meeting.[29] Sproat, who said that he preferred to gather his own evidence rather than to rely on the judgement of others in Indian matters, concluded that those officials who felt that there was no cause for alarm were mistaken. He thought that settlers often did not know what was going on right under their noses among the Indians, and that if an attack were being planned the Indians would hardly be likely to inform local officials of their intentions.[30] While some settlers underestimated the gravity of the situation, the Reserve Commissioners were sufficiently impressed to send a desperate telegram to Ottawa claiming "Indian situation very grave from Kamloops to American border — general dissatisfaction — outbreak possible."[31]

Sproat believed that any outbreak that occurred would be the logical outcome of provincial policies. An Indian uprising "would not be a revolt against authority, but the despairing action of men suffering intolerable wrong, which the Provincial Government will take no steps to remedy."[32] Ottawa concluded similarly. It is obvious, wrote the Minister of the Interior, "that the discontent of the Indians is wholly due to the policy which has been pursued towards them by the local authorities." He added that in the event of an Indian war "the people of Canada generally would not sustain a policy towards the Indians of that Province which is, in my opinion, not only unwise and unjust, but also illegal."[33]

Peace in the interior was tenuous for a time, but eventually the Reserve Commissioners were able to cool the situation off. Before leaving Victoria Sproat had spoken to Sir James Douglas who recalled that he had always been very careful to keep the Shuswap and Okanagan Indians in a good humour.[34] The Commission therefore gave the Indians time to express all their complaints in their own way. The Commissioners realized that the Indians had different concepts of time and methods of negotiating, and they felt that there was a marked contrast between the attention that they gave to the Indians and the abrupt manner in which they had been treated by the colonial government.[35]

But the ultimate tactic of the Reserve Commission was to divide the Shuswap leaders, thus breaking up the nascent 'confederation'. The Roman Catholic missionary, Father C.J. Grandidier, had persuaded the Adams Lake band not to attend the council at the head of Okanagan Lake but to meet with the Commission instead. So while the Kamloops Indians were away at the meeting a settlement was reached at Adams Lake and with another group on the North Thompson River. These northern bands had always been among the most isolated of the Shuswap Indians.[36] When Louis, the Kamloops leader, returned from Lake Okanagan he was furious with these Indians for settling with the Reserve Commission, but other chiefs were now beginning to waiver. Messages were constantly passing between the different bands and a settlement in one place facilitated negotiations in another.[37] Within some bands there were divisions between young and old. The deliberations with the Indians at Spallumcheen, north of Lake Okanagan, were crucial because it was the beginning of Okanagan territory and the Commissioners realised that the Okanagan Indians were more numerous, more hostile and more united than the Shuswap. In this case the prestige of an old chief was destroyed when his views on the land question were rejected by other Indians negotiating with the Commission.[38] By playing the young off against the old, agreements were reached in situations which had appeared impossible.[39]

After leaving Kamloops, the Commissioners proceeded to Shuswap Lake and then through the Okanagan Valley and into the Similkameen area before winter caught up with them and their field work ended for another season. The summer of 1877 was to be the last in which the Joint Commission was active. In 1878 pressure from the provincial government led to the dissolution of the three-man Commission and Sproat carried on alone until 1880. Many Indians wondered if yet another change in the manner of dealing with them meant that their needs were to be trifled with once again, but, as sole Commissioner, Sproat continued to try to achieve a reasonable settlement of the land question.

Sproat felt bound to speak for the Indians because they had great difficulty in making even their most reasonable wishes known "though an atmosphere thick with prejudice and injustice."[40] He took a great interest in the Indians' way of life and argued strongly that their "manners and customs" had to be understood before reserves could be satisfactorily assigned to them. He pointed out that as different parts of the Indians' land were frequented at different times of the year and were "linked to the hearts of the people by many associations", it was impossible to open the country for settlement without interfering with the Indian mode of life. Sproat thought that this point had not been appreciated by the rulers of British Columbia since Douglas had left office in 1864. The Indians of the interior were constantly on the move

and Sproat knew that it would be dangerous to try to confine them to limited reserves. He concluded that reserves could not be allocated as though assigning land to Ontario farmers: giving so many acres to each individual. Many interior Indians were not so much interested in acreage and good arable land as in the "old 'places of fun' up in the mountains or some places of fishing . . . where, at certain seasons, they assemble to fish, dig roots and race their horses." Sproat sometimes had Indians beseeching him that if the Queen could not give them good soil then would she at least give them the rocks and stones of the "old loved localities" now possessed by the whites.[41]

