

“UNTIL WE RECEIVE JUST TREATMENT”:

The Fight against Conscription in the Naas Agency, British Columbia

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IN LATE NOVEMBER 1917, the Tsimshian of Port Simpson and the Nisga'a on the Naas River (present-day Nass River) sent identical petitions directly to Prime Minister Borden, leader of the opposition Wilfrid Laurier, and, for good measure, the Department of Indian Affairs (DIA). Based on Native peoples' status as defined in the Indian Act, the two bands protested their inclusion in the Military Service Act. Individually, men in the two bands could apply for exemption from military duty as fishers, farmers, or workers in other essential industries, or if they had significant domestic responsibilities. They could not, however, apply for an exemption on the basis of being Native, and this the petitioners denounced as unjust. The Port Simpson and Nisga'a protesters decried the Military Service Act's inclusion of Native men because, as they put it: "at no time have our Indians had any say in the making of the laws of Canada."¹ In addition, the Nisga'a argued specifically that, as they were wards of the government, the "Department at Ottawa" was wrong in deciding that the Military Service Act applied "to the Indians in the same manner as it [did] to White people who [were] British subject[s]." If they were to be conscripted, the petitioners wanted some reciprocal move towards citizenship and away from Indian Act-based dependency, and they "beg[ged] the Government to open the Door for [them] to come forward and to fulfill [their] duty to [their] King and Country."²

This article places these protests against conscription within the context of the pre-war challenges that these communities presented to

¹ Petition of the Port Simpson Band to Prime Minister Robert Borden, Wilfrid Laurier, and the Indian Department [Department of Indian Affairs] 2 November 1917, Library and Archives Canada (hereafter LAC), RG 10, vol. 6768, file 452-20, pt. 1.

² Petition of the Nisga'a Tribe to D.C. Scott, n.d. (before the 29th) November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

the DIA and to the authority of the Indian Act. The members of the Naas Agency were by no means the only protestors in British Columbia, but they were a focal point of the political activity that informed much of the debate regarding conscription in Native communities. By focusing on activity on the Naas before and during the First World War, this article illustrates the importance of pre-war arguments to the conscription debate and reveals how the contents and contours of that debate shaped the larger struggle over Native administration and landownership in British Columbia. By focusing on Native groups who were not among His Majesty's Indian Allies, it also offers a detailed counterpoint to the common narrative that portrays Native groups as appealing to traditional relationships between themselves and the British Crown.

Tsimshian and Nisga'a peoples living along the Naas River had resisted white encroachment on their land as well as the authority of the DIA for a generation prior to the introduction of conscription in 1917. Canada's involvement in the First World War meant that new programs and expanded powers spilled onto reserves. And, although these were seemingly temporary in nature, they violated Native treaties and rights in the name of the war effort.³ In the Naas Agency (and in British Columbia more generally), the government's insistence that Native men were subject to conscription allowed Native communities the legal space to question the legitimacy and validity of the Indian Act as evidenced in the above-mentioned petitions. From the perspective of Native political activists, such questioning formed the basis of both their offence and their defence. These activists attempted to protect whatever rights and privileges they could against the very real threat of forced overseas military service while, simultaneously, seeking to expand and/or legitimize other claims, particularly that of Aboriginal title.

The Port Simpson Tsimshian and Nisga'a argued that, as Native peoples under the Indian Act, they were denied the privileges of citizenship and so should not be obliged to perform the duties of

³ The government's use of war programs to overstep Native treaty rights has been the focus of several land-based studies. See James Dempsey, "The Indians and World War One," *Alberta History* 31 (Summer 1983): 1-8; Sarah Carter, "Infamous Proposal: Prairie Indians Reserve Land and Soldier Settlement after World War I," *Manitoba History* 37 (Spring-Summer 1999): 9-21. Duncan Campbell Scott of the Department of Indian Affairs suggested, and I have studied how the government hoped, that soldiering would further the goal of assimilating Native peoples. See D.C. Scott to Hector B. Charlesworth of *Saturday Night Magazine*, 31 May 1916, LAC, RG 10, vol. 3180, file 452, 124-1; "Indians in the War," *Winnipeg Evening Tribune*, 3 October 1918, LAC, RG 10, vol. 3181, file 452, 124-1A; Katharine A. McGowan, "In the Interest of the Indians: The Department of Indian Affairs, Charles Cooke and the Recruitment of Native Men in Southern Ontario for the Canadian Expeditionary Force, 1916," *Ontario History* 102, 1 (2010): III-26.

citizenship, even in times of war. Further, they made no attempt to mask the linkage between their general interests and the new demands conscription placed on their men. The petitioners used their unresolved appeal for the recognition of Aboriginal title as an exclamation point to their conscription protests. To emphasize their disenfranchisement and their pre-existing hostility towards the federal and provincial governments, the two bands asserted that their "land case" had languished in the government's hands for "a very considerable time" without any resolution.⁴

A broad spectrum of groups and individuals across Canada contested conscription on a variety of points, usually following (or exacerbating) existing fault lines within Canadian society. Whether they occurred between French and English Canadians, between urban and rural dwellers, between residents of western and eastern Canada, or between labour and management, historians have typically framed these battles in terms of the powerful dictating to the weak.⁵ Following this frame, James Walker notes that, almost universally, Native peoples opposed conscription (regardless of their participation in other war programs) on the basis that they were disenfranchised and were parties to treaties

⁴ Petition of the Nisga'a Tribe to D.C. Scott, n.d. (before the 29th) November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁵ Granatstein and Hitsman assert that "no single issue has divided Canadians so sharply as conscription," partially because it always seemed "imposed on one segment of the population by the other." Indeed, the above-noted divisions do not include the complete list of divisions for and against conscription, which also include religious division, conscientious objectors, immigrants (or, rather, anti-immigrant sentiment). More recently, Granatstein has reconsidered his negative analysis of conscription, introducing the military needs to the socio-political debate, but historians have generally focused on how conscription exacerbated existing fissures in the country's social fabric. Additionally, historians have investigated groups (other than First Nations) that offer more than simply a rejection of conscription; labour interests, for instance, argue a conscription of wealth (taxation directed at the wealthy), while farmers argue a conscription of work (conscripts doing farm labour rather than fighting) for essential labour. See J.L. Granatstein and J.M. Hitsman, *Broken Promises: A History of Conscription in Canada* (Toronto: Oxford University Press, 1977), 1; J.L. Granatstein, "Conscription in the Great War," in *Canada and the First World War: Essays in Honour of Robert Craig Brown*, ed. David MacKenzie (Toronto: University of Toronto Press, 2005), 62-75; Carl Berger, "Introduction," in *Conscription 1917*, ed. Ramsay Cook, Craig Brown, and Carl Berger (Toronto: University of Toronto Press, 1969), viii; Elizabeth Armstrong, *The Crisis of Quebec, 1914-1918*, (New York: AMS Press, 1937); John Dickinson and Brian Young, *A Short History of Quebec*, 2nd ed. (Montreal and Kingston: McGill-Queen's University Press, 2000), 241-43; Robert Rutherford, *Hometown Horizons: Local Responses to Canada's Great War* (Vancouver: UBC Press, 2004), 165-77; John Herd Thompson, *The Harvests of War: The Prairie West, 1914-1918* (Toronto: McClelland and Stewart, 1978), 115-46; W.R. Young, "Conscription, Rural Depletion, and the Farmers of Ontario, 1917-1919," *Canadian Historical Review* 53 (1972): 289-319; Robert Craig Brown and Ramsay Cook, *Canada 1896-1921: A Nation Transformed* (Toronto: McClelland and Stewart, 1974).

that prohibited conscription.⁶ Yet these asymmetries contained within the Indian Act predated the war, and the Port Simpson and Nisga'a petitioners were quick to use the issue of conscription as a new platform from which to address long-standing grievances.

