

# THE NATIVE LAND POLICIES OF GOVERNOR JAMES DOUGLAS

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**I**N BRITISH COLUMBIA, as in other settler colonies, it was in the interest of capital, labour, and settlers to obtain unimpeded access to land. The power to do so lay in the state's military apparatus and in an array of competences that enabled it to manage people and distance. Justification for the dispossession of Native peoples was provided by assumptions about the benefits of civilizing savages and of turning wasteful land uses into productive ones. Colonization depended on this combination of interest, power, and cultural judgment.

In British Columbia, approximately a third of 1 percent of the land of the province was set aside in Native reserves. The first of these reserves were laid out on Vancouver Island in the 1850s, and the last, to all intents and purposes, during the First World War. Not all government officials thought them sufficient, and during these years there were two sustained attempts to provide larger Native reserves. The first, in the early 1860s, was associated with Governor James Douglas, and the second, in the late 1870s, with Gilbert Malcolm Sproat, an Indian reserve commissioner who knew Douglas and admired and emulated his Native land policies. Both attempts, however, were quickly superseded. Douglas resigned in April 1864. His Native land policies were discontinued and some of his reserves were reduced. Sproat resigned in March 1880, and over the next almost twenty years his successor, Peter O'Reilly, allocated the small reserves that the government and settler opinion demanded. The provincial government, which by the 1880s controlled provincial

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\* Editors' note: This is a necessarily verbatim version of Cole Harris's deposition as an expert witness in a forthcoming land claims case. The cover page of this document, dated 28 February 2012, reads: "Tk'k'emlups Indian Band v. Canada and BC. Kamloops Registry No. 43654 – Expert Report." Although we have amended the text slightly to conform with the house style of *BC Studies*, we have departed from our usual editorial policy and retained the deposition's Imperial measurements, while adding metric equivalents in square brackets.

Native land policy for a federal government that paid the bills, had secured the basic assumptions that would dominate provincial Native land policy for the next century: Native title would not be considered and reserves would be small.

Although British Columbia's Native land policies turned in other directions, Douglas's and Sproat's initiatives stand as examples of paths not taken and raise basic questions. The Kamloops Reserve, the subject of this proceeding, is situated at the interface of two visions of the future of Native people in British Columbia. It is one of several interior reserves laid out or arranged on Douglas's instructions by William Cox, gold commissioner and magistrate at Rock Creek. A set of reserves along the lower Fraser River laid out early in 1864 by William McColl, surveyor and retired Royal Engineer, also reflected Douglas's views and instructions and, when they too were reduced, the contrary agenda of settler society.

#### GOVERNOR JAMES DOUGLAS

To understand these reserves, it is necessary to understand Douglas's views of the place of Native people within a colonial project. Douglas was an intelligent, complex, and not-altogether-understood man whose actions were ruled as much by a pragmatic sense of the feasible as by principle. His Native land policies evolved over the years, and his statements about them were not always consistent.

Douglas was a faithful and trusted servant of empire who believed in the British colonial enterprise. He was the governor of two British settler colonies on the Pacific (Vancouver Island and British Columbia) and reported to, and received instructions from, the Colonial Office in London. Like many others of his time and class, he thought British ways superior to American, and infinitely superior to those of Native peoples. He took for granted the distinction between civilized and savage life, associating the former most completely with the British Isles and the latter particularly with non-literate, non-agricultural peoples. His years as a fur trader had convinced him that Native people could be managed, and, in attempting to do so over the years, he, like other fur traders, had deployed an elaborate theatre of power that in its milder representations was expressed in dress, present giving, speech making, and ceremonial cannonades; and in its more severe in public beatings

and executions conceived as spectacles intended to instil fear.<sup>1</sup> When, late in 1852, two Native men, one Cowichan and the other Nanaimo, were suspected of killing a white shepherd near Victoria, Douglas assembled more than 150 men, most of them sailors from a British frigate, and confronted the Cowichan: “Give up the murderer,” he apparently said, “and let there be peace between our peoples, or I will burn out your lodges and trample out your tribes.”<sup>2</sup> The Cowichan turned over a man. At Nanaimo, another man was captured after a long chase. They were summarily tried and hanged in front of most of the Nanaimo. If trouble brewed in a coastal village, Douglas might send a warship, anchor it just offshore, and have its crew ostentatiously prepare the guns.<sup>3</sup>

He was not, however, a biological racist. He did not think that Native people were inherently inferior. They could, therefore, be civilized. By the late 1850s, if not before, he held that the only long-term solution for Native people in a settler colony was their assimilation (or as Herman Merivale, English colonial theorist, put it, their amalgamation<sup>4</sup>) within white settler society. Assuming their common humanity, Douglas disagreed with those who thought assimilation impossible, and as means to assimilation he strongly supported missionaries and Native schools. The key, as he put it in 1859 in a letter to the colonial secretary, was to treat Native people “as rational beings, capable of acting and thinking for themselves” with, to be sure, “moral and religious training” and “under the protection of [British] laws,” and then to let them “provide for their own maintenance and support.”<sup>5</sup> Essentially, his views of Native people turned on the following assumptions: Native peoples were as able as any others; their assimilation into non-Native society was possible, beneficial, and their only possible future in a settler colony; and during an inevitable period of transition to more civilized ways they required the means to support themselves. Within the settler society of Douglas’s day, none of these assumptions was widely held.

<sup>1</sup> In this connection, Cole Harris, “Strategies of Power in the Cordilleran Fur Trade,” in Harris, *The Resettlement of British Columbia: Essays on Colonialism and Geographical Change* (Vancouver: UBC Press, 1996), chap. 2.

<sup>2</sup> John Moresby, *Two Admirals: Admiral of the Fleet Sir Fairfax Moresby (1786–1877) and his son John Moresby* (London: Methuen, 1913), 110; also cited in Barry Gough, *Gunboat Frontier: British Maritime Authority and Northwest Coast Indians, 1846–1890* (Vancouver: UBC Press, 1984), 51–56.

<sup>3</sup> A tactic employed, for example, against the Songies. See Douglas to Grey, F. Victoria, 15 April 1852, CO 305/3, 103–8.

<sup>4</sup> Herman Merivale, *Lectures on Colonization and Colonies Delivered before the University of Oxford in 1839, 1840 & 1841 and Reprinted in 1861* (London: Oxford University Press, 1928), particularly Lecture XIX.

<sup>5</sup> Douglas to Lytton, 14 March 1859, Papers Connected With the Indian Land Question (hereafter *PCILQ*), 16–17.

