

MCBRIDE OF  
MCKENNA-MCBRIDE:  
*Premier Richard McBride and  
the Indian Question in British Columbia*

---

PATRICIA E. ROY\*

TO THOSE WHO STUDY the history of the First Nations in British Columbia, the Royal Commission on Indian Affairs in British Columbia, popularly known as the McKenna-McBride Commission, a joint federal-provincial project, is a familiar document. McKenna as a commissioner is well known; McBride is not. Major studies of the Indian land question in British Columbia scarcely mention him.<sup>1</sup> A full understanding of the background of the McKenna-McBride Commission requires a look at his views of the Indians,<sup>2</sup> his insistence on the province's reversionary interest in reserves, his dealings with the transfer of several reserves to the province, his concern for Aboriginal title to the land, and, finally, his role in setting up the McKenna-McBride Commission. As the winner of four consecutive provincial elections, he understood the ideas of non-Aboriginals in the province. Thus, a study of McBride offers a prism through which to see the views of the settler society on Indian lands.

Richard McBride, a native British Columbian though not of Aboriginal ancestry, was the Conservative premier of the province from 1903 to 1915. He became premier at a time of great growth and prosperity. Between 1901 and 1911, British Columbia's population more than doubled

---

\* I wish to thank Hamar Foster and Wendy Wickwire, my colleagues at the University of Victoria, for their valuable advice on this article. I would also like to thank the editors and the anonymous readers of *BC Studies* for their helpful comments.

<sup>1</sup> For example, Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press, 2002), 226 and 228; Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990), 86, 88, and 98; E. Brian Tittle, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: UBC Press, 1986), 137-40, 145.

<sup>2</sup> Although "First Nations" is now the preferred term to refer collectively to the Aboriginal peoples of British Columbia, "Indian" was the term commonly used early in the twentieth century and so is used here. Instead of identifying the particular band or tribe involved, the press often used the generic term "Indian."

to just under 400,000 and was still growing. With strong markets for its minerals, forest products, and fish, the province was booming. By developing agriculture, it was keen to become less dependent on imported foodstuffs and to encourage immigration.<sup>3</sup> The government was anxious to sell land. In 1909-10, a peak year for land sales, almost 25 percent of its revenue came from that source.<sup>4</sup> Alas, only about 3 percent of the province's land is suitable for agriculture. By 1912, two new transcontinental railways were under construction, and one, the Grand Trunk Pacific (GTP), was opening areas for settlement in the north central part of the province that hitherto had been largely the exclusive domain of First Nations.

McBride was born in New Westminster in 1870. There he met Aboriginal peoples who came to the city to trade, work seasonally in the fisheries, or participate in the annual Agricultural and Industrial Exhibition. He undoubtedly knew of the high proportion of Indian convicts at the British Columbia Penitentiary, where his father was warden. As a youth, while on fishing and camping expeditions around Pitt and Alouette lakes, he made a point of meeting the Indians and, in the words of one of his companions, "to know the names and all about them." He claimed to have "a keen interest" in ethnology and, on his "many journeys throughout the length and breadth of the Province," invariably went "a little afield in order to study the red man in his haunts."<sup>5</sup>

Moreover, he had some sympathy for Indians who got into trouble with the law, though it was couched in the paternalism of the day and reflected his legal skills. As a young lawyer, McBride rested his defence of Jimmy Page, who was charged with murdering Annie, an Indian woman, on the grounds that Page was drunk and did not know what he was doing when he fired at Annie. In urging leniency, he asked the court to consider that Page "was an Indian." The argument succeeded: Page was found guilty of the lesser charge of manslaughter. When Keatney Dan was charged with assaulting his wife Mary, McBride pleaded guilty on his behalf but secured him a discharge since he had

<sup>3</sup> Cole Harris with David Demeritt, "Farming and Rural Life," in Cole Harris, *The Resettlement of British Columbia: Essays on Colonialism and Geographical Change* (Vancouver: UBC Press, 1997), 219-49.

<sup>4</sup> *British Columbia in the Canadian Confederation: A Submission Presented to the Royal Commission on Dominion-Provincial Relations by the Government of the Province of British Columbia* (Victoria: King's Printer, 1938), 245.

<sup>5</sup> Peter Peebles, in *Province*, 5 May 1928; McBride to James Johnson (New Westminster), 27 May 1904, British Columbia Archives (hereafter BCA), Premiers' Papers (hereafter GR-0441), vol. 40.

already spent eight days in jail. As premier, he requested that the New Westminster Indian agent intervene in the case of a Coquitlam Indian whose health was suffering from his confinement in jail and asked the attorney general to investigate the case of a “half-breed” who had had “to undergo the terrors” of a second trial after a justice of the peace found he had no jurisdiction in an indictable case.<sup>6</sup>

Although there is no specific evidence of McBride’s own thoughts on the matter, many British Columbians, like other North Americans, believed that the Indians were a “vanishing race,” a “decaying race,” or a people who were “rapidly falling back before the march of civilization.” So, too, did pioneer ethnographers such as Susan Allison and Franz Boas, and anthropologists such as Charles Hill-Tout and Marius Barbeau, who were keen to collect stories and artefacts before the Indians died out. Like the anthropologists, McBride appreciated the culture of the North American Indian, albeit in a somewhat patronizing and superficial manner. In 1913, at the University of California at Berkeley Charter Day commemoration, he noted that the Indian “by his silent communion with Nature developed an eloquence and poetry of expression that is wonderful ... [and] acquired a marvellous knowledge of forest and plain which has excited the admiration of all students of Indian character.” “Should we,” he asked rhetorically, “deprecate the cult[ure] of the Indian because it is not our cult[ure], or because he reasons in a way unknown to the academicians of our colleges?”<sup>7</sup>

Despite McBride’s recognition of Indian culture and friendship with individual Indians, he shared the common local belief that unused reserve lands impeded “progress.” Such complaints had been evident since the colonial era, when Joseph Trutch, who was responsible for

<sup>6</sup> New Westminster, *British Columbian*, 7 and 8 November 1895, 10 April 1896; McBride to R.C. McDonald, 30 January 1906, BCA, GR-0441, vol. 142; McBride to Charles Wilson, 23 March 1904, BCA, GR-0441, vol. 403.

<sup>7</sup> William Cronon, “Foreword: Present Haunts of an Unvarnished Past,” in Coll Thrush, *Native Seattle: Histories from the Crossing-Over Place* (Seattle: University of Washington Press, 2007), vii-ix; *Victoria Colonist*, 5 May 1910; *Fort George Herald*, 21 December 1912; *Vancouver Daily News-Advertiser*, 15 December 1912 and 23 March 1913; Susan Allison, “Account of the Similkameen Indians of British Columbia,” British Association for the Advancement of Science, sec. 2, rep. 60, reprinted in Susan Allison, *A Pioneer Gentlewoman in British Columbia: The Recollections of Susan Allison*, ed. Margaret A. Ormsby (Vancouver: UBC Press, 1976), 73; Douglas Cole, *Franz Boas: The Early Years, 1858-1906* (Seattle: University of Washington Press, 1999), 204; Charles Hill-Tout, “Report on the Ethnology of the Okanaken of British Columbia, An Interior Division of the Salish Stock,” *Journal of the Royal Anthropological Institute*, 41 (January-June 1911), reprinted in Ralph Maud, ed., *The Salish People: The Local Contribution of Charles Hill-Tout*, vol. 1 (Vancouver: Talonbooks, 1978), 149; Andrew Nurse, “Marius Barbeau and the Methodology of Salvage Ethnography in Canada, 1911-1951,” in *Historicizing Canadian Anthropology*, ed. Julia Harrison and Regna Darnell (Vancouver: UBC Press, 2006).

administering Indian land policy, argued that the Indians should not be permitted to hinder agricultural progress. The matter became more pressing in the 1880s when the coming of the Canadian Pacific Railway (CPR) increased immigration. During that decade, the Aboriginals, once the largest component of the population, became a decided minority.<sup>8</sup>

Settlers coveted unused arable land. The *Kamloops Sentinel*, for example, repeatedly observed that “too much land, the pick of the country, is already tied up in Indian reserves” of which the Indians made little use. The Kamloops Board of Trade wanted to remove the Indians and open the local reserve for white settlers. The *Omineca Herald* asserted that nearby Indians held much more land than they could cultivate “even were they so disposed.” *Saturday Sunset*, a Vancouver-based weekly magazine, proclaimed: “All over this province are thousands of acres of the choicest lands, upon which are living only a handful of Indians.” It cited, as an example, the “rancheries” at New Westminster, which were “overgrown with brambles and undergrowth,” whose orchards and gardens were choked with weeds, and whose cabins were “deserted and falling into decay.” The New Westminster *British Columbian* declared that “the native races should be well looked after” but that their “rights” to unused reserve lands must not “trespass unduly on those of their white neighbors engaged in the development of the several communities in the province.”<sup>9</sup>

Under the Terms of Union by which British Columbia entered Confederation, the federal government had “charge of the Indians” and the management of lands reserved for them. Thus, it was a party to any action affecting the Indians and their lands. A few Indian bands on southern Vancouver Island had signed treaties in the 1850s, and in 1899 the federal government extended Treaty No. 8 into the Peace River district. Otherwise, no bands formally surrendered their land. After Confederation, the Joint Indian Reserve Commission set up by the Dominion and provincial governments continued the work of the colonial government and allotted certain areas as Indian reserves, but not every band received a reserve and some reserves were very small.

<sup>8</sup> Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890* (Vancouver: UBC Press, 1977), 162. See also: Keith D. Smith, *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada, 1877-1927* (Edmonton: Athabasca University Press, 2009), 163-65. The Aboriginal population remained around 25,000 from 1881 to 1921, while the total population rose from just under 50,000 to over 500,000.

<sup>9</sup> For example, Ernest Hogg to McBride, 2 January 1909, BCA, GR-0441, vol. 143; *Kamloops Sentinel*, 12 August and 9 December 1902, 12 June 1906, 13 December 1907, 26 May 1909; [Kamloops] Inland Board of Trade to McBride, 15 December 1907, BCA, GR-0441, vol. 30; *Omineca Herald*, 3 July 1909; *Saturday Sunset*, 19 October 1907; *Columbian*, 18 December 1908.

As Cole Harris has remarked, the reserve system was for the commissioners “to invent” as there was no set formula to determine the size of reserves. About the same time as Ottawa and Victoria set up their Reserve Commission, they agreed that if the Indians ceased to use reserve land it reverted to the province. This was the reversionary interest, a concept that would cause much controversy.<sup>10</sup>

Although the Dominion’s Department of Indian Affairs (DIA) took a “protective approach” to its charges, soon after McBride formed a government, on behalf of the province, the DIA asked its agents about the advisability of changing the size of reserves in which the population had declined or, owing to changed conditions, small reserves set aside as fishing or camping grounds were no longer required. Under Clifford Sifton, the minister in charge until 1905, relatively few reserve lands across the country were surrendered; that changed under his successor, Frank Oliver. In 1906 the federal government amended the Indian Act to encourage the Indians to surrender unused lands by immediately distributing up to half the proceeds from such sales to band members. When this did not hasten the surrender process, in 1911 the Laurier government further amended the act to allow municipalities or corporations such as railways to take Indian lands without the affected band surrendering them and to permit the government, through the Exchequer Court, to remove Indians from any reserve that was in or partly in a town with at least eight thousand residents.<sup>11</sup> These amendments applied to British Columbia, although they did not necessarily satisfy McBride.

McBride’s first recorded statement on Indian reserves occurred in the Legislature in 1900, when, as minister of mines, he explained that the government was negotiating with Ottawa about their ownership because it “fully recognized the importance of having these lands available for mining operations.” The province was then in the midst of a mining boom. McBride was consistent. Later, in opposition, he warned that “the just right of the Indian should not be violently transgressed” but that thousands of acres of land set aside for reserves had been “practically abandoned.” He insisted that the government should “cut down the acreage of these reserves, and throw them open for mineral prospecting.”

<sup>10</sup> Harris, *Making Native Space*, 96. For a history of this commission, its predecessors and successors, see *ibid.*, 97 and chap. 8.

<sup>11</sup> J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1989), 191; R.E. Loring to A.W. Vowell, 25 March 1904, Library and Archives Canada (hereafter LAC), Department of Indian Affairs Records (hereafter RG10), vol. 3571, file 126-1; D.J. Hall, *Clifford Sifton: The Lonely Eminence, 1901-1929* (Vancouver: UBC Press, 1983), 47; Titley, *Narrow Vision*, 20-21.