TWO GENERATIONS OF POLITICAL CULTURE AND PROTEST IN THE NAAS AGENCY, 1880-1915

The Port Simpson and Nisga'a arguments against conscription were part of a generation-old effort by Native peoples along the Naas and Skeena rivers to protect their land against white encroachment and their rights against non-Native authority. Beginning in the 1880s, groups from both nations sent delegations to major non-Native centres of power. These parties included Nisga'a chief Mountain's protest to provincial authorities in Victoria in 1881 and that of Tsimshian chiefs John Tait, Edward Mathers, and Herbert Wallace to Prime Minister Macdonald in Ottawa in 1885 (they were also joined by missionary William Duncan). Petitions from the chiefs of both nations demanding that non-Native authorities recognize Aboriginal title, sign treaties with Native bands, and allow for and recognize the establishment of self-government among these bands drew a two-member federal-provincial commission to Kincolith, Naas Harbour, and Port Simpson in 1887. There, Native witnesses

⁶ James W. St. G. Walker, "Race and Recruitment in World War I: Enlistment of Visible Minorities in the Canadian Expeditionary Force," *Canadian Historical Review* 70 (1989): 1-26. Brian Titley, in *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: UBC Press, 1986), 39, largely compares the outcome of the conscription debate – the eventual exemption of Native men from conscription – with the estimated 3,500 to 4,000 Native recruits in order to underline the voluntary nature of Native soldiering. The best discussion of the fight against conscription to date remains L. James Dempsey's *Warriors of the King: Prairie Indians in World War I* (Regina: Canadian Plains Research Centre and University of Regina, 1999), 39-41. P. Whitney Lackenbauer, in *Battle Grounds: The Canadian Military and Aboriginal Lands* (Vancouver: UBC Press, 2007) 88, 99, addresses the tensions and bitterness over conscription among members of the Six Nations. Works focusing on conscription of Native men in the Second World War (and largely arguing that it violated Native peoples' rights and relationships with the Canadian government) include: L. James Dempsey, "Alberta's Indians and the Second World War," in *For King and Country: Alberta in the Second World War* (Edmonton: Provincial Museum of Alberta, 1995), 39-52; Michael D. Stevenson, "The Mobilisation of Native Canadians during the Second World War," *Journal of the Canadian Historical Society* 7 (1996): 205-26; Hugh Shewell, "James Sioui and Indian Political Radicalism in Canada, 1943-4," *Journal of Canadian Studies* 34, 3 (1999): 211-43; R. Scott Sheffield and Hamar Foster, "Fighting the King's War: Harris Smallfence, Verbal Treaty Promises and the Conscription of Indian Men, 1944," *University of British Columbia Law Review* 33, 1 (1999): 53-74; R. Scott Sheffield, *The Red Man's on the Warpath: The Image of the "Indian" and the Second World War* (Vancouver: UBC Press, 2004), 46, 49, 51, 57. The role of this debate in the Second World War is discussed in further detail later in this article.

argued (unsuccessfully) that, as they were already equal with whites in God's eyes they should also be equal with whites under the law.⁷

This mixture of Christianity and Aboriginal political activism illustrates missionary influence, which began before the start of white resettlement in the late nineteenth century. The original missionary model settlements of Metlakatla, Greenville (Laxgalts'ap), and Kincolith (Gingolx) entrenched a Christian presence in the area that would become the Naas Agency.⁸ Anglican missionaries established the Nisga'a-language (and later the English-language) *Hagaga: The Indians' Own Newspaper* at Aiyansh in 1891. Over time, the paper's staff included a growing number of local Nisga'a, and *Hagaga* offered local white and Nisga'a writers a forum for discussing issues of local interest while also encouraging English proficiency among the Nisga'a.⁹

While Native peoples along the Naas and Skeena rivers adjusted to changing demographics and religions, over one thousand kilometres to the south, in Victoria, their physical world was also being redrawn. Governor Sir James Douglas created a small number of reserve allotments in the 1850s, but British Columbia's colonial administrators significantly reduced those initial land parcels in the two decades before Confederation. The slightly more than four hectares per family policy of the colonial government was inconsistent with the Dominion's promise of 64.75 hectares per family in the numbered treaties signed across the Prairies.¹⁰ British Columbia and Canada began an awkward dance over jurisdiction. The two governments clashed over who controlled reserve land, who was entitled to resources found on or under reserves, and who

⁷ Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990), 55, 61, 63; Tom Molloy with Donald Ward, *The World Is Our Witness: The Historical Journey of the Nisga'a into Canada* (Calgary: Fifth House, 2000), 21, 23.

⁸ Adele Perry, *On the Edge of Empire: Gender, Race, and the Making of British Columbia, 1849-1871* (Toronto: University of Toronto Press, 2001), 107; Daniel Raunet, *Without Surrender, Without Consent: A History of the Nisga'a Land Claims* (Vancouver: Douglas and McIntyre, 1996), 47-61.

⁹ Tennant, *Aboriginal Peoples*, 85; Raunet, *Without Surrender*, 132.

¹⁰ The Dominion later reduced its provision to 32.4 hectares (eighty acres) per family and the province raised its allowance to slightly more than 8 hectares – both eventually abandoned the hard 4 hectares per family method of designing reserves. See Dominion of Canada, *Final Report for the Royal Commission on Indian Affairs for the Province of British Columbia* (Victoria: Acme Press for the Dominion of Canada, 1916), 16; Hugh Shewell, "Enough to Keep Them Alive": *Indian Welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2004), 29; Cole Harris, *The Resettlement of British Columbia: Essays on Colonialism and Geographical Change* (Vancouver: UBC Press, 1997), 85-86.

should decide how much territory could and should be allotted to the province's original inhabitants.¹¹

Forty years after British Columbia joined Canada, and its Native populations were brought under the jurisdiction of the Indian Act, Native people living in the Naas Agency asserted that they were "beginning to see" the reserve system and the methods of non-Native authorities in ways that their grandparents had not.¹² A new generation of political organizers sought to combine Native interests and tradition with a better understanding of the attitudes and practices of non-Native authorities. Disappointed and frustrated in dealings with the various levels of government, Charles Barton of Kincolith established the Nisga'a Land Committee in 1907, its purpose being to represent multiple Nisga'a clans through a rotating leadership. Interestingly, although Barton and the committee members were committed to maintaining Nisga'a traditions, in an effort to command attention from non-Native authorities they decided to wear business suits.¹³

As the town of Prince Rupert grew, the Nisga'a Land Committee worked with the neighbouring Port Simpson Tsimshian to defend Native ownership and use of land.¹⁴ Building on this collaboration, members of the Nisga'a Land Committee looked to nations located some distance from the Naas River for allies, and, with the Coast Salish, formed the Indian Rights Association in 1909.¹⁵ These organizations eagerly anticipated the BC Royal Commission on Indian Affairs, 1912-16 (hereafter the McKenna-McBride Commission), and prepared to represent and defend the existence of Aboriginal title to the commissioners.

¹¹ The provincial government believed it had not given up the right to surface and subsurface resources on Native land that was under Dominion jurisdiction. The province also wanted all land to revert to the provincial government when Native people surrendered it. See Deidre Sanders, Naneen Stuckey, Kathleen Mooney, and Leland Donald, "What the People Said: Kwakwaka'wakw, Nuuchah-Nulth, and Tsimshian Testimonies before the Royal Commission on Indian Affairs for the Province of British Columbia, 1913-1916," *Canadian Journal of Native Studies* 19, 2 (1999): 213-48; Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press, 2002), 217.

¹² *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, LAC RG 33 M104 78903/15, pp. 4, 22.

¹³ Tennant, *Aboriginal Peoples*, 86.

¹⁴ *Ibid.*, 87.

¹⁵ The Nisga'a Land Committee did not cease to exist with this new institution, and, although they were actively involved in the Indian Rights Association, the Nisga'a remained committed to their own issues as well. Tennant, *Aboriginal Peoples*, 87, 93.