Douglas's views probably reflect the liberal humanitarian values that circulated widely in early-mid-nineteenth century Britain as well as the course of his own life. Rooted in Enlightenment thought, evangelical Protestantism, and the economic agenda of free trade, liberal humanitarians assumed that all people were essentially similar. As participants in a shared and universal humanity and with proper guidance, Native peoples would share and appreciate a universal, civilized culture. At the same time, their labour, reliably situated at the bottom rung of Christian society, would contribute to economic growth. These assumptions dominated the Colonial Office in the 1830s and early 1840s, were fading in the eyes of colonial officials in London by the 1850s, and, in the face of much Native resistance to British civilizing ambitions,<sup>6</sup> lost almost all purchase in the Colonial Office by the 1860s. Yet well into the 1860s, Douglas's thought embodied much of the earlier liberal humanitarian agenda. Moreover, his life had been spent at the interface of the European and the non-European. His father was a Scottish sugar merchant, his mother a free coloured woman from British Guiana. His wife was the daughter of a white fur trader and a Native woman. He had lived most of his life in the fur trade, close to Native people. He said once, in explaining his marriage, that there was "no living with comfort in this country until a person has forgot the great world and has his tastes and character formed on the current standard of the stage."<sup>7</sup> Compared to the settlers who disagreed with him, that "stage" gave him far more opportunity to know Native people and the challenge of their adjustment to new ways.

It is also important to understand that Douglas had the making of Native land policy on Vancouver Island, and particularly in the mainland colony of British Columbia, much to himself. The Colonial Office trusted him. He had a proven administrative record and was a master of the colonial dispatch, an invaluable talent when the dispatch was the principal link with superiors thousands of miles away. The Colonial Office was tiny: several rooms on Downing Street in London where a few able men sought to manage an empire. From their perspective, there was often little choice but to rely on the advice of colonial officials. In

<sup>6</sup> From the point of view of officials in the Colonial Office, disturbances among populations of freed slaves in the Caribbean, then the Indian Mutiny of 1857-58, eroded the liberal humanitarian vision of a common humanity structured along British lines. See Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press, 2002), 50-51, also n. 23.

<sup>7</sup> James Douglas to James Hargrave, Fort Victoria, 24 March 1842, in C.P. de T. Glazebrook, *The Hargrave Correspondence, 1821-1843* (Toronto: Champlain Society, 1938), 381. Cited in Jean Barman, *The West beyond the West* (Toronto: University of Toronto Press, 1991), 46.

this light, Douglas's experience with Native people was appreciated and his advice taken, particularly as, by the 1850s and 1860s, no one in the Colonial Office quite knew how to deal with Native land. The liberal humanitarian vision (expressed, for example, in the Treaty of Waitangi in New Zealand) had lost its force, no dominating agenda had replaced it, and there was a jumble of Native land policies around the empire. The claim that the possessory rights of Native people were a burden on Crown sovereignty remained in the air, but the Colonial Office no longer knew quite what to do with it. In some colonies it acknowledged that a Native right to land had to be extinguished before colonization could proceed legally, in others it did not. The Colonial Office tended to accept the propositions that responsibility for Native peoples and for Native land policy should rest with the executive rather than with settlers and that responsible colonial government was desirable – quite contradictory positions. Native reserves were established in several colonies, but there was no formula for doing so.<sup>8</sup> In these confused circumstances, it was far easier to leave Native land policy to a trusted colonial official, and on Vancouver Island and in British Columbia that person was Douglas.

#### DOUGLAS'S NATIVE LAND POLICIES

Douglas's policies regarding the disposition of Native land evolved over the years. He did not follow in the mainland colony of British Columbia those he employed on Vancouver Island. Even his mainland policies evolved during his few years as governor of British Columbia. Moreover, he had an enormous amount to do, the Native land question was not a central preoccupation, and he had little assistance. The record of his Native land policies is more meagre and more scattered, therefore, than its subsequent importance would suggest.

#### *Vancouver Island*

On Vancouver Island, Douglas entered into fourteen treaties – agreements he called them – with Native groups for the cession of their land. Why he did so has been much debated. His instructions from London were inconsistent in this regard, although the governor and at least one of the directors of the Hudson's Bay Company apparently thought that Native

<sup>8</sup> For an elaboration of these observations, see Harris, *Making Native Space*, chap. 1.

people had some prior claim to the land.<sup>9</sup> Douglas probably thought so too. He was also well aware of the pragmatic argument: the process was not expensive and removed whatever burden Native title might place on the sovereignty of the Crown.<sup>10</sup> Originally, these agreements were oral and could not have meant to Native people what they did to colonial officials.<sup>11</sup> Even in written form, they were short and ambiguous. They reserved Native village sites and enclosed fields for Native use, and left Natives free to hunt over unoccupied lands and to pursue their fisheries as formerly – all problematic propositions. The meaning of “village sites,” “unoccupied lands,” and “fisheries as formerly” was not specified. There were probably no enclosed Native fields on Vancouver Island in the early 1850s – the terminology came from New Zealand. On the ground, these ambiguities produced inaction or very small reserves, only some of them on former village sites. The Nanaimo, some one thousand people according to a census of 1856, received 250 acres [101 hectares] in three reserves, a quarter of an acre per person.

After his agreement with the Nanaimo in 1854, Douglas stopped making purchases of Native land. It is suggested that he had changed his mind,<sup>12</sup> but the more plausible explanation, I think, is that for the time being he had obtained all the land he needed and could protect for settlement. He refused an offer from the Cowichan to sell their land probably because he felt unable to protect settlers in the Cowichan Valley.<sup>13</sup> But the model of the early agreements remained in the air, and

<sup>9</sup> Sir John Pelly, Governor of the Hudson's Bay Company: “We should hope that by kind treatment and by entering into agreements with the chiefs for the occupation of all lands not actually required by them all hostile feeling on their part may be removed.” See Pelly to Douglas, London, 3 August 1849, HBCA, B226/C/1, f.13-14. Andrew Colville, director of the HBC: “It would be best to make some bargain with the Indians in the first instance to prevent disputes – and if the consideration to them be by annual payments it will give some hold over them as it could be stopped if they become troublesome.” See Colville to Simpson, London, 5 April 1849, HBCA, A.5/25, f.761.

<sup>10</sup> As Governor Simpson put it, “in such cases, it is always best, even at some additional expense to take away all pretext for further compensation on the part of the natives.” See Simpson to Board of Management, 27 May 1852, HBCA, G226/C/1, f. 262v.

