

# (RE)SETTLING THE CENTRAL OKANAGAN, 1860-1904:

## *Land Monopoly, Small-Scale Ranching, and Marginalized First People*

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SCHOLARLY ACCOUNTS TOUCHING on agricultural and ranching history in the Okanagan Valley, in particular those of Thomson, Koroscil, and Wagner, tend to focus on periods of change or transition.<sup>1</sup> Most trace agriculture and ranching from the beginnings of white European settlement in the compact farming community of Okanagan Mission in the bottomlands of the valley beginning around 1860.<sup>2</sup> These accounts rightly emphasize the importance of early large-scale cattle ranching and later large-scale orchard development. Scholars also underscore the key roles of irrigation and water rights in both the ranching and the fruit-growing phases of agricultural development. Of critical importance is the attention they pay to the way in which government and white farmers systematically blocked First Nations attempts to establish irrigation systems. Thomson, along with Wagner and White, argues that early cattle ranchers and the provincial government, backed by provincial law, were able to deny access to irrigation water to First Nations, thereby holding back the development of agriculture on reserves.<sup>3</sup> Scholars also show how water rights law after 1906 evolved to favour the big development companies, who were able to strategically buy up land with appurtenant water rights, establish reservoirs to hold back water exclusively for their clients, and use local creeks to transfer

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<sup>1</sup> Duane Thomson, "A History of the Okanagan: Indians and Whites in the Settlement Era, 1860-1920" (PhD diss., University of British Columbia, 1985); Paul M. Koroscil, *The British Columbia Garden of Eden: Settlement History of the Okanagan Valley, British Columbia* (Naramata, BC: Milverton Publications, 2003); John R. Wagner, "Landscape Aesthetics, Water, and Settler Colonialism in the Okanagan Valley of British Columbia," *Journal of Ecological Anthropology* 12 (2008): 22-38.

<sup>2</sup> It should be noted that historians trace the origin of First Nations horticulture from the beginnings of white settlement. See Thomson, "History of the Okanagan," 307.

<sup>3</sup> Thomson, "History of the Okanagan," 330; John R. Wagner and Kasondra White, "Water Development in the Okanagan Valley of British Columbia," *Journal of Enterprising Communities: People and Places in the Global Economy* 3, 4 (2009): 378-92.

their water to the new orchard subdivisions.<sup>4</sup> In addition to these studies specifically focused on the Okanagan, Robert Cail's more general study of BC settlement policy offers valuable insights into the evolution of pre-emption and land acquisition in the Okanagan in the period under consideration.<sup>5</sup> As well, Cole Harris and David Demeritt's essay, "Farming and the Rural Life," is helpful in understanding the rise and decline of small-scale marginal ranching in British Columbia.<sup>6</sup>

Missing from these accounts, however, is a study of early agricultural and ranching expansion focused on a particular Okanagan region. This kind of focus responds to the need for answers to questions not resolved by the more global studies: Outside the big cattle ranches and the original lowland farming and stock-raising settlements, what was the extent of early small-scale stock raising by both white settlers and First Nations? What was the impulse behind smaller-scale land exploitation and to what extent can we measure its impact?

The intention of this article is to establish a broader context for a local study of a complex landscape shared by Indigenous peoples, land seekers, and settlers. I pursue two strands of enquiry: first, I investigate the Westbank First Nation's attempts to enter the settler-dominated ranching economy; second, I investigate the attempts by American land seekers to insert themselves into the ranching economy during a later period of the settlement era. I draw on John Weaver's examination of the great land rushes of the nineteenth century, which brought land seekers to South Africa, New Zealand, Australia, and North America (unfortunately, he touches only briefly on British Columbia).<sup>7</sup> In particular, I apply Weaver's concept of "allocation of land by initiative."<sup>8</sup> I focus on the expansion of ranching in the Mission Creek watershed, a major component of the central Okanagan's geography. I look closely at the context of the watershed's geography, its valley and benchland, slope and plateau setting, and examine how small-scale ranchers established themselves in the landscape. Within the watershed, the slopes of the Mission Creek valley and neighbouring Black Mountain were

<sup>4</sup> Kenneth Wayne Wilson, "Irrigating the Okanagan" (MA thesis, University of British Columbia, 1989); Wagner and White, "Water Development in the Okanagan Valley."

<sup>5</sup> Robert E. Cail, *Land, Man and the Law: The Disposal of Crown Lands in British Columbia, 1871-1913* (Vancouver: UBC Press, 1974).

<sup>6</sup> R. Cole Harris and David Demeritt, "Farming and the Rural Life," in Cole Harris, *The Resettlement of British Columbia: Essays on Colonialism and Geographical Change*, 219-49 (Vancouver: UBC Press, 1997).

<sup>7</sup> John C. Weaver, *The Great Land Rush and the Making of the Modern World, 1650-1900* (Montreal and Kingston: McGill-Queen's University Press, 2003).

<sup>8</sup> See Weaver, *Great Land Rush*, 264-308.

particularly attractive to frontier land seekers, who first appear around 1893. My research draws on Thomas Weir's often cited *Ranching in the Southern Interior Plateau of British Columbia*. Weir, although largely ignoring the Okanagan, offers a wealth of information on types of cattle ranches and a useful classification of rangeland zones according to elevation.<sup>9</sup> I also draw on Cole Harris's description of Joint Indian Reserve Commission (JIRC) activities in the Okanagan in 1877-78 as well as on his outline of commissioner Gilbert M. Sproat's attempts to create a space for Okanagan First Peoples in the Okanagan ranching economy.<sup>10</sup>

In writing this article, I hesitate to use Cole Harris's term "resettlement" to designate white settlement that frequently displaced First Peoples' inhabitation of prime farming areas throughout the southern interior. In the end, to avoid confusion – the Syilx Westbank First Peoples in fact resettled on the west side of Okanagan Lake, and newly arrived white Europeans "resettled" on the east side of the lake – I generally use the term "settlement" to designate the wave of white settlement that displaced Native inhabitation and Native space in the Okanagan.

#### THE CENTRAL OKANAGAN IN THE 1860S: WHITE SETTLEMENT AND THE MARGINALIZATION OF THE LOCAL SYILX PEOPLE

No study of regional or local settlement in British Columbia can ignore the impact it had on First Peoples. While most of provincial government policy in the 1870s and 1880s leaned towards keeping reserve allocations small, the policies of Gilbert M. Sproat, particularly during his tenure as sole commissioner of the JIRC in 1878, deserve mention. According to Cole Harris, Sproat believed that "the only viable economy in the southern interior was stock farming, and that Native stock farmers would need almost as much land as their white counterparts. Sproat estimated that on average in the Okanagan they had granted 18.5 acres [7.5 hectares] of arable land per adult male and 24 acres [9.7 hectares] of land per cow or horse."<sup>11</sup> Sproat also granted the Head of the Lake Band access to a

<sup>9</sup> Thomas R. Weir, *Ranching in the Southern Interior Plateau of British Columbia*, Canada Department of Mines and Technical Surveys, Geographical Branch, memoir 4 (Ottawa: Queen's Printer, 1955). Weir classifies grasslands in three categories: (1) a lower grassland zone suitable for winter range, between 335 metres and 700 metres; (2) a middle grassland zone suitable for spring/fall range, between 700 metres and 850 metres; and (3) an upper grassland zone with higher precipitation, suitable for summer range, between 850 metres and 975 metres. See Weir, *Ranching in the Southern Interior*, 22-23.

<sup>10</sup> R. Cole Harris, *Making Native Space* (Vancouver: UBC Press, 2003).