SETTING THE STAGE: IMMEDIATE
PRE-CONSCRIPTION ATTITUDES TOWARDS
LAND AND IDENTITY IN THE NAAS AGENCY

In 1915, two years before the introduction of the Military Service Act, Tsimshian chief Charles Nelson of the Kitsumkalum stood among his fellows and faced the McKenna-McBride Commission during its visit to the Naas Agency. Nelson demanded one simple thing of the assembled provincial and federal representatives: “a paper saying that this land is yours and here is your title, and when you want to dispose of this land you can sell it to anyone who wants to buy it.” Essentially, Nelson wanted to own his land “just like a white man”; he did not want a reserve, and he certainly did not want the government to hold his land in trust for him.¹⁶ The Kitsumkalum’s life on the reserve was “not [a] free life,” and another band member demanded: “let us be free; that is what we want because God gave us [l]and to live on.”¹⁷ According to Nelson, the separate legal, economic, and physical existence that the Indian Act and the DIA created for him and his fellows was unjust and harmful to Native peoples’ present and future success. The chief’s declaration challenged the McKenna-McBride commissioners’ purpose (i.e., to confirm the sizes of reserves across British Columbia once and for all) and undermined the authority of DIA administration as immoral, illegal, and unwanted.¹⁸

Nelson’s comments were not unique. Many residents of the area between the south bank of the Skeena River and the headwaters of the Naas River rejected the allotment of reserves as an infantilizing

¹⁶ *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, II.

¹⁷ *Ibid.*, 2.

¹⁸ The work of the Royal Commission on Indian Affairs in the Province of British Columbia arose from the dual assumption that Aboriginal title was extinguished and that the needs of British Columbia’s Native populations on reserve would not increase in the future (suggesting both the federal and provincial governments’ faith in the completion of Native peoples’ assimilation into white society and/or in their dying out). Unlike land sales in the previous century, any territory the McKenna-McBride Commission removed from reserves would be divided and sold at public auction with profits divided between the province (for its exclusive use) and the Dominion (to be held in trust for the Native peoples whose land had been sold). In theory, however, any land sales could only occur after the band council in question had approved all the commission’s adjustments as per the Indian Act. Given the commissioners’ direct authority from the governor general (the declaration of which opened public forums on the respective reserves), and the dual assumptions, on the part of both federal and provincial governments, that their decisions would be the final word on Native land issues in the province and that whites were superior to Natives, this consideration of band council decisions seems less like an obstacle and more like a technical formality or legal nicety. See Harris, *Making Native Space*, 129; Dominion of Canada, *Final Report*, 19; Shewell, *Enough to Keep Them Alive*, 28.

and restrictive method of managing their lives and affairs. One Native witness before the McKenna-McBride Commission at Port Essington remarked that the reserve system might work elsewhere in the country but that he certainly did not think that it worked at the Naas Agency; rather, he believed that living on reserves kept Native peoples “babies all the time.” In his words: “we want to grow and these reserves are a hindrance to our growth.”¹⁹

William Leighton of Metlakatla pointed out that, unlike many immigrant Canadians, he and his fellow Native men could not vote and that Native peoples were not recognized as persons under the Indian Act. When the commission chairman pointed out that Native peoples enjoyed several unique privileges under the Indian Act (specifically, not having to pay taxes), Leighton asserted that the burdens of non-enfranchisement far outweighed its benefits and that he believed members of his community were generally too poor to pay taxes.²⁰ The large bureaucratic system of the far-off DIA had recently imposed on British Columbia’s Native peoples a number of reserves distinguished by ever-changing borders and dubious legitimacy. These reserves had neither the historical antecedents of the more easterly reserves nor the legal foundations of the numbered treaties. Therefore, when Chief Nelson asked for “a paper,” he spoke for a people who knew they were the original occupants of the land but had no treaty or document to define and defend their title.

Unfortunately for numerous witnesses across the province who attempted to raise this issue, the commissioners would not even discuss Aboriginal title. Frustrated by this refusal and/or inability to address what indigenous peoples perceived as the fundamental issue of land, one witness dismissed the commission as useless: “We are sorry that we expected to go more fully into the land question but seeing that they [the Commissioners] are not empowered to do so it would be useless

¹⁹ *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, 6. These anti-Indian Act or anti-Department of Indian Affairs sentiments were not unique to the Naas Agency. Residents of the Babine Agency, for instance, requested that the government repeal the Indian Act, and they challenged the idea that the government held their land in trust in the form of reserves: “we know the Reserves are only temporary and don’t belong to us and they go back again to the Government.” See *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Babine Agency, 15 April 1915, LAC, RG 33, M104, 78903/15, p. 1.

²⁰ The issue of taxation ought to be clarified: principally, they were discussing that point of sales tax as personal income tax had yet to be introduced in Canada. See *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, 27–28.

for us to say any more on the subject."²¹ At Port Simpson, disaffected and disappointed witnesses proved so reluctant to answer the commissioners' questions that the chairman concluded the hearings with the warning: "if members of this Tribe later on discover that some of the other Tribes have faired [*sic*] better than they themselves at the hands of the Commission [it would be their own fault] for not having answered our questions more clearly."²²

The members of one group of anonymous petitioners from the Naas Agency argued that they were "the lawful and original inhabitants and the possessors of all the lands" along the Naas River, "from time immemorial." Appealing to the recognition of Aboriginal claims to land in the Royal Proclamation of 1763, they held that they were "standing well within ... [their] constitutional rights" to "forbid" the non-Native authorities to stake "off land in [the] valley, and [they] protest[ed] against [such authorities'] proceeding further into [their] country with that end in view."²³

Their circumstances, they insisted, differed from those in other areas covered by treaties, rendering baseless the authority of the DIA in British Columbia. While Chief Nelson wanted to own his land outright rather than have it administered by another party, the unnamed petitioners argued that, in the Naas Agency, any discussion of land between Native peoples and the government was based on a false foundation and ignored the Native peoples' rights as original occupants. Both complainants wanted to take back control of the land, and they challenged the federal (and, by extension, the provincial) government's right to dictate how

²¹ *Ibid.*, 38.

²² *Ibid.*, 49. Some Native witnesses may have been concerned with what their agent said regarding questions of land and water usage on the reserve. In his private examination in Victoria in December 1915, Agent Perry presented a very biased account of an exchange between the Naas Agency residents and the City of Prince Rupert over a water pipeline to the commissioners. He described the \$200,000 price (and a \$500/year rent for the right of way) that the Native representatives put on the land and access to the watershed for a new pipeline to the city as a "ridiculous figure." Perry argued that the city representatives had been "high-handed" in their decision to lay the pipeline regardless of the feelings or consent of Native people, who had lodged a complaint against the city with Inspector A.M. Tyson. Yet, despite his admonishment of the city's behaviour in the interim, Perry sided with the city and asserted that Native people should sell the land around the pipeline. While the protest against the commission on the grounds that it failed to address the question of Aboriginal title – the basis for all land questions – was a valuable and important one, on questions such as the pipeline, the commissioners had only the Indian agent's testimony, which was not in the Native peoples' favour. See "Examination of Agent Charles Perry of the Naas Agency at the Bard Room in Victoria," *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, 22–33.

²³ *Ibid.*, 76–77.

land was distributed and the nature of Native peoples' legal rights within the province.

Debate about landownership and rights extended beyond the Naas Agency. Expecting the McKenna-McBride Commission's report, Andrew Paull of the Squamish Reserve north of Vancouver held a conference there in June 1916, at which sixteen Native groups (from both the Coast and the Interior) formed the Allied Indian Tribes of British Columbia by uniting the Indian Rights Association and the Interior Tribes of British Columbia.²⁴ They immediately sought to bring land claims through the Canadian court system to the Judicial Committee of the Privy Council in London, arguing the existence of Aboriginal title and seeking treaties with Canada and self-government within their own communities.²⁵ Thus, when residents of the Naas Agency (and other Native peoples across the province) learned that they were expected to register with the military authorities and might be forced to serve overseas, they already had political organizations through which to respond.

