

government financial resources and required an enormous bureaucracy for the time. In the twenty years after 1880, the federal government spending on Indian Affairs ranked variously between third and fifth among all departmental expenditures, surpassed only by subsidies to the provinces and public works, and rivalling expenditures on militia and civil government.<sup>16</sup> Spending on agriculture and immigration, on railways and canals was consistently less than spending on managing Indians – which was logical, since settlement depended on unsettling and then supervising the Aboriginal population. Relative to the settlement of the country, Aboriginal people were of central importance.

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## 2

### Manifestations of Power: Native Resistance to the Resettlement of British Columbia

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Non-Native settlement in British Columbia in the late nineteenth century brought Natives and non-Natives into conflict over land, and central to this conflict was the question of power. Most works on this subject have assumed that Natives were virtually powerless in the face of settlers and their government.<sup>2</sup> The few studies to analyze the issue have concluded that the instruments of the state – laws, surveys, gunboats, surveillance, classification – were inherently powerful tools. These studies differ from each other in their categories of analysis, employing various ideas of coercion, discipline, and ‘anti-conquest,’ and they occasionally disagree as to whether these tools were simply blunt instruments of oppression, or whether Natives were able to utilize them for their own resistance.<sup>3</sup>

This essay seeks to advance this debate by analyzing individual disputes between Natives and non-Natives. It explores the sites of struggle created through confrontation and negotiation, which resulted in a ‘negotiated space’ in which Native power was manifested.<sup>4</sup> This power was fluid, organic, and decentred; it was not monopolized by settlers or governments, nor did it simply reside in their instruments of subjugation. It was a creative force that originated in the lives and actions of individuals who struggled for control of an inchoate province. The extant record fails to include the final resolution of most of these disputes, but this shortcoming is of secondary importance: the focus here is not on winners and losers, but on the strategies and tactics of the adversaries.

#### **The Short Arm of the Law**

British Columbia historians have tended to ignore the significance of the type of individual, unspectacular conflicts described below, dismissing them as ‘niggling incidents,’ which were ‘comparatively minor affairs.’<sup>5</sup> The assumption has been that settlers easily forced Natives from their land because colonial and provincial governments were extremely responsive to settlers’ complaints. Settlers had only to call out and bureaucrats would move into action with all of the government’s power behind them.

This analysis is best summarized by the work of Robin Fisher, who, in his discussion of the activities of the Indian Reserve Commission, has argued that although complaints on behalf of Natives were frequently ignored by the government, it 'always paid prompt attention to any letter containing the complaint of a settler.'<sup>6</sup> Evidence presented here does not support this generalization. Fisher's analysis neglects the uneven and subjective nature of government influence – elements that allowed for significant Native manipulation of circumstances and the creation of a space in which negotiation and confrontation flourished. Rather than being an omnipresent force of Native oppression, the long arm of the government was actually quite short in most places, leaving settlers frustrated with the paucity of government response.

Settlers' complaints about inadequate government response can be traced to the chronic staff shortages that seriously inhibited the government's ability to make its presence felt. For example, during the mid-1860s, news of confrontations between settlers and Natives in the Comox district poured into Victoria. Finally, Surveyor General Pearse decided that his presence in that district was needed to attempt to negotiate settlements, but his request to travel was denied by Governor Kennedy, who wrote, 'I cannot spare the only officer in the Survey Department for the time necessary to perform the duty – it must be deferred.'<sup>7</sup>

The establishment of federal Indian agencies brought the government closer to the fray, but its agents' power was still muted by time and distance. When settlers' complaints of disputes with Natives in the Alkali Lake district, west of Clinton, reached the provincial lands department in 1894, Chief Commissioner Vernon asked the local Indian agent to investigate. The Indian agent replied that he could not spare the six days needed to make the 100-mile round trip. He was already working fifteen-hour days, and could not spare the time to intervene in the case.<sup>8</sup>

### Negotiating Space with Land Improvement

The government presence in British Columbia gradually increased during the nineteenth century, but it was always a few steps behind the advance of non-Natives. The sporadic and uneven distribution of government influence created opportunities for Natives to resist encroachments on their land. One strategy used by Natives to resist non-Native settlement was to invoke the same criteria for ownership relied upon by settlers. As R.W. Sandwell and Ken Favrhoild discuss in some detail in their essays in this collection, settler society's concept of land title was based on the notion of improvement. A person's hold on a piece of land was strengthened through evidence of cultivation and construction, but settlers did not receive full title to their land until they had occupied it for several years, cultivated the soil, and constructed buildings and fences. Natives soon realized they could

appeal to the same criteria for ownership by producing evidence of historic Indian settlements.