<sup>11</sup> Apparently some Native people thought they were making peace treaties. See Hamar Foster, “Letting Go the Bone: The Idea of Indian Title in British Columbia, 1846-1927,” in Hamar Foster and John McLaren, eds., *British Columbia and the Yukon*, vol. 6, *Essays in the History of Canadian Law* (Toronto: UT Press, 1995), 41. See also Chris Arnett, *The Terror of the Coast: Land Alienation and Colonial War on Vancouver Island and the Gulf Islands, 1849-63* (Burnaby: Talonbooks, 1999), 36-37.

<sup>12</sup> Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990), 37.

<sup>13</sup> On Vancouver Island Douglas created a legal geography composed of those many places where the “law of nature” prevailed, and other places, the settlements, where he felt able to enforce the “laws of England.” See Douglas to Barclay, Fort Victoria, 16 May 1850, *Fort Victoria Letters, 1846-1851* (Winnipeg: Hudson's Bay Company Record Society, 1979), 95; Douglas to

when non-Native settlement expanded on Vancouver Island at the end of the 1850s, both new settlers and Native people assumed that Native land would be purchased. So did Douglas. He estimated that title could be extinguished for three pounds per family and urged the Colonial Office to advance three thousand pounds to buy out some one thousand Native people in three areas of proposed settlement.<sup>14</sup> The colonial secretary agreed that Native title should be quickly purchased (in this case assuming Native title whereas some earlier statements from the Colonial Office had denied it) but insisted that colonists themselves, rather than British taxpayers, provide the funds.<sup>15</sup> Overall, elements of a Native land policy had come into focus on Vancouver Island in the 1850s: Native land would be acquired by purchase. Small reserves, held in trust by the government, would provide some space for Native peoples within their traditional territories.

### *The Mainland*

This experience on Vancouver Island was in the immediate background when, after 1858, Douglas faced the issue of Native land in the new colony of British Columbia. On the mainland he had to establish the framework for a new British colony in a huge and largely inaccessible territory on which was superimposed the shifting momentum of a series of gold rushes. There, the colonial secretary informed Douglas, "All claims and interests must be subordinated to that policy which is to be found in the peopling and opening up of the new country, with the intention of consolidating it as an integral and important part of the British Empire."<sup>16</sup> Essentially, with very limited funds and little local, bureaucratic support, Douglas had to establish a British settler colony. He could not count on the Colonial Office to finance the purchase of Native land.

In these circumstances, Douglas drastically revised his Native land policies. The issue of title was put aside. There were no purchases of Native land. He allocated larger reserves. Beyond the reserves, Native people were free to purchase, pre-empt, or lease land on the same terms as anyone else.

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Grey, Fort Victoria, 15 April 1852, CO 305/3, 104; and Douglas to Newcastle, Fort Victoria, 28 July 1853, CO 305/4, 73-79.

<sup>14</sup> Douglas to the Secretary of State for the Colonies, Victoria, 25 March 1861, *PCILQ*, 19.

<sup>15</sup> Walcott to Sir Frederic Rogers, Emigration Office, London, 4 October 1861, CO 305/18, 208-11; Newcastle to Douglas, London, 19 October 1861, CO 305/18, 213-15.

<sup>16</sup> Lytton to Douglas, London, 1 July 1858, *Papers Relative to the Affairs of British Columbia*, pt. 1, 41.



The reasons why Douglas made these changes, and particularly why after making purchase agreements (treaties) on Vancouver Island he did not do so on the mainland, have been much discussed. Robin Fisher and others have held that Douglas was forced to abandon the treaty process for want of funds.<sup>17</sup> Paul Tennant has maintained that Douglas probably could have financed treaties had he wanted them but that his thinking about Native land policy had changed.<sup>18</sup> Both, I think, are partly correct.

Extinguishment had cost approximately fifteen shillings a person on southern Vancouver Island in 1850. Ten years later Douglas estimated it to cost three pounds a family. If there were in the order of fifty thousand Native people in the mainland colony (then a reasonable estimate), extinguishment became expensive, and costs would rise as extinguishment and settlement bid up land values. Moreover, the negotiation of the first treaties with people living close to Fort Victoria had been, Douglas reported, “rather a troublesome business.”<sup>19</sup> Negotiations for the Nanaimo treaty took almost two years. Were treaties on the mainland made at the same local scale as those on the Island, there would have been hundreds of negotiations and treaties before reserves could begin to be laid out – an administrative and logistical challenge that Douglas had neither personnel nor funds to solve and that must have been on his practical mind as he constructed a Native land policy for the mainland.<sup>20</sup>

At the same time, he may well have concluded that the treaties he negotiated on Vancouver Island had proved to be ineffective safeguards of Native interests. The goods Native people obtained for their lands were soon gone, while hunting and fishing rights, which seemed expansive when there was barely a handful of colonists, became more circumscribed as white settlement proceeded. He had reported in 1852 that Native people near Fort Victoria were starving,<sup>21</sup> some measure of the durability of the wealth they had acquired two years before. Like others before and since, he may well have concluded that agreements between culturally different parties with different access to power – the weaker of which had no means to understand the implications of the agreement being entered into – was an inadequate long-term solution to the Native question in settler colonies. There was no pressure from the Colonial Office to enter into treaties for the concession and purchase of Native land, and Douglas,

<sup>17</sup> Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890* (Vancouver: UBC Press, 1977), 150-57.

<sup>18</sup> Tennant, *Aboriginal Peoples and Politics*, 26.

<sup>19</sup> Douglas to Yale, Fort Victoria, 7 May 1850, BCA, MS 105, file I.

<sup>20</sup> Harris, *Making Native Space*, 33.

<sup>21</sup> Douglas to Yale, Victoria, 7 April 1852, HBCA, B. 226/b/4, f.74d-75d.



seeking to establish a British colony on the mainland in the midst of a gold rush, faced with the costs and administrative headaches of treaty-making, and with no evidence that his Vancouver Island purchases had served Native interests, turned to other solutions.

In lieu of treaties, Douglas held that enough land had to be made available to Native people to allow them to support themselves while they adjusted to the ways of civilized life. In his eyes, there were two ways to do so: by granting Native people fairly ample reserves and by allowing them to acquire off-reserve land on the same terms as anyone else.