CONSCRIPTION AND THE NAAS

In the spring of 1917, Prime Minister Borden determined to supplement Canada's over-extended volunteer soldiers with conscripts. In July, Parliament passed a selective service (conscription) bill, the Military Service Act.²⁶ Over the summer and fall of that year, beginning before the act passed into law, Native chiefs, councils, and other interested parties flooded the DIA, the Department of Militia, and the Department of Justice with petitions, inquiries, and opinions regarding whether

²⁴ The Allied Indian Tribes of British Columbia is also referred to in this article as the Committee of Allied Tribes of British Columbia. The Kootenay, Lillooet, Nlaka'pamux, Okanagan, Shuswap, Chilcotin, one Carrier group, mainland Coast Salish, Kaska-Dena, Tahltan, Cowichan, Nisga'a, Tsimshian, Haida, and Gitksan all had representatives at Paull and Kelly's conference (Tennant, *Aboriginal Peoples*, 93-95). For a further discussion of Andrew Paull's advocacy on behalf of Aboriginal treaty rights with the Canadian government, and his encouragement of English proficiency on the reserve in order to advance those broader political goals, see Brendan F.R. Edwards, "I Have Lots of Help behind Me, Lots of Books, to Convince You': Andrew Paull and the Value of Literacy in English," *BC Studies* 164 (Winter 2009): 7-30.

²⁵ The Nisga'a Land Committee did not cease to exist with this new institution, and, although it was actively involved in the Indian Rights Association, the Nisga'a remained committed to their own issues as well. See Tennant, *Aboriginal Peoples*, 87, 93.

²⁶ Frances W. Harbour, "Conscription and Socialization: Four Canadian Ministers," *Armed Forces and Society* 15 (1989): 227-47; Robert Rutherford, *Hometown Horizons: Local Responses to Canada's Great War* (Vancouver: UBC Press, 2004), 156.

Native men were subject to the Military Service Act.²⁷ It was a necessary question since, as Deputy Minister of Justice Edmund Leslie Newcombe explained to Deputy Superintendent General of Indian Affairs Duncan Campbell Scott (the DIA's head bureaucrat), his ministry had not considered Native men when it crafted the act. Now faced with arguments that Native men ought to be exempt because of their unique status as wards within the Canadian legal framework and/or because of specific treaty provisions, Newcombe sought Scott's advice.²⁸

Scott told Newcombe that, despite Native peoples' status as wards of the Crown, "the policy of the Department [of Indian Affairs] is that the [Military Service] Act should apply to Indians" and that "there are no existing treaties which promise immunity from military service."²⁹ Scott dismissed the applicability of the treaties to the Military Service Act; however, on the question of citizenship, he argued that the law applied to all *British subjects*, into which category he placed Native men. Although he assured one of his agents that "the officers of [the DIA were] not responsible for the enforcement of the [Military Service] Act," Scott sent the Military Service Council a list of all his agents, their addresses, and estimates of the number of eligible men living in their respective agencies in order to facilitate the process of conscripting their wards.³⁰

Native men would be expected to register with the military authorities, as would all other Canadian men, by 17 November 1917. Native men between the age of twenty and forty-five (initially) were to fill out forms available at the local post office, present themselves to the local medical board to be evaluated for combat readiness, and (if they could) present their case for a domestic, work, or conscientious exemption from combatant service to the local tribunal.³¹ The Ministry of Justice eventually extended the deadline for Native registration to 1 February 1918 in response to a series of miscommunications with agents and difficulties in

²⁷ The appeals are too numerous to list in their entirety. Please see LAC, RG 10, vol. 6768, file 452-20, pt. 1.

²⁸ For examples of specific appeals based on one or both of these two issues, please see Deputy Minister of Justice E.L. Newcombe to D.C. Scott, 26 September 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

²⁹ D.C. Scott to Deputy Minister of Justice E.L. Newcombe, 1 October 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

³⁰ D.C. Scott to Indian Agent McKenzie, 24 October 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; D.C. Scott to Secretary Captain J.W. Jenkins of the Military Service Act, 15 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

³¹ Tom Longdeer to D.C. Scott, 5 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; Office of the District Military Representative for the Administration of the Military Service Act (Military District No. 2) Instructions to Local Military Representatives at Local Tribunals, LAC, RG 24, G.A.Q. WWI, vol. 1842, file 10-47 A.

overcoming the practical problems of language barriers, the geographic isolation of reserves (a particular problem in many of the remote areas of British Columbia), and the fact that many Native men worked as hunters and loggers in far-flung corners of the country.³² Despite its refusal to recognize a legal difference between Native and non-Native men, the DIA did instruct its agents as follows: “it is not practicable and you are therefore not expected to take any special action to call in the Indian hunters who are *maintaining themselves in their aboriginal way*” (emphasis in original).³³ Through all these practical difficulties and Scott’s determination to silence Native claims of special legal status and treaty conditions, chiefs and band members across the country engaged in fierce legal and moral battles with government officials over whether they and their men could be forced to fight for Canada.

A week before the Port Simpson signatories posted their petition, Naas Agency Indian agent Charles Perry told Scott that he had received death threats over the possible imposition of conscription. While Perry dismissed the threats to himself (he claimed such threats were frequently hurled during land claim debates in the agency), he warned the DIA that the residents of his agency were “feeling very bitter and [were] holding frequent and lengthy [*sic*] meetings in which their statements [were] quite hostile and drastic.”³⁴ At these meetings, attendees asserted that their ward status excluded them from the Canadian political process and, hence, from conscription. They even suggested that “the war was started on purpose [so] that the Government might bring the Indians into it and kill them.” According to Perry, if the preceding assertion were true, the gathered men said they would rather fight against the

³² “Circular No. 86: Circular Memorandum to Registrars and Deputy Registrars” from the Department of Justice Military Service Branch, 16 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1. Such concerns were raised by Indian Agent Hogan (Thessalon, Ontario) to Secretary J.D. McLean, 13 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; Indian Agent Bosse (Bersimis, Quebec) to Secretary J.D. McLean, 11 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; Indian Agent Bastien to Secretary J.D. McLean, 8 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; Indian Agent Pitre (Restigouche, Quebec) to D.C. Scott, 7 October 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; Indian Agent Taillon (Lake of the Two Mountains, Quebec) to D.C. Scott, 10 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; Indian Agent Wright (Fort Frances, Ontario) to D.C. Scott, 8 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1. In an attempt to better understand all these concerns, Scott sent a general letter to all agents regarding whether they had been able to convince “their” Indians to register and, if necessary, claim exemption. See D.C. Scott to all Indian Agents, 12 November 1917, LAC, RG 10, vol. 6768, file, 452-20, pt. 1.

³³ Memorandum from D.C. Scott to all Indian Agents, 31 January 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

³⁴ Indian Agent C.C. Perry to D.C. Scott, 11 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1. Bitter conflicts around Metlakatla land disputes had occurred at the time of Duncan’s fall from grace among the Anglicans. See Raunet, *Without Surrender*, 84.

British forces than for them.³⁵ To add to the seriousness of the situation, members of the Naas Agency had left their work in the lumber camps of Swanson Bay, where they cut spruce timber for military airplanes, and returned home in apparent anticipation of a conflict over conscription.³⁶

The strong reaction against conscription in the Naas Agency communities stood in sharp contrast to what Indian Agent Perry assessed as praiseworthy expressions of loyalty to the British Crown and the Canadian cause. In 1916, Perry assessed his efforts to involve the Naas Agency in Prince Rupert's war activities (such as fund raising and patriotic rallies) as generally successful: "to date the response has been most loyal where it has been possible for me to interest the Indians" in the wider Canadian war effort.³⁷ He boasted to his superiors in Ottawa of a Metlakatla band meeting in which "leading Indians" spoke of the Canadian and Imperial governments with "most graceful and pleasing sentiments throughout."³⁸ When some speakers expressed a desire to place the money they donated to the war effort, and the baskets and socks the band's women had produced at King George's feet, Perry sought some "imperial acknowledgment" as he believed the band wanted its generosity to be recognized.