<sup>11</sup> *Ibid.*, 129-30.

newly designated North Okanagan Commonage comprising 24,742 acres (11,227 hectares) of upland rangeland between Long Lake (now Kalamalka) and Okanagan Lake.<sup>12</sup> Harris points out that, “like [Governor James] Douglas, Sproat thought that Natives should be allowed to pre-empt land on the same terms as anyone else.”<sup>13</sup> While Sproat’s more generous policies deserve mention, they were never extended to Syilx people in the central Okanagan, who missed out not only on the JIRC land allocations of the 1870s but also on the earlier land allocations effected by William Cox, the provincial gold commissioner at Osoyoos, and J.C. Haynes.

The earliest white settlers and settlers of mixed ancestry in the central Okanagan pre-empted and farmed the low-lying fertile flats near Okanagan Lake situated on the interconnected flood plains of Mission Creek and Mill Creek.<sup>14</sup> Settlement, centred around the Oblate mission at Okanagan Mission, was facilitated by the January 1860 land ordinance for the BC mainland, which authorized “the occupation of ... land, to the extent of 160 acres [64.7 hectares], with a pre-emptive right, by any person immediately occupying and improving the land, provided the settler paid the price of ten shillings an acre when the survey was completed and when title was granted.”<sup>15</sup> The settlement took advantage not only of the Mission Creek flood plain but also of the prime Crown grazing land afforded by the grasslands of the Mission Creek valley and Black Mountain.

By the late 1870s, the main village site of the local Syilx people of the central Okanagan was located at Westbank, across Okanagan Lake from the new white farming settlement at Okanagan Mission. Thus separated from the main area of white settlement, the local band would have found it impossible to graze its livestock on the prime Crown ranges of the Mission Creek valley in direct competition with the new settlers. The group likely originated with a few families that had formerly wintered on

<sup>12</sup> The current name for the Head of the Lake band is the Okanagan Indian (Inkumupulux) Band, which comprises six reserves, including the two at the head of the lake as well as reserves in Armstrong and Winfield. Harris outlines the rules governing white settler use of the new commonage: “only settlers who resided on, or whose agents (excluding “Chinamen” and “Indians”) resided on a holding of 320 acres (129.5 hectares) situated within 20 miles (32 kilometres) of the commonage qualified to pasture stock there.” See Harris, *Making Native Space*, 359n79.

<sup>13</sup> Harris, *Making Native Space*, 146.

<sup>14</sup> Margaret Ormsby notes that significant pre-emptions near the Oblate mission took place in 1860 and 1861, including Cyprian Lawrence, John McDougall, Eli Lequime, William Peon, and Joseph Christian. See Margaret A. Ormsby, “Pre-Exemption Claims in Okanagan Valley,” *Okanagan Historical Society Annual Report 6* (1935): 177–84.

<sup>15</sup> Cail, *Land, Man and the Law*, 13. One acre is .404 hectares.

the Mission Creek flood plain on the east side of Okanagan Lake. Indian Agent J.W. MacKay, writing in 1885, refers to them as “remnants” of a group from the “Mission Valley” side of the lake.<sup>16</sup> He gives no date for the move, but it appears that the pressure of white settlement on the east side of the lake drove a group of Syilx people over to a village site on the west side: MacKay writes: “the lands in the Mission Valley having been nearly all secured by settlers, the Indians of that place united with those of the Trepannier River [probably present-day Trepanier Creek, further south on the west side of the lake] to form their present settlement.” MacKay mentions that they had reoccupied the site of an “old village.” In fact, by the 1870s, the small Westbank Band, referred to by MacKay as the “Charles’ band” after its chief, found itself isolated from events sweeping the Okanagan. An 1877 visit to Westbank by Commissioners Anderson and Sproat of the JIRC had failed to resolve the band’s claim for a reserve allocation. The band chief, according to MacKay, “called for the removal of Mr. Allison from a portion of the land which their people wanted.” It seems likely that, from the band’s perspective, it was objecting to the intrusion of John Allison’s ranch on land it considered its own. The ranch, which consisted of prime hay-producing bottomland and prime winter pasture bordering Okanagan Lake, would have provided a valuable addition to the band’s capacity for stock raising. However, during his 1878 visit to the southern interior, Commissioner Sproat appears to have bypassed the Westbank Band altogether, leaving it, amazingly, with no reserve allocation and no official status in the JIRC’s revision of Okanagan reserves.<sup>17</sup>

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<sup>16</sup> Report by J.W. MacKay, Indian Agent, Kamloops and Okanagan Agency, to I.W. Powell, BC Indian Superintendent (hereafter BCIS), Kamloops, 23 January 1885, attached to letter from Powell to William Smithe, Chief Commissioner of Lands and Works, 2 February 1885. See British Columbia Provincial Collection, minutes of decision, Correspondence, and Sketches (hereafter BC Coll., MOD), binder 8, 206/85 (copy held by Specific Claims Branch, Department of Indian Affairs [hereafter SCB/DIA], Vancouver).

The “Mission Valley” was a term used at the time to denote the newly settled lowland area between Okanagan Mission and Duck Lake, including the Mission Creek floodplain and Mill Creek.

<sup>17</sup> Sproat’s minutes of decision and correspondence for 1878 and 1879 deal with the dispute with Cornelius O’Keefe at the Head of the Lake, and with the dispute with J.C. Haynes at Osoyoos, but there is no correspondence concerning Westbank. See BC Coll., MOD, binders 2 and 3, SCB/DIA.

RANCHING ON THE WEST SIDE OF OKANAGAN LAKE:  
THE EXCLUSION OF THE SYILX PEOPLE OF THE CENTRAL  
OKANAGAN FROM THE RANCHING ECONOMY

Although the Syilx people of the central Okanagan were belatedly granted a reserve, they were largely excluded from the local cattle ranching economy. In the 1880s, under Peter O'Reilly's tenure as reserve commissioner, the provincial government was unwilling to recognize the need for additional reserves, instead regarding Sproat's 1878 reserve allocations as final.<sup>18</sup> To persuade the provincial government to include the Westbank Band in the reserve system, the Indian Reserve Commission proposed in 1887 that the Head of the Lake Band relinquish rights to the North Okanagan Commonage in return for a new reserve for the Westbank Band – a case of robbing Peter to pay Paul and hardly a fair exchange if we accept Indian Agent MacKay's assertion that these were two different bands with two different histories.<sup>19</sup> Moreover, when the members of the Westbank Band were belatedly allocated the Westbank Reserve in 1888 (Tsinstikeptum 9 and 10), the reserve would not have been big enough to give them a solid foothold in the local cattle industry.<sup>20</sup> An inventory taken at the time puts the band's population at thirty-four. Livestock included eighty-two horses and fifty cattle; 20.2 hectares were under cultivation and 121 hectares were fenced.<sup>21</sup> The population and livestock figures, set against the total allocation of 1,310 hectares, approximate what Sproat had earlier estimated to be a suitable size for a reserve that was actively taking part in stock raising (Sproat was making allowances for livestock and the adult male population). However, in contrast to what was allotted to the Head of the Lake Band, there was no additional spring or summer grazing land set aside, no access to the much needed seasonal ranges that the addition of a commonage open to both Indigenous people and settlers might have provided.

<sup>18</sup> Harris, *Making Native Space*, 196.

<sup>19</sup> Harris, *Making Native Space*, 198. See also MacKay to Powell, Kamloops, 23 January 1885. BC Coll., MOD, 206/85, SCB/DIA.

The two reserves established at Westbank, across Okanagan Lake from Okanagan Mission, should not be confused with the "Okanagan westbank" reserve cited in Cole Harris's list of BC reserves. See Harris, *Making Native Space*, 334.

<sup>20</sup> The Westbank Band was initially administered as part of the Okanagan Indian Band. It broke away in 1963 and became the Westbank Indian Band, later Westbank First Nation.