Reserves, he thought, should “include their cultivated fields and villages, for which from habit and association they invariably conceive a strong attachment,” and enough land so that a reserve settlement would be entirely self-supporting. Its support, he thought, would come partly from Native labour expended on reserve and partly from leases or sales of reserve land. Reserves should be laid out early, before white settlement – “anticipatory reserves” he called them.<sup>22</sup>

Douglas’s conception of the appropriate size of a Native reserve on the mainland evolved rapidly. In October 1859, he told Colonel Moody, commander of the Royal Engineers and commissioner of lands and works, to reserve land “to the extent of several hundred acres round each village,” such land not to be open for general pre-emption.<sup>23</sup> A few months later he suggested ten acres [four hectares] for Native villages near townsites and one thousand acres “of country land in places where they may make selection.”<sup>24</sup> In the middle Fraser, Okanagan, and Similkameen valleys in the early fall of 1860 he tried to calm Native fears that, like American Indians, they were to be removed from their homes and placed on distant reserves, by saying that he had instructed magistrates to mark out “all their occupied village sites and cultivated fields, and as much land in the vicinity of each as they could till, or was required for their support.”<sup>25</sup> A few months later, this was simplified. From the early spring of 1861 until the end of his governorship three years later, Douglas wanted “the extent of the Indian Reserves to be defined as they may be severally pointed out by the Natives themselves.”<sup>26</sup>

<sup>22</sup> These plans are laid out more fully in Douglas to Lytton, 14 March 1859, *PCILQ*, 16-17.

<sup>23</sup> Douglas to Moody, Victoria, 7 October 1859, CO 60/8, 198-226.

<sup>24</sup> Douglas’s views were relayed by the colonial secretary. See William Young to Moody, Victoria, 10 January, 1860, BCA, Colonial Secretary, Correspondence Outward, C/AB.30.1, J/1.

<sup>25</sup> Douglas to Newcastle, Victoria, 9 October 1860, CO 60/8, 196-226. See also Douglas to Newcastle, 25 October 1860, CO 60/8, 232-56.

<sup>26</sup> Charles Good for Colonial Secretary to Moody, New Westminster, 5 March 1861, BCA, Colonial Secretary, Correspondence Outward, C/AB.30.1, J/9. See also *PCILQ*, 21.

Because surveying was expensive, and because during a gold rush it was impossible to predict where it would be most needed, Douglas thought that reserves could be marked out “by conspicuous posts driven into the ground.”<sup>27</sup> Surveying could be delayed until the focus of settlement became clearer,<sup>28</sup> and the expense of surveying better afforded. When reserve land was so marked, the rest would be opened for settlement.

Shortly before he retired, Douglas told the first session of the Legislative Council of British Columbia that under his administration Natives had “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.”<sup>29</sup> This was so, although to purchase land, and particularly to acquire a pre-emption, Native people entered, in English, a legal, cartographic, and bureaucratic maze for which they had no preparation. To all intents and purposes, Native pre-emptions were impossible without white encouragement and assistance, which here and there they received. Even Native land purchases were exceedingly difficult.

Nevertheless, these reserve and non-reserve policies were the heart of Douglas’s conception of Native land policies in the new colony of British Columbia. In lieu of some recognition of a right that would be extinguished by purchase, he intended to provide support for Native people during the early stages of their adjustment to civilization and, later, as they became civilized, to allow them to enter the colonial economy and society as full participating members. It was a coherent program, of which Douglas was the author, one he sought to impose on colonial officials and a colonial society that often did not understand what he was about and, when it did, usually disagreed with him. Partly for this reason, partly because he had too much to do, partly because the Native question was not a high priority, and partly because he would soon retire, his full program was never quite implemented, though his intentions are clear and most were partially achieved.

Douglas’s views about the size of reserves were usually routed through the colonial secretary (Young) to the office of the chief commissioner

<sup>27</sup> Young to Moody, Victoria, 9 June 1862, BSA, Colonial Secretary, Correspondence Outward, C/AB/30.1 J/9, 267-68. See also *PCILQ*, 24.

<sup>28</sup> Young to Chief Commissioner of Lands and Works, Colonial Secretary, Correspondence Outward, C/AB/30.1 J/9, 217-22.

<sup>29</sup> Opening address by James Douglas to First Session of First Parliament, 21 January 1864, in James E. Hendrickson, ed., *Journals of the Colonial Legislatures*, vol. 4 (Victoria: Provincial Archives of British Columbia, 1980), 179-82.

of lands and works, a position held by Colonel Moody. Moody, as he admitted himself, did not know how to deal with Native people and, to judge by his correspondence, was hardly aware of their presence.<sup>30</sup> Yet he did as directed, while introducing qualifications. He would relay Douglas's instructions that reserves were to be laid out "as they may be severally pointed out by the Indians themselves," then add qualifications, the admonition, for example, to check that whites were not inflating Native demands with the hope of acquiring the land themselves.<sup>31</sup> When an Oblate priest in the lower Fraser Valley (Father Fouquet) sent a local chief to obtain the stakes with which to mark out their reserves, Moody soon demurred: "The applications from yourself on the part of Indians for their lands are reaching a grave extent, both as to number of claims and quantity of lands in each, and is altogether beyond what I had contemplated." He wanted more information: a full list of claims, sites, acreages, populations, and chiefs' names. "In the meanwhile, I beg you will not send any more Indians."<sup>32</sup> There were other filters in the system. Another engineer, Captain Parsons, instructed Sapper Turnbull about the surveys in the Fraser Canyon: "You will take an early opportunity of staking and marking out in the District you are now stationed all Indian Villages, Burial Places, Reserves, etc. as they may be pointed out to you by the Indians themselves – subject, however, to the decision of the District Magistrate as to the extent of the Land so claimed by them."<sup>33</sup> In effect, Parsons had transferred responsibility for reserve size to district magistrates. Turnbull's canyon reserves were tiny, out of all proportion to Douglas's instructions.

In other cases, Douglas's instructions did get through. In February 1861, William G. Cox, deputy collector of customs and newly appointed assistant gold commissioner at Rock Creek, asked the chief commissioner of lands and works (Moody) for instructions about the laying out of reserves.<sup>34</sup> Moody, directed by the colonial secretary who had been

<sup>30</sup> For example: "I should feel greatly obliged if you would send me down a gentlemen accustomed to the ways of Indians and capable of negotiating with them for me." See Moody to Yale, Queensborough, 9 March 1859, BCA, BC Lands and Works, Correspondence Outward, GR 2900, vol. 1, 3-4. Nothing in Moody's upper-class English background equipped him to understand Native people. In this respect, he and Douglas, who had lived alongside Native people for most of his life, were positioned very differently.