The Land Ordinance of 1861 disallowed pre-emptions on either Indian reserves or settlements, but there was no clear definition of what constituted an Indian settlement.<sup>9</sup> This question was broached during a land dispute between a settler named Scott and the Natives of the Chemainus district on Vancouver Island. In 1859 Scott received permission from the colonial land office to take up land in the district, providing that it was not 'occupied at any time by Indians.' By 1864 Scott's claim was challenged by local Natives who claimed that the land was the site of one of their historic settlements and therefore part of their reserve. The dispute finally reached the colonial government, where the definition of an Indian settlement became the crux of the matter. The government conceded that although the Native definition of a settlement was different from the traditional non-Native definition, it still constituted a settlement in the eyes of the government.<sup>10</sup> Scott was ordered to relinquish his claim in return for \$200 compensation from the government for his improvements.<sup>11</sup>

Colonial and provincial governments found the question of 'improvements' even more complicated. Natives soon began relying on both a show of numbers and evidence of improvement, usually fences, buildings, and cultivation, to substantiate their claims. When John Douglas Jr. attempted to claim 320 acres near Douglas Lake in 1878, Nicola Indians prevented him from taking possession of the property. They improved their claim by carrying out their own survey, cultivating the soil, and settling several families on the land. They then informed government authorities of their willingness to negotiate the exchange of part of their reserve at Nicola Lake for the land they had made their own at Douglas Lake.<sup>12</sup>

Much of the debate over improvements centred on the seemingly innocuous question of potato patches. A well-tilled garden of potatoes often stopped settlers in their tracks and made them think twice about property rights. For example, after pre-empting land at Oyster Bay, on Vancouver Island, John Brenton was confronted by Natives who claimed the land as their own and cited the presence of potato patches as evidence of their working and improving the land. Failing to receive satisfaction from the local government agent, Brenton wrote to Joseph Trutch to complain of his circumstances. Although land at the head of Oyster Bay had been declared an Indian reserve, Brenton believed that his pre-emption was definitely not part of the allotment. Despite his repeated demands that the Natives abandon his pre-emption, 'they still persist to come on the land to work, and tell me to keep away, that I have no right there.' When the local government agent repeated Brenton's case to the Natives, they 'say (as they always do in such cases) that the land is theirs; that they have used it before for growing potatoes; and that therefore the land belongs to them.' Brenton maintained

that although the Natives' ancestors may have grown potatoes on the land there was no evidence that the present generation had ever tilled the soil. But as 'soon as they discovered that I had taken up the land, they came and forthwith commenced preparing this piece of land for growing their [sic] this season's potatoes; and but for my having taken it up they most assuredly would have never come there.'<sup>14</sup> The government responded by promising to negotiate with the Natives to reconfirm the boundaries between Native and non-Native land in the district.<sup>14</sup>

#### **Land: Surveys as Land Negotiation**

Negotiations over cultivated fields proved to be minor affairs in comparison to the more vexing question of surveys. Non-Natives believed that the 'wilderness' had to be subdued. After straight lines were drawn across it, tidy blocks could be sold to prospective settlers; on this firm foundation settlement would rest. In British Columbia, these instruments of settlement have been described as powerful tools of coercion that overwhelmed Native societies because, in the words of Cole Harris, they 'were pervasive forms of disciplinary power, backed by a property owner, backed by the law, and requiring little official supervision.'<sup>15</sup> An examination of the intricacies of Native/non-Native interaction, however, illustrates that the intent and the reality often failed to intersect.

For non-Natives, the ideal situation would have included reliable surveys conducted well in advance of any pre-emption or settlement. Governor James Douglas had this as his goal when settlement began in earnest in the late 1850s. But the colonial government was unable to carry out this policy due to a lack of money to pay for survey work. By the end of 1860, 175,000 acres had been surveyed on Vancouver Island, being divided into 100-acre lots. On the mainland 41,000 acres had been divided into 160-acre lots. While the mainland surveys, made by the Royal Engineers, were reported to be relatively trustworthy, the surveys on Vancouver Island, most of which were done by private surveyors, were incomplete and often open to dispute. The colonial government was plagued by a lack of money to pay for surveys; this, combined with the roughness of the country, led to continual frustration with the lines meant to demarcate the boundaries between Native and non-Native worlds.

The situation did not significantly improve after Confederation. The survey department continued to be cursed by a lack of money and a shortage of qualified surveyors. The 1870 Land Ordinance further muddled the waters by allowing a surveyor to survey land by 'such metes and bounds [as] he may think proper.'<sup>16</sup> Subsequently, individuals persisted in defining boundaries in a haphazard, inconsistent manner. This, combined with the problems created by unqualified surveyors, resulted in pre-emptions whose 'position was only roughly known to the Land Office.'<sup>17</sup> The difficulties

intensified in 1875 when the provincial government allowed private surveyors, if necessary, to abandon the township system that had been adopted in 1873. It even allowed surveyors to neglect connecting their new surveys with established ones. And the shortage of money persisted, with government expenditure reaching an embarrassing low of \$500 in 1879. It was not until 1907 that expenditures began to 'reflect the urgent need for extensive government surveys.'<sup>18</sup>

One of British Columbia's distinctive characteristics is that, unlike other provinces, it allowed substantial settlement to precede adequate surveys.<sup>19</sup> This fact is at the basis of British Columbia's history of Native/non-Native relations. It also allowed for the setting of boundaries in British Columbia to become a site of conflict and negotiation between Natives and non-Natives. Instead of being a form of discipline, surveys were often no more than lines on a map.