<sup>21</sup> Minute of decision, 6 December 1888, BC Coll., MOD, binder 9, box 4, 2949/88, SCB/DIA. Interestingly, an earlier report by Indian Agent A.E. Howse mentions one thousand acres [405 hectares] fenced, although Howse admits his figure is based on a "hasty observation." A.E. Howse to I.W. Powell, BCIC, Nicola, 5 October 1883, attached to letter from Powell to Chief Commissioner of Lands and Works, 19 November 1884, BC Coll., MOD, binder 8, box 3, 3040/84, SCB/DIA.

Even had there been better access to rangeland, it would be wrong to suggest that the approach Sproat used with the Head of the Lake Band in 1878 could have been successfully applied to the Westbank Band. By then, the band, as previously mentioned under pressure from white settlement, had already abandoned winter quarters on the east side of the lake and moved to less fertile land on the west side. And, once re-established, it had been subject to fresh encroachment, again on the best agricultural land, by rancher John Allison.<sup>22</sup> Even within its newly granted reserve land, incomplete fencing suggests that the band was vulnerable to incursions by white settler cattle, which meant having to deal with overgrazing, a problem also faced by the Head of the Lake Band.<sup>23</sup> By 1888, the time for a fair allocation of agriculturally viable reserves, at least in the central Okanagan, was already well past.

RANCHING ON THE EAST SIDE OF OKANAGAN LAKE:  
THE EXPANSION OF THE LEQUIME RANCH, 1870-89

The most significant of the settlers in the early Okanagan Mission settlement on the east side of Okanagan Lake was Eli Lequime, whose canny business sense gave him an early edge in the local cattle-ranching economy. In 1856, Lequime had emigrated from France to San Francisco; in 1860, he moved to Rock Creek; and, in 1861, to the Okanagan, where he took up farming and storekeeping near the Oblate mission.<sup>24</sup> Starting in the early 1870s, Lequime and his son Bernard acquired more bottomland for winter pasture and for summer forage crops by absorbing neighbouring farms. Lequime took out water rights on Mission Creek to service these in 1873 and 1879.<sup>25</sup> By 1879, the Lequimes had the largest cattle ranch in the Okanagan. Thomson credits their success to their early start: Eli Lequime pre-empted when he arrived in 1861, six years

<sup>22</sup> John Allison, a Princeton rancher, had established a ranch at Westbank to provide hay and winter pasture for his cattle. See Susan Allison, *A Pioneer Gentlewoman in British Columbia* (Vancouver: UBC Press, 1976), 40.

<sup>23</sup> MacKay mentions incursions by settler cattle resulting in overgrazing on the Head of the Lake Reserve in his 1885 report. See MacKay to Powell, Kamloops, 23 January 1885. BC Coll., MOD, 206/85, SCB/DIA.

<sup>24</sup> See Bernard Lequime's recollections of his father in F.M. Buckland, "Mr. and Mrs. Eli Lequime," *Okanagan Historical Society Annual Report* 17 (1946): 87-88.

<sup>25</sup> Eli Lequime took out water rights on Mission Creek for his lowland holdings in 1873 (Lot 13; 87 hectares irrigated), and 1879 (Lot 135; 51 hectares irrigated). See Record Holder List, "Osoyoos Water District, Kelowna Precinct, Mission Creek Drainage Basin, 29 Nov. 1914," British Columbia, Water Rights Branch, Records of the Board of Investigation, Victoria, 1910-1913, Kelowna Public Archives (hereafter KPA).

before Tom Ellis in Penticton and eight years before J.C. Haynes in the Osoyoos area.<sup>26</sup>

Originally, the Lequime Ranch, like other big ranches in the Okanagan, would have depended on neighbouring Crown land for summer grazing. However, in 1879, all unreserved surveyed land in the Osoyoos district was opened for pre-emption.<sup>27</sup> Immediately after this, ranchers were reluctant to expand private holdings, preferring to avoid the cost and to rely on their right to freely graze on Crown land.<sup>28</sup> Ranchers did not begin to take up the option of purchase until after 1882, when the beginning of the BC phase of the construction of the Canadian Pacific Railway made the cattle market more lucrative: the Lequimes probably began expansion of their holdings at this time. The Lequime Ranch, later run by two of Eli's sons, Bernard and Leon, at its fullest extent comprised over twenty-seven hundred hectares, extending all the way from Okanagan Lake to the western slopes of Black Mountain in an almost continuous L-shaped swath, and including a stub along the southern slopes of the mountain.<sup>29</sup> The lengthy strip of land under direct control of the ranch varied in width from 0.8 to 1.6 kilometres, but it was strategically placed, and, along the upper slopes around Black Mountain and to the north, it effectively barred competing stockmen or new arrivals from gaining access to Crown land beyond the ranch. Thistle points out that the tendency towards the concentration of rangeland in the hands of a few ranchers was a trend throughout the grasslands of the BC interior; he writes that this was a "general pattern, in which control of lowlands ... enabled a few ranchers with property rights in winter range to control a valley."<sup>30</sup> The Lequimes went further than this: they not only bought up lowland pasture and winter range on

<sup>26</sup> Thomson, "History of the Okanagan," 254. Osoyoos is a border settlement on the 49th parallel at the south end of the Okanagan valley; the entire valley lies within the Osoyoos District.

<sup>27</sup> Duane Thomson has estimated that, typically, the big cattle ranchers expanded their holdings through the 1880s at an average of about 769 hectares a year. See Thomson, "History of the Okanagan," 312.

<sup>28</sup> Lequime acquired lowland property in the early 1880s, including Lot 132, 65 hectares, Cyprian Lawrence's property, in 1885. See Record Holder List, Mission Creek Drainage Basin, KPA. Thomson points out that the Lequimes also acquired the lowland ranch of Auguste Gillard during this period. See Thomson, "History of the Okanagan," 284.

<sup>29</sup> Koroscil writes that, by 1879, Bernard and Eli Lequime had a section (259 hectares) of lowland ranch between them, and they expanded both the lowland and upland portions of the ranch in the 1880s through acquisition of neighbouring lowland properties and upland Crown land. See Koroscil, *British Columbia Garden of Eden*, 184. The ranch took in much of what is now KLO Road, the East Kelowna lower bench, and the grasslands between Black Mountain and present-day Rutland. See Ormsby, "Pre-Exemption Claims in Okanagan Valley."

<sup>30</sup> John Thistle, *Resettling the Range: Animals, Ecologies, and Human Communities in British Columbia* (Vancouver: UBC Press, 2015), 37.

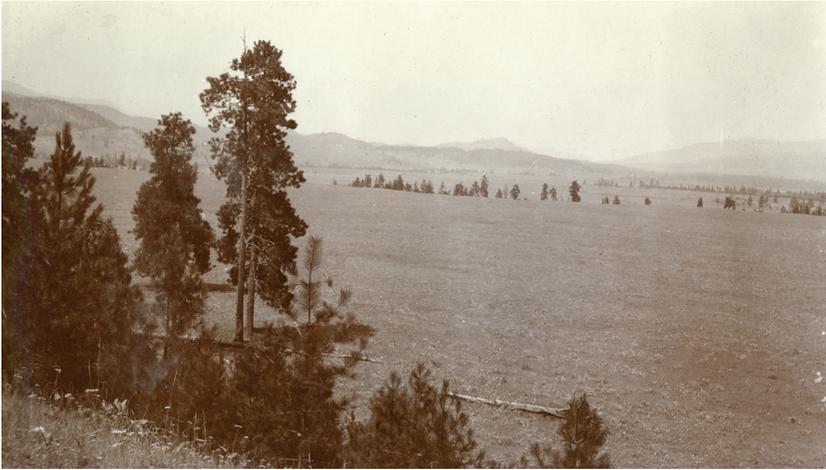


Figure 1. Lequime range on benchland east of Kelowna, ca. 1904. Pooley Family Collection.

adjacent benches, they also bought up enough spring/fall grazing land on higher-elevation middle grasslands to block portions of high summer grazing land to general access by other ranchers (Figure 1).<sup>31</sup>

Another aspect of the Lequimes' ranching strategy was self-protection. Unregulated access to grazing land had, by the early 1880s, led to overgrazing in the central Okanagan.<sup>32</sup> By purchasing their own land and not relying on communal rights, the Lequimes were protecting themselves from the inability of stockmen, under what Thomson calls the "common property regime," to prevent overgrazing (Figure 2).<sup>33</sup>

#### BLACK MOUNTAIN GRAZING LAND AND THE 1890 COMMONAGE PETITION

Thomson notes that "small cattle herds were found among virtually all interior bands" in the pre-white settlement era.<sup>34</sup> He adds that southern interior First Peoples, including the Okanagan Syilx, "undoubtedly left their stock to forage for themselves ... Stockraising as performed by the

<sup>31</sup> See description of Weir's rangeland zones in footnote 9.