<sup>31</sup> Moody to Cox, New Westminster, 6 March 1861, *PCILQ*, 21.

<sup>32</sup> Moody to Fouquet, New Westminster, 22 December 1862, BCA, BC Lands and Works, Correspondence Outward, vol. 4, 54.

<sup>33</sup> Parsons to Turnbull, New Westminster, 1 May 1861, BCA, BC Lands and Works, Correspondence Outward, vol. 2, 186-87.

<sup>34</sup> W.G. Cox to Commissioner of Lands and Works, Rock Creek, 12 February 1861, BCA, GR 1372, F375/3a.

directed by Douglas, replied that Cox was to mark out reserves and “define their extent as they may be severally pointed out by the Indians themselves.”<sup>35</sup> Cox did so. In July 1861, he reported: “I have the honor to inform His Excellency the Governor that ... I visited the Great Lake Okanagan and there marked off an Indian reserve. The Indians themselves selected the location and also pointing out to me where they Desired the boundary stakes to be placed.”<sup>36</sup> He included a sketch. Two weeks later the colonial secretary replied that Cox’s descriptions “have been perused by His Excellency with peculiar interest and satisfaction.”<sup>37</sup> This time the system was working as Douglas thought it should. Shortly thereafter Cox marked out a reserve of similar proportions at the foot of Okanagan Lake. His successor mapped the two reserves a few years later and reported that they included at least twenty square miles [5,180 hectares] “of some of the best land” in the Okanagan.<sup>38</sup>

In October 1862, Cox was in the Kamloops area where again he identified with prominent posts the lands “which the Indians wished to be reserved for their use.”<sup>39</sup> His reserve at Kamloops extended “along the North River East side, for about Six miles [9.65 kilometres] and along the Thompson River to the east for about twelve miles more or less – running back to the mountains in both cases.”<sup>40</sup> Between the Kamloops reserve and Shuswap Lake, land that Cox had no time to visit properly, he apparently discussed the approximate locations of several reserves with the principal chief in the area (Nesquinilth) and gave him stakes and papers. When the surveyor Walter Moberly examined the area in December 1865, he estimated that, together, the Kamloops reserve and Nesquinilth’s claim comprised some six hundred square miles.<sup>41</sup>

Finally, in April 1864, during the last days of Douglas’s tenure as governor, William McColl, a former Royal Engineer, received written instructions from the surveyor general, Chartres Brew, that were similar to Cox’s. He was to “mark out with corner and intermediate posts what-

<sup>35</sup> Moody to Cox, New Westminster, 6 March 1861, *PCILQ*, 21.

<sup>36</sup> Cox to Colonial Secretary, Rock Creek, 4 July 1861, *BCA*, GR 1372, F376/1 (reel B-132). For a short account of these reserves, see Duane Thomson, “Opportunity Lost: A History of Okanagan Indian Reserves in the Colonial Period,” *Okanagan Historical Society Report* 42 (1978), esp. 43-46.

<sup>37</sup> Colonial Secretary to Cox, Victoria, 30 July 1861, *BCA*, GR 1372, F326/8c (reel B-1315).

<sup>38</sup> John C. Haynes to Colonial Secretary, Osoyoos, 27 May 1865, *BCA*, GR 504, file 1.

<sup>39</sup> Cox to Colonial Secretary, Kamloops, 25 October 1862, *BCA*, GR 1372, F377/22 (Colonial Correspondence, reel B-1320).

<sup>40</sup> Cox to Colonial Secretary, Kamloops, 31 October 1862, *BCA*, GR 1372, F377/25b (Colonial Correspondence, reel B-1320).

<sup>41</sup> Moberly to Chief Commissioner of Lands and Works, New Westminster, 22 December 1865, *PCILQ*, 33-34. The original is in *BCA*, GR 1372, F1145b (Colonial Correspondence, reel B-1346).

soever land the Indians claim as theirs ... [and] at any Indian Village where the quantity of Land demanded by the Indians is not equal to ten acres for each family Mr McColl will enlarge the Reserve to that extent."<sup>42</sup> Two weeks later, A.R. Howse, an official in the Land Office, instructed McColl to lay out reserves along the Harrison River "irrespective of the claims of settlers."<sup>43</sup> McColl reported that "in addition to the written instructions I had further verbal orders given to me by 'Sir James Douglas' to the effect that all lands claimed by the Indians were to be included in the 'reserve,' the Indians were to have as much land as they wished, and in no case to lay off a 'Reserve' under 100 acres."<sup>44</sup> More than a year later, Howse remembered the occasion: it had taken place on the lawn at Government House in New Westminster before a large assemblage of Native people.<sup>45</sup> Doing as instructed, McColl marked out reserves totalling more than forty thousand acres on both sides of the Fraser in the vicinity of contemporary Chilliwack.<sup>46</sup>

Douglas requested that the location and extent of his reserves be posted in each district and published in the local newspaper. He also wanted to receive district maps of reserves, a request repeated with some irritation.<sup>47</sup> However, there is no indication that these requests were met. Notices of his reserves do not appear to have been published in any colonial newspapers or in the *British Columbia Gazette*.

Three months before his retirement, Douglas addressed the first session of the Legislative Council of British Columbia and spoke proudly but guardedly about his Indian policies to local politicians, most of whom were his critics.<sup>48</sup> His policies, he said, were working. The tribes were pleased to have their village sites, cultivated fields, and favourite places of resort set aside "for their exclusive use and benefit, and especially as a provision for the aged, the helpless, and the infirm." They were "quiet and well disposed," and the danger of hostilities between Natives and settlers had been removed forever. Reserved lands were held for Natives by the

<sup>42</sup> Instructions for Mr. McColl from C. Brew, Surveyor General's Office, New Westminster, 6 April 1864, BCA, GR 1372, F1030/21 (Colonial Correspondence, reel B-1344).

<sup>43</sup> A.R. Howse to McColl, New Westminster, 25 April 1864, BCA, BC Land and Works, Correspondence Outward, vol. 4, 104. See also *PCILQ*, 44.

<sup>44</sup> McColl to Surveyor General, New Westminster, 16 May 1864, BCA GR 1372, F 1030/21 (Colonial Correspondence, reel B-1344).

<sup>45</sup> A.R. Howse, Memorandum, 18 December 1865, GR 1372, F 1030/21 (Colonial Correspondence, reel B-1344).

<sup>46</sup> Harris, *Making Native Space*, 41-42.

