

AMERICAN AND BRITISH TREATMENT OF THE INDIANS IN THE PACIFIC NORTHWEST

A series of large mining "rushes" during the decade following 1858 brought an energetic population into the interior of the old Oregon country. Prosperous communities sprang up in eastern Oregon and Washington. Idaho, Montana, and British Columbia came into being. But the populating of these regions produced acute problems with regard to the Indians, and the point of view of this article is that of attempting to compare the British and American methods of attacking these problems.

Let us turn our attention first to conditions and developments on the American side.

To the usual causes of antagonism between the native and the white man there was added in the interior of the Pacific northwest the impossibility of any retreat of the former; for the frontier was closing in from both directions. "An unprogressive being * * * *, quite well satisfied with the present, unstimulated by the past, non-apprehensive of the future" was here brought face to face with one "in all things the reverse, a restless mortal dissatisfied with the present, with a history pointing upwards, apprehensive of the future and always striving for individual and social betterment."¹ "Now that we propose to invade these mountain solitudes," wrote the builder of the Mullan Road, "to wrest from their hidden wealth, where under heavens can the Indian go?"²

The answer seemed patent enough to a good many thoughtful Westerners, who were not cruel men. "The experience of those who have seen most of the Indians," said the Oregonian, "has been neither flattering to the efforts of the Government, nor consoling to the hopes of the true Christian philanthropist; but the purposes of the red man's creation in the economy of nature are well nigh accomplished, and no human hand can avert his early extermination from the face of the North American Continent. Silently but irresistibly the purposes of Providence take their way through the ages, and across the line of their march treaties would seem but shreds, and the plans of men on the tide of history but waifs upon the sea."³ A belief in such predestination, however exculpatory for white men, would scarcely help in the working out of any system looking toward the uprising of the Indians. Mullan's type of predestination was more blunt: "The Indian," he said, "is destined to disappear before the white man, and the only question is, how it may best

¹Davenport, T. W., *Recollections of an Indian Agent*, Quar. Or. His. Soc., Vol. VIII, No. 4, Dec., 1907, p. 353.

²Mullan—Report on Military Road, p. 52.

be done, and his disappearance from our midst tempered with those elements calculated to produce to himself the least amount of suffering, and to us the least amount of cost."⁴

The writer in the *Oregonian*, quoted above, held that it was a fundamental error in the treatment of Indians to acknowledge their rights to the soil and to make treaties with them as if they were nations. Governor Ashley, of Montana, also declared that treaty-making with Indians ought to cease.⁵ To the same effect C. H. Hale, Superintendent of Indian affairs in Washington Territory, wrote as follows: "I am well satisfied that a radical change should be made in our mode of treatment towards the Indians. I do not consider the language as any too strong when I say, that for us to negotiate treaties with them as it is usually done is little better than a farce. We profess by such an act to recognize their equality in status and in power, and to clothe them with a national existence that does not at all pertain to them. Instead of thus exalting them in mere form, they should be treated as they really are, the wards of the government."^{5 1/2}

The rougher element among the whites, who were in contact with the Indians, bothered themselves not at all concerning theories or treaties and seldom showed towards Indians even ordinary human feeling. "A d—d Indian," as was the usual expression, got no consideration at their hands. Indians were killed by desperadoes in Montana with despicable wantonness.⁶ A farmer Indian of the Walla Walla tribe had taken some wheat to mill at Walla Walla and had hitched his horses to his wagon to feed, when a gambler came from a nearby saloon and took one of the horses. The owner could not recover it, because men feared to testify against one of the roughs; but the Indian was reimbursed by employes of the Umatilla agency.⁷ In southern Idaho Indian women and children were killed in attacks made by volunteer soldiers, and it was charged that many Indian women were violated.⁸ In the former case, however, it was claimed that the Indian women fought as hard as the men and that they were indistinguishable from the men in a melee.

It is fair to remember, in judging of atrocities committed by whites, that not a few of the frontiersmen were inflamed by memories of horrid deeds committed by Indians upon relatives and friends.⁹ We of the

³Id., p. 79.

⁴Id., p. 52.

⁵Con. His. Soc. Mont., Vol. VI, p. 284.

^{5 1/2}Rpt. Com. Indian Affairs, 1863, p. 442.

⁶Langford, *Vigilante Days and Ways*, Vol. I, pp. 250 & 318.

⁷Recollections of an Indian Agent. *Or. His. Quar.* Vol. VIII, No. 1, March, 1907, p. 389.

⁸The Pioneer Reminiscences of George Collier Robbins, *Pacific Monthly*, Vol. 26, No. 2, Aug., 1911, pp. 288-9.

⁹An incident of this nature is related in Hailey, *History of Idaho*, p. 58.

present generation, indeed, can scarcely understand how ingrained was racial hatred in the white frontiersman of that day. "From the cradle up he was the recipient of folk lore which placed the Indian as his hereditary and implacable enemy. To the childish request, 'Grandma, tell me a story, it was bear or Indian, ghost stories being too tame for frontier life, and that the bear and Indian did not stand upon the same plane as objects to be exterminated, seldom entered into the thoughts of the grandmother or the little one soon to take part in the conquest of the wilderness. * * * * Granny might bring tears to the eyes of her little auditors by telling how the bear cubs moaned over their dead mother, but no tears flowed for the Indian children made destitute by this perpetual conflict.'"¹⁰ On the other hand, there might have been in an early day a measure of truth in the assertion that murder is merit; scalps enviable trophies; plunder legitimate; the abduction of women and their violation, a desirable achievement."¹¹

In judging of Indian populations, however, and of the relations of whites to them, discriminations need to be made. There were within tribes bad Indians and good Indians, just as there were bad whites and good whites; and it was generally the bad men on both sides that made trouble. Moreover, there was a great difference between such comparatively well ordered tribes as the Coeur d'Alenes or the Nez Perces and the scattered banditti of southern Idaho and south-eastern Oregon. This difference is dwelt upon in a report of the Committee on Indian Affairs of the Idaho Legislature, which was made in 1866. In the northern portion of the Territory, the report said, "the Nez Perces, Coeur d'Alenes, Pend d'Oreilles, etc., have been for a long time gradually adopting the pursuits of peace and habits of civilization, under good influences, acquired property and permanent habitations and rely for surer subsistence upon the cultivation of the soil and the raising of stock. But in South Idaho, throughout that portion of the Territory south of Snake River, your committee regret to say, a far different condition of affairs has existed from the organization of the Territory, and still continues. The scattered clans in all this region, known as the Shoshones or Snakes, inhabit a country for the most part destitute of timber and game, spreading into wide deserts, and affording them secure retreats in rugged mountains and deep canyons. Never having any fixed habitations, they acquire no property except by plunder, and hold none except for temporary subsistence and plunder. So, far from cultivating the soil, or any arts of peace, they have to a great extent ceased to depend for food upon

¹⁰Recollections of an Indian Agent, Quar. Or. His. Soc., Vol. VIII., No. 4, Dec., 1907, p. 360.