<sup>32</sup> Thomson, "History of the Okanagan," 279. Thomson cites a note by Bishop Sillitoe in his diary in 1881 as well as a comment by Alf Postill, a local rancher.

<sup>33</sup> Thomson, "History of the Okanagan," 276. Robert E. Cail points out that other established Okanagan ranchers, like Cornelius O'Keefe, Forbes Vernon, and Thomas Greenhow, also purchased large tracts of land in the 1880s. See Cail, *Land, Man and the Law*, 37.

<sup>34</sup> Thomson, "History of the Okanagan," 250.

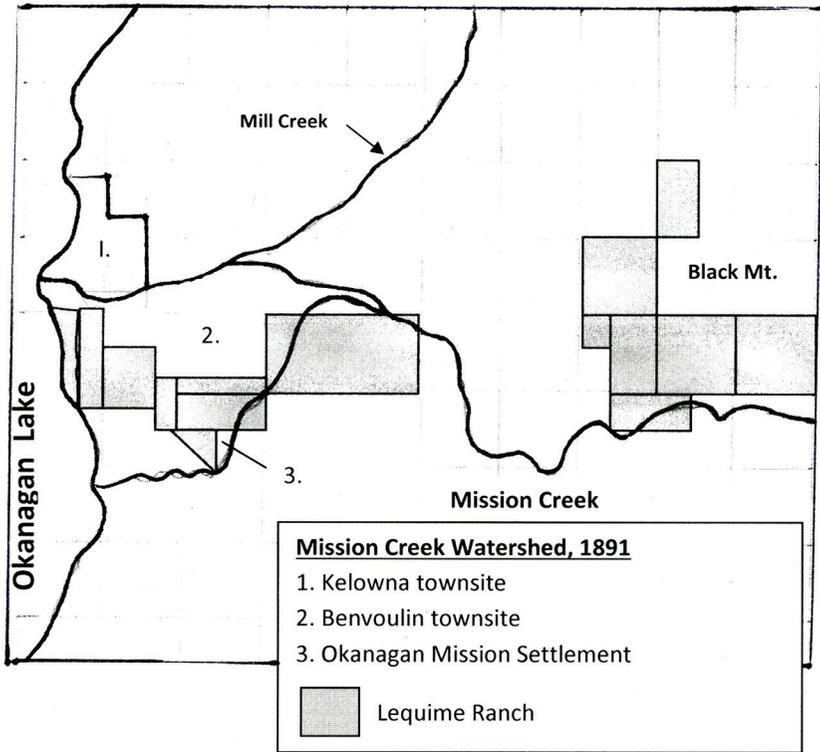


Figure 2. Mission Creek watershed, 1891.

Indians may have resembled wild horse chasing and cattle hunting rather than the cattle raising operations of the [Hudson's Bay Company].<sup>35</sup> Thus it seems likely that the earliest intensive use of Black Mountain to range cattle dates from the 1860s, when white settlers established stock raising at Okanagan Mission. Black Mountain and the adjoining Mission Creek valley would have been part of the common summer grazing land used by all the original settlers, including the Oblate missionaries, in the Okanagan Mission settlement. After 1879, when the Lequimes expanded into the Mission Creek watershed by outright land purchase, much of the grassland not under their control was still available for communal grazing. The exception to this was a major upper grassland area that extended east of Black Mountain up the north side of the Mission Creek valley and north of the mountain to Scotty Creek and beyond as far as Wood's Lake. This area, as previously mentioned, had been blocked

<sup>35</sup> *Ibid.*, 251.

to smaller stockmen by the Lequimes and other major neighbouring ranchers, including Thomas Wood, Joseph Christian, and the Postill brothers, who refused to allow access through their land.<sup>36</sup>

In 1890, a group of Okanagan Mission farmers and stockmen attempted to address this problem by petitioning the provincial government to convert the high grasslands beyond the Lequime Ranch into a commonage. They had probably been encouraged in their petition by current government practice elsewhere in the province. In the Nicola Valley, bowing to pressure from smaller ranchers who were concerned about the monopoly powers of the big ranches, the government had granted two new commonages in 1887 and 1889, respectively.<sup>37</sup> The 1890 petition is a key document that sheds light on the direction taken by subsequent ranching in the central Okanagan. The petitioners demanded a road through the Lequime Ranch and up the north side of the Mission Creek valley, “a gazetted wagon road, at the corner of Section No. 22, Township 26, due east six miles [9.7 kilometres].” It would restore their access to upper grassland on Black Mountain and further up the Mission Creek valley.<sup>38</sup> Curiously, Joseph Christian is listed as a petitioner on the document. The seeming contradiction – a major cattle rancher joining a petition pressing for access to the big cattle ranchers’ domain – is probably explained by the fact that the petition was directed specifically against the Lequimes. Although, tactfully, the Lequimes are not mentioned by name, the wording of the petition makes it clear that the petitioners were chiefly concerned about access through what, at the time, were Lequime Ranch holdings between Mission Creek and Scotty Creek.<sup>39</sup>

How much the settlers’ petition was influenced by the example of the neighbouring North Okanagan Commonage (about fifty kilometres away as the crow flies) is an open question. Certainly, by this time, this commonage had not worked out as Sproat had envisioned it: First Nations participation was resented by those who favoured minimal First Nations reserves and who viewed it as an unjustified expansion of what they saw as Native privilege.<sup>40</sup> In practice, the commonage appears to have

<sup>36</sup> Ibid., 283. Thomson points out that this barrier strip along the benchland was actually thirty kilometres long.

<sup>37</sup> Thistle points out that these new commonages were largely ineffectual since the big cattle companies also ranged cattle on them, largely without restriction. See Thistle, *Resettling the Range*, 108.

<sup>38</sup> “Petition of Settlers of Mission Creek,” *Sessional Papers* 53, Victoria 1890, 185.

<sup>39</sup> The granting of a public commons was something that the government had empowered itself to do with the Cattle Ranges Act, 1876. Thomson cites the Lequimes’ denial of access as part of a strategy frequently used by the big Okanagan cattle ranches at the time. See Thomson, “History of the Okanagan,” 283.