While he appreciated many aspects of the Indians' traditional way of life, it was also evident to Sproat that acculturative pressures were changing the Indians. Among the Shuswap, for example, there had been great changes since 1865 when the Gold Commissioner, Phillip Nind, reported that they "do nothing more with their land than cultivate a few small patches of potatoes here and there."[42] Now they had large herds of stock, and grew grain and root crops on most of their reserves.[43] Following Nind's report the Shuswap had been deprived of a large part of their reserve land,[44] but now their stock numbers were increasing and they required more land, particularly as overgrazing in the interior was already destroying the natural bunch grass and replacing it with sage brush.[45] Sproat also frequently pointed out that in the arid interior land without water was useless. While provincial legislation laid down minimal Indian rights to land, there was no mention of water rights.[46] There were desultory attempts to deal with the land question but absolutely nothing was done to ensure that the Indians had access to water.

Even as Sproat worked to solve some of these problems his time was running out. Public opinion was rapidly building up against the Reserve Commission. Many settlers, both on the coast and in the interior, thought that the Commission was being too liberal towards the Indians. Sproat had told the Indians that it was not possible to turn the country 'topsy turvy' to settle land disputes. Instead compromises had to be reached.[47] But the settlers were unwilling to compromise. Although the Indians were never given as much land by the Commission as they could have pre-empted if they were white,[48] many settlers complained that the Indians were being treated too generously. In the interior Sproat had tried not to interfere with the interests of the settlers, but they still protested bitterly when Indian reserves were established adjacent to their land. One group of South Thompson River settlers objected to Indian neighbours as being "a constant source of annoyance" because of their trespassing stock and "the well known thieving proclivities of the Indians themselves."[49] In a petition to the provincial government these settlers claimed that the result of having an Indian reserve adjacent to their land would be that their property "on the improvement of which we have expended

upwards of a decade of our most vigorous manhood, will be confiscated, for property with such surroundings will be utterly valueless in market.''[50]

Other settlers protested about Indians trespassing on their land. William Smith, who lived near the mouth of the Fraser River, wrote to the Indian Superintendent that

> their is some Indians settled on my Preemption and I can not get them off also their dogs are a bothering my Stock and Stealing ever thing they can get hold of and the Indians are a tramping down my dykes and when I say any thing to them they call me all the mean names they can think of so I think it is time they was moved off with strick orders not to come back on the place any more.[51]

Other, more literate, complaints were received. Archibald Dodds, a Cowichan settler, concluded that ''there is no law or justice here for a white man, the Indian has everything his way'',[52] and some wag in the Okanagan said that the object of the Reserve Commission was to put the Europeans on reserves.[53]

Sproat realised that there was bound to be some conflict of interest between farming settlers and farming Indians if the lands of the latter were to be defined, but he felt that objections like these were ''the angry utterance of men steeped in prejudice.''[54] Like most forms of prejudice, the settlers' was nurtured by ignorance, or, at least, by a selective retention of information about the Indians. One of the most singular experiences that Sproat had as Reserve Commissioner was his inability to gain accurate information about the Indians from settlers who lived in their midst. He was, for instance, told on occasions that the Indians were incapable of building irrigation ditches ''when ingeniously constructed ditches several miles in length were almost visible.'' At Chilliwack he was told that the Indians would not put up fences and the next day he observed over four miles of Indian fencing close to his informant's farm.[55] This ignorance of the Indians also operated at the government level. Sproat was amused at the dogmatism of those members of the provincial government who spent all their time in Victoria, and perhaps knew enough Chinook jargon to ask an Indian to blacken their boots, and yet gave the appearance of understanding the wishes, requirements and social condition of a large and widespread Indian population.[56]

Many settlers treated the Indians well, but when there was tension between the interests of the two races, the settlers all took a similar position. They forgot the ''obligation of regarding the Indians as equal before the law, in practice, as well as theory.'' When settlers thought that they had been badly treated by the Commission they began to abuse it. They stirred up the newspapers and, because most of its members were ''farming settlers with the

prejudice of their class'',[57] settlers had a great influence on the provincial government. Sproat began to ''think that people here believe that the Indians have no rights, and that they cannot acquire them.''[58] His assessment of the mood of the settlers was generally accurate, although there was some disagreement with the majority opinion. *The Inland Sentinel's* sentiments were more admirable than its spelling when it argued that ''it is far better to deal fairly with those whom the creator gave possession of the Great Loan Land.''[59] But most settlers put their own interests ahead of those of the Indians and they most assuredly had the ear of the local government.