As premier, he told a Vernon resident that he desired “to have all of the Indian lands brought under cultivation since every additional area means so much more wealth to the Province.”<sup>12</sup>

Thus, it is not surprising that he claimed that the province, not the Dominion or the Indians, held title to the reserves. In February 1907, his cabinet passed an order-in-council designed to settle the tenure of Indian reserves. Quoting several orders-in-council and memos from the 1870s, the order declared that the Indians only had “a right of use and occupation,” that Ottawa had “no proprietary rights in the reserves,” and that if “any Indian band or Nation” abandoned or surrendered “its right or title to a reserve, the entire beneficial interest” in it immediately became “vested in the Province, freed from encumbrances of any kind.” Based on calculations that the province’s Indian population had declined from 25,616 in 1893 to 24,523 in 1901 and that the amount of reserve land had increased from 480,505 to 525,846 acres (194,454 to 212,803 hectares), the order described this land as “far more than is reasonably sufficient for the use of the Indians” and declared that the surplus should be surrendered to the province. It did concede that if the number of band members increased the province must find land to extend the size of the reserve.<sup>13</sup> In a covering letter, McBride and Attorney General F.J. Fulton asked the federal government for a conference on the general matter of Indian reserves, to readjust some, and to arrange for the reversion to the province of any lands surplus to what was “reasonably sufficient for the use of the Indians.”<sup>14</sup> This seems to be the first reference to the issues that formed the subject of the McKenna-McBride Commission.

As for any Indians who might want to purchase land, the Legislature confirmed the government’s practice of not letting them purchase quantities of land lest they retard the development of the country<sup>15</sup>

<sup>12</sup> *News-Advertiser*, 29 August 1900 and 23 March 1902; *Victoria Daily Times*, 22 March 1902; McBride to John Kennedy (Vernon), 23 August 1907, BCA, GR-0441, vol. 88.

<sup>13</sup> Report of Committee of the Executive Council approved by Lieutenant-Governor, 28 February 1907, copy in BCA, GR-0441, vol. 149.

<sup>14</sup> F.J. Fulton and McBride to Lieutenant-Governor, 26 February 1907, BCA, GR-0441, vol. 149. J.A.J. McKenna subsequently described Fulton’s conclusions, which were based on the *St. Catharine’s Milling* case, as “a very wide departure from the plain meaning and intent of the compact entered into by the Dominion and British Columbia in the Terms of Union, and made by the act of the Crown, irrevocable by either.” McKenna said that, barring a judgment by the Judicial Committee of the Privy Council dealing with Article 13 of the Terms of Union by which British Columbia entered Confederation, “Indian Reserves created under the compact should continue to be regarded in British Columbia as they have ever been regarded in all Canada, as they were regarded in British Columbia before the Union” (J.A. McKenna to McBride, 29 July 1912, BCA, GR-0441, vol. 149).

<sup>15</sup> R.F. Green to Rev. Robert Tomlinson, 27 April 1906, BCA, GR-0441, vol. 28.

by amending the Lands Act to deny “to any of the aborigines of this continent” the right to buy Crown lands unless cabinet granted them a “special order.”<sup>16</sup> The following year, in 1908, the province advised the DIA that it would make no further allotments for reserves but would consider requests to purchase or exchange lands. Shortly after adopting this policy, McBride told a political meeting in Duncan, we have “hundreds of acres of wonderfully valuable land overgrown with noxious weeds” that is now only “a nursery ground for all manner of pests.” Yet, he also showed respect for the Indians. At the same meeting, he asserted, the Indian “has his rights and we would not be Britishers if we did not respect them, and we propose to give to them British fair play.”<sup>17</sup> Thus, when necessary, he arranged negotiations with the residents of reserves and bought their surrenders.

During the 1909 provincial election McBride explained that, when Indians could “be induced to relinquish their claim on reserve lands,” the government would be willing to sell its “reversionary interest to white men in order that the country may be developed.” The government sold such land to white settlers at \$2.50 per acre (0.4 hectare). This was a bargain; other land sold for as much as \$150 per acre. The Indians were well aware of this. Some – particularly those who resided in territory in which the GTP was building a railway, the Squamish peoples whose reserves were in the Vancouver area, and the Cowichan of southern Vancouver Island – realized the threat to their traditional rights and territories.<sup>18</sup> For McBride, the key issue was access to reserves, occupied or abandoned, that stood in the way of settlement or industrial developments.

\* \* \* \* \*

<sup>16</sup> British Columbia, *Statutes*, 7 Edw 7, ch. 25, s. 9. This provision was not repealed until 1953. In 1908, the *Colonist* reported that the Land Act would be amended to deny Indians the right to purchase surveyed lands (*Colonist*, 20 February 1908). That clause was not reported in the *Times* nor was it included in the consolidation of the Lands Act in 1908. In 1866, the colonial government had denied Indians the right to pre-empt land, although they could appeal this in individual cases. See Harris, *Making Native Space*, 68, 97-98.

<sup>17</sup> Vowell, Indian Superintendent for BC, to Frank Pedley, Deputy Superintendent General of Indian Affairs, 3 April 1908, Canada, DIA, *Annual Report*, 1908 (Ottawa: King's Printer, 1909), 274; *Colonist*, 9 June 1908.

<sup>18</sup> *Province*, 18 November 1909; *Columbian*, 18 November 1909; *Kelowna Courier*, 25 November 1909; Hamar Foster, “We Are Not O’Meara’s Children: Law, Lawyers, and the First Campaign for Aboriginal Title in British Columbia, 1908-28,” in *Let Right Be Done: Aboriginal Title, the Calder Case and the Future of Indigenous Rights*, ed. Hamar Foster, Heather Raven, and Jeremy Webber, (Vancouver: UBC Press, 2007), 64-67.

Three cases – the Songhees Reserve in Victoria, the Kitsilano Reserve in Vancouver, and the site of the GTP terminus and port (later Prince Rupert) – illustrate McBride’s policy of not allowing reserve lands to impede economic development. All three reserves existed in areas of rapid growth. Victoria grew from 20,919 in 1901 to 31,660 in 1911; Vancouver’s population soared from 27,100 in 1901 to 100,401 in 1911; and Prince Rupert, which did not exist in 1901, had 4,184 residents in 1911. Moreover, the GTP, which was responsible for the creation of Prince Rupert, attracted settlers to the inland areas along its route, hitherto largely the unchallenged territory of the Aboriginal peoples, and set off a number of protests as Aboriginal peoples sought to preserve their traditional lands

McBride’s determination to make reserve land available for development was particularly evident in his dealings over the Songhees Reserve in his own constituency of Victoria. The site of this Reserve had long been controversial. Even James Douglas, who set out the site across the harbour from Fort Victoria in 1850, soon recognized that its location so close to what became the settlement of Victoria could be a problem; however, he had pledged that its residents would “not be disturbed.” After Confederation, the Songhees resisted all attempts by the DIA to relocate them from what it considered an unsuitable site because of its lack of arable land, its proximity to the evils of the city, and the city’s desire for industrial and commercial land.<sup>19</sup> The matter became more pressing as the city boomed early in the twentieth century. The *Victoria Daily Times* called the reserve “a great bar to the material progress of Victoria, a blot upon the landscape and a menace to the health of the community morally and physically, second only to Chinatown” as it expressed the common belief that it would be good to move the Indians to “new and more wholesome surroundings.” The *Colonist* succinctly declared: “the existence of an Indian Reserve in the heart of a city is neither good for the city nor the Indians.” The mayor thought it “obvious, that looking at the matter of the moral and physical

<sup>19</sup> Quoted in Harris, *Making Native Space*, 28. For example, I.W. Powell to Superintendent General of Indian Affairs, 26 May 1879, and Powell to Superintendent General, 11 August 1880, LAC, RG10, vol. 3688, file 13,886-1. On the history of the relocation of the Songhees Reserve see Jeannie L. Kanakos, “The Negotiations to Relocate the Songhees Indians, 1843-1911” (MA thesis, Simon Fraser University, 1982). See also Grant Keddie, *Songhees Pictorial: A History of the Songhees People as Seen by Outsiders, 1790-1912* (Victoria: Royal British Columbia Museum, 2003). DIA correspondence in connection with the reserve is in LAC, RG10, vols. 3688-9.

welfare of the Indians, they would be far better off if removed from the immediate proximity of the city.”<sup>20</sup>

The case of the Songhees people was unique. As a senior official of the DIA explained, the land appeared “to be the private property of the tribe” because of an arrangement with Douglas, whereby, in return for some gifts (mainly blankets), the Songhees ceded their territory (apart from village sites and enclosed fields) to the colony.<sup>21</sup> This treaty meant that the Songhees had to agree to any relocation from their village and could demand compensation.

In March 1905, in speaking on a bill to make the City of Victoria responsible for dealing with the Songhees lands, McBride said that, legally and otherwise, “the Indians must retain possession of the reserve until they were made party to an arrangement satisfactory to them.” He explained that they “had been taught to believe that it would be foolish for them to yield their tenure without a considerable indemnity and generous terms. They could not be removed by force.” When several opposition members attacked the bill, “the taciturn Premier became very indignant,” declared it a party issue, and with the support of two Socialists secured its passage on the key second reading.<sup>22</sup>

The *Colonist* claimed “reasonable sympathy for the Indians,” whom it considered less objectionable than the Chinese or some white people. If there were any validity to the Songhees’ argument that they should be allowed to remain on the reserve “because they now live as white people do,” the *Colonist* proposed that they “be treated as white people would be under similar circumstances” and that the fewer than thirty members of the band should be compelled to live in a small area equipped with sewers, light, and cottages. The revenue from the rest of the land, which would be devoted to public purposes, could be invested for their benefit. Similarly, the *Times* declared, “we should not be too censorious of the Indians of the Songhees reserve, they are today what we have made them by coming in and taking possession of all the lands they formerly held as an inheritance.” It hoped that “drastic measures” would not “be necessary” but asserted that “the sentiments of a tribe of Indians” should not be allowed “to block the progress of such an important community” as Victoria.<sup>23</sup> In 1909, the mayor complained that one side of

<sup>20</sup> *Times*, 11 April 1901; *Colonist*, 17 April 1901; G.H. Barnard to Clifford Sifton, 20 January 1905, LAC, RG10, vol. 3689.

<sup>21</sup> Pedley, Deputy Superintendent General of Indian Affairs, Memo, 23 February 1905, LAC, RG10, vol. 3688, file 13,886-1. The fullest account of the Douglas treaties is Wilson Duff, “The Fort Victoria Treaties,” *BC Studies* 3 (1969): 3-57.

<sup>22</sup> *Colonist*, 8 March 1905; *Times*, 9 March 1905.

<sup>23</sup> *Colonist*, 3 November, 15 and 16 December 1906, and 27 June 1908; *Times*, 18 December 1906.



Figure 1. Using the automobile as a symbol of modernity, “Wilson,” the *Victoria Daily Times*’ cartoonist, portrayed the common idea in Victoria that the presence of the Songhees reserve on the inner harbour impeded the city’s progress. *Victoria Daily Times*, 16 May 1910.

the city had “millions of dollars’ worth of buildings and stocks, paved streets, electric cars, and all the appearances of modern city life, and ... the other a territory hardly removed from its primitive condition of a hundred years ago.” (Figure 1). He questioned why 112 individuals who were occupying 120 acres (48.56 hectares) “should stand in the way of a natural development of ... trade and commerce.”<sup>24</sup> Even Gilbert Malcolm Sproat, whose long-time experiences in British Columbia, including membership on the Joint Indian Reserve Commission in the 1870s and being sole commissioner from 1877 to 1880, had made him, “in effect, a defender of Native land rights against the pervasive encroachments of a settler society,” was upset. He wrote in the *Vancouver Daily World* that it was “out of the question” to hold the Songhees

<sup>24</sup> Mayor Lewis Hall to Governor General and House of Commons, 24 March 1909, LAC, RG10, vol. 3690. The Canadian Pacific Railway, which had recently opened the Empress Hotel near the Songhees Reserve and had its steamship docks on the opposite side of the Inner Harbour, was interested in securing the reserve. McBride, aware of the unpopularity of the CPR, feared that its acquisition of the reserve would cause “great indignation on the part of the majority of the people.” (McBride to G.H. Barnard, 17 May 1909, BCA, GR-0441, vol. 99.)

reserve for its few residents and their descendants. He noted the land was worth an estimated half million dollars only because of the presence of the city.<sup>25</sup>

McBride agreed that the Songhees people deserved justice, but their refusal to make way for “a rapidly growing city” despite the efforts of local and federal authorities increasingly frustrated him. In 1908, he told the Legislature: “by reason of their treaty rights it will prove to be almost impossible unless extreme measures are adopted to dispossess them.” His “extreme measures” were negotiation, not force. Prime Minister Wilfrid Laurier told Attorney General W.J. Bowser in 1909 that he was “very anxious” to settle the Songhees question but that the City of Victoria, which would most benefit from their removal, should pay a large sum towards buying out the Songhees. Frank Oliver, the minister of the interior, who was responsible for Indian affairs, wanted to resolve the issue by enfranchising the Songhees people. The cabinet did not agree, but the idea resonated in Victoria, where Senator William Templeman, a minister in the Laurier government, had earlier indicated that enfranchisement would remove the reserve from Indian lands, divide it among the family heads, and give them deeds: “They then become to all intents and purposes white men; they pay taxes and can sell their land.” The *Colonist* agreed that the Songhees should be enfranchised and allowed to hold their reserve in severality since the young men spoke good English and dressed like white men and some of their women, despite “a barbaric love of color,” could, “except for their features and complexions, pass hasty inspection as white girls.”<sup>26</sup> In short, the *Colonist* was suggesting that the Songhees should be treated like white men and hold their property as individuals rather than as members of the band, but it was not clear if it would give them the right to vote.