<sup>40</sup> Harris, *Making Native Space*, 192.

been taken over by the dominant settler community. Indian Agent J.W. MacKay, writing in 1885, reported a ratio of settler livestock to Native livestock of 20:1.<sup>41</sup>

It is useful to consider that, shortly after the 1890 petition to establish a commonage set aside specifically for settlers in the central Okanagan, government policy in the north Okanagan changed. Likely under pressure to open up land for an influx of new settlers arriving with the impending Shuswap and Okanagan Railway, the government reversed direction and tilted towards the alienation of rangeland. Having already freed itself from any obligation to the Head of the Lake Band, it dissolved the North Okanagan Commonage in 1892 and opened the land for settlement in October 1893, when the commonage auction took place.<sup>42</sup>

In the central Okanagan the government seems to have decided that the best way to appease local settler demands for a commonage was simply to grant general access to Crown land in the Mission Creek watershed to settlers, both for grazing and for pre-emption. Unfortunately, this did not extend to local Syilx people. By 1893, the government had apparently persuaded the Lequimes to allow the Black Mountain wagon road to pass through their land, and local stockmen were able to move their cattle freely up the Mission Creek valley and into the upper grassland.<sup>43</sup>

#### THE AMERICAN LAND SEEKERS ON BLACK MOUNTAIN: 1890-1904

Robert Cail writes that, by the early 1890s, pre-emption became an important path to land acquisition for newly arrived settlers not only in the central Okanagan but also throughout the valley. He points out that, “throughout the entire decade preceding 1900 ... the Okanagan Valley regularly accounted for from 25 to 50 per cent of all pre-emption records in the province, and – an indication of the serious intentions of the residents of the Okanagan – more certificates of improvement were issued for that area than for any other district in the province.”<sup>44</sup> In the

<sup>41</sup> MacKay to Powell, Kamloops, 23 January 1885, BC Coll., MOD, 206/85, SCB/DIA.

<sup>42</sup> See “Northern Okanagan Commonage,” MS7, Lake Country Museum and Archives, posted 12 March 2012 ([www.lakecountrymuseum.com](http://www.lakecountrymuseum.com)). The JIRC allotted a “perpetual right of pasturage, as long as [they] have authority in the matter.” See footnote 717, Index to British Columbia JIRC records (<http://jirc.ubcic.bc.ca/node/5>).

<sup>43</sup> I base the date on Oliver Bruce Prather’s pre-emption, SE ¼ S21, SW ¼ S22, Tp 27, taken out on 9 October 1893. See *British Columbia Dept. of Lands and Forests, Crown Land Pre-emption Register*, vol. 225, *Vernon, Osoyoos (1874-1953)*, British Columbia Archives (hereafter BCA), GR-0112, 34 (<http://FamilySearch.org>).

<sup>44</sup> Cail, *Land, Man and the Law*, 49.

central Okanagan, settlers who arrived too late to find easy pre-emptions on the fertile irrigated bottomland opted for more problematic ranching sites on the margins of the semi-arid ranch land that surrounded the original farming community. Some of this higher land was forested, some was sloping grassland, some was open benchland. Most of it lacked the easy connection to plentiful water that the lowland farms enjoyed.

Black Mountain's two unmistakable humps dominate the horizon fifteen kilometres east of Kelowna. Ranching on the grassland slopes of the mountain in the early 1890s illustrates the challenges faced by newcomers trying to break into the cattle industry. In 1893, a group of Americans settled on the mountain. New Zealand historian James Belich writes about the sweeping migrations that filled "the Anglo world" with American and British settlers during the nineteenth century.<sup>45</sup> Using Belich's framework, the Americans can be seen as land seekers, swept along in land rushes or, as Belich terms them, settler "invasions." Several members of the group had participated in the early land rush into central Oregon and the subsequent land rush from Oregon into eastern Washington and parts of western Idaho in the 1880s. It seems likely that they were drawn to the Okanagan for the same reasons they were drawn to eastern Washington: the promise of cheap or freely exploitable land and the imminent arrival of railway connections to the outside world.

The newly arrived Americans, although they settled on the fringes of the area opened up for settlement, were in some ways typical of what John Weaver calls "landhunters," seeking to establish themselves in the poorly controlled spaces beyond resettled territory.<sup>46</sup> They established themselves on the slopes and benches surrounding the summit, where they grew hay and engaged in small-scale ranching.<sup>47</sup> They would have been drawn to the area by several factors: foremost, there would have been the prospect of the prime summer grazing on the upslope of the mountain, where they pre-empted, and the ease of access to the still freely grazed Crown land beyond. They may also have been attracted to the area by the increasing prosperity of local cattle ranchers at that time, people such as Wood, the Postills, and the Lequimes. Thomson points out that, in the 1890s, with the coming of the railway era, new markets for local produce opened up in the mining camps of the Slocan and the

<sup>45</sup> James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo World, 1783-1939* (Oxford: Oxford University Press, 2009).

<sup>46</sup> Weaver, *Great Land Rush*, 281. See the introduction for a discussion of the term "resettlement."

<sup>47</sup> I have drawn much of the information on the American settlers from Arthur W. Gray's article, "Black Mountain Settlement," *Okanagan Historical Society Annual Report* 26 (1962): 45-52. Most of what Gray relates about the background of the five Americans can be confirmed by American and Canadian census, marriage, and immigration data now available online.

Boundary districts as well as in the mining camps of Camp McKinney, Fairview in the Okanagan, and Hedley in the Similkameen.<sup>48</sup> The immediate reason for the Americans' arrival was likely a favourable report of the area sent to them by one of the group, John Julius McClure, who had arrived earlier.<sup>49</sup>

The group of people who crossed the border into the Okanagan Valley consisted of eight men and their families, including four men who had come to settle in the Black Mountain area: Prior Brown, Oliver Bruce Prather, William Henry Rice, and Jeremiah Clark.<sup>50</sup> They had made what must have been an arduous journey of over five hundred kilometres by horse and wagon to Canada. A later addition to the group was John McClure's brother, Jim. Gray writes that they came from Lewiston, Idaho, but census, marriage, and birth records between 1880 and 1886 allow us to refine this and to locate them in settler communities in the Palouse, immediately north of Lewiston; in Latah County, Idaho; and in neighbouring Whitman County, Washington.<sup>51</sup>

Prior Brown joined John McClure on the Bessette property below the Lequime Ranch, on an arid flat on lower grassland at the foot of Black Mountain, where, according to Gray, they raised hay and kept livestock. Some of the benchland adjacent to the hayfields appears to have been used for dryland cereal crops.<sup>52</sup>

Brown and McClure relied on water from a small unnamed local stream; they enhanced the stream's flow by diverting some of the flow of Gopher Creek, further up the slope of the mountain, across a section

<sup>48</sup> Thomson, "History of the Okanagan," 312.

<sup>49</sup> According to Gray, McClure traded his land in the White Valley with land in the area owned by John Bessette. Bessette appears to have been the brother of Napoleon Bessette, who appears in the 1891 census as a sawmiller in Lumby. The pre-emption is listed elsewhere as the Basette [*sic*]/Schultz pre-emption. See map 2005 042043 308, KPA. Harry Schultz appears as a Vernon blacksmith in the 1891 *Henderson's Gazetteer*. Bassett [*sic*] and Schultz appear in the 1894 *Williams Gazetteer* as Okanagan Mission farmers.

<sup>50</sup> Gray mentions that the name "Daniel Prather" is given in the Osoyoos customs record. See Gray, "Black Mountain Settlement," 46. Since it was Oliver Bruce Prather who settled on Black Mountain, not Daniel Prather, we are left with an inconsistency that Gray is unable to resolve. Using current sources, we know from marriage records that Oliver Bruce Prather married Martha McClure in Moscow, Nez Perce County, Idaho, in 1893. Since we can confirm from census records that Martha (Mattie) McClure was a sister of Jim McClure, John Julius McClure, and George McClure, this confirms Gray's claim that Oliver Bruce Prather was part of the American group.

<sup>51</sup> Records mention Nez Perce County, but the part of Nez Perce County in the eastern Palouse around Moscow Idaho split off to form Latah County in 1888.