Perhaps the most publicized of the Joint Commission's decisions was the laying out of Okanagan reserve number one at the head of Okanagan Lake. In this instance it was difficult to extend the Indians' inadequate reserve because all the land of any value had been taken up by settlers. However, the Commission decided that some of the land claims of Cornelius O'Keefe and Thomas Greenhow were illegal on two counts; because both settlers held more than one pre-emption and because their pre-emptions included Indian 'settlements'. It was therefore decided to give some of the land claimed by the settlers to the Indians. This decision, of course, raised a storm of protest and it was not ratified by the provincial government.[60]

The administration of Andrew Elliott, from February 1876 to June 1878, and George Walkem's governments, which preceded and followed Elliott's, were all well tuned to the demands of settlers. The votes of settlers in the interior could often be crucial to these governments, with their small majorities. As Sproat asked rhetorically, ''would a member or a minister, himself a settler, disregard angry and prejudiced messages from his neighbours, merely for the sake of the Indians.''[61] Elliott's Chief Commissioner of Lands and Works, Forbes George Vernon, told Sproat that he agreed with the Commissioner's views on the land question in the Okanagan, but owing to the approach of his election in the district he could take no action.[62] As far as Sproat was concerned there was little to choose from between the two administrations on Indian land policy. As Walkem had made the original agreement to establish the Reserve Commission, Elliott argued that Walkem had made an extravagant and expensive concession. What the Indians thought about the Commission, or the actual cost of its operations, were irrelevant as neither the Commissioners nor the Indians were consulted. It was the old story said Sproat, ''anything will do for the Indians.''[63]

The attitude and inaction of the settler government in Victoria was a constant impediment to the Commission's work. Sproat found it difficult to negotiate openly with groups of suspicious Indians when behind him the

government exercised a virtual veto power over his decisions.[64] To meet with the approval of the provincial government, Indian reserves had to conform to every letter of the law, while at the same time all kinds of laxity was permitted with settler's pre-emptions. For instance, in 1878 Edward Mohan, the Commission's surveyor, requested that the provincial government allow Indian reserves to be laid out without making exact surveys through the most rugged areas. The Chief Commissioner of Lands and Works replied that the Government would not issue crown grants to any land before a complete survey was made.[65] On the other hand, when Mohan asked if the Department of Lands would survey the claims of settlers adjacent to Indian reserves in order to facilitate the work of the Commission the answer was no.[66] The following year the Commission was informed that the government would not recognise reserves that had not been surveyed according to the regulations laid down in the 1879 Land Amendment Act. This act included seventeen instructions which had to be followed by surveyors, and adhering to these provisions would result in greatly increased expenditure by the Commission. Moreover, the act was to apply retroactively to reserves already established.[67] In some places all the good land had been taken up by settlers before the Commission arrived, making it difficult to find land for the Indians. In other places the provincial government allowed settlers to purchase land after it had been reserved for the Indians by the Commission,[68] and in the interior white farmers continued to run their cattle on winter range land set aside for the Indians.[69]

Sproat claimed that in the Osoyoos area a group of cattle ranchers had used their positions as magistrate and land recorders, which during the colonial period gave them the power to lay out Indian reserves, to deter other farmers from settling in the area. If a settler wanted to register a pre-emption he would be told by these local officials that the land in question was an Indian reserve, and, if necessary, a reserve would actually be established, although the ranchers continued to run their cattle on the land. After the Joint Commission had been through the area the land assigned to the Indians was purchased from the Government by John Carmichael Haynes, and seven years later the Osoyoos Indians were still without a reserve. A similar situation developed in the Similkameen valley, where Vernon allowed a settler named Daigneault to pre-empt part of an Indian reserve.[70]