The Metlakatla donations, and the associated patriotic pronouncements, were mirrored elsewhere in the country. The DIA recorded \$44,545.46 in donations from Native peoples, of which \$5,047.36 came from British Columbia and \$1,140 from the Naas Agency.³⁹ These do-

³⁵ Indian Agent C.C. Perry to D.C. Scott, 11 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1. This was not the first time members of the Naas Agency asserted that the government was seeking to kill them off through soldiering. While on a Native-specific recruiting trip, former Indian inspector A.M. Tyson reported that, while at the Naas Agency, he had heard that "the Indians had been told by White men that the reason for enlisting Indians was to get them all killed off." See Inspector A.M. Tyson to the Department of Indian Affairs, 19 March 1917, LAC, RG 10, vol. 3181, file 452,124-1A.

³⁶ Inspector W.E. Ditchburn to D.C. Scott, 20 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

³⁷ Indian Agent C.C. Perry to Secretary J.D. McLean, 17 March 1916, LAC, RG 10, vol. 6762, file 452-2, pt. 1.

³⁸ On 21 November 1914, despite a bad year of tuberculosis, the Metlakatla Band resolved to donate fifty dollars from its band funds to the Canadian Patriotic Fund, in addition to the ninety dollars that the women of the reserve had already collected at a village basket social. Indeed, the Tsimshian women had established an arrangement with the Prince Rupert Women's Auxiliary to knit socks for Canadian troops. See Indian Agent C.C. Perry to Secretary J.D. McLean, 23 November 1914, LAC, RG 10, vol. 6762, file 452-2, pt. 1; Dominion of Canada, *Annual Report of the Department of Indian Affairs for the Year Ended March 31* (Ottawa: C.H. Parmelee, King's Printer, 1915), 332; Indian Agent C.C. Perry to D.C. Scott, 17 March 1916, LAC, RG 10, vol. 6762, file 452-2, pt. 1.

³⁹ The additional \$1,090 from the agency went to local patriotic funds. The DIA's records may easily have overlooked individual donations that went unrecorded or unnoticed by Indian agents. For instance, the DIA recorded no donations from the Maritimes. See Dominion of

nations were frequently accompanied with proclamations of loyalty to the British Crown, about which Scott commented: “the munificence of their contribution in proportion to their numbers is a pleasing commentary upon the success of the measures taken by the Government for their advancement.”⁴⁰ From Bella Coola, Indian Constable Charles Tucker claimed that “several” young men in the area had asked him what they could do (both in terms of enlisting and donating) to “[help] King George in this fight.”⁴¹

Yet enlistment among Native peoples in British Columbia drew mixed reactions from several sources. Beyond the general negative sentiment towards Native men in uniform and an early ban on Native enlistment (never completely enforced and lifted in December 1915), several military officials disparaged BC Native men, saying that they were “all Coast Type, who ma[d]e their livelihood principally by fishing, and ... would not be suitable soldiers” as, inherently, they could not “be depended upon.”⁴² In the DIA’s 1919 postwar report, Scott described the province’s populations as “somewhat less warlike in character than those of the plains and in the eastern provinces, and [as] by nature adverse to leaving their homes upon any unfamiliar venture.”⁴³ However, individual Native men were free to enlist (the DIA celebrated the contributions of the Head of the Lake Band, including distinguished conduct medal winner Private

Canada, *Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1919* (Ottawa: King’s Printer, 1919), 25–26.

⁴⁰ *Ibid.*, 13–29, 30–31; Fred Gaffen, *Forgotten Soldiers* (Penticton: Theytus Books, 1985); Dempsey, *Warriors of the King*, 19–20, 88. Sarah Carter, in “Infamous Proposal: Prairie Indian Reserve Land and Soldier Settlement after World War I,” *Manitoba History* 37 (1999): 9–21, specifically contrasts the financial and personnel contributions of the Prairie nations with how the government took their land for war production and soldier settlement.

⁴¹ Indian Constable Charles Tucker to Secretary J.D. McLean, 24 November 1914, LAC, RG 10, vol. 6762, file 452–20, pt. 1. Other examples of the willingness of BC bands to contribute funds include: Indian Agent Halliday to Secretary J.D. McLean, 11 September 1914, LAC, RG 10, vol. 6762, file 452–20, pt. 1; Ahousah Band to the Department of Indian Affairs, 25 December 1917, LAC, RG 10, vol. 6762, file 452–2, pt. 2; George E. Darby, Medical Superintendent of the Bella Bella Rivers Inlet Hospital, to D.C. Scott, 18 January 1918, LAC, RG 10, vol. 6762, file 452–2, pt. 3.

⁴² Surgeon-General Eugene Fiset to D.C. Scott, 30 March 1916, LAC, RG 10, vol. 6766, file 452–13; DOC Military District No. 11 to Secretary of the Militia Council, 23 March 1916, LAC, RG 24, vol. 4662, MD 11, file 99–256. For further discussion of wider attitudes towards, and approaches to, Native enlistment, see Walker, James, P. Whitney Lackenbauer and Katharine McGowan, “Indigenous Nationalisms and the Great War: Enlisting the Six Nations in the Canadian Expeditionary Force (CEF), 1914–17” in *Aboriginal Peoples and the Canadian Military: Historical Perspectives*, ed. P. Whitney Lackenbauer and Craig Mantle (Kingston: CDA Press, 2007), 89–115; Katharine McGowan “In the Interest of the Indians: The Department of Indian Affairs, Charles Cooke and the Recruitment of Native Men in Southern Ontario for the Canadian Expeditionary Force, 1916,” *Ontario History* 102, 1 (2010): 111–26.

⁴³ Dominion of Canada, *Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1919*, 20.

George McLean and military medal winner Dan Peason of Metlakatla [later of the 143rd Overseas Battalion], who died of pneumonia), and there was discussion of a possible BC all-Native brass band.⁴⁴ DIA and military officials allowed Inspector Andrew Mann Tyson to travel the province seeking (at least) 170 Native volunteers for a forestry battalion (for which the province's Native men were considered better suited than for active combat) in the spring of 1917.⁴⁵ Tyson visited the Naas Agency among others, but he found attitudes towards soldiering among the Native men less than encouraging. He reported that some of those he encountered on this trip believed the government wanted Native men to enlist so that they might die overseas, but he attributed this conviction to the work of white agitators.⁴⁶

Resistance to enlistment is not incompatible with donating to war funds. Active service in the military represented a greater demand on and invasion of Native peoples' lives than did financial or other in-kind contributions, and some Native communities in British Columbia and across the country offered donations in lieu of sending men.⁴⁷ Foreshadowing future problems, Indian Agent Loring of the Babine Agency expressed thanks that he and Tyson had only had to deal with recalcitrant elders and had "met with none of the usual contexts on the line of the loss of their land and similar refrains." Although, a month later, he complained that "the general question on [*sic*] their land [having

⁴⁴ *Ibid.*, 20; Indian Agent Deasy to D.C. Scott, 23 May 1916, LAC, RG 10, vol. 6766, file 452-13; Inspector A.M. Tyson to D.C. Scott, 25 November 1915, LAC, RG 10, vol. 6766, file 452-13. For a discussion of the role of brass bands more broadly on the North Coast, please see Susan Neylan, "Here Comes the Band!": Cultural Collaboration, Connective Traditions, and Aboriginal Brass Bands on British Columbia's North Coast, 1875-1964," *BC Studies* 132 (Winter 2006/07): 35-66.