The colonial government's inability to perform satisfactory surveys prior to non-Native settlement led to ubiquitous complaints by settlers and government officials that Natives and non-Natives were confronting each other over poorly defined boundaries. The difficulties that arose on Vancouver Island were expressed by the surveyor general's report to the colonial secretary in the spring of 1865. Pearse stated that 'very grave difficulties' arose 'almost daily,' and if measures were not taken soon, 'confusion and litigation' would result. He suggested that many of the problems could be settled by carrying out an accurate survey of the Cowichan, Chemainus, and Comox regions, and by the drawing of maps, a task that his under-funded office could not afford. The urgency felt by settlers was exemplified by their willingness to support the government in the enterprise. Pearse noted that part of the cost of the work could be quickly recouped since many of the settlers would 'gladly pay wholly or in part' for their land if they could only get their 'boundaries definitely marked.'<sup>20</sup>

Although settlers constantly complained about the problems resulting from the lack of surveys, both the colonial and provincial governments pursued a policy that dismissed the need to define boundaries in advance of settlement. The same policy was applied to the demarcation of Indian reserves. In 1871, Land Commissioner Pearse reported to the colonial secretary that the government's policy had been to 'lay out on the ground the Indian Reserves synchronously with the settlement of the district by the whites.' The government was loath to officially assign land to Natives while hope persisted that the 'Indian problem' would eventually disappear. Also, its policy was less costly than surveying the land before settlement, especially since the survey posts were often 'obliterated before the white men advanced.' According to Pearse, although Natives were 'tenacious of their rights in the land when once surveyed' they would not 'take the trouble to perpetuate these posts and marks, or to preserve them in any way.'<sup>21</sup> Native

disregard for government surveys, and their frequent attempts to either destroy or alter surveys, combined with the government's ad hoc land policy to create confusion over boundaries. This confusion enhanced the importance of direct confrontations between Natives and settlers.

The government's policy meant that it usually dispatched surveyors only after a conflict had arisen. For example, in the late 1860s, settlers began to pre-empt land in the Nicola Lake region. Their actions soon brought them face to face with local Natives who resisted the usurpation of their land. The colonial government's response was predictable. Trutch ordered Peter O'Reilly to the district to survey reserves for the Natives since there was a sudden need to 'prevent collision between them and the white settlers.'<sup>22</sup>

But orders from government officials did not easily solve such problems, and Trutch's directive was far from the end of the matter. Twelve years later the region was still the source of complaints. The matter came to the attention of Prime Minister John A. Macdonald when a settler named Patterson wrote to complain of the province's poorly defined reserves. Patterson described how Indian-reserve boundaries, especially in the Douglas and Nicola Lake region, were impossible to determine on the ground. Consequently, many settlers were either pre-empting Native land by mistake or were cutting timber on reserves and then were prevented by the Natives from hauling it home. According to Patterson, the Natives alone knew where the boundaries were because they had accompanied the surveyors on their rounds, while settlers 'found it almost impossible to trace the lines of the Indian reserves.' Indian Superintendent Powell was asked to broach the matter with 'the Confidential Agent of the Dominion Government,' Joseph Trutch. Trutch saw no reason to change the current policy of surveying reserves and recommended that Patterson's complaint be dismissed.<sup>23</sup>

Similar disputes arose in the Okanagan. Governor Douglas instructed W.G. Cox to survey reserves near Kamloops for the Shuswap. Cox reported that he did not have time to 'mark off their boundaries at that time on the ground, but chalked out the position and extent of the Shuswap Reserve at Kamloops, for the chief, and gave him papers to post up.' It soon came to the government's attention that the reserve was much larger than anticipated. Cox believed that there could have been no mistake as to his intent, and that the answer had to be that 'my papers have been removed, and the grounds allowed by me greatly added to.'<sup>24</sup> A year later, Trutch reported that the land claimed by the Shuswap had 'been largely added to by the changing of the position of the boundary stakes by the Indian claimants.'<sup>25</sup> Trutch recommended that if the new boundaries were maintained, the government should attempt to regain the land by purchasing it from the Shuswap. The ambiguous and porous nature of the government's survey policy meant that Natives were denied a powerful tool for protecting their land rights.<sup>26</sup>

The policy also encouraged the creation of a negotiated space, a space that was filled by increasing Native resistance.

#### **Defining Boundaries: The Power of Fences**

While some Natives manipulated surveys in attempts to retain control of their land, others built and destroyed fences. Most analyses of the role of fences in settlement have assumed that they symbolized the adaptability, assumptions, and conflicts in non-Native societies.<sup>27</sup> Fences can also be interpreted as an important site of struggle between societies.<sup>28</sup> Historical geographer Cole Harris has recognized this fact and asserted that fences were a pervasive form of disciplinary power employed by government to punish Natives.<sup>29</sup> This may have been the intent, in theory, but in practice government and non-Natives were far from possessing a monopoly on the manipulation of fences. The records of the period are filled with settlers' complaints that Natives had effectively taken possession of land outside of their allotted reserves by building fences.