Hitherto, McBride had had little direct involvement in the negotiations with the Songhees, but in October 1910 he hired J.H.S. Matson, the publisher of the *Colonist*, to negotiate with them through Chief Michael Cooper. McBride told Matson: “Go as far as you can in an honorable manner. Any fair proposal you can secure from the Indians I will gladly push to a conclusion but it must be clean in every particular ... Everybody has grown tired of it, and if the Indians are unreasonable,

<sup>25</sup> Harris, *Making Native Space*, 159 and passim; quoted in *Colonist*, 27 April 1907.

<sup>26</sup> *Times*, 18 December 1907, 8 October 1908, and 14, 17 May 1910; *Colonist*, 5 March 1908, 19 April and 20 May 1910; W.J. Bowser to McBride, 10 and 16 April 1909, BCA, GR-0441, vol. 96. The idea of enfranchising the Songhees people may have originated with an official of the DIA. Pedley to Frank Oliver, 19 February 1909, LAC, RG10, vol. 3690.

I will take other means of closing the book. This step I shall very much regret, but the people of Victoria have stood the delay long enough and I propose to make quick work." Matson soon reported success. Chief Cooper and representatives of his people agreed to move in return for a payment of \$10,000 to each of the forty-three heads of families on the reserve, moving expenses, and provision of a new reserve on land to be selected by McBride and five Songhees people. The agreement was contingent on Ottawa's approval. The province purchased suitable land for a new reserve at Esquimalt from the Puget's Sound Agricultural Company (a subsidiary of the Hudson's Bay Company). The *Colonist* claimed that the negotiations succeeded because the Songhees were "dealt with not as wards of the government, but as individuals enjoying certain rights, which they ought to be paid to relinquish."<sup>27</sup>

The federal government had indicated that it would accept the proposed settlement, but the DIA wanted to stick to its practice of holding half the cash in trust. Chief Cooper and some of his councillors insisted that they were "to all intents and purposes the same as white people and ... quite capable of looking after their own affairs." They would not conclude the agreement unless they received all the cash directly. If they did not settle, McBride warned Laurier that it would be a "public calamity," given the importance of the project and time and money already spent on it.<sup>28</sup>

The *Colonist* greeted the premature news that the negotiations were complete as "McBride's new year gift to the city" and expressed the hope that the Songhees would "adjust themselves more closely to the better methods of living practices by white people." Both the City Council and the Board of Trade thanked McBride for making progress on settling the matter. At a Conservative Association meeting two months later, McBride boasted that soon no Indians would be left on the Songhees Reserve and that the land could "be used for the development and future prosperity of the city."<sup>29</sup>

On 4 April 1911, McBride, his minister of lands, and several federal officials went to the reserve to complete the details of the "final surrender." Although local federal officials wanted to wait for the formal

<sup>27</sup> *Times*, 15 March 1916. See McBride to Laurier, 27 October 1910, LAC, Wilfrid Laurier Papers (hereafter LP) no. 176196 (confirming telegram of 26 October 1910). *Colonist*, 17 March 1911.

<sup>28</sup> Laurier to McBride, 20 October 1910, Pedley to Oliver, 3 January 1911, LAC, RG10, vol. 3690; W.R. Ross to Oliver, 30 December 1910, Ross to Pedley, 2 January 1911, BCA, GR-0441, vol. 41; Ross to Frank Oliver, 11 March 1911, quoted in McBride to Laurier, 11 March 1911, LAC, LP, no. 183039. *Colonist*, 27 October 1910.

<sup>29</sup> *Colonist*, 1 January and 25 February 1911; Elworthy to McBride, 14 January 1911 and J. Morley to McBride, 5 January 1911, BCA, GR-0441, vol. 41.



“TRUE, STRONG GRAND CHIEF!” [translation]

Figure 2. On 5 April 1911, “Wilson,” the *Times*’ cartoonist, portrayed how, with the apparent conclusion of the arrangement, the Songhees people honoured McBride by making him an Honorary Chief.

document to arrive from Ottawa, McBride believed the Indians were then “in a good frame of mind” so it was necessary to go ahead with the planned ceremony. There, McBride spoke in a “very dignified manner,” declaring: “we in British Columbia have always lived side by side, white man and Indian, happily and as friends.” Alluding to problems in the north, where people promoted “trouble, bad feeling, and unhappiness between them and their white friends,” he praised the Songhees for their industry in improving their homes and their conduct during the negotiations. Chief Cooper, who spoke in both English and Chinook, referred to the kindness of McBride, who had secured the confidence of his people. Doubting if any community in Canada was more prosperous, he said that his people planned to secure “good and comfortable houses for themselves” and use their money prudently.<sup>30</sup> At the ceremony, the Songhees made McBride an honorary chief. (Figure 2). Afterwards, Chief Cooper and a number of “boys” went to McBride’s home for a

<sup>30</sup> McBride to Wm. Templeman, 3 April 1911, and McBride to Laurier, 5 April 1911, BCA, GR-0441, vol. 41; *Colonist*, 5 April 1911; *Times*, 5 April 1911.



Figure 3. McBride chatted with Chief Michael Cooper at the ceremonies held on the occasion of the transfer of the Songhees lands in April 1911. Image E-00254 courtesy of BC Archives .

late-night dinner. When Cooper complained that it was more like a lunch, Matson gave him fifty dollars to take “the boys” to a restaurant.<sup>31</sup> After the paperwork arrived from Ottawa, the cash payments were distributed at a second ceremony and the land officially passed into the hands of the provincial government.<sup>32</sup>

McBride subsequently visited the new reserve several times. He found the chief and the members of the tribe were “calm and satisfied in their new homes” and he expected “that with the cultivation of the land and the care of their horses and cattle they will make a fair and decent competence. The Indians have thanked the Government for what has been done.”<sup>33</sup> By hiring a negotiator who had the confidence of Chief Cooper and his people, and by authorizing him to make a much more generous cash offer to the Songhees than what they had previously been offered, McBride had engineered a solution to a long-standing problem – a solution that satisfied both the Songhees people and the citizens of Victoria. McBride expected to recoup the costs by selling the land for residential, railway, and other purposes. Alas, shortly after the Songhees land became provincial property, severe economic depression hit and grand plans for residential subdivisions and a railway terminus were abandoned.

Unlike the Songhees, the Kitsilanos did not have a treaty but the arguments for moving them from their reserve at the mouth of Vancouver’s False Creek were similar to those expressed in regard to the Songhees. Although stereotypical in its portrayal of the Indian, the *Vancouver Daily Province* accurately reflected the wishes of the settlers, when it observed: “Indian reserves in the vicinity of cities have become very valuable and covetous eyes are cast by the white brother at those areas in which the red men have constructed their teepees.” Similarly, *Saturday Sunset* complained of reserves retarding commercial development. The province agreed that the reserve was “detrimental to civic development.” In purchasing the Kitsilano Reserve directly from its residents, the McBride government violated the Indian Act because the

<sup>31</sup> *Times*, 21 March 1916. The Public Accounts Committee was investigating the Songhees transaction. There was controversy over the payment of \$75,000 to J.H.S. Matson for the Songhees negotiations. Matson explained that, after expenses, he was left with less than \$30,000 and could show vouchers for payments to prominent Liberals. See *Colonist*, 20 April 1913.

<sup>32</sup> *Colonist*, 14 April 1911. This was not the end of the story of the Songhees land as railway companies and the city, which wanted part of it as a park, also claimed parts of it. By the time it was possible to set a price for the land, the real estate boom had collapsed and the land remained undeveloped until after the First World War. Several oil companies built storage tanks there. They were removed in the 1980s and replaced by luxury condominiums.

<sup>33</sup> *Colonist*, 14 February 1913.

surrender did not take place under the authority of the superintendent general of Indian affairs and because it gave the payments directly to the Indians.<sup>34</sup> Even though McBride and Prime Minister Borden were both Conservatives and agreed on many other issues, this one was not without conflict.

In December 1911, Attorney General Bowser, on behalf of the province, appointed as negotiator H.O. Alexander, a pioneer resident who had grown up with the Kitsilanos and had their trust. While in Ottawa in the fall of 1912, McBride and Bowser discussed the province's purchase of its reversionary interest in the twenty-four-hectare (60 acre) reserve with Robert Rogers, Borden's minister of the interior. According to Bowser, who was responsible for most of the negotiations, Rogers told them "to go ahead and buy them [the Kitsilano Indians] out." Several months later McBride informed Ottawa that his government had completed arrangements to take "full possession" of the reserve after compensating the Indians. In a separate letter, Bowser explained that the province wanted the consent of the DIA to the purchase price then stated to be \$220,000, which he claimed was "a splendid one" for the Indians, and that the province wanted to pay the money over to them lest the deal be lost.<sup>35</sup>

McBride had discussed the impending purchase and compensation plan with Peter Byrne, the local Indian agent. Specifically, the province proposed to pay \$10,000 to each of the five residents of the reserve, and the approximately twenty-five who had some interest in it, and to arrange their move to another reserve.<sup>36</sup> Byrne believed the amount offered was adequate but advised the Kitsilanos not to discuss the sale or to make any bargain about it.<sup>37</sup> Contrary to Byrne's advice, they negotiated directly with Alexander. Concerned about interference by the "pretended friends" of the Indians and possibly by individuals who wished to acquire the land, Alexander negotiated with little publicity. With the deal consummated, on 9 April 1913 the province turned over \$11,250

<sup>34</sup> *Province*, 15 September 1906; *Saturday Sunset*, 15 May 1909; McBride to Borden, 13 March 1913, LAC, R.L. Borden Papers (hereafter RLBP), no. 992; D.C. Scott to Borden, 12 February 1914, LAC, RLBP no. 952ff.

<sup>35</sup> McBride to Borden, 13 January 1914, LAC, RLBP, no. 937ff; Bowser to Robert Rogers, 17 March 1913, RLBP, no. 977; McBride to Borden, 13 March 1913, LAC, RLBP, no. 992.

<sup>36</sup> T.W. Crothers (Minister of Labour) to Borden, 19 March 1913, LAC, RLBP, no. 129088-9; McBride to Borden, 26 April 1913, LAC, RLBP, no. 7426. Some of the older people went to other reserves, where they had children.

<sup>37</sup> P. Byrne to Rogers, 16 April 1913, LAC, RLBP, no. 974. D.C. Scott, the deputy superintendent of Indian affairs, later reported that he believed that most of the Indians had settled in Vancouver, New Westminster, or on the Mission Reserve in North Vancouver. See Scott to W.J. Roche, 9 December 1912, LAC, RLBP, no. 912.

each to most of the Indians with claims to the reserve. In return, the Kitsilanos moved to other reserves, mainly at Squamish and, according to Byrne, were “well satisfied” with the agreement. That was not quite correct. The Kitsilanos feared that if controversy continued they might have to return the money and so drew rapidly on their bank accounts. Some Squamish leaders complained that the McBride government had taken advantage of the ignorance of the Kitsilano residents and paid only \$230,000 for land worth \$4 million.<sup>38</sup>

It was not the complaint of Squamish leaders but that of federal politicians that made the transfer controversial. Although not involved in the negotiations, the DIA had to consent. When he learned of the deal, H.H. Stevens, the Conservative member of Parliament for Vancouver, suggested that the land was worth \$2 million; G.H. Cowan, a former MP who was visiting Ottawa, thought it worth \$3 to \$4 million. Thus, W.T. Crothers, the acting minister of the interior, recommended further study, possibly by the planned Royal Commission on Indian Reserves, before the federal government could approve the transaction. The issue was complicated by Stevens’s desire to have the land made available to the Vancouver Harbour Board, probably through a ninety-nine-year lease from the Indians.<sup>39</sup> Stevens wanted the people of Vancouver to have access to the foreshore independently of the CPR, which controlled most of it but was upset by a report that the province was negotiating the sale of the Kitsilano Reserve to other railway companies. He was also concerned that the province might acquire the Capilano and several other reserves on the north shore of Burrard Inlet, which he and the Vancouver City Council and Board of Trade wanted for harbour purposes.<sup>40</sup> Borden subsequently delayed action because he did not want the land to pass into private hands since, presumably, the province planned to sell it, as it had the

<sup>38</sup> Bowser to McBride, 9 May 1913, LAC, RLBP, no. 7434ff; *Province*, 1 May 1913; *Victoria Times*, 13 March 1913.