When Sproat wrote to officials of the provincial government about such cases they frequently ignored his correspondence, although they always paid prompt attention to any letter containing the complaint of a settler. One government official told Sproat that drawing Walkem's attention to a letter on Indian business "was like calling his attention to the presence of a rattlesnake."[71] When the Reserve Commissioner wrote to the Provincial

Secretary regarding the land fiasco in the Cowichan area, where a settler had been given a crown grant to part of an Indian reserve, his letter was annotated with finely reasoned comments such as "impertinence" and "presumptuous assurance."[72] It gradually dawned on Sproat that "no government of the province will effectually recognise that the Indians have any rights to land. If it is possible to deprive them of their land, or to prevent them getting a bit of land, it will be done."[73] Under these conditions it was very difficult for him to follow his instruction to convey to the Indians the "anxious desire of the Provincial Government to deal justly and reasonably with them."[74]

Sproat had told Ottawa that basically there was little difference between the two British Columbia governments under which he worked, but at the same time he advised the federal government that it would be wise to settle all Indian matters while Elliott was in office. He warned that once Walkem and his two cronies, John Ash and Robert Beaven, got back into power the situation would once again become impossible. They "will do anything to embarrass and defeat the Commission", wrote Sproat prophetically.[75] Walkem was called upon to form a government in June 1878 as public pressure continued to mount against the Reserve Commission. Sproat perceived that the criticisms of him and his work were becoming more bitter. The member of Parliament for Yale, Francis James Barnard, said in the House of Commons that the Reserve Commissioner "seemed to think all he had to do was give the Indians whatever land he fancied."[76] Finally Sproat resigned from his position as Reserve Commissioner early in 1880. James Fell, a Victoria businessman, wrote to congratulate Macdonald on this development as "it was high time that G.M. Sproat was brought to book and put in his proper place, and you have just done the right thing, one head is all that is required."[78] Sproat had paid the price of allowing Indian land policy to lapse into something approaching fair treatment of the Indians.

It has been argued elsewhere that the difficulties between federal and provincial officials over the Indian land question were the consequence of the "frustration and bitterness engendered by the railway problem." According to Robert Cail no other explanation for the Province's obstructionist tactics offers itself.[79] Undoubtedly it was unfortunate for the Reserve Commissioners that they began their work during the period of the Liberal administration in Ottawa, which was also the time of greatest dissatisfaction in British Columbia over the federal government's tardiness on railway matters. There was also local concern that land given up for Indian reserves could not be used to attract railway lines. In 1878 Sproat was examining the land claims of the Sliammon, Klahuse and Homathco, who lived on the mainland shores of Georgia Strait, when he received a letter from Walkem objecting to his proceedings. Knowing that there was a good deal of speculation associated

with "railway imaginings" on the coast, Sproat felt that the individuals involved had influenced the government to try to prevent the establishment of Indian reserves in the area.[80] But while concern that the Indians might be given land that could otherwise be used for railways partly explains settler opposition to the Commission, it does not provide a total explanation. The reasons for the opposition run much deeper.

During his term as Indian Reserve Commissioner, Sproat had stated publicly that there was an "inherent futility" in any adjustment of the Indian land question which did not give the Indians sufficient land to provide them with a livelihood.[81] Herein lay the conflict with the settlers. The Europeans, out of apathy or antipathy, did not want to share the resources of the land with the Indians, at least not on an equal basis, and it was this attitude which largely prompted the actions of the local government. The Reserve Commissioners had cooled off a dangerous situation in the Kamloops area during the summer of 1877, they had defined Indian reserves more accurately in some areas of the province, but they had failed to effect any real change in Indian land policies.