An example is the complaint by a settler named Ronald Macdonald, who wrote to the commissioner of lands in 1878 complaining of his predicament. He had staked a claim for 320 acres near Bridge Creek and travelled to Clinton to file his pre-emption. When he returned, he found that a 'small band of Indians' had taken possession of his pre-emption by erecting buildings and putting up a fence. He also noted that they had destroyed his boundary stakes and removed his land marks.<sup>30</sup>

This type of confrontation between settlers and Natives was repeated over and over again throughout British Columbia.<sup>31</sup> The tactic was so prevalent that Indian Reserve Commissioner Gilbert Sproat warned the government of the threat of Native fences: 'The deliberate overstepping of the boundaries of other men's lands and enclosing portions,' wrote Sproat in 1877, 'with some vague notion of holding these portions by force, is a practice on the part of the Indians which should be checked at any cost.'<sup>32</sup>

The government was unable to stop Natives from manipulating fences, and although the tactic was usually unsuccessful, Natives were sometimes able to resist settlers and government officials for many years. In 1858 Alexander Munro claimed sections 15 and 16, range 7, in the Cowichan, a total of 200 acres; he soon discovered that the Cowichan 'hankered much after this place.'<sup>33</sup> Munro tried unsuccessfully for several years to gain control of his claim, but he continued to face extreme intransigence by the Cowichan who fenced in a large portion of the two sections for their own use. By 1874 Munro had failed in repeated attempts to oust the Cowichan from his pre-emption and had finally convinced the government to send the provincial police to the region in an attempt to evict the Natives.<sup>34</sup> When Police Constable Sullivan arrived on the scene, he found that the Cowichan had built

a 'strong substantial fence' across Munro's land in an apparent attempt to annex it to adjoining reserves. Sullivan and several government officials watched as a man in Munro's employ started to pull down the Cowichan's fence. He had only just begun when about twenty Cowichan appeared and assumed a 'very threatening and hostile manner.' One of them stepped forward and stated that if any more of the fence was torn down Sullivan would be killed. Sullivan told the Cowichan that they had no right to build a fence on Munro's land and that they should instead be encouraging friendly relations with the settlers. The Cowichan replied that 'God gave them the land and that they would die before they gave up possession of it.' They then went about repairing the fence while Sullivan and the rest of his contingent watched, afraid to interfere and start a battle they knew they could not win.<sup>35</sup>

By the beginning of 1877, Munro had still not succeeded in acquiring control of his claim. He, therefore, decided to attempt to gain compensation for his losses by petitioning the Indian Reserve Commission. Because his land was 'held by the Indians in spite of all efforts to dispossess them,' he implored the government to reimburse him for his expenses, including interest, and confirm the Cowichan's title to the land.<sup>36</sup> The commissioners initially recommended acceptance of Munro's offer, but subsequent investigations led them to decide otherwise. They learned that the leader of the Cowichan's resistance to Munro's claim was a man named Sin-a-meetza, who had previously been warned, by Superintendent Powell, about claiming land outside the reserve. Sin-a-meetza had disregarded Powell's warnings, and had continued, with his companions, to make considerable improvements on Munro's claim. The commissioners, therefore, decided that any recommendation for compensation would only confirm Sin-a-meetza in his 'usurped possession,' and this was definitely an undesirable result.<sup>37</sup> By 1878 the Indian Reserve Commission's suspicions had increased. They feared that the government's acquiescence during an early dispute involving a settler named Rogers and a Native named Te-che-malt had encouraged the Cowichan to renew their resistance to non-Native encroachment. They suspected that some of the Cowichan who were blocking Munro had also been responsible for forcing Rogers out of the area. For all these reasons, the commissioners encouraged the provincial government to use any force necessary to drive the Cowichan from Munro's land.<sup>38</sup>

Munro's dispute with the Cowichan, and many other such disputes throughout the province, illustrates that these problems were not as easily solved as the commissioners believed. Sullivan's attempt to remove the Cowichan's fences had shown that the government could not easily force the Cowichan from the land. Instead, the government had to wait for the Cowichan to relinquish control of their own accord, or else hope that less violent measures would convince them to abandon their claim. Munro, however, was eager to see the issue resolved. Twenty years of struggling

with the Cowichan led him, in 1879, to again argue in favour of the Cowichan's claim, in the hope that he would receive compensation from the government. The Cowichan's success in resisting his claim forced Munro to conclude that 'the Indians have had sufficient grounds for defending their property, that they have ample possession, and have made extensive improvements; that it would be very difficult, as well as a hardship and an injustice to remove them: and that if the attempt be made they will again strenuously resist it.' Munro believed there was little chance that he would be able to possess the land 'in defiance of the Indians,' and if they were forced off the land they would certainly re-occupy it at the earliest possibility.

Munro was disappointed that the Indian Reserve commissioners had shirked their duty by failing to settle the matter, and he wanted the provincial government to compensate him for his losses and confirm the Cowichan's possession.<sup>39</sup> Munro's plea did not find favour with the provincial government. Instead, the Cowichan continued to occupy his claim for several years, until he eventually sold his title to a settler named Robinson in 1883.<sup>40</sup> After nearly twenty-five years of resistance, the Cowichan finally relinquished control of Munro's 200 acres in the summer of 1884. The local Indian agent reported that 'after considerable difficulty,' the Cowichan had been convinced to give up possession of the land.<sup>41</sup>