<sup>52</sup> I draw on Gray's account for some of this information. See Gray, "Black Mountain Settlement," 48, 50.

of intervening Lequime land and into the stream.<sup>53</sup> However, even with the extra flow, the supply seems to have been insufficient. In Gray's account, Harry McClure remembers that the system provided for the farms of the two families on the flats, but inadequately: "They had a tough time getting water enough to grow hay and a garden."<sup>54</sup>

Beyond the initial land acquisitions of John McClure and Prior Brown, a number of indicators strongly suggest that ranching on the mountain was being carried out cooperatively by a group of families with a strong sense of group identity. First, there are the strikingly close ties of kinship and shared itinerant history that characterize the group. Two of the families, the Rices and the McClures, had first migrated westward from Illinois and Missouri to Yamhill County in central Oregon and then, as previously mentioned, together moved eastward to the Palouse, where they met the Browns. During the time in the Palouse, intermarriages expanded and strengthened the group. Mattie McClure, sister of the McClure brothers, married Bruce Prather, and William Rice and Jeremiah Clark married Avis and Margaret Myers, respectively. Second, when, a decade later, the Black Mountain venture came to an end, several members carried out a cooperative hay-farming venture elsewhere in the central Okanagan.<sup>55</sup> Third, Art Gray mentions an unusually ambitious attempt by members of the group to build two cooperative irrigation systems, one from Prather Creek to Gopher Creek, and one (already mentioned) from Gopher Creek to the John McClure/Prior Brown properties.<sup>56</sup>

Finally, and most important, the overall pattern of pre-emptions suggests a coordinated attempt at building up a shared rangeland that would have allowed cattle to be moved through the annual cycle of winter, spring/fall, and summer grazing. Prior Brown and John McClure's acquisition of the John Bessette property in 1893 and James ("Jim") McClure's pre-emption closer to the base of Black Mountain in 1896 would have given the group access to good winter range: the land was located in the lower grassland zone between 335 and seven hundred

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<sup>53</sup> The Americans had every right to do this: the Land Proclamation of 1859 established the right of "Ditch privilege." Recorded water "could be diverted across adjoining land, whether held by the Crown pre-empted, or purchased, upon payment to the lawful owner of reasonable compensation for damage." See Cail, *Land, Man and the Law*, 112.

<sup>54</sup> Water rights records suggest that McClure took out water rights on the more distant Eight-Mile Creek. See Record Holder List, Mission Creek Drainage Basin, KPA.

<sup>55</sup> *Orchard City Record*, 16 February 1911.

<sup>56</sup> Gray mentions both systems. Gray, "Black Mountain Settlement," 48-49. The Record Holder List suggests that the water rights for this system were originally taken out by John Bessette in November 1892, tapping Eight-Mile Creek, not Prather Creek. The two creeks are adjacent to each other. See Record Holder List, Mission Creek Drainage Basin, KPA.

metres and was most suitable for this.<sup>57</sup> Although initially the group was unable to establish control of any spring/fall grazing land in the middle grassland zone between seven hundred and 850 metres – an area that was still dominated by the Lequimes – taken together William Rice’s pre-emption to the north, and Bruce Prather and Jeremiah Clark’s pre-emptions, situated in the upper grassland zone above 850 metres, offered an excellent area for summer range.<sup>58</sup> To connect the grassland sections of the upslope pre-emptions, the Americans built a trail system that ran through a deep ravine between the Rice and Clark ranches and another deep ravine behind Black Mountain to the Prather Ranch.<sup>59</sup> Viewed as dispersed individual holdings at widely differing elevations, and difficult to operate as working ranches on their own, the Brown/McClure holdings and the higher American pre-emptions make little sense. However, viewed as a collective enterprise, the land-use pattern, comprising scattered but complementary ranges bordering the larger Lequime Ranch holdings, suggests an imaginative attempt at dealing with the challenges of hinterland ranching (Figure 3).

One of the Americans in the high grazing zone, Oliver Bruce Prather, had an irrigated upland hayfield.<sup>60</sup> Prather pre-empted land above the Lequime Ranch, on the upper reaches of the grasslands, in the aspen/Douglas fir forest interface to the east of Black Mountain, and he took out water rights on nearby Prather Creek. With late frosts, early snows, and winter cold, the Prather hayfield was on the very edge of the central Okanagan’s arable grassland.

Despite the coordinated effort to secure favourable conditions for ranching, the main problem with the original American holdings, including purchased land and pre-emptions, was a lack of spring range, which remained largely under the control of the Lequimes. Without this, the Americans’ ambitious plan was doomed to fail. This may have

<sup>57</sup> I use Weir’s grassland zones, which are based on elevation. Jim McClure pre-empted N ½ NW ¼ sec. 7 and SW ¼ sec. 18, Tp 27 in 1896. See *Crown Land Pre-emption Register*, vol. 225, BCA, GR-0112, 34.

<sup>58</sup> Rice pre-empted W ½ sec. 32, Tp 27 in August 1893. See *Crown Land Pre-emption Register*, vol. 225, BCA, GR-0112, 34. This later became part of the Hereron Ranch.

<sup>59</sup> Gray, “Black Mountain Settlement,” 49.

<sup>60</sup> Prather took out water rights on Prather Creek in 1893 to serve his pre-emption: SE ¼ sec. 21 and SW ¼ sec. 22, Tp 27. See *Crown Land Pre-emption Register*, vol. 225, BCA, GR-0112, 34. A 1906 Okanagan map marks Prather’s ditch and the Prather-McClure ditch. See “Map of Portion of Yale District, British Columbia, Hon. R.F. Green, Chief Commissioner of Lands and Works Department, Victoria, 1906” (Author’s collection).

The remains of the Prather ditch and the Prather-McClure ditch were still visible in 2015. Gray notes that the Prathers grew vegetables and raised hay. See Gray, “Black Mountain Settlement,” 47.

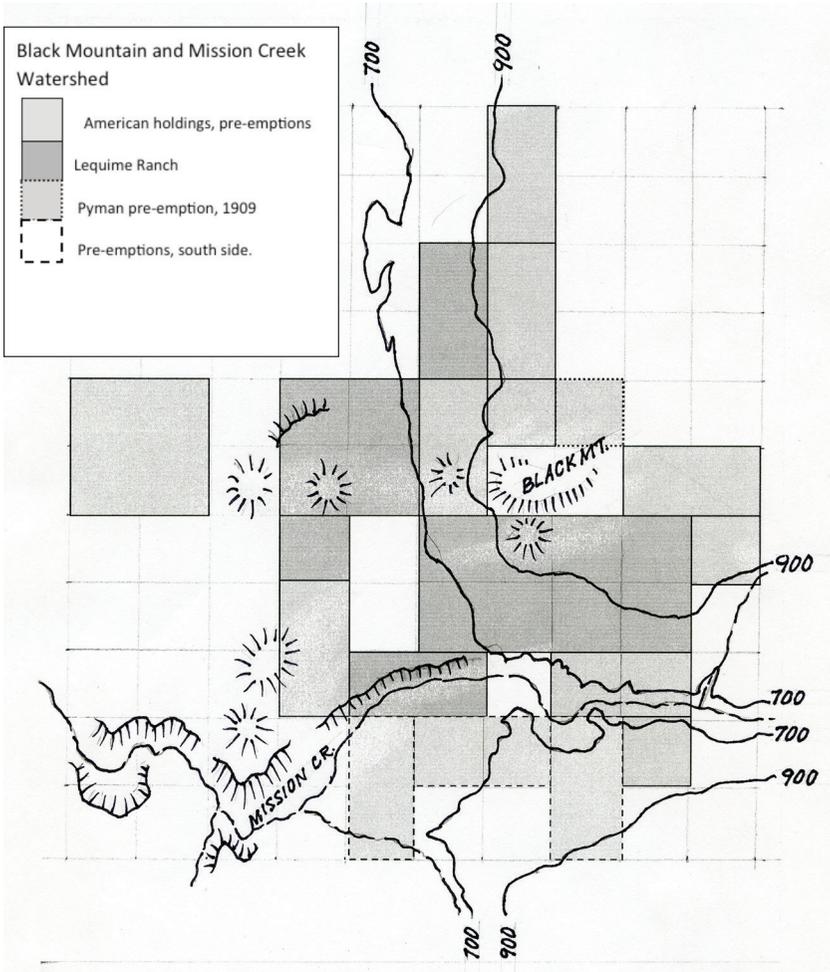


Figure 3. Black Mountain and Mission Creek valley, showing Lequime holdings, American pre-emptions, and major pre-emptions on the south side of Mission Creek.

been a factor in Jeremiah Clark's decision to abandon his pre-emption around 1899 and move up the Okanagan Valley to the Wood's Lake area, where he established a haying operation. However, pre-emption records show that the remaining members of the American group continued collective efforts to extend control over available rangeland on the mountain.<sup>61</sup> In 1901, Ira McClure, Jim McClure's son, took out a

<sup>61</sup> Jeremiah Clark pre-empted NW ¼ sec. 7 and SW ¼ sec. 18, Tp 21, east of Wood's Lake, in June 1899. See *Crown Land Pre-emption Register*, vol. 225, BCA, GR-0112, 61.