Sproat was quite adamant that the Commission's adjustment of Indian lands had been neither "speedy" nor "final" because of the attitude of the British Columbia Government. On his resignation he submitted to Ottawa a long list of matters outstanding with the provincial government including some that had been before it for two or three years.[82] Two years earlier, in complete frustration, he had told that Department of Indian Affairs that the province would do nothing unless compelled, and he added darkly that "it may become a practical question how to compel the Provincial Government."[83] Even McKinlay, Victoria's own representative on the Joint Commission, could not "think of anything more disgraceful" than the Indian land policy of the British Columbia Government, which he compared to the policy followed during the highland "clearances" in Scotland.[84] In 1878 Victoria had made it clear that it was not prepared to regard any decision made by Sproat as final, although the government added that it would interfere only in extreme cases.[85] The British Columbia Government must have regarded every decision made by the Joint Commission as extreme, because, at the time of Sproat's resignation, not a single Indian reserve laid out by the Commission had received the approval of the provincial Department of Lands and Works.[86]

NOTES

[1] British Columbia, *British North America Act, 1867, Terms of Union with Canada, Rules and Orders of the Legislative Assembly . . .*, (Victoria, 1888), p. 66.

[2] For a more detailed analysis of Indian land policy in British Columbia in the 1860's and early 1870's see Robin Fisher, "Joseph Trutch and Indian Land Policy", *B.C. Studies*, 12, Winter, 1971-72, pp. 3-33.

[3] Powell to Superintendent General of Indian Affairs, 1 October 1875, and Lenihan to Superintendent General, 7 November 1875, Canada, *Annual Report of the Department of Indian Affairs, 1875,* (Ottawa, 1876), pp. 44 and 54.

[4] Dufferin to Carnarvon, 4 December 1874, Great Britain, Colonial Office, Original Correspondence, Canada, CO. 43/730, Public Archives of Canada (hereafter cited as PAC).

[5] Speech of Dufferin at Government House, Victoria, 20 September 1876, in Henry Milton (ed.), *Speeches and Addresses of the Right Honourable Frederick Temple Hamilton Earl of Dufferin*, (London, 1882), pp. 209-11.

[6] Report in *The British Colonist,* 27 April 1875.

[7] *The British Colonist,* 24 December 1875.

[8] Report of the Privy Council, 10 November 1875, Report of the Executive Council of British Columbia, 6 January 1876, in British Columbia, *Papers Connected with the Indian Land Question, 1850-1875,* (Victoria, 1875), pp. 160-63 and 169-70.

[9] See, for example, E.A. Meredith, Deputy Minister of the Interior, to Powell, 8 February 1876, I.W. Powell, Papers, MSS, Provincial Archives of British Columbia (hereafter cited as PABC); and *The British Colonist,* 20 August 1876.

[10] Report of the Executive Council, 6 January 1876, British Columbia, *Papers Connected with the Indian Land Question,* p. 170.

[11] This point is made by G.E. Shankel, "The Development of Indian Policy in British Columbia", (Ph.D. Thesis, University of Washington, 1945), pp. 124-25.

[12] Anderson to Minister of the Interior, 17 August 1876, Department of Indian Affairs, (RGIO), Black Series, Western Canada, vol. 3633, file 6425 (1), MSS, PAC.

[13] See particularly Gilbert Malcolm Sproat, *Scenes and Studies of Savage Life,* (London, 1868).

[14] Meredith to Powell. 18 October 1876, Powell Papers.

[15] Walkem to Macdonald, 1 March 1879, Sir John A. Macdonald. Papers, MG26A, vol. 293, MSS, PAC.

[16] Sproat to Minister of the Interior, 22 March 1877, RGIO, vol. 3645, file 7937.

[17] Anderson to Minister of the Interior, 29 September 1876, RGIO, vol. 3633, file 6425, (1).

[18] Sproat to David Laird, Minister of the Interior, 30 September and 27 September 1876, RGIO, vol. 3637, file 7131 and vol. 3611, file 3756 (1).

[19] Anderson to Minister of the Interior, 21 March 1877, RGIO, vol. 3645, file 7936; McKinlay, Diary 9 November 1876, Archibald McKinlay, Diary 1876-1877, MS, PABC.

[20] McKinlay, Diary, 9 and 10 November 1876.

[21] Canada, *Report of Indian Affairs, 1876,* p. xvi.

[22] A.C. Elliott to Minister of the Interior, 27 January 1877, RGIO, vol. 3641, file 7567.

[23] Sproat to Superintendent General, 13 October 1877, RGIO, vol. 3641, file 7567.

[24] Sproat to Superintendent General, 30 June 1877, RGIO, vol. 3650, file 8497.