<sup>39</sup> Crothers to Borden, 19 March 1913, LAC, RLBP no. 129088; Bowser to H.H. Stevens, 26 March 1913, LAC, RLBP no. 7398; Stevens to Borden, 8 April 1913, LAC, RLBP, no. 7415; [Stevens] to Crothers, 27 March 1914, LAC, RLBP no. 7403.

<sup>40</sup> Although McBride denied any provincial interest in acquiring the Capilano Reserve on the north shore of Burrard Inlet, Chief Mathias said that Bowser had made an offer for it. Bowser denied this and claimed the story had been “got up” for political purposes. Even if there were any substance to the reports it is unlikely that the provincial government would have been in a position to pay for them because of its serious financial difficulties. See *Sun*, 26 April 1913; Wm McQueen to Stevens, 26 August 1913, LAC, RLBP, no. 892; Stevens to McBride, 21 July 1913, LAC, RLBP no. 874; Stevens to Borden, 21 July 1913, LAC, RLBP, no. 871; Bowser to McBride, 9 May 1913, LAC, RLBP no. 7434ff; Stevens to McBride, 20 June 1913, LAC, RLBP no. 859ff.

former Songhees Reserve.<sup>41</sup> The interests of the Indians do not appear to have been a factor in his decision.

Although the Liberal *Vancouver Sun* deprecated the efforts of the Dominion and provincial governments “to stampede” the Indians for a small amount of money that they would probably quickly spend on liquor, government supporters such as the *Vancouver Daily News-Advertiser* hailed the deal as “a good purchase” for the province, the Indians, and, especially, the people of Vancouver, who would be freed of “a blemish on the landscape and a hindrance to local development and progress.” That may have led McBride to conclude: the “public strongly endorses our action.”<sup>42</sup>

Meanwhile, in Parliament, Laurier and Frank Oliver, now in opposition, attacked the Borden government for British Columbia’s “alleged illegal action” in by-passing the Indian Act. Borden agreed that reserves should not “obstruct or retard the progress” of growing communities but warned McBride that ignoring the Indian Act could seriously delay the cancellation of the reserve. He noted that the 1911 amendment to the act could meet the situation if the Indians refused to surrender a reserve. Believing that his government had “done nothing” illegal and would not “attempt anything which would prejudice the public interest in any way,” McBride informed Borden that both Liberal and Conservative ministers of the interior had agreed that the province should acquire the reserve. He referred to Stevens’s complaints but noted that Byrne had approved and that the Indians were satisfied. In short, as McBride told his friend, Robert F. Green, MP, he believed that the arrangement was a “splendid one,” had “the support of the great majority of our people,” should not conflict with the McKenna-McBride Commission [see below] and was “in every way in the general public interest.” He saw nothing in the agreement to embarrass federal Conservatives and promised to do nothing with the land before all those involved were “well consulted.”<sup>43</sup>

Nevertheless, McBride was determined that the McKenna-McBride Commission should not consider the Kitsilano Reserve. Borden, whose primary concern was dealing with the Opposition in Parliament,

<sup>41</sup> Borden to Bowser, 27 March 1913, LAC, RLBP no. 7400.

<sup>42</sup> *Sun*, 4 April 1913; *News-Advertiser*, 9 April 1913. *Province*, 10, 28 April 1913; *Nelson Daily News*, 21 April 1913; McBride to Borden, 26 April 1913, LAC, RLBP no. 7426 and BCA, Lottie Bowron Fonds (hereafter AM347), vol. 1/1b.

<sup>43</sup> Borden to McBride, 26 April 1913, LAC, RLBP no. 7426; Borden to McBride, 2 May 1913, LAC, RLBP no. 7433 (also in BCA, GR-0441, vol. 121); McBride to R.F. Green, 9 May 1913, and McBride to Borden, 12 May 1913, BCA, AM347, vol. 1/1b; Stevens to Borden, 16 May 1913, LAC, RLBP, no. 7447-8.

believed that it should. Eventually, after McBride persuaded Stevens that the province would fully consider the public interest before doing anything with the land, Stevens agreed that the Kitsilano Reserve should not come before the commission. Although Borden still thought it a “proper” case for the commission, he suggested that McBride try to have the commission postpone an inquiry into the Kitsilano Reserve and to discuss the matter with Robert Rogers and W.J. Roche, the former and present ministers of the interior, respectively, who were due to visit Vancouver.<sup>44</sup>

After Stevens warned that the Opposition undoubtedly had information that would be “very awkward ... to refute at the next Session,” the prime minister wrote to McBride using the very formal salutation “My Dear Sir Richard McBride” to explain that the cabinet had discussed the Kitsilano case and expected criticism because the proceedings “to dispossess the Indians are wholly unauthorized and illegal”; that the amount paid to them was “entirely inadequate”; and that they had received only \$219,500 of the \$300,000 advanced by the provincial government. Borden was also concerned that all the money had been paid directly to them, whereas the Indian Act provided that they should receive no more than half, with the remainder to be held in trust by the DIA. Borden reiterated that “the title of the Federal Government as trustee for the Indians remains untouched.” He suggested three solutions: acting under the Indian Act as amended in 1911 (and as likely to be further amended); having the Department of Public Works expropriate the land; or passing a special act to validate what had been done. He favoured the first option since it would determine the actual value of the land and preserve a portion of the compensation for the Indians.<sup>45</sup>

In a letter that crossed with Borden’s missive, a conciliatory McBride wrote that he was “prepared to do everything possible in harmony with the public interests.” A few days later, Stevens ascertained from McBride and Bowser that, for “a most reasonable figure,” the province would make the land available for harbour purposes.<sup>46</sup> Subsequently, McBride

<sup>44</sup> McBride to Borden, 21 June 1913, LAC, RLBP, no. 865; McBride to Borden, 24 June 1913, LAC, RLBP no. 7472; McBride to Stevens, 17 July 1913, LAC, RLBP, no. 873; Stevens to T.W. Crothers, 21 June 1913, LAC, RLBP no. 864; Borden to McBride, 25 June 1913, LAC, RLBP, no. 129110; Borden to Stevens, 27 June 1913, LAC, RLBP, no. 869.

<sup>45</sup> Stevens to Borden, 11 December 1913, LAC, RLBP, no. 898; Borden to McBride, 22 December 1913, LAC, RLBP, no. 914ff. The minister of finance did not favour having the federal government take over the land because of the cost and the likelihood of setting a precedent for other harbours that desired to expand their facilities. The 1911 amendment would let the federal government secure title if the Indians refused to surrender. See Canada, *Statutes*, 1-2 Geo V, ch. 9.

<sup>46</sup> McBride to Borden, 22 December 1913, LAC, RLBP, no. 922; Stevens to Borden, 30 December 1913, LAC, RLBP, no. 931.

admitted that “technically the proceedings were not in accord” with the Indian Act but were justified because federal efforts to negotiate with the Kitsilano people had failed. Moreover, McBride asserted that “the Indians are as capable as white men in business transactions” and that the province had followed procedures similar to those it used with the Songhees. He opposed acting under the 1911 act since that could “give rise to a misunderstanding” of the province’s position “in its desire to promote the best interests of all concerned,” but he would accept legislation to validate the actions already taken.<sup>47</sup> He or Bowser apparently told Stevens that they would sell the province’s interest in the Kitsilano Reserve if the federal government would pay its costs and use the land for public purposes. McBride himself later expressed the same idea to D.C. Scott, the deputy superintendent general of Indian affairs.<sup>48</sup> That the province wanted cash is entirely plausible as by 1914 severe economic depression had put it in very straitened financial circumstances.

Controversy over the ownership and value of the Kitsilano reserve continued. McBride’s last comment on the situation was a request in December 1914 for details of the Harbour Commission’s application to expropriate the land before the matter was referred to the Royal Commission.<sup>49</sup> The commissioners did not visit the site until 21 June

<sup>47</sup> McBride to Borden, 13 January 1914, LAC, RLBP, no. 937. Political controversy later arose over the means by which the province paid the Kitsilano Indians for surrendering their land and the commission paid to H.O. Alexander. In April 1913, the provincial government deposited \$300,000 in the Canadian Bank of Commerce and opened an account in Alexander’s name, from which he issued cheques to the Indians. Later, a representative of the legal firm of Bowser, Reid, and Walbridge, the firm of the attorney general, brought in a draft for \$30,000 from which \$3,000 was paid to another legal firm (Hamilton Read and Co.) and \$27,000 to Alexander, from which he made several other small payments. See Copy of Memo by D.C. Scott, 9 November 1913, LAC, RLBP, no. 920. The negotiations had been lengthy, so McBride did not think the amount of compensation “was out of the way” (McBride to Borden, 13 January 1914, LAC, RLBP, no. 937ff). The *Sun* suggested that McBride had no reason to defend Bowser for paying the two negotiators, Harry Alexander and Hamilton Read, since he was out of the province when the arrangements were made. It asked rhetorically: “Is it Sir Richard’s fidelity to his colleagues in the cabinet that impels him to take joint responsibility for an act which does anything but credit to the government and to those who acted for them in taking advantage ... of native ignorance?” The *Sun* thought the whole deal to be “the worst and basest of all those transactions in which public money was ventured in securing Indian lands” (*Sun*, 25 February 1914).

<sup>48</sup> W.T. White to Borden, 19 February 1914, LAC, RLBP, no. 958ff; Scott, Memo, 10 December 1914, LAC, RLBP, no. 966A. Scott hinted at some disagreement between McBride and Bowser on the subject.

<sup>49</sup> McBride to Scott, 5 December 1914, and McBride to Scott, 8 December 1914, LAC, RLBP, no. 966C. The pre-war economic depression ended grandiose plans to expand the harbour and the area remained derelict for over thirty years. In the late 1930s, the area was cleared of underbrush and the beach cleaned. Premier T.D. Pattullo suggested that, instead of recognizing any Indian rights to the land, the federal government should pay \$350,000 to the

1915, when they reported that it had been “abandoned by the Indians for public improvement.” It suggested that the value of the land was \$485,920 but the actual value had not yet to be arbitrated although as much as \$1 million had been offered.<sup>50</sup> Not until 1928 did the federal government buy out the provincial interest.

\* \* \* \* \*

Removing the Indians from urban reserves was relatively uncomplicated in comparison to experiences in the north-central parts of the province (Figure 4), which gave rise to extended disputes with Ottawa, especially regarding Aboriginal land title. McBride’s first major dealing with Ottawa over reserve lands had involved a Pacific seaport for the federally subsidized GTP. An announcement in 1904 that the GTP was negotiating with Ottawa to secure the Port Simpson Indian Reserve led the *Colonist* to assert that the federal government, as guardian of the Indians, must supervise the arrangement but that the province, through its reversionary interest, must agree to any land transfers. The DIA negotiated on behalf of the two hundred Metlakatians whose reserve was affected. When payment was delayed, foreboding rumours circulated that, without a satisfactory settlement, they would “raise the question of the white man’s ownership of any land in the province” because “the whole country belonged to the Indians,” whose title had not been extinguished “by conquest or purchase.” When Metlakatla residents learned that they would share in the \$50,000 that the railway company paid for the land, they “rejoiced.”<sup>51</sup>

Meanwhile, aroused by Ottawa’s action in negotiating to sell some 13,500 acres (5,463 hectares) of the Tsimshian reserve to the GTP, McBride, who was also fighting Ottawa over subsidies, attacked this “most flagrant attempt ... to over-ride Provincial Rights” and declared that, if any Indian reserve or part thereof was leased, surrendered, granted, or transferred, the province would immediately assert its rights. That echoed the argument of his friend, the New Westminster *British*

---

province and then do as it pleased with the reserve. The City of Vancouver, seeking to lease it for park purposes, made overtures to the federal government. The Second World War intervened: the RCAF used the site for a base. After the war, it became a park and the location of the Centennial Museum and City Archives.

<sup>50</sup> Royal Commission on Indian Affairs for the Province of British Columbia, *Report* (Victoria: Government of British Columbia, 1916), 635.