¹¹The Montana Post, Feb. 4, 1865.

fish, grass seeds, crickets, roots, etc., and rely upon what they seize by murder and robbery on the public highways and frontier settlements. * * * * * They have no recognized head, but simply leaders of clans, and know nothing of treaty obligations. Nothing, therefore, but vigorous war, that will push them to extremities of starvation or extermination, can ever bring peace to our borders and security to our highways.¹²

If one tries to imagine himself in the conditions that then existed in southern Idaho, he will, perhaps, better understand why even humane people could have had stern and cruel opinions with regard to the treatment of some classes of Indians. There was no danger of attack upon settlements of any size; there was, in fact, no declared war. But stock was constantly being stolen, lone men murdered, and pack trains attacked. If a few men pursued the Indians, the latter would turn and fight like fiends, and with the advantage of knowledge of the country. To dwellers in secure homes, these enumerations may appear not particularly significant, but to one with understanding of frontier conditions they mean much. If travellers, for example, had their animals stolen, it meant all the discomfort and danger of being left afoot in a country of great distances. If a rancher had his stock run off, it meant temporary impoverishment and disablement. For white men to steal horses was quite generally recognized as a capital crime; why, then, compunction for Indians? Men, moreover, who looked down upon the mutilated remains of comrades, cut off in the unceasing assassinations, were very likely to vow vengeance upon the whole murderous race. Finally, there were wider considerations affecting the whole community; Indian attacks deterred packers, freighters, and stage owners, thereby raising freights, delaying mails, making supplies more scarce and costly, impeding immigration, and hindering the investment of capital,—in a word, checking prosperity in a way to which no civilized community would submit.

The men who went out to find and to kill Indians who were thus damaging the communities, were not always nice men; but they often showed self-denial in leaving good-paying employments, and they endured great privations and did a necessary work for civilization.¹³ The character of the United States troops, likewise, who served in these regions during the Civil War was sometimes questionable; but frontier communities were justifiably grateful to men like those of General Conner's command, many of whom in the Bear River expedition endured freezing,

¹²Journals of the Council and House of Representatives of Idaho Territory, 4th session, 1866-7, pp. 343-4.

¹³For different views of one expedition, contrast the account of the expedition led by Jef Standifer in Hailey's Idaho, pp. 49-60, with that in the Pioneer Reminiscences of George Collier Robbins, Pacific Monthly, Vol. 26, No. 2, Aug., 1911, pp. 188-9.

wounds, and death in corraling and fighting a large band of predatory Indians.¹⁴

The exasperation of the southern Idaho communities, under continual Indian harassment, became extreme. This was especially true in Owyhee. A meeting of citizens offered rewards for scalps; one hundred dollars for that of a buck, fifty dollars for that of a squaw and twenty-five dollars for "everything in the shape of an Indian under ten."¹⁵ When fifty-five Indians were reported killed in Humboldt, the local paper in Owyhee rejoiced that these were made "permanently friendly"; the next item, in contrast, is an announcement of a Christmas Festival for the Sunday School children at the Union Church, at which there were to be an address, songs by the children, and distribution of gifts.¹⁶ The month previous, on report of seventy Indians being killed and scalped in Nevada, the same paper burst out with,—“Here’s seventy more reasons for those safely-located, chicken-hearted, high-toned-treaty-moral suasion philanthropists to ignorantly wail about, and we’re glad of it.”¹⁷ Since it was so extremely difficult to catch these Indian marauders, a novel proposal was advanced, possibly not in real earnest: “If some Christian gentlemen will furnish a few bales of blankets from a small-pox hospital, well inoculated,” the *Avalanche* announced, “we will be distributing agent, and see that no Indian is without a blanket. That kind of peace is better than treaties.” “These ideas suit us exactly,” commented the *Idaho World*.¹⁸

In the case of Indians such as these in southern Idaho, the reservation system as yet was impossible; but for the more amenable Indians, who lived farther to the west and north, this system seemed not only possible, but necessary. For the mining advance was sweeping away the native means of subsistence. Game was receding into the more remote localities, and the camas and cous grounds were being continually devastated by the hogs of settlers. The fish supply, to be sure, still remained, but the location of the fisheries on the streams along which most of the travel proceeded made necessary a contact with whites which brought evil results to the Indians. It was fortunate, therefore, that arrangements for the establishment of reservations were well under way, when the mining advance began. For the Indians east of the Cascades the treaties of 1855 (ratified in 1859) provided five reservations, each the size of a

¹⁴General Conner's men marched several days in extremely cold weather, in order to catch and surprise these Indians. Of the soldiers in this expedition 15 were killed, 53 wounded, and 75 more or less seriously frozen. An account may be found in Langford, *Vigilante Days and Ways*, pp. 337-351.

¹⁵The *Idaho World*, Feb. 24, 1866.

¹⁶Owyhee *Avalanche*, Dec. 16, 1865.

¹⁷*Id.*, Nov. 11, 1865.

¹⁸The *Idaho World*, Jan. 27, 1866.

large county. These were the Yakima, the Warm Springs, the Umatilla, the Nez Perces and the Flathead. On all of these reservations agents were to be stationed, mills were to be erected, farming tools furnished, and schools and teachers provided. The policy itself was conceived on generous, humane, and enlightened principles, and it is doubtful if, under the circumstances, a better could have been devised. But the test came in administration; the difficulties and weaknesses, as the system worked out, proved to be many and formidable.

Among the first of these obstacles to become apparent was the natural unfitness of the Indian for civilized life.

It was always a difficult task for a white settler in a new country to get a start in the cultivation of the soil. He had to be able to gain support in some manner while he was building his house, breaking up the soil, and waiting for his crops to mature. Tools were generally scarce and dear, and many shifts and ingenious devices had to be employed. To be sure, the American frontiersman had become so expert in this work, that he went at it with comparative ease; but how difficult such work is for the untrained white man may be seen today in the case of Englishmen coming direct from the old country to western Canada.¹⁹

Much more difficult it was, then, for the Indians. The ordinary Indian was very poor, ignorant, and conservative. A few, it was true, had large herds of ponies, but the average Indian might have two or three, and these worthless for the stern work of breaking prairie sod. The shrewd Indians who owned large herds, moreover, could see no reason for raising crops when stock-raising paid better and was vastly easier and more agreeable. And this was the more true when, as on the Umatilla reservation, wheat had to be hauled long distances to be ground. Furthermore, it was not at all the proper thing for a common Indian to begin a new sort of enterprise without the consent and example of his chief. Plowing, and like work, again, was for the Indian inexpressibly awkward and hard to learn, and, moreover, contrary to his ideas and to the ideas of his women of what a man ought to do. It was entirely natural that he should prefer to such drudgery, the sport of hunting and fishing and moving around. It was not his habit to stay in one place, for when the camas was ripe he needed to be near the grounds where it grew, and when the salmon were running it was necessary to be at the fisheries. Moreover, it was not sanitary for those Indians with their tepee habits to dwell long in one place; when Indians were forced to do so, filth