[25] See, for example John Tait and J.A. Mara to Indian Commissioners, 15 July 1877, RGIO, vol. 3651. file 8540.

[26] McKinlay, Diary, 17 August 1877.

[27] Sproat to Superintendent General, 27 August 1877, RGIO, vol. 3653, file 8701.

[28] Anderson to Meredith, 21 July 1877, RGIO, vol. 3651, file 8540.

[29] Report of the Reserve Commission, 16 July 1877, British Columbia, Provincial Secretary, Correspondence, 1872, MSS, PABC.

[30] Sproat to Superintendent General, 27 August 1877, RGIO, vol. 3653, file 8701.

[31] Sproat and Anderson to the Minister of the Interior, 13 July 1877, Canada, Indian Reserve Commission, Correspondence, 1877-1878, MSS, PABC.

[32] Sproat to Phillip Vankoughnet, Deputy Superintendent of Indian Affairs, 26 November 1879, RGIO, vol. 3612, file 3756 (2).

[33] David Mills, Minister of the Interior, to Sproat, 3 August 1877, Canada, Indian Reserve Commission, Correspondence.

[34] Report of Sproat, 1 December 1877, RGIO, vol. 3612, file 3756 (16).

[35] Sproat to Superintendent General, 27 August 1877, RGIO, vol. 3611, file 3756 (12).

[36] See James Teit, *The Shuswap, Memoir of the American Museum of Natural History*, Franz Boas (ed.), n.p., 1909.

[37] Sproat to Minister of the Interior, 16 July 1877, RGIO, vol. 3651, file 8540.

[38] Reserve Commission, Journal, 23 August 1877, Journal of the Proceedings of the Commission for the Settlement of the Indian Reserves in the Province of British Columbia, vol. 1828, RGIO, MS, PAC.

[39] Sproat to Superintendent General, 27 August 1877, RGIO, vol. 3611, file 3756 (12).

[40] Sproat to Superintendent General, 10 November 1879, RGIO, vol. 3669, file 10,691.

[41] Sproat to Superintendent General, 26 October 1878, RGIO, vol. 3612, file 3756 (1); Sproat to Mills, 27 August 1877, vol. 3653, file 8705.

[42] Nind to Colonial Secretary, 17 July 1865, British Columbia, *Papers Connected with the Indian Land Qeustion*, p. 29. Sproat, perhaps a little ingenuously, assumed that Nind's earlier description, had been accurate at the time.

[43] Enclosure in Sproat to Superintendent General, 6 February 1878, RGIO, vol. 3657, file 9360.

[44] See Fisher, "Joseph Trutch and Indian Land Policy", pp. 9-10.

[45] Sproat to Superintendent General, 16 November 1879, RGIO, vol. 3703, file 17,626 (2).

[46] Sproat to Provincial Secretary, 22 April 1878, British Columbia, Provincial Secretary, Correspondence.

[47] Sproat to Superintendent General, 26 October 1878, RGIO, vol. 3612, file 3756.

[48] Report of Sproat, 1 December 1877, RGIO, vol. 3612, file 3756 (16).

[49] Petition in A.M. Bryan to Chief Commissioner of Lands and Works, 29 September 1877, RGIO, vol. 3668, file 10,344 (2).

[50] Petition of Whitfield Chase, Alexander McBryan, D.G. MacPherson, and C.E. Williams, 24 January 1878, British Columbia, *Sessional Papers*, (Victoria, 1878), p. 451.

[51] Smith to Powell, 22 May 1875, British Columbia, Early Correspondence, 1873-1876, vol. 1001, RGIO, MS, PAC.

[52] Letter of Dodds, enclosure in Morely to Provincial Secretary, 23 May 1877, British Columbia, Provincial Secretary, Correspondence.

[53] Sproat to Superintendent General, 3 October 1877, RGIO, vol. 3612, file 3756 (2).

[54] Sproat to Vankoughnet, 26 November 1879, RGIO, vol. 2612, file 3756 (2); Sproat to Superintendent General, 9 January 1878, RGIO, vol. 3657, file 9193.

[55] *Ibid.*

[56] Sproat to Vankoughnet, 27 November 1879, RGIO, vol. 3612, file 10,776.

[57] Sproat to Superintendent General, 30 October 1877, RGIO, vol. 3612, file 3756 (22).