<sup>51</sup> *Colonist*, 21 December 1904; New Westminster *Daily News*, 4 April 1907; Port Essington *Sun*, 18 May 1907. For details on the complicated transaction concerning the Metlakatla reserve, see Frank Leonard, *A Thousand Blunders: The Grand Trunk Pacific Railway and Northern British Columbia* (Vancouver: UBC Press, 1996), 38-45.

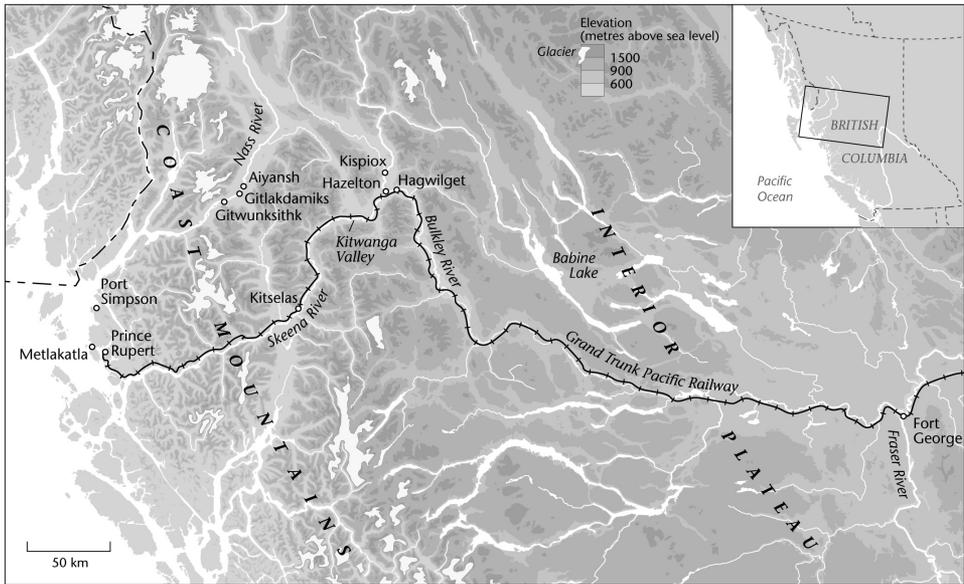


Figure 4. The principal settlements in the Skeena and Nass Valleys and the route of the GTP. Map by Eric Leinberger.

*Columbian* that if Ottawa took over the land, British Columbia would “be shorn of our Indian lands and our water privileges ... [and be] reduced to a state of hopeless subserviency.” In the legislative debate in January 1908 on the ratification of the agreement with the GTP confirming the Metlakatla’s “surrender” “of all Indian title” to the terminus site, W.H. Hayward, the Conservative member for Cowichan, described Indian reserves as “a source of annoyance” and asserted that they “should be reduced to correspond with the actual necessity of Indians.” McBride replied that he had already made representations to Ottawa that would “lead to the settlement of the question.” He later boasted of having done “everything that can be wisely done in the premises [sic] to the end that these reserves may be destroyed and the land thrown open for settlement and development” and had already opened thirteen thousand acres (5,261 hectares) for settlement.<sup>52</sup>

By opening much of the central interior for settlement, the GTP upset the Indians of the Hazelton area, who saw white men encroaching

<sup>52</sup> McBride to Borden, 18 February 1907, BSA, GR-0441, vol. 86; *Columbian*, 31 January 1907; British Columbia, *Statutes*, 8 Edw. 7 (1908) ch. 19; *Nelson Daily News*, 23 January 1908; *Colonist*, 5 March 1908. Although it did not involve the Indians, the whole land transaction at the site of Prince Rupert caused a scandal known as the Kaien Island Affair.

on their land and traditional hunting and fishing grounds.<sup>53</sup> The assertion of chiefs along the Nass River that their people owned the land frightened the settlers, who, in the winter of 1906-07, asked McBride to send in at least a hundred North-West Mounted Police officers to keep the peace. McBride believed the report of a revolt at Babine Lake was much exaggerated but arranged to have a local stipendiary magistrate, the Indian agent, and several constables investigate. That did not calm the settlers. Two years later, when settlers again feared an Indian uprising, McBride authorized the swearing in of special constables if necessary but advised that a planned federal investigation should relieve the situation.<sup>54</sup>

Settlers also complained that the government was hiring Indians rather than settlers for public works. McBride told William Allison, the government agent, to consider hiring white settlers first, but the settlers' main worry was a lack of sufficient police to deal with a serious "Indian situation." In the late spring of 1909, armed Indians held up three settlers in nearby Kitwanga Valley and forced them to leave.<sup>55</sup> Unrest continued. R.E. Loring, the long-serving Indian agent, reported that the Indians, who were holding secret meetings, had declared that all settlers must leave, that Hazelton would be destroyed, and that the settlers would be massacred. He admitted that some of his information was based on rumour but that the Indians were "fanatical," with demands "entirely too extravagant" for rational settlement – namely, that all the lands must be returned to them intact. These demands, he thought, had emanated from "Kapelano" (Chief Joe Capilano), who was touring the province and allegedly stirring up Aboriginal peoples. Moreover, the Indians had "surreptitiously" acquired so many firearms and ammunition that the women as well as the men and boys would be armed, while the dozen whites only had three effective guns. The Hagwilgets had not joined the protest, but their "grievances against the settlers having taken land would be tenfold in comparison," and any "untoward circumstances" might "precipitate the worst expected." He urged that a force of sixty

<sup>53</sup> At Fort George (later Prince George), after the Indians negotiated a higher price than that originally offered, the GTP purchased the Fort George Reserve No. 1 (*Fort George Herald*, 21 January 1911; for details of this transaction see Leonard, *Thousand Blunders*, 166-77). On the dispute over the fishery, see Douglas C. Harris, *Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1849-1925* (Vancouver: UBC Press, 2008), 103.

<sup>54</sup> Residents of Hazelton and District to McBride, 14 September 1906, BCA, GR-0441, vol. 28. The North-West Mounted Police was a federal police force. British Columbia had its own Provincial Police. See *Columbian*, 31 August 1906; F.V. Valteau to McBride, 1 November 1908 and McBride to Valteau, 2 November 1908, BCA, GR-0441, vol. 71.

<sup>55</sup> The Indians were captured and fined thirty dollars each plus costs. See *Omineca Herald*, 5 and 26 June 1909.



Figure 5. The posture of the Kispiox people when the first GTP construction train arrived suggests their concern about the advance of white settlement. Image B-01738 courtesy of BC Archives.

North-West Mounted Police with a quick-firing gun be immediately sent to Hazelton; otherwise, the white settlers would be compelled to leave. The DIA told him bluntly that maintaining law and order was a provincial responsibility and that the Dominion government could not prevent the staking of provincial lands. Three federal officials – S. Stewart, A.W. Vowell, and Thos. O’Connell, who visited the Skeena and Bulkley valleys in the summer of 1909, heard that the chief complaint of the Indians was that the land, never having been acquired by purchase, treaty, or conquest, was still theirs.<sup>56</sup>

The situation remained tense. Early in November the Indians obstructed road work at Kispiox and seized the equipment. “Situation serious. Immediate action necessary,” Allison wired. The provincial government despatched a special boat with “sufficient men and ammunition” to control the situation. McBride believed Allison. Perhaps the fact that Allison was his brother-in-law gave the report more credence than the settlers’ pleas for protection. The gravity of the problem had been much exaggerated. A few weeks later, the *Omineca Herald* denied

<sup>56</sup> McBride to William Allison, 6 July 1909, BCA, GR-0441, vol. 35; R.E. Loring to Frank Oliver, 24 June 1909, J.D. McLean to Wm. McLaughlin, Indian Office, Victoria, 15 July 1909, and McLean to Loring, 15 July 1909, LAC, RG10, vol. 3571, file 126-1; *Omineca Herald*, 17 July 1909; *Port Essington Loyalist*, 31 July 1909.



Figure 6. The threat of an uprising attracted attention as suggested by Edward Reynolds's cartoon in the *Vancouver Daily Province*, 4 June 1910.

that there had been any trouble at Hazelton with the Indians but then contradicted itself, commenting:

There was discontent among the Indians. Some of them made threats. They wanted more land for one thing. Government work was stopped and those stopping it were wanted by the police. Neither the whites nor the government had ever made a show of force to the Indians and it may have been as an object lesson that the chief constable took so many men with him to arrest six Indians.

The Indians who obstructed road work at Kispiox were arrested, tried, convicted, and served their sentences, which consisted of cutting wood, cleaning sidewalks, and doing odd jobs.<sup>57</sup> The Hazelton incident shows how a handful of settlers in an isolated community could fear Indians, the majority of the local population and a people with justifiable grievances.

<sup>57</sup> John C. Boyd et al. to McBride, 10 November 1909, McBride to Boyd, 10 November 1909, W.J. Bowser to H.A. McLean, 10 November 1909, and Allison to McBride, 4 November 1909, McBride to E.H. Hicks Beach, 11 November 1909, BCA, GR-0441, vol. 36; *Omineca Herald*, 25 December 1909.

Problems with settlers continued. Two and half years later, the DIA ordered whites who leased land on a reserve adjacent to the town of Hazelton to leave because, in supplying them with liquor, they “had a demoralizing effect on the natives.” When McBride and Attorney General W.J. Bowser made a northern tour via a special GTP train, the Hazelton Board of Trade asked them to cooperate in opposing the removal of white residents from the reserve, but McBride does not seem to have replied. What caught the reporters’ attention was the delegation of Indians. One chief asserted: “God gave us this country and the white man took it away from us.” They presented “their old request that all lands in the province be turned over to them.” Through an interpreter, McBride replied emphatically that that was impossible as the government held the land in trust for both the Indians and the white people. Before leaving, he shook hands with the chiefs, complimented them, and invited them to call on him in Victoria. Cynically, the *Vancouver Sun* wondered “how the untutored savage must have felt, in that oily grasp, which did him so much honor, all his rights slipping away from him!”<sup>58</sup>

Some miles to the north, the Nass region was the only major area of the province in which the allocation of reserves was incomplete. That made almost all of the land open to pre-emption by whites. In 1907, the Nisga’a formed a land committee to raise funds and to prepare to have the courts settle the question of Aboriginal title to the land. The chiefs of the Gitlakdamiks, Aiyansh, and Gitwunksithk sent a petition to the *Vancouver Daily Province* complaining that “the valley of the Nass is far too narrow to be spared for the white people.” One frightened homesteader near Aiyansh reported that eighteen chiefs had said that: “the land had belonged to their forefathers, and they had not parted with or abandoned their rights – they refused to recognize the right of the Government to take their land, and give it to strangers – they wanted – and would have – NO strangers on the Naas River.” Moreover, the chiefs had warned that: if their “demands were not granted they – and also Indians in the Province, and perhaps the Dominion – aided by Japanese from whom they are descended, would rise and slay all the white people till not one of them was left.” They intimated that if the settler “further proceeded” with his land he would “be one of the first

<sup>58</sup> *Omineca Miner*, 6, 13, and 20 July 1912; Hazelton Board of Trade to McBride and Bowser, on occasion of their visit, 16 July 1912, BCL, GR-0441, vol. 46; *Columbian*, 17 July 1912; *Colonist*, 17 July 1912; *Sun*, 18 July 1912.

to go.” McBride immediately had a Provincial Police officer investigate. That seemed to end the matter.<sup>59</sup>

Two years later, however, the Nass “absolutely” refused to allow prospective settlers to pass up the Nass River and declared that they would “prohibit whites from entering that section of the country” until what McBride called their “alleged claim” was adjusted (Figure 6). Rather than negotiate, the province had a constable accompany settlers to make the Indians “understand that they must not interfere” with the rights of people entering the country. The *Colonist* echoed those views in editorials whose theme was that “the Indian claim is a moral claim, not a legal one”; it favoured encouraging the Nass Indians to settle down as farmers.<sup>60</sup> The immediate crisis passed without the basic problem of land title being resolved. The Nisga’a were prepared to deal with the issue politically, but soon realized the futility of dealing with McBride: they sent their 1913 petition claiming title to the land both by Aboriginal right and the Proclamation of 1763 directly to the King.<sup>61</sup>

\* \* \* \* \*

The key question was Aboriginal land title. McBride’s government was anxious not to do anything that might challenge the province’s claim to the ownership of all the ungranted land within its boundaries. The federal government, however, was conscious of its responsibilities to the Indians, and this led to a debate over the method of resolving the question. In 1910, Laurier told McBride that, as their “guardians,” his government knew that the Indians would not be satisfied until their rights were “determined judicially by the highest court of the Realm,” the Judicial Committee of the Privy Council in England. He observed, “you know how touchy the Indians are on this ground and how easy it would be to influence them if they had cause to believe, rightly or wrongly, that the supreme decision of the King had been denied them.”<sup>62</sup> When Laurier rejected arbitration, McBride said no more

<sup>59</sup> Harris, *Making Native Space*, 218; Tennant, *Aboriginal People and Politics*, 86; *Province*, 28 March 1908; J. Priestley, Aiyansh, 15 January 1908, to the “Minister of the Interior, Victoria,” and McBride to Priestley, 5 March 1908, BCA, GR-0441, vol. 31. At the time, British Columbia was attempting to limit Japanese immigration and competition in the labour market.