¹⁹The Canadian Pacific Railway has a special plan for providing for such settlers, by itself building houses and breaking land. It is a well-known fact in Western Canada that new emigrants from the old country find it much more difficult to get a start than do Americans or people from Eastern Canada. This fact was recently called to my attention, on a visit to Alberta, by an English farmer of several years' experience.

brought disease and death. So, it was a hard, long task [the white man had been at it for thousands of years], this task of settling down to the orderliness and laboriousness and anxiety of civilized ways,—certainly a task not to be done in a year or decade, according to the swiftness and impatience of Americans. Under the most favoring conditions it was a task that demanded time for slow and painful growth.²⁰

The conditions were not the most favorable.

In the first place the Government that was finally responsible was far away, at its best worked slowly, and was now handicapped by an absorbing and expensive war. A new party, moreover, was in power, and new men were at work. The financial problem, which this new party had to face, was stringent; it was not to be wondered at, therefore, that funds indispensable to the right working of the reservation system reached their destinations tardily. On September 25, 1861, for example, only a portion of the funds appropriated for the Oregon superintendency in 1860 had arrived, and the remainder had been remitted so far behind time as seriously to impair efficiency.²¹ Agent Bancroft, and some of his employes, in two years received pay for only one quarter.²² Moreover, when funds did arrive for the different agencies, they were in checks, which were hard to cash and reckoned on a legal tender basis, while the entire business of the Coast was on a gold basis. It was, consequently, very difficult to secure and retain efficient employes.²³ Native employes also, in particular, wanted their pay promptly on doing their work and felt aggrieved if they did not get it. Nor could the business of the Department be economically conducted; merchants naturally asked higher prices for goods when paid for in vouchers. The practice by agents of issuing vouchers itself was a most pernicious and corrupting one, but it was the only way in which the agency business could at times be carried on at all. Goods which were bought were frequently long delayed for lack of cash for transportation, or money was borrowed for transportation at the high rates of interest which prevailed on the Coast.²⁴ Goods of all sorts solemnly promised to the Indians, and improvements in the shape of mills, etc., were delayed for months and years; it was natural, therefore, for the Indians to feel that the Great Father was not particular about keeping his engagements, and that they in turn need not be particular about keeping theirs.

Furthermore, the Government did not provide adequate protection

²⁰I am indebted for a number of the ideas and facts expressed in this paragraph to *Recollections of an Indian Agent*, Quar. Or. His. Soc., Vol. VIII, No. I, March, 1907, pp. 12-18.

²¹Report of the Commissioner of Indian Affairs, 1861, p. 160.

²²*Id.*, 1862, p. 419.

²³*Id.*, 1863, p. 52.

²⁴*Id.*, 1861, p. 160.

for Indians who were on reservations. We have noticed before how the Nez Perces reservation was invaded by miners in defiance of treaty obligations. A still more conspicuous example of the failure to provide protection occurred at the Warm Springs reservation, where repeated raids of the Snakes terrorized and impoverished the agency Indians and discouraged them from attempting the cultivation of the soil. The Snakes on one occasion killed or captured many women and children, drove off the cattle and horses, both of the Indians and the Government, compelled the employes to flee for their lives, and plundered the agency. Troops pursued them without effect; and, moreover, hardly had the pursuers returned, when another raid took the remainder of the stock.²⁵

No feature of the reservation system was the cause of so much dissatisfaction to Indians, agents, and superintendents as was the payment of annuities. Not a few of the Indians of some tribes—notably of the Nez Perces—were men of self-respect and shrewdness, who felt insulted at being offered gewgaws and calico.²⁶ Calico and loss of land became connected in the Indian mind.²⁷ Among the Yakimas it was noted that there was great reluctance shown by many at receiving annuities. A reported speech by Qui-tal-i-can, a Yakima Indian, on the occasion of distribution of annuities at the Yakima agency, illustrates the attitude of independence held by some Indians: "The white men propose to bring all Indians to one land. Not good. Like driving horses into a corral. Suppose Indians went to Boston and told all the Bostons to go to one place. Would it be well? I am a poor man, but I will not say to the Agent, I am a dog. The Great Spirit will take care of us. He will always cause the grass to grow and the water to run. I am somewhat ashamed to be here today. My land is not to be sold for a few blankets and a few yards of cloth."²⁸ The Indians in general, moreover, quite rapidly learned to prefer that which was substantial to that which was trashy.

But the goods which they received were ill adapted to their needs, since these goods were not sent in accordance with their own expressed desires, nor according to the requisition of the agents. At the Umatilla reservation, when Mr. Davenport distributed the annuities, the total amount of goods had a "pretty fair appearance"; but for 91 men there were provided 59 flannel shirts, 22 coats, 23 pants, 51 wool hats, 49 caps, and 65 pairs of brogans, and there were 122½ pairs of blankets for the total of 324 persons.²⁹ Many of the articles received by the

²⁵Report Commissioner of Indian Affairs, 1860, pp. 173-761.

²⁶Rpt. Com. Ind. Affairs, 1862, p. 397.

²⁷The Weekly Oregonian, Sept. 7, 1861.

²⁸San Francisco Daily Bulletin, July 24, 1862.

²⁹Recollections of an Indian Agent, Quar. Oregon His. Soc., Vol. VIII, No. 2, June, 1907, p. 108.

fishing Indians of the Sound country were those suitable to the more agricultural Indians of the interior,—consisting of “pitchforks, sickles, scythes without snaiths, frying pans, and other loose ends of New York stores.”³⁰ It was not to be wondered at that the Indians traded off or gambled away these goods. Besides lack of suitability, there was no telling when the goods would arrive for distribution, and in consequence the Indians might have to go without needed clothing in winter time: “Really, the worst part of the annuity business was the uncertainty as to what kind of goods would be furnished, and at what time, if at all.”³¹

It was held by agents and superintendents that this sort of expenditure was in itself not wise, since it tended to pauperism and indolence. It would have been better, they said, to expend the money for improvements such as would help the Indians to become self-supporting,—in particular for the planting of orchards,—or to pay the Indians for doing work, rather than to give them articles outright. At any rate, it was urged, annuities ought not to be issued to all of each tribe, but only to such as stayed on the reservation and showed inclination for work and progress.³²

The reason why there was so much mal-adjustment, so it was universally claimed by superintendents and agents, was that the annuity goods were purchased on the Atlantic coast. A newspaper correspondent said that the fault lay with the “Great Father in New York who annually gets contracts for furnishing things to poor Lo.”³³ So important does this aspect of the annuity problem seem, that I quote at some length from the annual reports of three superintendents. Edward R. Geary reported in 1860 from the Oregon Superintendency as follows:

“Reference to the several lately ratified treaties made with the Indians in the interior of Washington and Oregon, shows that the chief objects to which the large sums embraced in the first payment for their lands ceded to the United States are applicable, are such as ‘providing for their removal to the reservations;’ ‘breaking up and fencing farms;’ ‘building houses;’ ‘supplying provisions and a suitable outfit,’ etc.