<sup>47</sup> Charles Good for Colonial Secretary to Moody, 2 August 1861, BCA, Colonial Secretary, Correspondence Outward, C/AB/30.1, J/9, 160. See also *PCILQ*, 23.

<sup>48</sup> Opening address by James Douglas to First Session of First Parliament, 21 January 1864, in Hendrickson, *Journals of the Colonial Legislatures*, 4:179-82. See also CO 60/18, 35-36.

Crown in trust and were secured thereby “as a perpetual possession.” The lands so defined and set apart “in no case exceed[ed] the proportion of ten acres for each family concerned.” Moreover, individual Natives could acquire land by pre-emption or purchase like any other British subject.

Douglas, a shrewd, practical politician who frequently negotiated a narrow line between directives from the Colonial Office, settler opinion, and his own best judgment, was not above saying somewhat different things to different audiences. He knew that members of the Legislative Council disapproved of his Native land policies, which sought to find more space for Native livelihoods than most settlers in British Columbia were prepared to accept. In these circumstances he bent his case, offering a partial and, in one crucial respect, an inaccurate summary of his Native land policies. He had not said that it was his policy to grant reserves of no more than ten acres per family, but he had said that this ratio had not been exceeded. However, in January 1864, neither Douglas nor anyone else had any idea of the ratio of population to land on many of the reserves marked out during his administration. Across much of the colony, Native populations had recently been devastated by smallpox, and precise numbers before or after this catastrophe were unknown. Cox had not taken censuses when laying out his reserves. Yet Douglas knew full well that the large reserves in the Okanagan and Thompson valleys included far more than ten acres per family.<sup>49</sup> Years later he admitted as much. Replying to the Indian superintendent, I.W. Powell, who asked if he had followed an acreage formula when laying out reserves, Douglas wrote that he had not and went on to describe his Native land policies, and the large reserves allocated in pastoral areas, in some detail:

The principle followed in all cases was to leave the extent and selection of the land entirely optional with the Indians who were immediately interested in the Reserve; the surveying Officers having instructions to meet their wishes in every particular, and to include in each Reserve, the permanent Village sites, the fishing stations, and Burial Grounds, cultivated land, and all the favorite resorts of the Tribes, & in short to include every piece of ground to which they had acquired an equitable title through continuous occupation, tillage or other investment of their labour. This was done with the object of securing to each community their natural or acquired rights; of removing all cause for com-

<sup>49</sup> Reviewing the ten-acre claim in the summer of 1878, G.M. Sproat, Indian Reserve Commissioner, wrote that the arid interior, where ten acres of natural grass would barely support one ox, could not have been on Douglas’s mind. He thought that Douglas must have meant gardens. See Sproat to Superintendent General of Indian Affairs, Nicola, 15 August 1878, RG 10, vol. 3666, file 10176, pt. 2.

plaint on the ground of unjust deprivation of the land indispensable for their convenience or support & to provide against the occurrence of Agrarian disputes with the white settlers.

Before my retirement from office several of the Reserves, chiefly in the lower district of Frasers River & Vancouvers Island, were regularly surveyed and marked out with the sanction & approval of the several communities concerned, & it was found on a comparison of acreages with population that the land reserved, in none of these cases exceeded the proportion of 10 acres per family,<sup>50</sup> so moderate were the demands of the Natives.

It was however never intended that they should be restricted or limited to the possession of 10 acres of land, on the contrary, we were prepared, if such had been their wish to have made for their use much more extensive grants.

The Indian Reserves in the Pastoral country east of the Cascades, especially in Lytton & Thompson River districts where the natives are wealthy, having in many instances, large numbers of horses & cattle were, on my retirement from office, only roughly traced out upon the ground by the gold commissioners of the day. These latter Reserves were necessarily laid out on a large scale, commensurate with the wants of these tribes; to allow sufficient space & range for their cattle at all seasons.

Such is an outline of the policy & motives which influenced my Government when determining the principle on which these grants of land should be made. Moreover, as a safeguard & protection to these Indian Communities who might, in their primal state of ignorance & natural improvidence, have made away with the land, it was provided that these Reserves should be the common property of the Tribes, & that the title should remain vested in the Crown, so as to be unalienable by any of their own acts. The policy of the Government was carried even a step beyond this point, in providing for the future. Contemplating the probable advance of the Aboriginies in knowledge & intelligence & assuming that a time would certainly arrive when they might aspire to a higher rank in the social scale, & feel the essential wants of & claims of a better condition, it was determined to remove

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<sup>50</sup> In fact, many of McColl's reserves in the lower Fraser Valley were larger than ten acres per family.



every obstacle from their path, by placing them in a most favourable circumstances for acquiring land in their private & individual capacity, apart from the Tribal Reserves. They were, therefore, legally authorized to acquire property in lands, either by direct purchase at the Government offices, or through the operation of the pre-emption laws of the Colony, on precisely the same terms & circumstances in all respects, as other classes of Her Majesty's subjects.<sup>51</sup>

He added that these measures had given "universal satisfaction" and that any departure from them would create an "unbounded disaffection" that could well "imperil the vital interests of the province." His letter, he said, could be regarded as "an official communication."

With one exception, Douglas had accurately described his Native land policies on the mainland in the early 1860s. Although none of the reserves on Vancouver Island or of the earliest reserves on the mainland were as large as ten acres per family, most of the McColl reserves in the lower Fraser Valley, like the Cox reserves "east of the Cascades," were a good deal larger.<sup>52</sup>

In summary, Douglas left no single, accurate, and comprehensive statement of his Native land policies on the mainland. Because he did not, and because most government officials who followed him disagreed with his views, it could be asserted, and frequently has been, that he never had a consistent Native land policy. In this sense he left a fragile legacy in a settler colony bent on development and little inclined to accord much if anything to Native people. But when the records are scrutinized, Douglas's policies are clear enough. The following can be confidently asserted about Douglas, his intentions, and his instructions to Cox and McColl regarding Native land policies in British Columbia in the early 1860s:

- Authority to establish a Native land policy and to allocate land to Native people rested with Governor Douglas.
- In lieu of treaties and payments for the loss of rights, Douglas sought to provide generously for Native people and, as far as possible, to do so in

<sup>51</sup> Douglas to Powell, James Bay, 14 October 1874, BCA, Sir James Douglas, Correspondence Outward, 1874. See also LAC, RG 10, vol. 3611, file 3756-1 (reel C-10106). Reprinted in Cail, *Land, Man, and the Law*, app. D, item 4, 302-3.