<sup>60</sup> McBride to Attorney General, 21 May 1910, BCA, GR-0441, vol. 390; Bowser to McBride, 16 May 1910, BCA, GR-0441, vol. 37; *Colonist*, 11, 21, and 25 June and 22 July 1910.

<sup>61</sup> The petition is reprinted as an appendix to Foster, “We Are Not O’Meara’s Children,” 241-45.

<sup>62</sup> Laurier to McBride, 8 October 1910, BCA, GR-0441, v. 149. Laurier was probably acting on the advice of T.R.E. McInnes, a lawyer that the federal government had employed to examine the legal basis of land claims. McInnes had concluded that there were lands in British Columbia in which Aboriginal title had not been extinguished. See Foster, “We Are Not O’Meara’s Children,” 67.

could be done. A letter, drafted by the attorney general, explained that the Proclamation of 1763, which recognized the Indians' ownership of much of the land in British North America and on which the Indians based their claim, had only been applied in very limited cases in British Columbia. Therefore, the letter concluded: "A determination therefore of these questions favourable to the contention advanced on behalf of the Indians would affect the title to all the land on the mainland of British Columbia and more than half the land situated on Vancouver Island and would have a most disastrous effect on our financial standing and would jeopardize the very large sums of money already invested in this Province by English and other investors." In sum, said the letter, these were political, not legal, questions, and the province would not agree to a court reference that would raise "the question of the Indians still having the title in this Province in themselves."<sup>63</sup> That draft was not sent but McBride drew on it for a letter sent ten days later, in which he repeated that British Columbia would not agree to submit all matters concerning Indian lands to the courts but would accept a reference on the relative rights of the provincial and federal governments to lands that British Columbia had reserved for the Indians. Laurier replied: "The point to be determined is whether, in British Columbia, there is such a thing as the Indian title, as we have always understood and applied it, and whether it has been extinguished or not. This is a fair issue and it ought to be met squarely, and nothing short of that will insure peace and tranquility amongst the Indian tribes." McBride did not change his mind about a reference to the courts but assured the prime minister that there was no cause for "uneasiness" about the Indians "as there is no reason for them to believe that they have been treated unjustly."<sup>64</sup>

The Indians did not agree; they complained they had been treated unjustly. Although they could not vote, many were aware of the political

<sup>63</sup> McBride to Laurier, 22 October 1910, LP no. 176041 and [Bowser] to Laurier, 19 November 1910 [not sent], BCA, GR-0441, vol. 149. In a letter sent to Rogers, Borden's minister of the interior, McBride explained that the deputy attorney general had been authorized to discuss the possibility of a stated case with his federal counterpart but that the province had rejected a proposal of the Department of Justice "to include a question involving the title to all lands in British Columbia." See McBride to Rogers, 30 November 1911, BCA, GR-0441, vol. 391.

<sup>64</sup> McBride to Laurier, 1 December 1910, LAC, LP, no. 177666; Laurier to McBride, 8 December 1910, LAC, LP no. 177668; McBride to Laurier, 7 January 1911. The three letters are also in BCA, GR-0441, vol. 149. Hamar Foster and Benjamin Berger suggest that, between 1875 and the Cowichan petition of 1909, the Proclamation of 1763 was not cited in British Columbia. In "From Humble Prayers to Legal Demands: The Cowichan Petition of 1909 and the British Columbia Indian Land Question," in *The Grand Experiment: Law and Legal Culture in British Settler Societies*, ed. Hamar Foster, Benjamin L. Berger, and A.R. Buck (Vancouver: UBC Press and the Osgoode Society, 2008), 251-53, they speculate on how it re-entered the BC dialogue.

process and, since at least the late 1870s, had pressed their claims for land ownership and adjustments in the size of their reserves. Three Salish chiefs, including Joe Capilano, had gone to London in 1906, where, on behalf of all the Indians in the province, they presented a petition to King Edward VII, declaring that Indian title had not been extinguished and that insufficient land had been allotted to them. On their return to British Columbia, Chief Capilano toured the province, claiming that the king had promised action on their petition. In 1909, in what legal historians Hamar Foster and Benjamin Berger call “the key document in the early history of the campaign for Aboriginal title in BC,” the Cowichan tribes of Vancouver Island sent a petition to the king citing a number of historical and legal precedents to buttress their argument for action to protect their rights to the land or to have the matter submitted to the Judicial Committee. A delegation of twenty-five chiefs visited Laurier in Ottawa in 1908. When he was in the province in 1910, Indians presented him with a number of petitions. In 1909, some Interior Salish chiefs organized the Interior Tribes of British Columbia, and coastal Indians formed the Indian Rights Association. To assist them, some non-Aboriginals, including the Anglican missionary and lawyer Arthur O’Meara, founded the Friends of the Indians of British Columbia.<sup>65</sup>

Acting on the advice of Laurier, on 7 December 1910, W.W. Perrin, the Anglican bishop of Columbia, met McBride and his cabinet.<sup>66</sup> Speaking for the Friends, Perrin referred to recent difficulties between would-be settlers and Indians in the Nass Valley and to the work of the Indian movement in bringing the matter to the front. Warning that the land issue could lead to “continual trouble,” he asked for assistance with the cost of taking the case to the Judicial Committee. F.C. Wade, a prominent Liberal lawyer who also spoke, simply declared that about twenty-five thousand Indians thought they had “a title for these lands.” McBride was unmoved. He claimed that as far as he knew, the Indians were peaceful, law-abiding, “loyal subjects of the Crown.” He held that the “little trouble” in the Nass and Skeena valleys resulted from “a sort

<sup>65</sup> For details, see Tennant, *Aboriginal Peoples and Politics*, 84ff. R.M. Galois, “The Indian Rights Association, Native Protest Activity and the ‘Land Question’ in British Columbia, 1903-1916,” *Native Studies Review* 8, 2 (1992): 6-7; Daniel P. Marshall, *Those Who Fell from the Sky: A History of the Cowichan Peoples* (Duncan, BC: Cowichan Tribes, 1999), 146-57. Foster and Berger, “From Humble Prayers,” 242, 250-51; Harris, *Making Native Space*, 226.

<sup>66</sup> Bishop Perrin to Laurier, 5 January 1911, LAC, LP, no. 179267. In December 1912, a new bishop of Columbia reported that the Synod had disassociated itself from those who, “in their desire to help, have adopted the mistaken policy of stirring up the rank and file of the Indians.” Though O’Meara was not mentioned by name in the press reports, the bishop was undoubtedly referring to O’Meara and his allies. See *Colonist*, 3 January 1913; *News-Advertiser*, 31 December 1912.

of movement there,” which originated not with the Indians but with white men. Claiming that “the Indians have been well satisfied for years with the way their affairs have been managed,” he asserted that “there have been no wrongs done to the Indians of British Columbia. They have been very generously dealt with.” His government had not set aside any further reserves and was considering extinguishing others “not needed by the Indians” because it believed that “an excess of acreage was set apart for reserves.” He added that he held out no “hope that the province would be a party to the submission of such questions to the courts” and “deprecated the making of trouble” by stirring up the Indians with “hopes which had no chance whatever of being realized.” In a follow-up letter, McBride told Bishop Perrin: “there is no issue with regard to Indian title to lands such as is sought to be raised by your Association” and so “no such question to be adjudicated upon by the Courts.”<sup>67</sup>

McBride had no sympathy for those who he called the “self-styled” Friends of the Indians, but he was prepared to deal directly with the Indians. Chief A. Wedildahld of Kitselas wrote to McBride that “from the beginning of this world the Indians owns this land themselves” but that J.M. Clark, a Toronto lawyer, an expert on Aboriginal rights and counsel for the Indian Rights Association, had advised them that, according to what McBride had said, “we have no land.” McBride denied this and reiterated that the province had always recognized reserves “as being for the use of the Indians.”<sup>68</sup>

Shortly thereafter, a delegation of almost one hundred chiefs “dragged their weary bodies great distances to ask for justice.” Before McBride and several cabinet ministers, Chief Reverend P. Kelly of Hartley Bay read their memorial which declared that “the question was a vexed one and as the Province was opening out so rapidly it became even more intense.” It explained that they had come “at great expense” not “as a body of settlers but as the original inhabitants of this land” and that “the Indian Tribes still hold the aboriginal title to the unsurrendered lands of the Province, which has never been extinguished, either by conquest or treaty” though James Douglas recognized their title when he “purchased” certain lands from the Songhees people. Challenging McBride’s claim

<sup>67</sup> Memo of Meeting of McBride, Bowser and Wm. Ross with Bishop Perrin, Rev. A.E. O’Meara, Rev. J.W. Gladstone, F.C. Wade and others, 14 December 1910, copies in BCA, GR-0441, vol. 149; Perrin to Laurier, 5 January 1911, LAC, LP no. 179268ff; *Colonist*, 15 December 1910; McBride to Perrin, 23 December 1910, BCA, GR-0441, vol. 391 (copy also in LAC, LP, no. 179268).

<sup>68</sup> *Colonist*, 22 January 1913; Chief A. Wedildahld to McBride, 18 February 1911, and McBride to Wedildahld, 3 March 1911, BCA, GR-0441, vol. 149; *Province*, 4 March 1911.

that “the Indians are well satisfied,” the Memorial asserted that they were “far from being satisfied, and are becoming more dissatisfied every day.” “It is a painful matter,” the Memorial declared, “to see our lands sold to speculators whilst many of our people have not sufficient land to maintain their families; and even to these small portions we are told that we have no title.” The Memorial concluded by asking that the matter be referred to the courts “without further delay.” Following the reading of the Memorial, Chief John Chilahitsa of Douglas Lake advised: “The Indians say that it is their country and if you claim it they want to go to some big court house and have the matter settled.” Sub-Chief George Quakatston of Cowichan explained how white men who impounded cattle that were grazing on the roadsides thwarted his people’s attempts at livestock raising. He stated emphatically: “My name is written here in this country because God has placed me here and in doing so he put lands here for me to stay on.”

The petitioners got no satisfaction from McBride, although a reporter described his reply as “diplomatic.” Through a translator McBride said he was pleased to meet them and that, as a native of British Columbia and early resident of the Fraser Valley, he had “known Indians all his life and they were all his friends.” His government wished “that as the King’s subjects they should all live in peace and happiness” together and that with the province’s “wonderful development and growth” through the construction of roads and railways, the Indians “would and should play a very important part” in its material advancement and welfare. He repeated that the Indians “were well satisfied with their position” and blamed the “present agitation” on “the pernicious advice of some unscrupulous whites.” After telling the delegates that many reserves were larger than needed, he said that his ministers had concluded that “the Indians had no title to the unsundered lands,” and so his “Government would not take the question to the Courts feeling that there was no proper case for submission.”<sup>69</sup>

<sup>69</sup> The previous two paragraphs draw on “Memorial from Chiefs and Representatives of Indian Tribes in British Columbia presented to the Provincial Executive on March 3<sup>rd</sup> [1911] last” and the interview of McBride, H.E. Young, Price Ellison, Thomas Taylor, and A.E. McPhillips with Indian Chiefs, 3 March 1911, copies in BCA, GR-0441, vol. 149. McBride sent a copy of the meeting notes, with a covering letter reiterating that “the Government had decided there is no question to submit to the Courts,” to Chief Kelly. He also sent the notes to Laurier and asked him to forward a copy to the Colonial Office as he had promised to do. McBride to R.P. Kelly, 25 March 1911, BCA, GR-0441, vol. 391; McBride to Laurier, 25 March 1911, LAC, LP no. 183876ff. The *Province* (4 March 1911) had a fairly detailed account of the meeting.

The press response to McBride's refusal to refer the matter to the courts varied. The *Prince Rupert Optimist*, a Liberal paper, praised Laurier for considering taking the matter to court. As for McBride, it argued that refusing to recognize title or to let the courts decide was "a policy worthy only of a set of claim jumpers." The Liberal *Victoria Daily Times* criticized McBride's habit of referring difficult or controversial issues to Ottawa. In contrast, the *Fort George Tribune* declared that a ruling in favour of the Indians would ruin the province's reputation for investors and "produce chaos in the titles of all the lands in the country." The *Colonist* asserted that the Indians of British Columbia were no more in possession of the land "than a ship at sea possesses the ocean."<sup>70</sup> That pithy metaphor reflected McBride's ideas.