“The aggregate amount of these first payments, to be expended for such objects as above specified, under the five treaties with the Indians east of the Cascade mountains, and appropriated by Congress at its last session, is \$231,900. Of this, the sum of \$111,000 was expended in the purchase of drygoods, groceries and hardware on the Atlantic side. This expenditure does not appear to be in accordance with the spirit and

³⁰Report of Henry A. Webster, Rpt. Com. Ind. Af., 1862, p. 407.

³¹T. W. Davenport, Recollections of an Indian Agent, Quar. Or. His. Soc., Vol. VIII, No. 2, June, 1907, p. 108.

³²Rpt. Com. Ind. Af., 1863, p. 459.

³³San Francisco Daily Bulletin, Jan. 28, 1864.

intent of these treaties; nor does it meet the just expectations of the Indians."

"The whole amount appropriated for first payment of annuities to the Indians, embraced in four treaties, in Washington Territory, west of the mountains, is \$26,500; of which the entire amount has been expended in the same market as above.

"Some of the dry goods are not adapted to the condition and habits of the Indians on this side of the Rocky Mountains, and one-half the amount would have sufficed for their present wants.

"Suitable goods of the best quality can be purchased in this market at prices ranging but little above those paid for similar articles in New York. Thus the freight might have been saved, and the risk and exposure avoided, by which many articles have been damaged in the transportation. * * * *"³⁴

The successor to Mr. Geary, William H. Rector, wrote as follows in 1861 to the Commissioner of Indian Affairs at Washington:

"Your attention has been heretofore called by my predecessor to the impropriety of disbursing in the Atlantic States the appropriations made by Congress for beneficial objects. This course has been pursued ever since the ratification of the treaties, and still continues to be faithfully observed, notwithstanding the objections and remonstrances of the superintendents and agents thereto.

"The articles forwarded have invariably failed to give satisfaction to the Indians. They are of inferior quality, unsuited to their wants or tastes. Besides, it consumes the entire annuity fund for 'beneficial objects,' and a large portion of the 'incidental fund' to transport these articles to the place of distribution. No good can possibly result from such a course, but, on the contrary, great loss. Better articles can be obtained in this market at a less price, and such as are adapted to their wants. This fund should be husbanded and disbursed for objects calculated to benefit the Indians, and not in such transparent trash as has usually been received.

"One-half the amount, judiciously invested in the purchase of articles actually required, suited to their tastes, and applicable to their wants, would render more satisfaction, and would have a greater tendency to promote their well-being and advance them in civilization than the whole amount expended in the manner which it is.

"The policy adopted at present only tends to embarrass the operations of the agent, and create in the Indian's mind the impression that

³⁴Rpt. Com. Ind. Af., 1860, p. 185.

there is a deliberate intention on the part of the government to defraud them of their lands."³⁵

Again, C. H. Hale, at the head of the Washington Superintendency, reported in 1862 as follows:

"The attention of the department has so often been called, both by agents and former superintendents, to the mistaken policy which has so long obtained in the payment of annuities, that I forbear to dwell upon the subject, being well satisfied that if the abundant evidence which has heretofore been furnished, and forcible arguments which have been employed, have not convinced the department of the folly and injustice, not to say the fraud of the practice, it is useless and vain for me to attempt it." Mr. Hale then advises that annuities be paid only to Indians willing to reside at the reservations and as incentives and aids to work; clothing might be furnished only for the aged or infirm or children attending school. "Whatever may be furnished in this way," he continues, "should be selected with the greatest care, and with due reference to its intended application. Any article needed, for all the purposes specified, can be obtained on this coast at rates equally favorable as in the Atlantic cities; thus saving the very large expenditures which have heretofore been made in the way of freights."³⁶

The local superintendents and agents, of course, might have been in part influenced by desire to benefit the section in which they were working, and, perhaps, by the design to get expenditures more completely into their own hands; and the Government, on the other hand, may have had good reasons for purchasing in New York. But the unanimity and earnestness of the local officials indicate here a real and grave source of trouble.

We come now to the important question as to how far the local officials themselves were honest and capable. The answer to this question is difficult.

Specific charges of speculation and wrong management are frequent. On a visit to the Nez Perces reservation in 1861 Superintendent Kendall found the only evidence of farming operations by the agency to consist of about three tons of oats in the straw, although the agent had a full force of treaty employes, and ten laborers besides, at an expense of seven thousand dollars. As the Superintendent fed his horse, he sighed to think that each mouthful of the animal's feed cost the Government at least one dollar. On the Umatilla agency there was an expenditure called for during the first two years of sixty-six thousand dollars; as a

³⁵Rpt. Com. Ind. Affairs, 1861, p. 159.

³⁶Rpt. Com. Ind. Af., 1862, pp. 400-401.

³⁶Recollections of an Indian Agent, Quar. Or. His. Soc., Vol. VIII, No. I. March 1907, p. 14.

result there were in sight in 1862 "two log houses, a half dozen log huts, an open shed for wagons and plows, about a hundred acres of loamy river bottom fenced and in cultivation, a set of carpenter's and blacksmith's tools, and farming implements insufficient for an ordinary half section farm."³⁷ At the same reservation the outgoing agent remarked to the special agent appointed to take his position that the place of agent was worth there \$4,000 per year, although the salary was but \$1,500.³⁸ We could wish, however, in such cases to hear the accused agent's side of the story. Yet in 1858, Mr. Dennison, Indian agent for eastern Oregon, according to his own report, spent \$13,500, which "was mostly expended in opening farms upon the Warm Springs reservation"; the next year there were in cultivation on this reservation 356 acres.³⁹ More convincing proof of fraudulent practices, perhaps, is afforded in the attitude of merchants and others towards agents. When Mr. Davenport, agent at the Umatilla reservation, tried to get competitive bids at Portland, dealers were distrustful and sarcastic, because they thought that he, as was common, was ostensibly seeking bids while in reality having a deal on with some selected firm. "The practice of combining against the Government for mutual profit is so common," comments Mr. Davenport, "that all agents are regarded in the same unenviable light. I said to one of the older merchants: 'It is easy to say that all the agents pilfer in this way, but what do you know about it?' His answer was: 'I say all because all that I know about are guilty. The agent at Warm Springs, at the Grande Ronde, at the Umatilla, at the Siletz does so, and I presume that the rest of them do the same.'⁴⁰ Another method whereby an agent might line his own pockets was by allowing substitutions of inferior goods in government invoices; Mr. Davenport was offered \$1000 for the privilege of exchanging annuity goods for others, item by item.⁴¹

But, indeed, how could it be expected that these administrators would be efficient and honorable when we consider the system under which they were appointed and did their work? No civil service rules were applied. Men were generally appointed, not because of special fitness either through natural aptitude or through administrative training, but because of political partizanship and at the demand of some Senator or Representative; or, later, they were appointed because of religious affiliations at the suggestion of some religious body. No national tests

³⁷Recollections of an Indian Agent, Quar. Ore. His. Soc., Vol. VIII, No. 1, March, 1907, p. 14.