[58] Sproat to Superintendent General, 26 November 1878, RGIO, vol. 3670, file 10,769.

[59] *The Inland Sentinel*, 10 June 1880.

[60] Sproat to Superintendent General, 13 September and 3 October 1877, 15 August 1878, RGIO, vol. 3612, file 3756 (13, 17 and 22); Sproat, Memorandum on O'Keefe Case, 20 January 1878, British Columbia *Sessional Papers, 1878*, pp. 716ff.

[61] Sproat to Superintendent General, 13 October 1877, RGIO, vol. 3641, file 7567.

[62] Sproat to Superintendent General, 26 November 1878, RGIO, vol. 3670, file 10,769.

[63] Sproat to Meredith, 9 April 1877, RGIO, vol. 3641, file 7567.

[64] Sproat to Superintendent General, 29 April 1878, RGIO, vol. 3641, file 7567.

[65] Vernon to Mohan, 1 March 1878, British Columbia, Lands Department, Correspondence 1872-, MSS, PABC.

[66] Mohan to Chief Commissioner of Lands and Works, 22 April 1878; Walkem to Mohan, 8 July 1878, RGIO, vol. 3633, file 6425 (1).

[67] British Columbia Law Statutes, "An Act to Amend the 'Land Act, 1875,'" 42 Vict., Chap. 21, British Columbia, *Statutes of the Province of British Columbia.*, (Victoria, 1879), pp. 69-75. Mohan to Chief Commissioner of Lands and Works, 23 June 1879, British Columbia, Lands Department, Correspondence.

[68] Sproat to Superintendent General, 1 May 1879, RGIO, vol. 3686, file 13,253; Powell to Superintendent General, 5 November 1886, Canada, *Report of Indian Affairs 1886*, part 1, p. 96.

[69] Sproat to Superintendent General, 16 November 1879, RGIO, vol. 3703, file 17,626 (2).

[70] Sproat to Superintendent General, 26 November 1878, 25 February and 9 April 1879, IABS, vol. 3670, file 10,769, vol. 3679, file 11,990, and vol. 3684, file 12,836; Powell to Chief Commissioner of Lands and Works, 11 November 1884, RGIO, vol. 3684, file 12,836.

[71] Sproat to Vankoughnet, 9 April 1879, RGIO, vol. 3684, file 12,836.

[72] Pencil notes on Sproat to Provincial Secretary, 7 May 1878, British Columbia, Provincial Secretary, Correspondence.

[73] Sproat to Vankoughnet, 9 April 1879, RGIO, vol. 3684, file 12,836.

[74] Sproat to Minister of the Interior, 26 October 1876, RGIO, vol. 3633, file 6425 (1).

[75] Sproat to Laird, 30 September 1876, RGIO, vol. 3637, file 7131.

[76] Canada, Parliament, *Official Reports of the Debates of the House of Commons of the Dominion of Canada*, 1880, vol. IX, (Ottawa, 1880), p. 1633.

[77] De Cosmos to Macdonald, 29 September 1879, Macdonald, Papers, vol. 293.

[78] Fell to Macdonald, 25 January 1880, Macdonald, Papers, vol. 364.

[79] Cail, Robert E., *Land, Man and the Law: The Disposal of Crown Lands in British Columbia, 1871-1913*, (Vancouver, 1974), p. 202.

[80] Sproat to Superintendent General, 4 September 1879, RGIO, vol. 3680, file 12,395.

[81] [Gilbert Malcolm Sproat], *Memorandum on Indian Reserves in the District of Yale*, (Victoria, 1878), p. 7.

[82] Sproat to Vankoughnet, 30 January 1880, RGIO, vol. 3706, file 18,632.

[83] Sproat to Superintendent General, 7 December 1878, RGIO, vol. 3670, file 10,769.

[84] McKinlay to Tolmie, 22 May 1811 and 1 May 1882, Archibald McKinlay, Correspondence Outward, 1871-1885, MSS, PABC.

[85] A.N. Richards to Scott, 18 April 1878, British Columbia, Lieutenant-Governor, Despatches to Ottawa, 31 July 1876—2 January 1893, MSS, PABC.

[86] See British Columbia, *Sessional Papers 1885*, pp. 392-402.