Not surprisingly, the Indians were upset. The press soon reported that Father E.C. Bellot, a Roman Catholic missionary in the Skeena and Babine districts, had warned that northern Indians were storing ammunition and that blood might be spilled in the summer because they were "being starved to death." McBride's immediate response was to ask the DIA to investigate.<sup>71</sup> Charles C. Perry, the Indian agent at Metlakatla, informed Laurier that McBride's refusal to go to court and his denial of any Indian title to the land caused much unrest and that delaying action was "predictive of an Indian revolt."<sup>72</sup> Fortunately, the Indians were patient. Some months later, Chief Wedildahld and a committee from Kitselas on the Skeena River reminded McBride that the land question had been before the provincial and federal governments since 1908, when a delegation of chiefs had gone to Ottawa. They wanted "to know what will be the end of this land question." McBride merely referred to his previous correspondence with the chief and expressed the "desire that all the King's subjects should live together in peace and harmony."<sup>73</sup>

<sup>70</sup> *Prince Rupert Optimist*, 29 April 1911; *Times*, 6 March 1911; *Fort George Tribune*, 31 December 1910; *Colonist*, 4 March 1911.

<sup>71</sup> McBride to Laurier, 9 March 1911, LAC, LP, no. 189920.

<sup>72</sup> Charles C. Perry to Laurier, 23 March 1911, LAC, LP no. 183737ff. Perry recommended abolishing the Indian Act, enacting strong liquor measures, having the provincial government take over the schools, enfranchising the Indians, and abolishing "blundering Indian Councils." He suggested that townsites could be developed after Indians were removed from the land with compensation and that young men might be trained for the navy and militia to end the large number of young men "idling their time" on reserves. He also called for care for the aged and the indigent.

<sup>73</sup> Chief A. Wedildahld et al. to McBride, 13 November 1911, McBride to Chief Wedildahld, 6 December 1911, BCA, GR-0441, vol. 149.

Reports from the north continued to suggest serious unrest. Since Simon Peter Gunanoot had escaped,<sup>74</sup> the *Fort George Herald* reported: “the red men have been gaining in a vain courage,” realizing their ability to escape the white man’s law. “This is a bad sentiment for the Indian mind,” it averred, “as in their ineffectual brain it is liable to reawaken the hereditary germ of homicidal tendencies, which together with a draught of ‘fire water’ may at any time be responsible for bloodshed.” Arguing that the Indians must “learn to conform to modern conditions,” the *Colonist* blamed apprehended bloodshed not on “the alleged oppression of the white men but on the insane folly of the white advisers of the Indians.”<sup>75</sup>

Laurier, however, was sympathetic to the Friends of the Indians. He told O’Meara and other Friends that McBride’s refusal to have the dispute go to the courts was unfortunate. Only the courts could decide if the province was right or wrong.<sup>76</sup> Editorial comment again followed partisan lines. The *Colonist* suggested that Laurier should have “refused to recognize that there is anything debatable about so preposterous a proposition as is put forward on behalf of the Indians.” If the courts conceded the “monstrous claim” to be valid, it asserted, it “would be tantamount to a conquest of British Columbia by the Indians.” The *Times*, in contrast, pointed to Laurier’s acceptance of responsibility “for the protection of the Indians.” It could not understand why McBride, “who was so willing to carry his own better terms proposition to the foot of the throne should now say, indifferently, ‘Lo, the poor Indian!’”<sup>77</sup> Its sarcasm was harsh but not ill-founded. When McBride and Laurier were in London for the coronation of George V in 1911, Lewis Harcourt of the Colonial Office met them separately to discuss the Indian land question. McBride subsequently attempted to see Laurier, but they were unable to make a connection. In any event, said Laurier,

<sup>74</sup> Simon Peter Gunanoot, a Gitksan, murdered two white men near Hazelton in 1906. Despite a concerted search he remained an outlaw in the wilderness until he surrendered in 1919. See David R. Williams *Trapline Outlaw: Simon Peter Gunanoot* (Victoria: Sono Nis Press, 1982).

<sup>75</sup> *Fort George Herald*, 23 March 1911 and 5 July 1913; *Omineca Herald*, 20 June 1913; *Colonist*, 9 March 1911. Two days later, the *Colonist* reported that Father Bellot denied making any remarks about the Indians being “blood thirsty.”

<sup>76</sup> *Times*, 27 April 1911. The Laurier government and the Indian Rights Association sought ways of circumventing McBride’s refusal to go to court. See Foster, “We Are Not O’Meara’s Children,” 72-76.

<sup>77</sup> *Colonist*, 29 April 1911. It expressed similar sentiments in editorials on 6 and 7 May 1911; *Times*, 6 May 1911. See also editorials of 5 and 8 May 1911.

“nothing could be done at the present time,” although he indicated that they would meet again.<sup>78</sup>

Associated with the main question of Aboriginal land title was the desire of McBride’s government to adjust or, more precisely, reduce, the size of reserves which the Indians did not seem to be using and to claim its reversionary interest in them. As early as 1903, McBride had told Laurier that it ought to be “comparatively easy” to compare the population of tribes with the amount of land they held and make adjustments where few or no Indians occupied a very small part of their reserves. Laurier replied that this was purely a departmental matter, but McBride feared that, because of the DIA’s dilatoriness, the Yale Mining Company would build a proposed smelter “south of the line” rather than on a Similkameen Reserve, even though the Indians “were willing to vacate it.” Negotiations between the two governments on ways to readjust reserves continued intermittently. In the fall of 1910, Attorney General Bowser proposed forming a three-person board on which each would have a representative. If the Indians were “willing to surrender” the land, the board would decide whether the land should be sold, establish a fair price and the value in cash of the province’s reversionary interest, and determine if the province should receive its share from the purchaser or from the sum the Indians received. Such a scheme, suggested Bowser, would “do away with any suggestions of political healers being favoured.” McBride liked the idea and discussed it with Laurier when the latter visited the province in the late summer of 1910.<sup>79</sup>

Laurier was soon in the midst of an election campaign, which he lost to the Conservatives under Robert Borden in September 1911. Less than two months later, McBride, along with Bowser and W.R. Ross, the minister of lands, interviewed Borden and a number of cabinet ministers in Ottawa on various matters, including Indian reserve lands. McBride, who had actively campaigned on Borden’s behalf and delivered all seven of British Columbia’s seats to the Conservatives, hoped that the new government would recognize his long-standing claim to the reversionary interest, the “large excess acreage held on

<sup>78</sup> McBride to Laurier, 3 June 1911, and Laurier to McBride, 3 June 1911, LAC, LP, no. 186696ff. J.C. Davidson of the Colonial Office asked McBride to meet Harcourt, Laurier, and O’Meara on 21 June 1911 “with reference to the land question.” See Davidson to [McBride], 19 June 1911, BCA, GR-0441, vol. 149.

<sup>79</sup> McBride to Laurier, 24 December 1903, in British Columbia, *Sessional Papers*, 1903-4, G23; Laurier to McBride, 4 January 1904, BCA, GR-0441, vol. 23; McBride to R.F. Green, 30 May 1904, BCA, GR-0441, vol. 40; Bowser to McBride, 3 September 1910, BCA, GR-0441, vol. 105; McBride to Laurier, 29 September 1910, BCA, GR-0441, vol. 149 (and in LAC, LP, no. 175208).

account of Indian Reserves,” and, because of the “rapid increase in white population,” the need for “an immediate readjustment of all reserves, so that the excess acreage may be released to the province.” In a press interview, he cited as examples reserves on Vancouver Island on which only one or two Indians lived: “If these lands, in many cases amongst the finest farming sections, could be open for settlement great benefit would result.”<sup>80</sup>

Like many of his predecessors and the federal government, McBride wanted to remake the Indians in the white man’s image – that is, to assimilate them. Early in 1912, he declared that his government generally desired to treat the Indians “as friends, not as foes” but that it had “to stand firmly for the rights of the community,” that its object was to respect the rights of the Indians “in every way possible but in so far as possible to assist them in taking a superior position in the future to that which they now occupy.” He suggested that they could take advantage of pre-emption laws and find employment on roads and other public works. There were three problems: the province rarely allowed Indians to pre-empt lands, its laws denied Indians the opportunity to purchase Crown lands except with the cabinet’s permission, and it rarely hired them.<sup>81</sup>

Meanwhile, the Friends of the Indians continued to lobby on their behalf. When McBride received their delegation in January 1912 he began by stating that he had not changed his mind and that the colonial secretary had promised to be “hands off” British Columbia. When asked if Indians could acquire Crown land without securing an order-in-council, McBride said: “it would be very unwise to give to the Indians such an unrestricted right.”<sup>82</sup> The province’s leading newspaper, the *Vancouver Province*, agreed. Resorting to social Darwinist rhetoric,

<sup>80</sup> *Times*, 7 November 1911.

<sup>81</sup> *Province*, 16 January 1912; *Colonist*, 16 January 1912. The right of Indians to pre-empt lands had been cancelled in the colonial period, but, since at least 1875, they had been able to petition the government for an order-in-council exempting them from this ban. See Harris, *Making Native Space*, 87–88. This permission was rarely, if ever, granted. In any case, the requirements of the pre-emption law were such that it would have been very difficult for a native person to fulfill them. See Robert E. Cail, *Land, Man, and the Law: The Disposal of Crown Lands in British Columbia, 1871–1913* (Vancouver: UBC Press, 1974), 205–6.

<sup>82</sup> *Sun*, 13, 14, and 17 February 1912. In a letter to the Friends of the Indians, McBride confirmed his argument that there was no question of Indian title being referred to the courts. See McBride to F.S. McTavish, Chairman, Friends of the Indians, 15 April 1912, BCA, GR-0441, vol. 392. Attorney General Bowser had asked E.V. Bodwell, a leading lawyer, to examine the arguments of the Friends. Bodwell advised that the only rights of the Indians were to the occupancy of the land for a special purpose such as hunting or fishing; that, since “the intrusion of the white race,” the Indian had had no legal title to the lands in question. He rejected the suggestion of referring the matter to the Privy Council or any other court since

it described the Indians as child-like in their “mental development,” people who, as “roaming savages,” never really “possessed settled places of abode for any great length of time and never regarded the soil as of any value.” It chastised the Friends who “stirred” them up and agreed with the government that the Friends’ claims were “entirely ridiculous.” Similarly, the *Colonist* remarked, “it is easy to prate about justice to the Red Man, who has received it in full measure already but there is such a thing as justice to the white man” – that is, the settlers. It contended that there was never “such a thing as an Indian title” in British Columbia and that the idea “never entered the minds of the Indians until it was suggested to them by officious white people.” In contrast, in its first issue ever, the Liberal *Vancouver Sun* asserted that the Indians “were the original occupants of the soil” who had “been deprived of all their ancient ownership and privileges by the invasion of the whites.” It attacked McBride’s “sparring attitude” towards the Friends, his failure to adopt a policy satisfactory to the Indians and their friends, and his refusal to submit the matter to the courts.<sup>83</sup> As its later comments revealed, partisan politics, not a belief that the Indians had title to the land, inspired the *Sun*’s criticisms.

While the province had interests in the land, the Borden government had concerns for the Indians who were its wards. Although, in the words of legal scholar Douglas C. Harris, it did not press the controversial land question “on behalf of a constituency that had no vote, with the prospect of antagonizing one that did,” in May 1912, Robert Rogers, the minister of the interior, told a delegation of BC Indians that his government would investigate their claims. While the Liberal press was pleased that the matter would be adjusted, and reproached McBride for his previous intransigence, it criticized federal interference and called for an investigation by a joint provincial and imperial commission. Yet, the *Sun* agreed with McBride that the province’s progress could not “be stayed or even seriously interfered with in order to adjust a matter which after all, considering the unfitness of the Indians for citizenship, is largely a sentimental one.” If the Indians were entitled to anything from the provincial government, it must be compensation, not restitution, since white men had created the land’s value.<sup>84</sup>

Ottawa’s first step was to send Dr. J.A.J. McKenna, the DIA’s inspector of Roman Catholic schools for the Prairie provinces, to Victoria.

---

the courts could not “examine the validity of an Executive Act” but could only “maintain and enforce it.” See E.V. Bodwell to Attorney General, 25 March 1912, BCA, GR-0441, vol. 149.

<sup>83</sup> *Province*, 25 January 1912; *Colonist*, 14 and 24 February 1912; *Sun*, 12 February 1912.

<sup>84</sup> Harris, *Landing Native Fisheries*, 166; *Sun*, 10 May 1912.