³⁸Id., p. 7.

³⁹36 Cong., 1st sess., Sen. Doc. I, p. 802.

⁴⁰Recollections of an Indian Agent, Quar. Or. His. Soc., Vol. VIII, No. 1, March, 1907, pp. 18-19.

⁴¹Id. No. 2, June, 1907, p. 105.

were applied, nor was there a sustaining esprit d' corps. There could be no right spirit, indeed, when many government officials considered that the agency system was merely a cheap way of keeping the Indians quiet, and when the western population in general was profoundly skeptical as to the possibility of civilizing the Indian.⁴²

The outlook was the more discouraging since the great American panacea—education—seemed a dismal failure when applied to these Indians according to forms then in vogue. There might be quite a furore when a reservation school was opened and the novelty was unworn; but the white child's spelling book or reader soon proved very tame to the young Indian, the more so because of the difficulties of pronunciation. But the principal cause of failure of the day schools was the nomadic habits of the parents; hardly had the Indian child started to school, when away would go the family to the fishing or hunting grounds or to the camas fields. Teachers who were in earnest met this difficulty by establishing boarding schools, where the children could be kept removed from the parental impulsiveness. The next step was natural. These schools emphasized practical training, particularly agriculture for the boys and housekeeping for the girls. This step, taken at a time when in American educational methods, comparatively little attention had been paid seriously to this phase of education, was significant and produced good results.⁴³ Whatever the shortcomings of the American method of dealing with the Indians in contrast to that of British Columbia, in respect to education, at least, the American system appears to advantage; for the colonial government of British Columbia did practically nothing for the education of the natives.

There were two terrible evils, prevalent both in British Columbia and in the territories, which weakened and degraded the Indians and hindered efforts of every sort for improvement. These were prostitution and the use of liquor.

No more pitiable condition can be imagined than that of the helpless Indian women and girls who were devoted by their husbands and fathers to prostitution among vile whites. The northern Indians brought down to the Songish reserve at Victoria their young women, many of them girls from ten to fourteen years of age, and remained all summer as pimps and procurers.⁴⁴ Reports of American Indian agents along the Coast make frequent mention of this practice. In the interior there is less evidence of its existence, but wherever Indians had a chance to

⁴²Cf. on these points *Id.* No. I, pp. 4 & 5.

⁴³Rpt. Com. Ind. Af., 1860, p. 184; 1862, p. 263; 1863, pp. 52, 65, 82-84, 449-451, and 473; 1864, pp. 73-4, 85.

⁴⁴British Columbia Papers Connected with the Indian Land Question, Report of I. U. Powell concerning the Songish reserve, pp. 121-2.

linger around towns, they became demoralized. Employes on various agencies prostituted Indian women or took them for concubines; the Superintendent of Washington Territory issued a circular warning all employes from such acts.⁴⁵ The results of prostitution are found in reports of physicians of the various agencies, who almost always speak of venereal diseases as common. It should very clearly be understood that these facts were not true of all tribes in like degree; the tribes in the interior were more robust physically and morally and farther removed from contamination. Nor should the chastity of all the individuals of a tribe be judged by specimens which hung about the towns. In the interior, particularly, it was probably true that "unchastity among Indians is the exception, as it is among the whites."⁴⁶

Everywhere, both north and south of the Boundary, Indian welfare was assailed by the liquor traffic, and everywhere the Government engaged in a less or more futile struggle to combat it. Many of the Indians undoubtedly believed, like an Indian orator at Ft. Simcoe, that they had a right to drink whiskey if they wanted to, especially so long as the white man made it,—and there were always white men ready to sell it.⁴⁷ Local government took little part in suppressing the trade in the United States, the work being regarded as belonging to the officials of the general Government. These were hindered by lack of summary powers, by the scarcity of jails, and by the reluctance of juries to convict. Only on the reservations were the powers of the agents ample, and even here they might, in part, be nullified by the planting of resorts on the edges. The whole power of Government in British Columbia, on the other hand, could be utilized for the punishment of offenders. Magistrates had summary powers, and conviction entailed heavy fines and, in the case of regular dealers, loss of license. But the magistrates had the care of immense districts, and the Indians were not localized as they were in the United States after the reservation system was completely established. Yet this form of lawlessness, in common with other forms, was better checked on the whole in British Columbia than in the territories.

As we turn, now, to consider the efforts to solve the Indian problem in British Columbia, quotations from two American administrators will help to set before us the better ordered conditions under British rule. The first is from General Harney: "Like all Indians they [the northern Indians] are fond of whisky, and can be seen at all hours of the day

⁴⁵Rpt. Com. Ind. Af., 1861, p. 77.

⁴⁶Recollections of an Indian Agent, Quar. Or. His. Soc., Vol. VIII, No. 2, June, 1907, pp. 127-8.

⁴⁷San Francisco Daily Bulletin, July 24, 1862.

in the streets of Victoria drinking whenever they can get it, yet they are not permitted to become disorderly. These Indians are more obedient under British rule, which appears to be kind, but firm, than their fellow men with us under any of the systems adopted by our government."⁴⁸ The other is from an Indian agent, Mr. Davenport, to whom we have before referred. "We have only to look across the line into the British possessions of North America," he says, "to see that their treatment of the Indian has been more promotive of peace and good will than ours, and some people are swift to conclude that the Canadians are of a higher moral tone than the people of the United States. The true reason lies in the fact that their system has a more constant and restraining influence upon the lawless class in society. There is more individual freedom with us, and consequently more room for departure from the normal line of conduct. This difference is boldly in evidence to those of our citizens who have lived in mining regions governed by Canadian officers, whose official tenure does not depend upon the mood of the populace."⁴⁹

The policy of the Colonial Government of British Columbia with respect to the Indian population was distinguished by the following principal features: (1) Title to the soil was not recognized as belonging to the Indians; (2) No compensation, therefore, was allowed to Indians either in the shape of payments, annuities, or of special educational grants; (3) Indians were held to be fellow subjects with white men, and entitled, as individuals, to the protection of law, and responsible for obedience to law; (4) Sequestration of the native population upon large reservations was not followed, but, as settlement progressed, small reserves were assigned to families and septs, in proximity to settlements of the whites.⁵⁰

The adoption of this policy, so different to that of the United States, was not due to differences between the Indian populations north and south of the line. Some differences, it is true, there were: a great part of the natives of British Columbia had been more uninterruptedly under the tutelage of the Hudson's Bay Company than those across the Boundary, and were somewhat more inclined to work; no one tribe in the Colony was so powerful or so well organized as the Nez Percés; nor did the Indians of the Interior of British Columbia possess so many horses as did those to the south. Yet Kootenays, Pend d'Oreilles, and Okanogans crossed the Line at pleasure; the Shuswaps were very like

⁴⁸36 Cong., 1st Sess., Sen. Doc. II, No. 2. p. 108.