Munro's experience with the Cowichan was only a precursor to the more extended ordeal of his neighbour, Archibald Dods. Dods exists on the margins of British Columbia history because of a single line he wrote in a letter to the provincial government in 1874. Robin Fisher, in *Contact and Conflict*, quoted Dods: 'Everybody says, "sure what the devil is the good of a Government that can't get a few siwashes off a man's land."' <sup>42</sup> Fisher cited Dods' complaint as an example of the tension that existed between settlers and the Indian Reserve Commission.<sup>43</sup>

But there was much more to Archibald Dods than his single famous utterance. Dods filed for a homestead in the Cowichan in 1870, selecting the west half of section 11, range 2. He later wrote to surveyor Pearse that 'the Indians are aware of my intentions and are quite satisfied.'<sup>44</sup> He could not have made a more inaccurate statement. By the fall of 1873, Dods was complaining to the provincial government that a group of Cowichan were harassing him, and that they were being encouraged by the government's lack of response.<sup>45</sup> Although Dods received his certificate of purchase later that fall, he reported that he was unable to work his land because of the actions of the Cowichan, who, according to him, had 'all the property a settler has at their mercy.'<sup>46</sup>

Having received little assistance from the provincial government, Dods turned to the Department of Indian Affairs. Indian Superintendent Powell responded by asking the British Columbia attorney general to send the provincial police to the district to evict the Cowichan from Dods' land and,

as mentioned previously, investigate the complaints of Alexander Munro.<sup>47</sup> After being chased from Munro's land, Sullivan continued on to the site of Dods' dispute, telling Dods that he would protect him as best he could if Dods wanted to pull down the Cowichan's fence. Dods replied that he did not think that this was a good idea, since the Cowichan would probably just re-build it again. He was also afraid that such an act would only worsen his relations with the Cowichan, perhaps even encouraging them to burn his crop. Sullivan discussed the dispute with the Cowichan, who told him that they were not about to accept Dods' claim, especially since it was based on an inaccurate survey of their reserve.<sup>48</sup>

The failure of the provincial police to evict the Cowichan prompted Dods to again ask Powell for assistance. The Indian superintendent recommended that the best approach was for Dods to negotiate, but since, in Powell's opinion, Dods' obstinate and abrasive personality precluded conciliation, his only recourse was to apply to the courts to have them charged with trespassing.<sup>49</sup> But instead of the Cowichan being thrown off of the land, it was Dods who found himself unceremoniously chased from his pre-emption on 18 February 1874.<sup>50</sup> Two days later, Dods wrote to the attorney general complaining of the unfairness of his predicament. 'I cannot of course take the law into my own hands while the country has a Government, but the Indians can and have done so with impunity.'<sup>51</sup>

By the summer of 1874, Dods' situation had further deteriorated, with him being prevented from even building fences on his pre-emption. Meanwhile the Cowichan's fences were preventing his cattle from reaching pasture or returning home to be milked. The embattled settler even had to ask the Cowichan for permission to cut wood on land to which he held title. A frustrated Dods wrote to the provincial government in June 1874 to urge the use of force: 'you must make them respect your power. They have a hundred times more respect for a gunboat than all the talk in creation.'<sup>52</sup>

Since a gunboat was unlikely to appear on the horizon, Dods took Powell's advice and had the Cowichan charged with trespassing. When the day for the hearing arrived, the Cowichan did not appear. A constable was dispatched to apprehend the accused but was repelled by force. When a number of settlers gathered to lend assistance, the Cowichan congregated in large enough numbers to resist the arrest, and the officer was forced to return without his man. Having again failed to force the Cowichan off his pre-emption, Dods finally resorted to Powell's first suggestion and attempted to negotiate with them. He concluded from his discussions that a payment of \$100 to \$150 would settle the matter. He asked the government to compensate the Cowichan, but his request was once again denied.<sup>53</sup>

By the spring of 1877, two and a half years later, Dods was still unable to retain control of his land or find satisfaction with either the provincial or federal government. John Morley, the local government agent, reported in

March that the Cowichan were building a 'large house' on Dods' claim. When Dods asked Morley for assistance, Morley replied that since the dispute was over ownership, he could not interfere.<sup>54</sup> The Cowichan's improvements continued unabated. After building the house, they erected more fences, one of which blocked the only road from Dods' homestead.<sup>55</sup> His frustration erupted in a letter to George Vernon. 'As I am writing there are two Indians, the chief and his son, taking down my fence and taking it away is there no law to protect me!' Scribbled on the bottom of the letter was the following: 'On 4th May 1877 Mr. Dods was informed that his grievance must be settled between himself and the Indians.'<sup>56</sup>

The federal government had a similar response when Powell asked the Department of the Interior for advice. The deputy minister replied that as far as the department was concerned, Powell 'had no power in the matter' and that the dispute had to be settled 'between those whose premises have been encroached and those who have so encroached.'<sup>57</sup> The federal government's ineffectiveness was echoed by the province. In the spring of 1877, the British Columbia attorney general advised Dods that his only recourse was to take the case to the provincial supreme court. He asked Dods to appreciate the government's position; the 'government would willingly assist you,' he wrote, 'if they had the power.'<sup>58</sup>