Figure 4. Black Mountain from the southwest, showing spring range and former Lequime Ranch holdings. Kelowna Public Archives, image KPA 10161.

pre-emption, later abandoned, on the southeast slopes of the mountain. It was adjacent to the Prather Ranch and would have offered the group additional prime summer grazing.<sup>62</sup> Around the same time, two of the Americans, John McClure and L.L. Clark (probably Lewis Clark, Jeremiah Clark's son), attempted further pre-emptions that would have placed badly needed spring/fall grazing under the group's direct control. These new pre-emptions were along Gopher Creek, well up the slopes of Black Mountain in part of the area blocked off by the Lequimes prior to 1893.<sup>63</sup> The creek, along with several other ephemeral streams, drains south towards Mission Creek; at the time, it wandered in and out of extensive Lequime holdings, which occupied the best of the available spring/fall range to the north of the creek (Figure 4). The fact that the two pre-emptions were never "proved-up" underscores a weakness in the administration of pre-emption law, as noted by Robert Cail, who points out that, until 1912, a lack of government inspectors made it possible to exploit land for up to four years without necessarily making any improvements or fulfilling the residency requirement.<sup>64</sup> In the case of the Gopher Creek pre-emptions, it seems likely that the Americans simply

<sup>62</sup> According to the pre-emption records, Ira McClure took out a pre-emption on N ½ sec. 15, Tp 27. See *Crown Land Pre-emption Register*, vol. 225, BCA, GR-0112, 72. However, part of this pre-emption, NW ¼ sec. 15, Tp 27, may have belonged to the Lequimes: several maps include it as part of Eli Lequime's Lot 4, directly to the west. See, for example, "Map of Portion of Yale District" (Author's collection).

<sup>63</sup> See *Crown Land Pre-emption Register*, vol. 225, BCA, GR-0112, 71, 74. In the case of Jeremiah Clark's Black Mountain pre-emption, which does not appear in the register, I have followed Gray, who specifically places Clark in what became William Munson's property, E ½ sec. 29, Tp 27. See *Crown Land Pre-emption Register*, vol. 225, BCA, GR-0112, 72.

<sup>64</sup> Cail, *Land, Man and the Law*, 50.

took advantage of the lax administration of the law to gain temporary control of the land to expand their grazing options.

Gray writes that several of the Black Mountain pre-emptors joined Clark in the Wood's Lake area and developed upland hay farms there. Sometime around 1902, Bruce Prather sold his Black Mountain Ranch and, along with John McClure, joined Clark.<sup>65</sup> In 1911, there is specific mention of haying on these properties in the Kelowna paper, and in 1912, the *Kelowna Record* notes McClure and Clark's haying operations: "Jack Leslie and his bailing crew ... are now moving up the mountain to the ranches of McClure and Clark where there are 150 tons of Timothy hay."<sup>66</sup> From the brief newspaper account and pre-emption records, it appears that the Americans resumed their customary cooperative haying and ranching practices on a section and a half of grassland that, although similar to their upland holdings on Black Mountain, was more compactly arranged and could thus be managed more efficiently. In Gray's account, the reasons for the move are unclear; certainly the new ranching location would have been an improvement over the Gopher Creek pre-emptions and the original John McClure holdings, which, as noted, suffered from a lack of reliable water. Moreover, it seems likely, with twenty hectares of hayfield, that the Americans were able to secure a larger acreage of arable land above Woods Lake and were thus able to expand their haying operations.<sup>67</sup>

One American, William Rice, made a second try on Black Mountain around 1900, around the same time the main group was moving north to the Woods Lake area.<sup>68</sup> This time Rice acquired property that was more self-sufficient. It was located on the middle grasslands of the mountain, well below the original Prather pre-emption, and just below Lequime Ranch holdings. Comprising two narrow flats, it was perched precariously above the upper Mission Creek canyon.<sup>69</sup> In contrast to the

<sup>65</sup> J.J. McClure (John J. McClure) pre-empted SE ¼ sec. 18 and NE ¼ sec. 7, Tp 21 in January 1902. A.P. Clark (Archie Clark, Jeremiah's son) pre-empted N ½ sec. 18, Tp 21 in September 1902. See *Crown Land Pre-emption Register*, vol. 225, BCA, GR-0112, 77, 82.

<sup>66</sup> *Orchard City Record*, 16 February 1911. The quote is from *Kelowna Record*, 10 October 1912. McClure's hay ranch appears to have continued operation after he sold it. See *Kelowna Record*, 23 January 1913.

<sup>67</sup> The paper notes the sale of "Mr. J. McClure's upper ranch to Mr. Graham of Okanagan Landing: 320 acres [129 hectares] including 50 acres [20 hectares] of meadow." See *Kelowna Record*, 25 July 1912.

<sup>68</sup> Rice's new ranch just west of Eight-Mile Ranch may have been an outright purchase. In 1900, he took out water rights on Eight-Mile Creek for his new property, N ½ sec. 9, Tp 27. See Record Holder List, Mission Creek Drainage Basin, BCA, GR-0112.

<sup>69</sup> Arthur Gray mentions that William Rice pre-empted north of Black Mountain but does not mention that he later acquired land on the south slope of the mountain.

old location, the new ranch had an ample water supply. Rice irrigated a small 1.8 hectare hayfield with a ditch out of Eight-Mile Creek. Eight years later, the Belgo Canadian Fruitlands Company bought Rice's land for a right-of-way for a wood-stave pipe from an intake on Eight-Mile Creek, creating a domestic water system that was independent of the company's irrigation system.<sup>70</sup> His ranch, which was also below the Belgo Canadian Company's main irrigation ditch, was at the time probably valued for its fruit-growing potential, although ultimately it was never converted into orchard.<sup>71</sup>

The cooperative efforts of the Black Mountain Americans, and the better positioning of their land on high-quality summer range, would have initially given them advantages over the more individual efforts of later pre-emptors on the south side of Mission Creek. However, even operated collectively, their holdings and pre-emptions remained fragmented and scattered, containing grasslands separated by intervening forested hills and intervening parcels of the larger Lequime Ranch. Moreover, outside their own pre-emptions, they would have faced not only the loss of open access to remaining high elevation Crown grasslands as later arrivals pre-empted more extensively but also continued competition from the larger Lequime herd in these areas. The insecurity of their lives took its toll: Arthur Gray mentions not only the relocation to Woods Lake but also debts and domestic breakups that affected several families in the American group.<sup>72</sup>

Pre-emption, particularly in marginal areas, came with risks and social costs. Thomas Weir points out that ranch amalgamation in British Columbia came about because a quarter section (sixty-five hectares) or half section (130 hectares) pre-emption was too small for "successful ranching." Weir notes that abandoned homesteads are found throughout the southern interior.<sup>73</sup>

All the small-scale ranchers on Black Mountain and on the adjoining south slopes of the Mission Creek valley pre-empted at a time when the farming conditions that had faced the 1860 settlers at Okanagan Mission no longer applied: the new arrivals were without the advantages of good land for forage crops and winter pasture enjoyed by the 1860 settlers.