⁴⁹Recollections of an Indian Agent, Quar. Or. His. Soc., Vol. VIII, No. 4, Dec., 1907, p. 355.

⁵⁰It should be carefully noted that this statement of policy has no reference to the Canadian policy. The two are clearly distinguishable.

the Coeur d'Alenes or the Cayuses; and the untameability of the nomads south of the Snake was matched by the wildness and ferocity of the Indians to the far north. In numbers, organization, and character it is difficult to see why the natives of the one section were the more adapted to any certain system than those of the other.⁵¹

The initiation of this policy (especially with respect to the non-recognition of Indian title and the withholding of compensation) was in part due to pressure for funds in the Colony and to the refusal of the Imperial Government to assume any financial responsibility in the matter. Governor Douglas before the founding of the Colony had acted, apparently, on a different principle when, as agent for the Hudson's Bay Company, he had bought in 1850-51 considerable areas from various tribes in Vancouver's Island.⁵² Compensation of some sort to Indians on the mainland was at least tentatively indorsed by the colonial office of the Home Government while it was in charge of Sir E. B. Lytton; yet Lytton was careful to state that he did not adopt the views of the Aborigines' Protective Society as to the means for extending protection to the natives.⁵³ This society was an organization in England which had "taken for many years a deep interest in the welfare of the Indian Tribes to the west as well as the east of the Rocky Mountains," and it may be looked upon as a British manifestation of the same sort of philanthropic sentiment in regard to Indians as existed among certain classes in the eastern part of the United States. The Secretary of the Society, in a long letter to Lytton, after quoting a long extract from a New York paper relative to the extreme cruelty of miners to Indians in California and characterizing the Indians of British Columbia as a "strikingly acute and intelligent race of men," "keenly sensitive to their

⁵¹Statements of numbers of population in both sections may be found in Documents relating to Vancouver's Island Laid Before the House of Commons, 1849, pp. 9 & 10, and Report from the Select Committee on the Hudson's Bay Company, 1857, pp. 366-7. Some information as to the grouping of natives in British Columbia may be obtained from Tolmie and Dawson—Comparative Vocabularies of the Indian Tribes of British Columbia.

⁵²These conveyances are found in Papers Connected With the Indian Land Question, pp. 5-11. A clause common to all papers was the following: "The condition of or understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people forever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly."

It was claimed by Hon. Joseph W. Trutch that these transactions were merely "made for the purpose of securing friendly relations between those Indians and the settlement of Victoria, * * * and certainly not in acknowledgement of any general title of the Indians to the lands they occupy." *Id.*, Ap. p. 11.

⁵³Sir E. B. Lytton to Governor Douglas, July 31, 1858, and Sept. 2, 1858,—Papers relating to Indian Land Question, p. 12; Carnarvon to Governor Douglas, April 11 and May 20, 1859, *Id.*, p. 18.

own rights," and "equally alive to the value of the gold discoveries," claimed for them protection against wanton outrages and asked that "the Native title should be recognized in British Columbia, and that some reasonable adjustment of their claims should be made by the British Government."⁵⁴ The policy of compensation to Indians was further endorsed by Governor Douglas in regard to lands on Vancouver Island, on the occasion of the transmission of a petition from the House of Assembly of Vancouver Island, "praying for the aid of Her Majesty's Government in extinguishing the Indian title to the public lands in the Colony." The money then needed amounted to 3000*lb*, and Douglas proposed that it be advanced by the Imperial Government, payment to be made from the proceeds of sales of land. But the Duke of Newcastle, then Secretary of State for the Colonies, replied tersely that he was "fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island; but the acquisition of the title is a purely colonial interest, and the Legislature must not entertain any expectation that the British taxpayer will be burdened to supply the funds or British credit pledged for that purpose."⁵⁵

Whatever the reason, however, for denying recognition of title to the Indians both of the Island and of the Mainland, and for withholding compensation, there can be no doubt of the fact: "The title of the Indians in fee of the public lands, or any portion thereof," wrote an eminent colonial official, "has never been acknowledged by Government, but, on the contrary is distinctly denied."⁵⁶

The beginnings of a positive Indian policy in British Columbia may be traced in an early letter of Governor Douglas to Sir E. B. Lytton, March 14, 1859. This letter was in reply to one from the latter (Dec. 30, 1858), in which Lytton inquired whether a plan for settling the Indians in permanent villages, like the plan used by Sir George Grey with the Kaffirs in South Africa, might not be feasible.⁵⁷

Douglas endorsed the plan as of advantage both to the Indians and to the Colony and then sketched the principles upon which he proposed to establish reserves on the mainland. In the first place, the reserves should "in all cases include their cultivated fields and village sites, for

⁵⁴*Id.*, pp. 12-14.

⁵⁵*Id.*, p. 20.

⁵⁶Memorandum, 1870, of Joseph W. Trutch, Commissioner of Lands and Works, *Id.*, ap. pp. 10-13. Cf. also *The Indian Land Question in British Columbia*, a lecture delivered April 22nd, 1910, in Vancouver by Rev. Arthur E. O'Meara, B. A., p. 13. This lecture is in opposition to the policy which has been pursued. The Roman Catholic missionaries, as well as some clergymen of other denominations, have been actively sympathetic with the Indian point of view, sometimes to the embarrassment of officials; *Papers Relating to Indian Land Question*, pp. 27-8, 86-91, 145-148.