McKenna had had some experience in British Columbia, a visit to Victoria in 1897 in connection with one of the many efforts to have the Songhees surrender their reserve. When he returned in the summer of 1912, he was dealing with the much broader issue of Indian land title. In several discussions with McKenna, McBride refused to budge regarding his contention that “the Province’s title to its land is unburdened by any Indian title.” He would not refer the matter to the courts because, he frankly admitted, any “such reference ... would throw doubt upon the validity of titles to land in the Province.” McKenna agreed with the “seriousness of now raising the question” and so dropped it for the time being. Nevertheless, he observed: “the essence of the Indians’ complaint is the unstable character given to their title to land by the attitude of the Province and the consequent bar in the way of their full citizenship.” He believed they wanted to abandon the practice of holding land in common and hoped that McBride would let them pre-empt land, as the Dominion government had done within the Railway Belt,<sup>85</sup> and consider enfranchising them if the Dominion government did so. McKenna did not favour a commission to readjust reserves since it was likely to be “slow and expensive and prolific of unrest” and “lack the essential element of finality.” He reminded McBride that, if British Columbia were to retain Canada’s reputation “for just and humane dealing” with Aboriginal peoples, present and future reserves must be conveyed to the Dominion government to be held in trust for the benefit of the Indians. The idea of Indians having individual title to land did interest McBride, but he thought the proposition that all the lands belonged “to the Indians and not to the white people of this province” was “absurd.”<sup>86</sup>

McBride’s intransigence on the land question earned poor publicity abroad. In the summer of 1912, *The Times* of London published a long article prompted by a recent decision of the Judicial Committee regarding a claim of the Oka Indians to the ownership of a seigniori granted by the French Crown to the Sulpicians. The Judicial Committee gave the Indians the right to reside in designated places in the seigniori but did not clarify the exact status of their tenure. After noting that the rights of indigenous people were an issue in Africa and America, *The Times* described Ottawa’s traditional policy towards the Indians

<sup>85</sup> The Railway Belt was the unalienated Crown land twenty miles (32 km) on either side of the main line of the CPR in British Columbia, which, in return for an annual \$100,000 subsidy, the province gave to the federal government as part of the Terms of Union.

<sup>86</sup> McKenna to Sifton, 9 December 1897, LAC, RG10, vol. 3688, file 13,886-1; McKenna to McBride, 29 July 1912, BCA, GR-0441, v. 149; *Colonist*, 11 June 1912; *Columbian*, 12 August 1912; *Province*, 22 January 1913.

as “highly creditable” and concluded that North America should have “room for the remnant who have escaped the destructive civilization of the whites.” Yet, it also referred to the “acute state” of the controversy in British Columbia. In quoting the article, the *Sun* attacked McBride’s refusal to consider land claims and called for “simple justice” for a people “who, as a consequence of their helplessness, must rely upon the fairness and the honorable conduct of the authorities.” Over several months the *Sun* sketched the history of McBride’s dealings with the issue and condemned his refusal to grant the Indians justice, including not taking their land claims to court.<sup>87</sup>

On 24 September 1912, McKenna and McBride concluded an agreement to establish a commission subject to the approval of both governments. Late in November, the federal cabinet approved provided that both governments agreed to implement any settlement it recommended. When McBride and Bowser visited Ottawa they discussed Indian title with federal authorities.<sup>88</sup> McBride told the press that he planned to give the Indians suffrage rights, which he could do since the province controlled its own franchise,<sup>89</sup> and the right to own new lands after the transfer of present reserve lands desired by the provincial government. That, he said, would give the Indians “a reasonable amount for their lands now occupied.”<sup>90</sup>

In the meantime, McKenna met McBride and Bowser, toured the province, met “many representative Indians,” learned the nature of their grievance, and focused on extinguishing the provincial claim to an interest in the reserves in order to secure for British Columbia Indians “lands by the same title” as enjoyed by Indians elsewhere. He thought the proposed agreement was in the best interests of the Indians and the public because, under it, the provincial claim to reserves would be extinguished, inequalities would be adjusted with the province providing Crown lands, and existing reserves would be reduced only if the Indians

<sup>87</sup> *The Times* (London), 22 July 1912; *Sun*, 13, 17, and 24 August 1912, 5 December 1912, 20 March 1913.

<sup>88</sup> J.A.J. McKenna to Rogers, 26 October 1912, LAC, RLBP, no. 129067-9; Report from the Clerk of the Privy Council, 27 November 1912, copy in LAC, RLBP, no. 129063-4; *Fort George Herald*, 7 December 1912.

<sup>89</sup> British Columbia disfranchised Indians in the 1870s and did not restore that right until 1949. Under federal enfranchisement, enfranchised Indians lost any rights they might have had as Indians. The federal government did not give Indians generally the right to vote in federal elections until 1960.

<sup>90</sup> *Ottawa Evening Journal*, 8 November 1912.

consented. Had these hopes been fulfilled the story of land claims might have been quite different.<sup>91</sup>

At Port Simpson the diplomatic McKenna expressed his appreciation of “Sir Richard McBride’s comprehensive grasp of this very difficult question, his sympathetic interest in the welfare of the Indians, and his anxiety to reach a settlement that would be in the general public interest as well as in theirs.” The *Sun*, however, concluded that McKenna had “played into the hands” of the government, which wanted him on the proposed commission, a “scheme” hatched by McBride and Rogers “to dispose of the Indians’ claims behind their backs.”<sup>92</sup> The *Colonist* wondered, did the Liberals think that “the Provincial government should proceed forthwith to buy the province from the Indians?”<sup>93</sup>

Some Indians believed the government should buy the province from them. At a meeting in Vancouver, twenty chiefs accused McKenna of working for the favour of the provincial government, of not understanding them, and of being unfair. After a potlatch, Indians of the Skeena River villages formed a branch of the Indian Rights Association. They asserted that they wanted to end the reserve system, were entitled to own all the land, should be compensated for all the lands occupied by white men, and should have all unalienated land returned to them. At Kamloops, seventy-five chiefs attended a conference of the Indian Rights Association. Chief Basil of the Bonaparte Reserve recalled how McBride smiled as he said: “They had no rights, not even to the fish in the streams, or the deer and game in the forest. It was clear no help could be expected from the Government.” He referred to McBride “as a man who greeted them with a smile, shook them by the hand, and said they were good brothers, and treated them very kindly to their faces, then his actions were like a kick in the back.” Another delegate referred to McBride in Chinook: “King George man, delate cultus wawa” [King George’s man utters exceedingly bad words]. Chief Basil had not imagined this: in the Throne Speech debate the previous

<sup>91</sup> *Times*, 4 October 1912; McKenna to Rogers, 26 October 1912, LAC, RLBP, no. 7538. For a fine summary of the short-term results of the McKenna-McBride Commission, see Harris, *Making Native Space*, 241–61.

<sup>92</sup> *Times*, 28 September 1912; *Sun*, 5 December 1912. Fragmentary evidence suggests that McBride may have had a hand in the choice of McKenna. On 10 February 1913, Borden sent a telegram to McBride saying that it was likely that the federal government would appoint N.W. White of Nova Scotia and J.J. McKenna of the Department of the Interior. The next day, Borden wired that White would probably be appointed but his colleague would not likely be a government official. In the interval, McBride, who had not realized that the first telegram was confidential, had spoken to the press. Copies of the telegrams are in BCA, GR-0441, vol. 119.

<sup>93</sup> *Colonist*, 12 December 1912.

January, McBride had referred “to the preposterous claim” of the “self-styled” Friends of the Indians.<sup>94</sup>

In April 1913, the federal and provincial governments had completed their negotiations and selected their representatives to serve on the Royal Commission on Indian Affairs for the Province of British Columbia. McBride agreed with Rogers’s suggestion that Chief Justice Wetmore should chair the commission as he informed Borden that the provincial representatives would be J.P. Shaw and D.H. MacDowell. He urged that the commission be set up as soon as possible to take advantage of summer weather in order to travel.<sup>95</sup> Borden had already secured his approval of the appointment of N.W. White of Nova Scotia and of McKenna as the federal representatives. Once the appointments were made, Borden and McBride agreed that the two governments should share the cost of the commission and clarified that its responsibilities were confined to the land question and not to “general Indian policy,” although both governments would be prepared to receive “information as to Indian conditions and progress” and the commission’s suggestions respecting future policy and administration. McBride readily agreed: his main concerns were still dealing with Indian lands in order “to permit of sale of large areas now occupied so as to promote provincial development” and, of course, to avoid the bigger issue of Aboriginal title.<sup>96</sup>

Once the commission began its hearings, McBride was no longer directly involved but continued to express his opinions on Indian title. In November 1913, at a public meeting in Victoria attended by over one thousand people, he reviewed his government’s policies and reiterated his argument that the claim of the Indians “to practically the whole of the Province” could not be recognized. He agreed the Indians had “a right to enjoy the good things of the country,” and he was anxious that they share in provincial development and improve their lot; but, he insisted, “to look seriously upon the claim of the Indians would mean a revolution in our economic conditions that would be very disastrous

<sup>94</sup> *Sun*, 10 December 1912; *Omineca Miner*, 11 January 1913; *Inland Sentinel* (Kamloops), 13 December 1913; *Times*, 13 December 1913; *Colonist*, 22 January 1913.

<sup>95</sup> Harris, *Making Native Space*, 228–29; McBride to Borden, 18 March 1913, LAC, RLBP, no. 7399. MacDowell had been Conservative MP for Saskatchewan, NWT, 1887–1896; Shaw was the Conservative MLA for Kamloops.

<sup>96</sup> Borden to McBride, 10 February 1913, BCA, GR-0441, vol. 119; McBride to Borden, 23 May 1913, LAC, RLBP, no. 7460; Borden to McBride, 31 May 1913, LAC, RLBP, no. 7464; Borden to McBride, 31 May 1913, LAC, RLBP, no. 7465; McBride to Borden, 2/3 June 1913, LAC, RLBP, no. 7468.

indeed.”<sup>97</sup> Though McBride had retired to London by the time the Royal Commission reported in 1916, he should have welcomed its findings. He had avoided a court case that might have recognized Aboriginal title to the lands of British Columbia to the detriment of the non-Aboriginal community. Instead, as he had long wanted, there had been a commission, a form of arbitrament, and it had generally agreed with his belief that lands unused by the Indians should revert to the province, which could use them for the purposes of white settlers. No doubt too he would have felt satisfied when, contrary to the Indian Act, the federal and provincial governments subsequently removed large areas of land from reserves without aboriginal consent.<sup>98</sup>

While McBride always called for justice for the Indians and claimed to have friends among them, his treatment of them was often patronizing. Moreover, although he was prepared to have the province pay for reserve land adjacent to cities, as in the case of the Songhees and Kitsilano reserves, his principal concern was to make reserve lands available for development and settlement by the non-Aboriginal population. Until 1913, British Columbia experienced rapid growth, and it anticipated more. Because of its mountainous nature, land that was suitable for transportation facilities, industry, or agriculture was limited. Land sales also provided a significant source of the provincial government’s revenue. Thus, seemingly unused reserve lands were attractive to the government and its citizens.

In addition, conflicts with the federal government could complement McBride’s campaign for Better Terms (a larger cash subsidy from Ottawa). Gaining provincial control of unused reserve lands was politically useful, especially while the Liberals under Wilfrid Laurier were in office in Ottawa. For example, McBride complained, in 1908, that “for some inexplicable reason” the federal authorities had “a very grasping and unfair spirit” towards extinguishing the province’s rights in the reserve lands that the Indians did not appear to be using. However, as the dispute over the Kitsilano Indian Reserve would reveal, he could also quarrel with a Conservative government in Ottawa if he thought it necessary in order to protect the interests of British Columbia.<sup>99</sup>

<sup>97</sup> *The Week*, 29 November 1913. The federal government enacted the British Columbia Indian Lands Settlement Act in 1921 to confirm the decisions of the McKenna-McBride Commission. See Canada, *Statutes*, 10–11 Geo V, c. 51.

<sup>98</sup> Chief Joe Mathias and Gary R. Varsley, “Conspiracy of Legislation: The Suppression of Indian Rights in Canada” *BC Studies* 89 (1991): 36.

<sup>99</sup> *Colonist*, 9 June 1908.

Perhaps the last word on McBride's dealings with the Indians should go to Denis Peter of Ruby Creek, who, at a conference of Indian chiefs at Spence's Bridge in June 1916, commented: "Look at Sir Richard McBride. He went away from British Columbia with a load of gold upon his back. Whose money was it? It was the Indians."<sup>100</sup> That judgment was too harsh, given McBride's relative personal penury in 1915, but his stubborn insistence that the Indians had no claim to British Columbia's lands beyond the reserves that they used certainly makes it understandable.

---

<sup>100</sup> *Times*, 23 June 1916.