The government's power proved inadequate for many years. In 1886 the Indian agent for the district, William Lomas, reported that at least six Cowichan resided on Dods' pre-emption and were cultivating it for their own purposes. They had further strengthened their claim by burying several of their relatives on the land. When Lomas reiterated the government's position that the Natives had no right to the land, the Cowichan replied that the land had always been theirs, and if anyone was going to compensate Dods for his losses it should be the provincial government, which had accepted Dods' payment for the pre-emption.<sup>59</sup>

Since the government had taken his money for land that he had never been able to utilize, Dods felt no compunction about doing the same to someone else. Three months before Lomas's report, Dods had secured a \$200 mortgage on the property from Thornton Fell, a barrister in New Westminster. As Fell was later to testify, at the time he had no idea that Dods had been unable to secure control of the property for over sixteen years. In the fall of 1886, the ownership of the west half of section 11, range 2, finally did change hands, but it was not the Cowichan who were driven from the property. Dods' claim was sold by the sheriff at auction to Thomas J. Williams for \$160, and in order to protect his investment, Fell purchased the title from Williams.<sup>60</sup> The dispute continued long after Dods was finally forced to abandon his claim. Fell petitioned the provincial government for redress, a committee of the provincial government investigated the claim, and in the end, the land was incorporated into the Cowichan reserve.

### Reconceptualizing Power Relations

The Dods affair is a striking example of the persistence and importance of attempts by Natives to resist non-Native settlement. As such, it reveals much about the nature of power dynamics during the non-Native settlement of British Columbia. The question of power during this early re-settlement period has received increased attention in recent years, but the analysis has been mostly one-sided: it has focused on identifying non-Native power and analyzing its application; it has largely ignored the existence of Native power. John Lutz's contribution to this collection is an example of this approach. His discussion of non-Native strategies for creating knowledge about the Lekwammen, and his analysis of the ways in which these strategies became tools for increasing non-Native power, expands our understanding of the forces used to oppress Native peoples. Unfortunately, it tells us almost nothing about how the Lekwammen responded to this 'anti-conquest.' Studies such as Lutz's misrepresent the complexities of power relations by focusing solely on the strategies of non-Natives. More importantly, by ignoring Native responses, they unintentionally perpetuate the misconception that Natives were powerless.

This misconception is directly addressed by questioning the sources of power in late-nineteenth-century British Columbia. Dods' demand for a government gunboat highlights this question. The notion that the gunboat was the ultimate source of non-Native power during most of the nineteenth century is prominent among scholars who have emphasized dramatic and violent encounters between non-Natives and Natives.<sup>61</sup> Both Robin Fisher and Barry M. Gough have relied on such interpretations, but Cole Harris has carried the argument to a new level of sophistication.

In his overview of settlement in the lower mainland, Harris has argued that Natives were overwhelmed by the introduction of 'quite alien sources of power, entirely outside of their experience.'<sup>62</sup> This 'sovereign power' was grounded in the British monarch and expressed through the Colonial Office and the Royal Navy. For Harris, the impact of this new power was best exemplified by Governor Douglas's execution of Natives on Vancouver Island. In 1852 a Cowichan and a Nanaimo were accused of murdering a local shepherd. A gunboat, the *Beaver*, was dispatched in January 1853, and the two men were apprehended and hanged onboard ship. According to Harris, the presence of this type of coercive and violent power was so obvious that it rarely needed to be demonstrated: 'a few summary executions did much to establish the new realities.' The non-Native population, acting through its government, had only to occasionally demonstrate the 'quick, brutal, episodic application of sovereign power,' since 'fear bred compliance.'<sup>63</sup>

This analysis has important weaknesses, the most obvious being that it ignores the indisputable fact that while the two Natives suffered the ultimate penalty before an alien power, the unfortunate shepherd also experienced a

measure of Native power, and for him it also proved fatal. The Natives and non-Natives who struggled for control of land in British Columbia were involved in a complex system of manipulation and negotiation. The power that imbued and influenced their lives was flexible and organic; it was not something that came out of the barrel of a gun.

A show of force, whether by the government or Natives, was an important factor in power relations, but it was only part of an intricate web of conflict and conciliation. By focusing on rare violent confrontations, these analyses underestimate the importance of relatively prosaic disputes that predominated between settlers and Natives. The large majority of these confrontations were over land and were not serious enough, in the eyes of the government, to require armed intervention. When extreme force was used by the government, or demanded by settlers, the reality of local power relations was revealed: the cry of 'send a gunboat!' betrayed a lack of government power.

The law has also been recognized as an important site of power during the re-settlement of British Columbia. Tina Loo's analysis of Dan Cranmer's potlatch accurately illustrates how the very act of oppression could unintentionally create opportunities for resistance.<sup>64</sup> She exposes the flexible and creative aspects of the instruments of state control by describing how Natives capitalized on opportunities to lessen the law's impact and forward their own ends. This is a valuable contribution and should not be simply dismissed as theory without evidence.<sup>65</sup> But her interpretation falters in its location of the source of power. In Loo's description, power resides in the non-Native legal system, similar to the power supposedly resident in a gunboat. But unlike Harris, Loo emphasizes that Natives were willing and able to employ the law's power to obviate its intent. Once again power is mistakenly described as a non-Native entity because it is characterized as an attribute of an object, instead of a force created with objects. The law, like any instrument, is only infused with power when it is employed and manipulated for specific ends – it does not possess innate power.<sup>66</sup> Natives used the law as a tool to create power in an attempt to achieve their goals; they did not rely on the law to empower themselves. This is an important distinction because it places the focus squarely on Native actions and sees the very act of resistance as the source of power. This fact is at the foundation of Native agency.