<sup>52</sup> However, at the time of the McColl reserves, the figure of ten acres was in the air. Brew told McColl that if Natives did not ask for as many as ten acres per family, they were to be given that acreage anyway. Instructions for Mr. McColl from C. Brew, Surveyor General's Office, New Westminster, 6 April 1864, BCA, GR 1372, F1030/21 (Colonial Correspondence, reel B-1344).

- advance of settlement.
- During the last three years of his governorship, Douglas held that reserves on the mainland should be as large as “may be severally pointed out by the Natives themselves.”
  - William Cox and William McColl received and acted upon these instructions when they laid out reserves in the Okanagan, Thompson, and Fraser valleys.
  - Their reserves were identified by surveyors’ stakes but were neither surveyed nor gazetted.

#### AFTER DOUGLAS

Douglas had been gone for less than a month when the Legislative Council of the Colony of British Columbia passed a resolution about the McColl reserves: they were “unnecessarily large” and were “seriously interfering with the development of the agricultural resources of the Colony.”<sup>53</sup> Governor Seymour (then two weeks in office) was asked to look into the matter. Before long there were similar complaints about the Cox reserves. Philip Henry Nind, gold commissioner at Lytton, was informed that five hundred Indians claimed almost all the land from Shuswap Lake to Kamloops (some forty-five miles): “The Indians do nothing more with their land than cultivate a few small patches of potatoes here and there; they are a vagrant people who live by fishing, hunting, and bartering skins; and the cultivation of their ground contributes no more to their livelihood than a few days digging of wild roots.” Their claims to land and hostility to settlers “ha[ve] the effect of putting a stop to settlement in these parts.”<sup>54</sup> Situated now in a different administration, Cox’s memory was slipping. In July 1865, he wrote that the Kamloops reserve extended one-half miles up the North Thompson River and ten miles along the South Thompson (six by twelve miles in 1861) and that at Kamloops four years before he had “chalked out” the locations of modest reserves at Shuswap Lake. The Indians, apparently, had greatly added to the grounds allowed.<sup>55</sup>

Douglas was gone; the new governor, Seymour, had no experience with Native issues; and by 1864 the Colonial Office, favouring responsible government in settler colonies, readily turned over Native land policies

<sup>53</sup> Resolution of the Legislative Council, 3 May 1864, in Hendrickson, *Journals of the Colonial Legislatures*, 4:237. See also, BCA, C/AB/20.1A/1, 92 (reel B-4717).

<sup>54</sup> P.H. Nind to A.N. Birch, Colonial Secretary, Lytton, 17 July 1865, BCA, GR 1372, F1259/30 (Colonial Correspondence, reel B-1351). See also BCA, GR 504, file 1; and *PCILQ*, 29-30.

<sup>55</sup> Extract of letter from Mr. Cox to Mr. Nind, 16 July 1865, *PCILQ*, 31.

to local colonial legislatures.<sup>56</sup> In these circumstances, the man who effectively inherited Douglas's responsibilities for Native lands in British Columbia was Joseph Trutch, an engineer and businessman who arrived in the colony in 1859 and became chief commissioner of lands and works in April 1864. Trutch came to British Columbia with a letter of reference from the colonial secretary in London, moved comfortably in elite society, and was soon one of the small group of men who ran the colony. He admired capitalists, believed in progress and development, and envisaged British Columbia as an untilled field for enterprise, its lands awaiting investment and settlers. He considered Native people slovenly and lazy, and doubted their capacity for abstract thought.<sup>57</sup>

In this regard, Trutch's views were little different from those of most white settlers. For some, he seemed a little too soft on "Indians" and too slow to reduce the Douglas reserves and adopt firm policies that relegated "backward" and "inferior" people to their proper place. For a few others, he did not sufficiently appreciate the Native's capacity to take on white ways and eventually become civilized citizens.<sup>58</sup> Yet no influential voice in colonial British Columbia continued to represent Douglas's Native land policies. Awaiting these policies after he retired were, essentially, the ambitions and values of a settler colonial society. For almost all members of this society, the transfer of land to their own needs and purposes was a precondition of their coming. Moreover, they considered themselves civilized, their land uses progressive, and Native people uncivilized and wasteful. Self-interest coupled with such judgments and backed by superior power was enough to undermine Douglas's Native land policies.

There was, therefore, satisfaction in settler British Columbia as the colonial government set about reducing the Douglas reserves. Trutch, now chief commissioner of lands and works, agreed with Nind that the Kamloops and Shuswap reserves were "entirely disproportionate to the numbers and requirements of the Indians residing in those Districts" and instructed the assistant surveyor general of the colony to see what arrangements could be made to reduce them and open the land to pre-emption.<sup>59</sup> He made much the same claim in an 1867 report on the McColl reserves in the lower Fraser Valley. They were "of no real value

<sup>56</sup> Fisher, *Contact and Conflict*, 159-60.

<sup>57</sup> Fisher considered him an "archetypal colonialist." See Fisher, *Contact and Conflict*, 162.

<sup>58</sup> Such comments were rare but appear, for example, in legislative debates over the sale of liquor to Native people.

<sup>59</sup> Trutch to Walter Moberly, 10 October 1865, BCA, GR 1372, F1259 (Colonial Correspondence, reel 1351). See also BCA, GR 2900, vol. 5, II.

to the Indians and utterly unprofitable to the public interests.”<sup>60</sup> The question about the Douglas reserves was not whether many of them were too large, which everyone in the colonial land office seems to have taken for granted, but how reductions could be made without incurring Native hostility.

On this matter, opinion was initially divided. Nind and Haynes thought the government should reduce the Cox reserves by purchase, as did several more senior colonial officials (the acting colonial secretary, the acting attorney general, and the acting surveyor general):

It would be manifestly advantageous to the Government to be possessed of the Land now constituting the Indian Reserves, and that the Indian titles to them should be extinguished and the Indians removed out of all districts where white men are to settle ... It would not however, be politic or expedient to do so in as much as there can be little doubt that the Government are bound to respect these Reserves and only to extinguish the title of the Indians on ample and fair compensation.<sup>61</sup>

Trutch himself seemed initially to have toyed with the idea of purchase.<sup>62</sup> However, a simpler tactic prevailed – to deny the legality of the Douglas reserves. There had never been, Trutch soon held, a consistent reserve lands policy during the Douglas administration. The matter was “kept in abeyance,” there was no established system, and there were “no written directions on the matter in the land office.” At most, there were informal verbal instructions from the governor. Surveyors acting on this “indefinite authority” had laid out reserves of the most dubious legality.<sup>63</sup>

In line with such arguments, the assistant surveyor general told the Shuswap that stakes placed by the Indians were “useless” and that when Cox himself had laid out reserves, he had “not laid them out as Governor Douglas Intended.”<sup>64</sup> Trutch recommended the same course in the lower Fraser Valley where, he said, “it is certain that the extent of some of the reserves staked out by McColl is out of all proportion to the numbers or requirements of the tribes to which they were as-

<sup>60</sup> Trutch, Report on the Lower Fraser Indian Reserves, 28 August 1867, Special Collections, UBC, Trutch Family Papers, box 1, file 61. See also *PCILQ*, 41-43.