⁵⁷*Id.*, pp. 16 and 17.

which from habit and association they invariably conceive a strong attachment, and prize more, for that reason, than for the extent or value of the land."⁵⁸ Such settlements, in the second place, were to be entirely self-supporting. The Governor here adverted to the plan pursued in the United States with regard to Indian reservations, but stated that that plan was expensive to the Government and debasing to the Indians. The system followed by the Spanish missions in California, likewise, he regarded as defective, in that it kept the Indians in a state of pupilage and did not train them to self-government and self-reliance. He would avoid the evils of both these systems and, in particular, cultivate the pride of independence. He proposed to that end, that each family have title to its own plot of ground, but without power of alienation; that they should be encouraged to add to their possessions by purchasing property apart from the reserve; "that they should in all respects be treated as rational beings, capable of acting and thinking for themselves; and, lastly, that they should be placed under proper moral and religious training and then be left, under the protection of the laws, to provide for their own support."⁵⁹ "I have impressed upon the miners," wrote Douglas to Lytton, "the great fact that the law will protect the Indian equally with the white man, and regard him in all respects as a fellow subject."⁶⁰ "The Indian population," he wrote to another, "are considered by the laws of England as fellow subjects, entitled to protection and punishable, when guilty of offenses, through the sole action of the law."⁶¹ In a review of the Colonial Indian policy, written in 1875, the Attorney General stated that that policy "was based on the broad and experimental principle of treating the Indian as a fellow subject."⁶²

It now remains for us to inquire how this Indian policy, so based, was applied by the Colonial Government to this class of Her Majesty's subjects; not omitting, as we do so, to notice contrasts to administration in the United States.

In the administration of justice the courts of British Columbia treated the Indian as the white man was treated. "When Indians commit

⁵⁸This principle was acted upon, also, with regard to burial grounds. In the establishment of the reserve system, as, indeed, in all dealings with the Indians, the officials of British Columbia were more considerate of the prejudices and attachments of the Indians than officials in the United States usually were. An interesting example of this consideration was an "Ordinance to prevent the violation of Indian graves." This ordinance decreed that anyone damaging or removing any image, bones, or any article or thing deposited in, on, or near any Indian grave in the Colony, would be liable to a fine of £100 for the first offense, and twelve months imprisonment at hard labor for the second. In any indictment "it shall be sufficient to state that such grave, image, bones, article or thing is the property of the Crown." Ordinances of the Legislative Council of British Columbia, Sess. Jan.-April, 1865, No. 19.

⁵⁹Papers Relating to Indian Land Question, pp. 16 and 17.

⁶⁰Oct. 11, 1858; Papers Regarding British Columbia, I, 39.

⁶¹Douglas to Mortimer Robertson; Miscellaneous Letters, Ms., I, p. 37.

⁶²Papers Relating to the Indian Land Question, p. 4.

offenses," ordered Governor Douglas, "they are to be dealt with impartially and to receive a fair trial before the proper authorities, and not to be treated like the wild beasts of the forest."⁶³ We get a glimpse of the way in which the law was administered with respect to Indians from the terse records of the old Ft. Hope Police Book. An Indian, for stealing money from another was sentenced to two days in jail. Two Indians, for being drunk and disorderly, were sent to jail for twenty-four hours. Simon B. McClure was charged by an Indian with assaulting him and was fined forty shillings. William Welch, charged by another Indian with the same offense, claimed that the Indian had beaten his dog and attacked him with a knife; Welch was let off, and the Indian was reprimanded. An Indian who struck an Indian woman in the face with a gun had his hair cut off. J. Spencer Thompson, for selling about one pint of liquor to an Indian had to pay a fine of \$100, with costs, and lost his license to sell liquor. The sentences, it will be observed, were generally light for minor offenses, but not for selling liquor to Indians. Whites and Chinamen, the records reveal, were treated exactly as the Indians. Of course for grave offenses Indians, as well as others, were bound over to the assizes. In a number of cases Indians were hung for murder. This even-handed, carefully adjusted dealing out of justice to Indians, whites, and Chinese alike, contrasts plainly with the carelessness, ruthlessness, and lack of system in the territories. One could scarcely imagine an event like the following occurring on an American frontier: "May 28, 1862. Chas. Millard, Capt. of the Ft. Hope (steamboat) appeared to answer the complaint of Jim (an Indian) for having on the 16th inst. broken and otherwise damaged his canoe at Union, valued at twenty-five dollars (\$25.00).

"Ordered to pay four pounds (\$20.00) being the damage sustained by the Indian as sworn to by C. C. Craigie & Wm. Yates. Paid. P. O'Reilly, J. P."⁶⁴

It is difficult in the mining regions south of the Line to find satisfactory records as to how justice was administered to the Indian. The reservation system, as it was being applied in the Pacific Northwest, weakened the ancient tribal authority; the "subsidy plan" tended to alienate the people from the chiefs, and the presence of Agents lessened their prestige in the eyes of the young or of those inclined to be bad. The Agents, on their part, had no authority for the punishment of criminal acts. If they had possessed magisterial powers, both with regard to whites and Indians, justice might have been better administered. Local authorities had no

⁶³Miscel. Letters, Ms. I, 37.

⁶⁴The old Police Book is the more trustworthy, because it was not intended as a report, nor for publication. The officials whose judgments were recorded were Chief Justice Begbie and Mr. O'Reilly.

jurisdiction over Indians who were on reservations, although they sometimes punished those who were off of them.⁶⁵ Only United States courts had full power, but these courts were slow in action, and could not be expected, moreover, to take cognizance of minor cases. Indian criminals, finally, were sometimes arrested by army officials and tried by army courts with scanty consideration.⁶⁶ For the Indian, indeed, there seems to have been at this period practically no real protection before the law in the American procedure.

In case of Indian outbreak the British Columbia system aimed to punish offenders as individuals and not to take revenge on tribes. One of the marked features of the history of the Colony of British Columbia is that there was but one serious Indian outbreak during the colonial period.^{67 1/2} This happened in April, 1864, when some Chilcotian Indians killed road-makers and settlers to the number of fourteen. The whole tribe went on the warpath, but were subdued by volunteers from New Westminster and Cariboo. Rewards of \$250 each were offered for the individual murderers, the aim being, as Governor Seymour expressed it, "to secure justice, not vengeance."⁶⁷ Too often, south of the Line, in case of Indian depredations, there was no discrimination between the tribe and guilty members of the tribe.⁶⁸

In the British Columbia Indian system, as we have before stated there was no policy of bestowing annuities or subsidies, although gifts were sometimes made for special reasons.⁶⁹ To the student of American Indian history special interest attaches in this connection to the judgment of Mr. William Duncan, a man of very great experience, wisdom, and success in his dealings with Indians. Mr. Duncan wrote as follows in 1875 from his mission at Metlakahtla: "In no matter affecting the

⁶⁵Some Indians were tried and convicted for murder in 1861, in the Wasco County (Oregon) Circuit Court; Oregonian, Oct. 12, 1861.