In their attempts to manifest power, Natives obviously did not enjoy equal access to the tools available to non-Natives. In fact, non-Natives actively attempted to deny Natives access to potentially powerful tools, such as the law, the courts, and the legislature. The subsequent denial of Native rights, oppression of their cultures, and seizure of their land continues to be the great injustice of British Columbia history: this can not and should not be doubted. Arguments for Native agency have been criticized for supposedly

absolving the perpetrators of non-Native colonialism.<sup>67</sup> This criticism has two basic flaws. First, it is an obvious misinterpretation of studies of Native agency. They in no way deny or mitigate the fact of Native oppression and suffering. They expand and advance the study of Native/non-Native relations by analyzing their complexity and probing the history of Native attempts to respond to oppression. Second, these scholars are mistakenly criticized for how their arguments may be misused in public and political forums. The misinterpretation and misapplication of academic inquiries is a genuine concern, but the suppression of scholarly debate is no remedy. If their work is distorted, it is historians' responsibility to publicly clarify their findings and rebut potentially harmful misinterpretations. A greater understanding of the complexities of subjugation and resistance will eventually lead to an increased public awareness of both the injustices of the perpetrators and the courage of the oppressed.

It will also reveal that late nineteenth-century British Columbia was not a place where powerless Natives quietly retreated in the face of non-Native settlement. It was a world where Natives manifested power at an individual level, and so established a tradition that has been maintained through subsequent generations. Many Natives look back at over a hundred years of exploitation and forced assimilation, denounce the injustice, demand reparations, and then draw attention to the fact that they have survived.<sup>68</sup> No matter what destructive forces have been directed at their cultures, Native peoples have withstood the pressures and continued to insist on recognition, respect, and most importantly, the acknowledgment of Aboriginal land title. Scholars need to rethink the nature of power during the non-Native settlement period. Otherwise they will continue to find victims where many Natives find ancestors filled with strength and resiliency – ancestors who set the pattern for a long history of Native resistance.

### 3

## An Early Rural Revolt: The Introduction of the Canadian System of Tariffs to British Columbia, 1871-4

*Daniel P. Marshall*

I feel perfectly sure, Sir, that if Confederation should come, bringing with it the Tariff of Canada, not only will the farmers be ruined, but our independence will be taken away; it will deprive our local industries of the protection now afforded them, and will inflict other burdens upon them; it will not free trade and commerce from the shackles which now bind them, and will deprive the Government of the power of regulating and encouraging those interests upon which the prosperity of the Colony depends. There can be no permanent or lasting union with Canada, unless terms be made to promote and foster the material and pecuniary interests of this Colony ... I am opposed to Confederation, because it will not serve to promote the industrial interests of this Colony, but on the contrary, it will serve to ruin many, and thus be detrimental to the interest and progress of the country. I say that Confederation will be injurious to the Farmers, because protection is necessary to enable them to compete with farmers of the United States. The [Canadian] Tariff and Excise Laws do not supply that.

– Dr. John Sebastian Helmcken<sup>1</sup>

The introduction of the Canadian tariff structure to British Columbia, shortly after Confederation in 1872, is perhaps one of the most significant, yet neglected, topics of historical investigation of British Columbia's formative years. In the absence of clear political party lines or other legislative alignments, historians have opted for tantalizing, epic illustrations of British Columbia's past that have failed to include discussion of the all-important tariff question.<sup>2</sup> In both late colonial and early provincial history, we have usually been offered the 'struggle' for responsible government against the 'tyrannical' family-company compact; or the parochial battles between fledgling colonies forced by the mother country into a kind of incestuous marriage of convenience or, perhaps most often, the great commercial race for railway supremacy and the coveted prize of a Pacific entrepôt for the all-red route.<sup>3</sup> Allan Smith is quite correct in stating that British Columbia historians, on the whole, 'maintained a peculiar blind spot when it came to



- 56 Militia spending only exceeded Indian Affairs funding when the anti-conquest temporarily broke down with the outbreak of the Northwest Rebellions in 1885. *Canada Year Book*, 1910, 278-81 (Ottawa: King's Printer).