⁴⁵ D.C. Scott to Inspector A.M. Tyson, 15 January 1917, LAC, RG 10, vol. 6766, file 452-13; Indian Agent Fougner to D.C. Scott, 5 February 1917, LAC, RG 10, vol. 6766, file 452-13; "BC Indians Will Serve as Foresters: Capt. D.A. Tyson Authorized to Raise Overseas Draft - Will Be Sent to France as Separate Unit," *Victoria Daily Colonist*, 6 April 1917; Adjutant General to OC MD II, 4 April 1917, LAC, RG 24, vol. 4645, MD II, file 99-4-103.

⁴⁶ Inspector A.M. Tyson to the Department of Indian Affairs, 19 March 1917, LAC, RG 10, vol. 3181, file 452,124-1A. Indian Agent Thomas Deasy, who wanted to establish a home defence unit on the Queen Charlotte Islands, asserted: "[there] was not a general feeling to enlist, for active service, away from the Province." See Indian Agent Deasy to Secretary J.D. McLean, 1 December 1915, LAC, RG 10, vol. 6766, file 452-13. One unnamed chief sent a written warning: "it would be best to leave us alone" lest "the thousands of Indian tribes ... might in anger rise against the nation, and fight as old against the whites." See Inspector Graham to D.C. Scott, 8 February 1917, LAC, RG 10, vol. 6766, file 452-13.

⁴⁷ Indian Agent Byrne to Secretary J.D. McLean, 20 March 1917, LAC, RG 10, vol. 6762, file 452-2, pt. 2; Ahousaht Band to the Department of Indian Affairs, 25 December 1917, LAC, RG 10, vol. 6762, file 452-2, pt. 2; George E. Darby, Medical Superintendent Bella Bella Rivers Inlet Hospital, to D.C. Scott, 18 January 1918, LAC, RG 10, vol. 6762, file 452-2, pt. 3; Indian Agent W.J. McAllan to Secretary J.D. McLean, 5 February 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 2.

been] ‘taken away’ had been cited” at a recruiting meeting.⁴⁸ Tyson praised Indian agents Perry, Loring, and McAllan for helping him in his work, but he could convince few members of any agency (and none from the Naas Agency) to enlist. The only agency in which he had marked success was the Stuart Lake Agency.⁴⁹ Officials of Military District II cancelled his efforts in June 1917 as Tyson had only successfully enlisted seventeen men (mostly from Stuart Lake), and his journeys to remote reserves proved too expensive for such paltry results.⁵⁰

Opposition to conscription was nearly universal among the Native peoples of the province. The Kwakwaka’wakw at Alert Bay asked why “they should be called on to fight for their country” when Canada was not their country and when, in fact, “their country has been taken away from them.”⁵¹ Other members of the Allied Indian Tribes of British Columbia sent petitions to Borden, Laurier, and the DIA in November and December of 1917, objecting to the Military Service Act in words very similar to those used by the petitioners from Port Simpson and Naas: “at no time have our Indians had any say in the making of the laws of Canada.”⁵² While not explicitly self-identified as parts of an

⁴⁸ Indian Agent Loring to Inspector A.M. Tyson, 16 February 1917, LAC, RG 10, vol. 6766, file 452-13; Indian Agent Loring to D.C. Scott, 12 March 1917, LAC, RG 10, vol. 6766, file 452-13. Tyson encountered appeals for enfranchisement during his recruiting meetings, and residents of Camp Mudge dismissed recruitment on the grounds that they had not been consulted “with regard to the taking away of their original heritage, or in the formation of any of the [federal or provincial] laws,” and therefore “they did not feel called upon to take up arms for the flag.” See Inspector A.M. Tyson to D.C. Scott, 16 April 1917, LAC, RG 10, vol. 6766, file 452-13; Indian Agent Halliday to Secretary J.D. McLean, 17 January 1916, LAC, RG 10, vol. 6766, file 452-13.

⁴⁹ Inspector A.M. Tyson to the Department of Indian Affairs, 19 March 1917, LAC, RG 10, vol. 3181, file 452,124-1A. This success eventually turned on itself, however, as deserters left the service and told of the poor circumstances in which many found themselves. As Tyson’s was a separate draft, uniforms, pay sheets, and other important logistical issues were unresolved when the first group of recruits arrived in New Westminster. Tyson paid for their clothing and food out of his own pocket and complained bitterly about his men’s “very bad treatment,” mentioning that white soldiers were hostile towards serving with Native men. See Inspector A.M. Tyson to D.C. Scott, 21 March 1917, LAC, RG 10, vol. 6766, file 452-13; Inspector A.M. Tyson to D.C. Scott, 16 April 1917, LAC, RG 10, vol. 6766, file 452-13.

⁵⁰ Indeed, it was only after Tyson was given the rank of captain and had begun recruiting that the military realized that he had not passed the necessary physical exam and was too old to serve, thus dashing any hope the inspector had of leading his men into battle in France. See Major Reynolds Tite for the OC 23rd Infantry Brigade to AAG i/c Administrative MD No. II, 13 June 1917, LAC, RG 24, vol. 4645, MD II, file 99-4-103.

⁵¹ Indian Agent Halliday to D.C. Scott, 13 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁵² Albert Argyle, Solomon Brown, James Lewis, Samson McDonald, William Lewis, and Joseph White, Kitkatla Band, to Prime Minister Robert Borden, Wilfrid Laurier, and the Department of Indian Affairs, 10 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1. Other petitions from the Naas Agency include the Ketzelash Band Petition to the Department of Indian Affairs, 4 December 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; Kitsumkalum Band

organized effort, the similarity in language between the petitions, the travels of the secretary of the Allied Tribes around the province, and meetings held at the secretary's home in Spences Bridge, all suggest a level of collective interest and concerted action articulated through earlier-established links among the Native groups of British Columbia.⁵³ Both the Prime Minister's Office and the *Victoria Colonist* received a similar but more general petition from the Committee of Allied Tribes of British Columbia. This argued that, given BC Native peoples' outstanding land claims and their ward status, conscription would be equal to enslavement, and it promised that Native peoples would resist any attempt to enforce conscription on Native men – an attempt that would "probably cause bloodshed."⁵⁴

The petition further argued that the British Empire's stated rationale for the First World War was in direct conflict with Canada's oppression of a "weak race."⁵⁵ The Committee of Allied Tribes' chairman P.R. Kelly and its secretary J.A. Teit sought to juxtapose the patriotic rhetoric and ideals of wartime with the war's practical/unpleasant realities: how could a government committed to fighting oppression and militarism consciously force a small, disadvantaged, and disenfranchised population into uniform? Beyond the legal arguments against conscripting wards, Teit argued that conscription was culturally foreign to the Native peoples of the Coast, even that it was "repulsive to the Indian mind," as it clashed with the practice of chiefly power, which was based on persuasion rather than coercion.⁵⁶ A chief would not and could not force

Petition to the Department of Indian Affairs, 4 December 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁵³ J.A. Teit to D.C. Scott, 20 December 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; Southeastern Inspector (BC) A.M. Megraw to Secretary J.D. McLean, 18 January 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 2.