⁶⁶Two renegade Umatilla Indians on one occasion attempted to rob a sleeping miner. He awoke, and in a scuffle one of them shot and wounded him. These Indians called at the lodge of Howlish Wampo, a much respected Cayuse chief, and then disappeared. Colonel Steinburger, in command at Walla Walla, had the chief arrested, put in chains, and was dissuaded from executing him only by the earnest solicitations of the Indian Agent. The two Indians were afterward arrested and, after a farcical trial by a military commission were executed. The miner had not died. Recollections of an Indian Agent, Quar. Or. His. Soc., Vol. VIII, No. 1, March, 1907, pp. 24-35.

^{66 1/2}There was a disturbance in 1848 between Indians and miners along the Fraser, before Government was established. Miners volunteered and organized in true American fashion and compelled peace.

⁶⁷Government Gazette, May 28, 1864, and Jan. 14, 1865.

⁶⁸When Bolon, Indian Agent of the Yakimas, was murdered in 1855, the Olympia Pioneer and Democrat said: "Chastisement can now be visited upon the tribes instead of going to the trouble of ferreting out individual guilty members." Oct. 12, 1855.

⁶⁹In the Budget of 1864, out of a total of £135,639, there was specified for gifts to Indian chiefs, £200, (Government Gazette, Feb. 20, 1864); out of a total appropriation of £122,250 in 1869, £100 was appropriated for Indian expenses. (Papers Relating to the Indian Land Question, p. 98.)

Indians can the Government do more good or harm than in the matter of gifts.

"Money may be spent to a large amount upon the Indians and yet tend only to alienate, dissatisfy, and impoverish them, if wrongly applied; whereas a small sum rightly administered will yield much good both to the Indians and the country at large.

"The policy of dealing out gifts to individual Indians I consider cannot be too strongly deprecated, as it is both degrading and demoralizing. To treat the Indians as paupers is to perpetuate their baby-hood and burdensomeness. To treat them as savages, whom we fear and who must be tamed and kept in good temper by presents, will perpetuate their barbarism and increase their insolence. I would therefore strongly urge the Government to set their faces against such a policy." He recommended, on the positive side, that money be put into Public Works for the benefit of the Indians. It will thus be seen that Mr. Duncan held substantially the same views with regard to annuities as did the Agents and superintendents south of the Line, whose well-conceived ideas were nullified by the officials and contractors in the East.^{69½}

As has before been remarked, the Colony of British Columbia made no special effort for the education of the Indians. It was averred on the part of the Government that "the Government merely deferred the subject, believing that it was far more important in the interests of the community at large to first reclaim the Natives from their savage state and teach them the practical and rudimentary lessons of civilized life."⁷⁰ Beyond establishing reserves, however, and placing the Indians under law, one fails to see how the Government directly tried to teach them these "practical and rudimentary lessons." Certainly there was no effort by the Government to teach the Indians agriculture or any of the practical arts, as there was south of the Line.

There were other ways, however, in which the Colonial Government did help the Indians at considerable expense. In surveying reserves, and in keeping whites off of them; in the suppression of the liquor traffic; in exemptions from tolls, taxes, and customs; and in direct pecuniary aid for the destitute and the sick, the aggregate expenditures and rebates were considerable. Moreover, the Magistrates in the several Districts were to act as Indian Agents, and to advise and protect the Indian "in all matters relating to their welfare."⁷¹

^{69½}It might have been well for the enthusiastic Eastern philanthropists, who were so zealous in inveighing against wrongs perpetrated by Westerners upon the Indians, to have directed some of their efforts to their own neighbors.

⁷⁰Papers Relating to Indian Land Question, Ap., p. 4.

⁷¹Id., p. 4.

We arrive now, finally, at the very important subject of reserves. These Indian reserves of British Columbia are to be clearly distinguished from the Indian reservations of the United States. The latter were very large in area, were assigned to a tribe or to a number of tribes, were founded on the principle of sequestration from the whites, and were under the oversight of an agent; the reserves of British Columbia were small, were assigned to septs or families, were often contiguous to white settlements, and had no special agents. In size the reserves of British Columbia varied in all degrees from one acre to six thousand acres.⁷² The total area of surveyed reserves amounted in 1871 to 28,437 acres.⁷³ The general principle on which reserves were assigned was that each head of a family should be given ten acres, but in practice there was considerable variation.⁷⁴ It seems strange to one accustomed to American reservations, that a reserve of six hundred square miles for a tribe of 400 members should have been regarded as entirely too extensive to be allowed.⁷⁵

The principle of assigning land in so small amounts, on what we may call a village system, may have been adopted with special reference to conditions of life among the Coast Indians or among those of the lower Fraser, for whose use (since they made their living by fishing or working for whites) a small parcel of land was sufficient but for the pastoral Indians of the interior it seemed manifestly insufficient. So long as there was plenty of range, the smallness of the reserves was not felt, but when whites acquired title to vacant lands and, at the same time, the wants of the Indians increased, the latter felt themselves unjustly treated.⁷⁶ When British Columbia entered the Confederation, the Dominion Government wanted the Indians to have eighty acres for each head of family. This the Province refused, but it did consent to grant twenty. This amount still being considered insufficient for the Interior Indians by the Dominion Superintendent of Indian Affairs for British Columbia, he requested that it be raised to forty acres (in accordance with the principle then recognized in the preemption laws of British Columbia, which allowed 160 acres west of the Cascades, but 320 east); but the request was not granted.⁷⁷

In addition to their reserves, however, the Indians of British Columbia had the right to acquire land outside the reserves on the same terms as white men,—a right not possessed at that time by their kindred to the South. This right was clearly stated by Governor Douglas: "That

⁷²Schedule of Indian Reserves in the Province of British Columbia; Papers Relating to Indian Land Question, pp. 104-5.

⁷³Report of the Chief Commissioner of Lands and Works, Id., p. 103.

⁷⁴Id., p. 137.

⁷⁵Id., p. 33.

⁷⁶On this phase consult letter of Rev. Father Grandidier from Okanagan, Id., pp. 145-147.

⁷⁷Id., p. 124.

measure," he said (referring to the reserve system) "is not, however, intended to interfere with the private rights of individuals of the future Tribes, or to incapacitate them, as such, from holding land; on the contrary, they have precisely the same rights of acquiring and possessing land in their individual capacity, either by purchase or by occupation under the Pre-emption Law, as other classes of Her Majesty's Subjects; provided they in all respects comply with the legal conditions of tenure by which land is held in this Colony."⁷⁸ This right, however, was afterwards modified to the extent that pre-emption could be exercised by an Indian only by special consent of the Government.⁷⁹ So late as 1872 an Indian received special permission to pre-empt one hundred acres.

As to which system, that of British Columbia or that of the United States, on the whole was the better, is a question difficult, if not impossible to decide; and it would certainly involve extensive research in the period subsequent to that of our study and beyond its scope.

W. J. TRIMBLE.

⁷⁸Government Gazette, Jan. 30, 1864.

⁷⁹Papers Relating to the Indian Land Question, Ap., p. 4.