<sup>70</sup> William Quigley, "Belgo Canadian Land Company," *Okanagan Historical Society* 25 (1961): 142.

<sup>71</sup> Rice appears to have resettled in the Rutland area and taken up dairy farming. See *Kelowna Record*, 20 June 1912; and *Kelowna Record*, 9 April 1917.

<sup>72</sup> Gray, "Black Mountain Settlement," 50. Although Gray puts the date of Clark's move at 1899, the 1901 census shows that Clark, John J. McClure, and Bruce Prather were still living in the Black Mountain area.

<sup>73</sup> Weir, *Ranching in the Southern Interior*, 80.

Moreover, considered as individual operations, all the pre-emptions were vulnerable in multiple ways. The inadequacy of irrigation that depended on unlined ditches from small local creeks is probably best exemplified in John McClure's property. A second vulnerability, evident, for example, in Jeremiah Clark's pre-emption, was that much of the land was simply too steep and too marginal to sustain ranching. As well, the higher elevation and winter snow would have made wintering a small cattle herd problematic for all of the most remote ranches. Without winter pasture, unless the ranchers made outside arrangements for winter grazing, or came together cooperatively as the Americans seem to have done, they would have had to rely on their small stocks of hay.<sup>74</sup> These remotest ranchers would have felt the isolation: the original Prather farm, far from the local school and local amenities, would have been a tough place to settle and raise the two Prather children.<sup>75</sup> A third vulnerability was the lack of spring/fall range, particularly evident on Black Mountain, where the Lequimes already controlled most of it. Finally, because they were well above the area considered best for sustainable orcharding, the Prather and Jeremiah Clark pre-emptions would have been of little interest to the development companies at the onset of the fruit orchard boom.

Thistle writes that, as early as the 1890s, competition for BC cattle ranchers came from American beef, which was able to enter Canada on the new railway networks.<sup>76</sup> Duane Thomson notes that, at the turn of the century, increased competition from the Northwest Territories forced many Okanagan cattle ranchers out of business: the Lequimes and A.B. Knox, for example, sold out in 1904.<sup>77</sup> Competition would have been an important factor in the Lequimes' decision, but they would also have been feeling the loss of a part of their best summer range to the Americans a decade earlier, and the temptation to sell would have

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<sup>74</sup> There is some evidence of Benvoulin farmers acquiring land on Black Mountain, presumably for summer range, around the time the Americans were abandoning the mountain. As previously mentioned, William Munson, the son of Robert Munson, a prominent Benvoulin farmer, took up a pre-emption above the Lequime Ranch in 1901 – E ½ sec. 29, Tp 27 – likely Jeremiah Clark's original pre-emption. The following year, Robert Munson pre-empted an earlier unsuccessful pre-emption of John McClure's further down Gopher Creek, W ½ sec. 20, Tp 27. See *Crown Land Pre-emption Register*, vol. 225, BCA, GR-0112, 72, 77.

<sup>75</sup> Black Mountain School, built in 1896, was located eight kilometres away, at the foot of the mountain, adjacent to the Brown/McClure properties. See Gray, "Black Mountain Settlement," 49.

<sup>76</sup> Thistle, *Resettling the Range*, 114.

<sup>77</sup> Thomson, "Okanagan History," 291. The Lequimes sold their ranch to T.W. Stirling, a Scottish immigrant and entrepreneur, and W.R. Pooley, an English immigrant who had come to Kelowna in 1902 intending to take up farming. W.R. Pooley was my grandfather.

been further influenced by the rise in local land prices on the eve of the fruit-growing boom. Certainly, the small Black Mountain ranches would have felt the effects of the downturn. With fewer resources, they would have been less able to withstand fluctuations in the cattle market and the power of the big meat-processing monopolies.<sup>78</sup>

The sale of the Prather Ranch and the John McClure property around 1902, and the sale around 1910 of William Rice's second ranch, seem to indicate that the small operations were suffering, although the precise reasons in each case remain obscure. Certainly after the beginning of the fruit orchard boom in 1903, the prices offered by speculators and development companies would have been a further incentive for most of the lower property owners, including William Rice, John McClure, and Prior Brown, to sell out and may have directly contributed to the final breakup of the Americans' efforts at cooperative ranching.

## CONCLUSION

In this article I pursue two strands of inquiry, investigating attempts by, first, the Westbank First Nation and, second, American land seekers to insert themselves into the ranching economy. In the end, as has been shown, for different reasons neither group was able to survive in the stock-raising business.

John Weaver writes that, in the great land rush throughout much of the Anglo world, "speed, impatience, and short-term goals usually triumphed over the interests of first peoples, order, and assessments of the natural environment."<sup>79</sup> At the time of the initial white settlement at Okanagan Mission in 1860, the colonial administration of James Douglas, with only a single government officer in the Okanagan (the gold commissioner/justice of the peace at Osoyoos) had too few resources to properly establish a fair arrangement with Okanagan First Peoples before the influx of settlers made fairness impossible. Nor, had he chosen to delay the inflow of settlers, did Douglas have the resources to restrict them. Like the British attempt in 1763 to check the flow of land hunters from the Thirteen Colonies heading west into Indian territory, such a move would have been ineffectual. Moreover, in the central Okanagan, Syilx people had already been pushed on to arid marginal land by the pressures of white settlement before the slow reserve allocation process finally caught up with them, too late to remedy their being dispossessed

<sup>78</sup> Duane Thomson, "The Response of Okanagan Indians to European Settlement," *BC Studies* 101 (Spring 1994), 109.

<sup>79</sup> Weaver, *Great Land Rush*, 125.

of their lands even had Commissioner Sproat been able to intervene more effectively.

In the Mission Creek watershed, the behaviour of the Americans was in many ways akin to that of the land seekers of the American West, whose traditions were part of their own cultural heritage and family histories. It is true that they don't fit neatly into John Weaver's catalogue of the speculators, squatters, and land takers that figured prominently in land rushes almost everywhere in the Anglo world. They established their ranches on surveyed land in an area already opened for orderly settlement, where land was supposedly being allocated by market forces. However, as this article shows, they employed tactics typical of the people Weaver describes in his examination of what he terms the "allocation of land by initiative."<sup>80</sup> They chose land on the outer margins of white settlement, giving them easy access to Crown land that was still openly grazed, without effective regulation, and they played fast and loose with the rules. For the Americans this meant expanding pre-empted land by using the names of other family members, avoiding making "improvements" on the land, ignoring the residency requirement, and, in the face of failure, picking up stakes and moving on to repeat the same tactics elsewhere on the settlement frontier.

From a different perspective, the Americans' failure can be seen as part of the the rise and decline of small-scale marginal farming and ranching throughout the province that Cole Harris and David Demeritt describe. In the central Okanagan, the pre-emption model of resettlement, while it worked relatively well in 1860 at a time when cattle were ranged freely, was a poor model for the expansion of livestock/forage crop operations when pressure from incoming settlers pushed expansion into shrinking cattle-ranging areas: it held out the promise of a viable enterprise, but this promise was illusory. A half section of upland pasture and a hayfield irrigated from a small tributary creek was likely not enough to ensure a stable future. As this study shows, the Black Mountain Americans may have been able to overcome the deficiencies of the pre-emption system by working cooperatively, but the scattered pattern of their pre-emptions worked against them, and, over the long term, they were unable to sustain this mode of ranching on the mountain.

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<sup>80</sup> *Ibid.*, 264-308.