⁵⁴ P.R. Kelly and J.A. Teit, Committee of Allied Tribes of British Columbia, to Prime Minister Robert Borden, 17 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.* It would be dangerous, indeed inaccurate, to suggest that one form of chiefly arrangements dominated the various nations of British Columbia. Although more hierarchical than many eastern groups (whose warfare practices, both pre- and postcontact, have continued to interest scholars), Northwest Coast chiefs did not have absolute authority over free individuals (as they did over their slaves). Much literature focuses on how warriors obtained status through warfare (both through exploits and the collection of slaves). The degree of political organization among the Coast Salish has been hotly debated and made even more problematic by the contact barrier; however, kinship groups were absolutely crucial for raiding and defence, particularly above the village level. David M. Schaepe (see below) argues that oral history records suggest a degree of supra-village chiefdom among the Stó:lō (as well as a more nuanced valuation of warriors, who were previously held to be hot-headed). See Robin Fisher, "Indian Warfare and Two Frontiers: A Comparison of British Columbia and Washington Territory during the Early Years of Settlement," *Pacific Historical Review* 50, 1 (1981): 31-51; Donald Mitchell, "Predatory Warfare, Social Status, and the North Pacific Slave Trade,"

his warriors to fight against their will, hence the general support for (or at least tolerance of) voluntary enlistment, even if the chiefs preferred that their men not enlist.⁵⁷

In a private letter to Scott, Teit warned him that the Committee of Allied Tribes had been busy throughout the province. In a combination of private meetings with “leading Indians” and several public meetings on unspecified reserves, Teit claimed that he had yet to encounter one individual among the Native peoples of the Coast who was in favour of conscription.⁵⁸ Given the threats Perry received at the Naas Agency, Teit’s assessment was quite likely accurate.

THE INSTITUTIONAL RESPONSE TO THE CONSCRIPTION ULTIMATUM

Despite its auspicious name and pedigree, Scott believed that the Committee of Allied Tribes was less representative than its members claimed. Deputy Minister of Justice Newcombe received a telegram from a Victoria lawyer on behalf of fourteen unnamed chiefs who did not endorse the committee’s petition, did not support its violent threats, and generally did “not want to be associated with the matter.”⁵⁹ In correspondence with Scott, Teit speculated that these chiefs might have sought to separate themselves from the Allied Tribes’ petition because they disagreed with the violent resistance to conscription, pointing out that the Cowichan did “not believe in bloodshed” of any kind.⁶⁰

Scott disagreed with Teit and the Committee of Allied Tribes’ claim that “[their] land question [had] not [been] settled and [that their] citizenship [had been] withheld,” and he defended the McKenna-McBride

Ethnology 23, 1 (1984): 39-48; Kenneth M. Ames, “Slaves, Chiefs and Labour on the Northern Northwest Coast,” *World Archaeology* 33, 1 (2001): 1-17; Katherine L. Reedy-Maschner and Herbert D.G. Maschner, “Marauding Middlemen: Western Expansion and Violent Conflict in the Subarctic,” *Ethnohistory* 46, 4 (1999): 703-43; David M. Schaepe, “Rock Fortifications: Archaeological Insights into Pre-Contact Warfare and Sociopolitical Organization among the Stó:lō of the Lower Fraser River Canyon, BC,” *American Antiquity* 71, 4 (2006): 671-705.

⁵⁷ J.A. Teit to D.C. Scott, 20 December 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1. Examples of concerns over losing their sons include: Chief Anaham Bob of Alexis Creek, BC, to D.C. Scott, 28 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; Chief Councilor William Mathews, Alfred Adams of Massett, BC, to the Department of Indian Affairs, 29 December 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 2; George E. Darby, Medical Superintendent Bella Bella Reserve, to D.C. Scott, 18 January 1918, LAC, RG 10, vol. 6762, file 452-2, pt. 3.

⁵⁸ J.A. Teit to D.C. Scott, 20 December 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁵⁹ Deputy Minister of Justice E.L. Newcombe to D.C. Scott, 21 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁶⁰ J.A. Teit to D.C. Scott, 20 December 1917, LAC, RG 10, vol. 6768, file 452-20, Pt. 1.

Commission's conclusions, which he thought presented "a very fair offer," even as he attributed the report's dilatory implementation to the slow movement of both the provincial and Dominion governments.⁶¹ In a further effort to discredit the Committee of Allied Tribes, Scott questioned the authenticity of Kelly and Teit as voices for Native peoples. The DIA chose to ignore the fact that Kelly was a Haida and, instead, identified him as a (tacitly white) Methodist minister and teacher on Vancouver Island. As for Teit, it emphasized that he was only married to a Native woman.⁶²

This attack on Teit and Kelly delegitimized the content of their protests and was in keeping with the general trend among government officials to blame white interference for Native activism in British Columbia – either through organized efforts or through occasional contact with "loggers, fishermen, and foreigners."⁶³ Scott gave little credit to petitions sent from various bands that echoed the concern expressed by the Allied Tribes but that bore the signatures and/or marks of band members.⁶⁴ Similarly, Scott ignored Indian Agent Perry's warning of the growing unrest over conscription and the concentration in the Naas of frustrated young men who had come home from work in the forest and were angry over conscription.

Perhaps due to his proximity to the issues at hand, W.E. Ditchburn, DIA inspector for southwestern British Columbia, was far more open to the Allied Tribes' specific concerns over land than was Scott, and he took its threats seriously. Ditchburn allowed that the land question was "far from settled at present" and he genuinely feared a violent outcome. As the Indian Act necessitated that a majority of adult male band members approve any land sales (including those recommended by the McKenna-McBride Commission), Ditchburn believed that "it would be in the national interest that when Indians had registered and asked for exemption [from conscription], this exemption should be

⁶¹ P.R. Kelly and J.A. Teit to Prime Minister Robert Borden, 17 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1; D.C. Scott to Deputy Minister of Justice E.L. Newcombe, 23 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁶² *Ibid.*

⁶³ Tennant, *Aboriginal Peoples*, 87-88; Indian Agent Thomas Deasy to D.C. Scott, 31 January 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 2; A.M. Tyson to the Department of Indian Affairs, 19 March 1917, LAC, RG 10, vol. 3181, file 452,124-1A; Inspector Graham to D.C. Scott, 8 February 1917, LAC, RG 10, vol. 6766, file 452-13; Inspector A.E. Megraw to D.C. Scott, 14 February 1917, LAC, RG 10, vol. 6766, file 452-13.

⁶⁴ These petitions likely arose out of Teit's travels as, after its initial founding in 1916, the Allied Tribes did not officially meet until 1919. See Tennant, *Aboriginal Peoples*, 99.

granted.⁶⁵ Scott rejected Ditchburn's argument for a general exemption due to the BC bands' "alleged claims against the Crown" because "it would savour of an acknowledgement that they occupied a different position from the other Indians of the Dominion."⁶⁶ A.E. Megraw, DIA inspector for southeastern British Columbia, suspected that the Indian Rights Association (the precursor to the Committee of Allied Tribes) was spreading anti-conscription "propaganda" among his agencies and was "responsible for much of the unrest among the Indians."⁶⁷ Teit was holding meetings about conscription at his home in Spences Bridge, where a spy for Megraw claimed that he had encouraged his listeners to refuse to register, regardless of any possible exemptions. Megraw argued unsuccessfully for the arrest of Teit and his compatriots, under the British Defence of the Realm Act, for inciting Native peoples to disobey a Canadian law designed to ensure "public safety in [a] time of war."⁶⁸ Instead, Teit continued to advocate on behalf of Native men in uniform (although on an individual level) until the McKenna-McBride Commission's report emerged on the provincial legislative agenda in 1919, and Native political organizations shifted their attention accordingly.⁶⁹

Regardless of the talk about legal status and historical relationships, Scott privately told Newcombe that, since Native men in the province – including the Naas Agency – were largely fishers, their work was important enough to the province's economic livelihood that most if not all of them would likely be exempt from conscription.⁷⁰ Yet, to cede to Native demands openly, and to acknowledge the legitimacy of their pre-war arguments, would mean appearing to collapse in the face of threats from Native peoples. He may have been "besieged by letters, telegrams, and applications for exemption," but Scott would not yield: he wanted all Native men of eligible age and fitness to register with the military authorities.

Despite the number of protests Scott received from the Naas Agency, from the rest of British Columbia, and from the country generally

⁶⁵ Inspector W.E. Ditchburn to D.C. Scott, 20 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁶⁶ D.C. Scott to Inspector W.E. Ditchburn, 1 December 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁶⁷ Inspector A.M. Megraw to Secretary J.D. McLean, 18 January 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 2.