<sup>61</sup> Henry Wakeford (Acting Colonial Secretary), T.L. Wood (Acting Attorney General), and B.W. Pearse (Acting Surveyor General) to Colonial Secretary, 23 June 1865, CO 305/26, 204-7.

<sup>62</sup> Trutch to the Colonial Secretary, 20 September 1865, *PCILQ*, 30.

<sup>63</sup> Trutch, Report, *PCILQ*, 41-43.

<sup>64</sup> Notebook no. 1 of W. Moberly, Royal Engineers Collections, Tray 1, vol. 2, bk 1, 1865, Ministry of Environment, Lands and Parks, Office of the Surveyor General, Survey Plans Vault, Victoria.

signed.” In an opinion on the matter that became government policy, he went on:

The Indians regard these extensive tracts of land as their individual property; but of by far the greater portion thereof they make no use whatever and are not likely to do so; and thus the land, much of which is either rich pasture or available for cultivation and greatly desired for immediate settlement, remains in an unproductive condition – is of no real value to the Indians and utterly unprofitable to the public interests.

I am, therefore, of opinion that these reserves should, in almost every case, be very materially reduced.

Two methods of effecting this reduction may be suggested – either (1) to disavow absolutely McColl’s authority to make these reserves of the extravagant extent laid out by him, and instead to survey off the reserves afresh, either on the basis of Mr. Brew’s letter of instructions to McColl, namely ten acres to each grown man or of such extent as may, on investigation be determined to be proportionate to the requirements of each tribe, or – (2) to negotiate with the Indians for the relinquishment of the greater portion of these lands, which they now consider their own, on terms of compensation, in fact to buy the lands back from them.

The former of these systems was carried out last year in the reduction of the Kamloops and Shuswap Indian Reserves, where tracts of land of most unreasonable extent were claimed and held by the local tribes under circumstances nearly parallel to those now under discussion; and I think that a similar course may be very fairly and expediently adopted in this case.

The Indians have really no right to the lands they claim, nor are they of any actual value or utility to them; and I cannot see why they should either retain these lands to the prejudice of the general interests of the Colony, or be allowed to make a market of them either to Government *or to individuals*.

It seems to me, therefore, both just and politic that they should be confirmed in the possession of such extents of lands only as are sufficient for their probable requirements for purposes of cultivation and

pasturage, and that the remainder of the land now shut up in these reserves should be thrown open to pre-emption.

But in carrying out such a reduction of these reserves in the manner proposed, very careful management of the dispositions of the Indian claimants would be requisite to prevent serious dissatisfaction; firmness and discretion are equally essential to effect the desired result, to convince the Indians that the Government intend only to deal fairly with them and the whites, who desire to settle on and cultivate the lands which they (the Indians) have really no right to and no use for.<sup>65</sup>

There are several points to make about Trutch's analysis: First, as the above discussion has shown, there was a clear Native land policy in the later Douglas years, although, to be sure, its terms were embedded in a complex documentary record. Second, there was a short, clear written directive about Native land policy in the Land Office.<sup>66</sup> Third, Brew did not instruct McColl to lay out reserves of ten acres to each grown man. He instructed McColl to lay out "whatsoever land the Indians claim as theirs," and, were their claims more modest, to assign ten acres per family. Fourth, Trutch disputed the size, not the existence, of the Cox and McColl reserves. He advocated their reduction, not their elimination. In effect, he sought to replace Douglas's assessment of the appropriate size of Native reserves with an assessment more in line with his opinion and that of settler society. Fifth, Trutch's views prevailed. There were large reductions and no purchases.

Cox's Okanagan reserves were reduced in the fall of 1865. The reserve at the foot of the lake became 842 acres [341 hectares], about forty acres [16 hectares] per family, minus, now, the best agricultural land in the previous reserve. The reserve at the head of the lake became two reserves, one of about a thousand acres (some two hundred of which were potentially arable) and the other some fifteen hundred acres (some four hundred of which were arable). The former sapper (Turnbull) who resurveyed them considered them much too large.<sup>67</sup> The Kamloops and Shuswap reserves were reduced in September 1866 and gazetted shortly thereafter. They became five reserves, the Kamloops reserve some three miles square, the others

<sup>65</sup> Trutch, Report, *PCILQ*, 41-43.

<sup>66</sup> *Supra*, n. 26.

<sup>67</sup> Mr. Turnbull's Report, New Westminster, 17 January 1866, *PCILQ*, 35-36. See also, Duane Thomson, "A History of the Okanagan: Indians and Whites in the Settlement Era, 1860-1920" (PhD diss., University of British Columbia, 1985), 119-22.

smaller, and the rest of the land between Kamloops and Shuswap Lake was opened for pre-emption.<sup>68</sup> McColl's reserves in the lower Fraser Valley were surveyed in the fall of 1868, becoming twenty-one small reserves, in total 3,907 acres.<sup>69</sup>

When the large reserves laid out during the last Douglas years were cut back, many Native groups, a few missionaries, and one or two others protested – scattered voices without political power. In the mid-1860s, Douglas's reserves had no protection. Fifteen years later Gilbert Malcolm Sproat, Indian reserve commissioner, made a determined but, ultimately, failed effort to resurrect Douglas's policies.<sup>70</sup> Broadly considered, in the three or four years immediately after Douglas's retirement the Native land policies that would dominate British Columbia for the next century and more were put in place.

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<sup>68</sup> Notice of J.W. Trutch, Chief Commissioner of Lands and Works, Victoria, 5 October 1866, *Government Gazette*, 5 January 1867. See also *PCILQ*, 164.

<sup>69</sup> J.B. Launders to the Chief Commissioner of Lands and Works, Victoria, 18 December 1868, *PCILQ*, 54-57.

<sup>70</sup> Harris, *Making Native Space*, chap. 6.