⁶⁸ *Ibid.*

⁶⁹ J.A. Teit for Jim Tesxesket and the Salmon River Band to D.C. Scott, 23 July 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 3.

⁷⁰ D.C. Scott to Deputy Minister of Justice E.L. Newcombe, 23 November 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

("naturally the Indians apply to me for advice"),⁷¹ it was not the DIA's responsibility to implement the Military Service Act. However, the DIA was still responsible for civilian affairs. Despite the general threats contained in the published petition and the specific threat against Indian Agent Perry, Scott decided to take a strong stand against the complainants at the Naas Agency by emphasizing the important role the DIA played in their lives. With the men home from the lumber camps, and therefore not drawing salaries, late-year floods had seriously interrupted the fishing activities crucial to the livelihood of the Native families at Naas. Knowing of their economic distress, Scott relayed a message through Teit to the population in the Naas Agency. The DIA was sending help, and Scott commented to Teit, whose organization's petitions attacked the nature of Native-government relations: "I hope they will realize what it means to them to have the Department to appeal to under circumstances of this kind."⁷²

The questions the Naas and Allied Tribe petitioners raised over conscription extended to the wider question of Native peoples' place in the Canadian legal system and the role of the DIA in their lives. Scott's help to the Naas Agency residents and their complaints about reserve life and the Indian Act generally display how dependence on the government was both a method and an outcome of the effort to assimilate Native peoples and to suppress their independence. When given the opportunity at the McKenna-McBride Commission hearings, members of the Naas Agency had lamented that reserves were infantilizing, and they took advantage of the debate over conscription to challenge the DIA's authority over their lives. Yet, when the agency faced serious economic upheaval, the DIA offered aid, albeit with Scott's assertion that he "hope[d] they [would] realize what it mean[t] to them" to have the department's help. Scott's statement suggests that the relationship between the Naas Agency residents and the DIA was far more complicated and intermeshed than what the petitions alone indicate.

CONCLUSION: A PARTIAL VICTORY

On 17 January 1918, the clerk of the Privy Council published an order in council, P.C. 111, that alluded to the overwhelming volume of petitions and inquiries that Native peoples and their advocates had sent to various

⁷¹ This distant relationship would not last as it would eventually fall to Indian agents to apply for exemptions for status Indians. See D.C. Scott to Chief Anaham Bob of Alexis Creek, BC, 14 December 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

⁷² D.C. Scott to J.A. Teit, 14 December 1917, LAC, RG 10, vol. 6768, file 452-20, pt. 1.

government bodies, “pointing out that in view of their [Native peoples] not having any right to vote, [Native men should] not be compelled to perform military service.” P.C. III also cited a dispatch from 14 October 1873 during the negotiations of the North-West Angle Treaty, which exempted Native people from service in the military. This was a rare acknowledgment of a treaty agreement as a form of legal precedent.⁷³ Yet the fundamental point was that, unless they were enfranchised (the proclamation included unenfranchised Japanese- and German-Canadian residents as well as Native men), Native men in Canada could not be compelled to serve overseas (although home service was left open as a possibility). However, as a method of ensuring that only those under the jurisdiction of the DIA could claim this exemption, the proclamation insisted that Indian agents would make the exemption applications on behalf of Native men on their respective reserves.⁷⁴ Therefore, although they were not forced overseas, Native men still had to register with their Indian agent (rather than individually with the military authorities) and be counted among the male population of Canada. Indeed, the nature of the exemption from conscription meant that only status Indians were eligible; consequently, Indian agents (and their treaty pay lists) became crucial arbiters of whether or not a man was exempt from conscription. Indeed, it was one’s inclusion under the DIA’s legislative umbrella rather than one’s heritage that determined eligibility for exemption.⁷⁵

Curtly, Scott informed Teit on 23 January 1918 that status Indians were now exempt from conscription for overseas service. Native groups, individuals, and outside advocates forced a debate on conscription after the DIA had made its initial and, Scott thought, final decision that Native men ought to be eligible for conscription. Significantly, band councils and individuals challenged Scott’s rationale and even advanced their

⁷³ Order in Council III from the Governor General of Canada in Council (signed by the Clerk of the Privy Council), 17 January 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 2.

⁷⁴ *Ibid.*

⁷⁵ This is an important distinction, and Indian agents’ decisions actually trumped the question of voting when it came to the process of obtaining exemptions and, occasionally, brought the DIA and the militia into conflict over differing interpretations of PC III. However, in the end, the agents’ power to decide who was and was not eligible for this exemption from conscription remained intact. See Circular to Indian Agents, 30 January 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 2; D.C. Scott to Captain Tyndale, Secretary of the Military Subcommittee, 20 February 1918, LAC, RG 10, vol. 6778, file 452-197; D.C. Scott to All Agents (Circular), 22 January 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 2; Secretary J.D. McLean to All Agents (Circular), 23 January 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 2; Memorandum to D.C. Scott, 3 July 1918, LAC, RG 10, vol. 3181, file 452,124-1A; Secretary J.D. McLean to Secretary of the Military Service Council, 16 September 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 3; Secretary J.D. McLean to Chief Peter Strength, 20 August 1918, LAC, RG 10, vol. 6768, file 452-20, pt. 3.

interpretation of Native peoples' place in Canada and the country's legal system. This persistence, particularly given the sheer number of band members who independently, consistently, and clearly articulated the same or similar arguments (centred on wardship and treaties), eventually achieved the desired ends.

Petitioners from the Naas Agency challenged conscription by using the language and logic of wardship and the Indian Act. Yet, in their success – and achieving the exemption, reversing DIA policy, and avoiding forced overseas military service was certainly a victory – petitioners reinforced rather than disassembled the Indian Act and its apparatus. Considering the Naas Agency's repeated appeals, over two generations, against non-Native physical encroachment and control of their lives and land, clearly articulated by the witnesses at the McKenna-McBride Commission, the conscription question's resolution was bittersweet. True, they would not lose any sons to overseas combat, but they were still to be counted among Canada's population, still to be under the authority of the Indian Act, and still to be without "any say in the making of the laws of Canada." The failure to address the question of legal identity and Native peoples' place within the Canadian system (especially as the exemption did not actually remove Native men from the Military Service Act's grasp but simply exempted them from combat service) can be clearly seen in the response to conscription during the Second World War. Hugh Shewell's examination of the *Comite de Protection des Droits Indiens* in 1943 and 1944 features many similar arguments to those detailed above, and it even features some of the same advocates (e.g., Andrew Paull).⁷⁶ That the then Indian Affairs Bureau refused to accept the logic of the First World War exemption based on Native peoples' lack of citizenship, and believed it could silence Native protest when the National Registration and Mobilization Act, 1940, did not involve overseas combat service, underlines the continued clash between government and Native peoples over questions of rights under the Canadian legal system.⁷⁷

Native men's exemption from conscription can be seen as, at best, a partial victory for those who sought to challenge the Indian Act. Three years prior to P.C. III, at the McKenna-McBride Commission hearings at the Naas Agency, Benjamin Bennett of Port Essington declared: "this reserve is no good to us [because while] we are living on a reserve we cannot make any money – we are under the Indian Act."⁷⁸ The conclusion

⁷⁶ Shewell, "James Sioui and Indian Political Radicalism in Canada, 1943-4," 211-43.

⁷⁷ Sheffield and Foster, "Fighting the King's War," 53, 62, 69, 71.

⁷⁸ *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, 5.

of the debate over conscription did more to confirm than to undermine this assertion. Although the Committee of Allied Tribes and other petitioners claimed that they suffered from “citizenship withheld,” the specific plan laid out with regard to Native men’s applying for exemption from conscription – that is, that they would have to apply through their Indian agent – reinforced the importance of both the Indian Act and the DIA. This protection from conscription, as well as the aid for the flooded Naas Agency, underlines the ambiguous reality of what it meant to live “under the Indian Act.”