### Chapter 2: Manifestations of Power

- 1 This essay is a summary of my Simon Fraser University MA thesis, which would not have been possible without the financial support I received from SFU. I am grateful for the comments and criticism I received from David Peterson del Mar, Douglas Cole, Robin Fisher, Gerry Friesen, Cole Harris, and Ruth Sandwell.
- 2 John Lutz "'Relating to the Country": The Lekwammen and the Extension of European Settlement, 1843-1911,' in this collection; Barry M. Gough, *Gunboat Frontier: British Maritime Authority and Northwest Coast Indians 1846-90* (Vancouver: UBC Press 1984); Cole Harris, 'The Lower Mainland, 1820-81,' in Graeme Wynn and Timothy Oke, eds., *Vancouver and Its Region* (Vancouver: UBC Press 1992), 38-68; Cole Harris, *The Resettlement of British Columbia: Essays in Colonialism and Geographical Change* (Vancouver: UBC Press 1997); and Tina Loo, 'Dan Crammer's Potlatch: Law as Coercion, Symbol and Rhetoric in British Columbia, 1884-1951,' *Canadian Historical Review* 73 (1992): 125-65.
- 3 Loo argues that Natives were capable of utilizing the power of non-Native law. Tina Loo, 'Dan Crammer's Potlatch.' See also Harris, 'The Lower Mainland.'
- 4 For a summary of the theory of power employed in this essay, see Michel Foucault, *The History of Sexuality*, vol. 1, *An Introduction*, trans. Robert Hurley (1976; reprint, New York: Vintage Books 1990), 92-9. For more on applying Foucault's theories to the history of marginalized groups, see Patricia O'Brien, 'Michel Foucault's History of Culture,' *The New Cultural History*, ed. Lynn Hunt (Berkeley: University of California Press 1989), 25-46; and Joan Wallach Scott, *Gender and the Politics of History* (New York: Columbia University Press 1988).
- 5 Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890*, 2nd ed. (Vancouver: UBC Press 1992), 107.
- 6 Robin Fisher, 'An Exercise in Futility: The Joint Commission on Indian Land in British Columbia, 1875-1880,' *Canadian Historical Association (CHA) Historical Papers* (1975): 89.
- 7 British Columbia Archives (BCA), Pearse to colonial secretary, 5 May 1865, Department of Lands and Works, C/AA/30.7j/4.
- 8 BCA, Lomas[?] to Vernon, 7[?] August 1894, GR 1440, file 3337/94.
- 9 Robert E. Cail, *Land, Man, and the Law: The Disposal of Crown Lands in British Columbia, 1871-1913* (Vancouver: UBC Press, 1974), 15.
- 10 BCA, Pemberton, et al. to acting colonial secretary, 3 October 1864, Colonial Correspondence, file 909/3.
- 11 BCA, Pearse to acting colonial secretary, 5 October 1864, Colonial Correspondence, file 909/3.
- 12 BCA, Lessher to Vernon, 20 April 1878, GR 868, box 3, file 24, 956/78.
- 13 Brenton to Trutch, 30 April 1870, in British Columbia, *Papers Connected with the Indian Land Question, 1850-1875* (Victoria: Government Printing Office 1877), 81.
- 14 Pearse to Brenton, 17 May 1870, *Papers Connected with the Indian Land*, 82.
- 15 Harris, 'The Lower Mainland, 1820-81,' 67. Harris's essay has been reprinted, with minor changes, in *The Resettlement of British Columbia* (Vancouver: UBC Press 1997). My citations are to the earlier version.
- 16 BC Land Ordinance, quoted in Cail, *Land, Man, and the Law*, 61.
- 17 Ibid.
- 18 Ibid., 63.
- 19 Ibid., 247.
- 20 BCA, Pearse to acting colonial secretary, 13 March 1865, Department of Lands and Works, C/AA/30.7j/4.
- 21 Pearse to colonial secretary, 16 October 1871, *Papers Connected with the Indian Land Question*, 102-6.
- 22 Trutch to O'Reilly, 5 August 1868, *Papers Connected with the Indian Land Question*, 50.
- 23 National Archives of Canada (NAC), Patterson to Macdonald, 19 December 1881, RG 10, Department of Indian Affairs, vol. 3573, file 147.
- 24 Cox to Nind, 16 July 1865, *Papers Connected with the Indian Land Question*, 31.
- 25 Trutch to colonial secretary, 17 January 1866, *Papers Connected with the Indian Land Question*, 32-3.
- 26 For more on Native frustration with government surveys, see Fisher, 'An Exercise in Futility,' and 'Joseph Trutch and Indian Land Policy,' *BC Studies* 12 (1971-72): 3-33.
- 27 Leslie Hewes and Christian L. Jung, 'Early Fencing on the Middle Western Prairie,' *Annals, The Association of American Geographers* 71, 2 (1981): 177-201; Richard White, *Land Use, Environment and Social Change: The Shaping of Island County, Washington* (Seattle: University of Washington Press 1980), 41; William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang 1983), 54-81; Richard White, *It's Your Misfortune and None of My Own: A History of the American West* (Norman: University of Oklahoma Press 1991), 345.
- 28 For an example of a Native/non-Native conflict over fences, see George Manuel's poignant description of a clash between his grandparents and a settler in the Okanagan, in George Manuel and Michael Postluns, *The Fourth World: An Indian Reality* (Don Mills: Collier-Macmillan Canada 1974), 48-50.
- 29 Harris, 'The Lower Mainland,' 67.
- 30 BCA, Macdonald to chief commissioner of lands, 13 May 1878, GR 1440, file 1122/78.
- 31 For various examples of Natives using fences to claim land, see: Beaven to superintendent of Indian affairs, 19 April 1873, *Papers Connected with the Indian Land Question*, 115; BCA, Morley to chief commissioner of lands, 30 March 1876, GR 1440, file 671/76; BCA, George Nelson to chief commissioner of lands, 20 April 1878, GR 868, box 3, file 24, 956/78; NAC, Lessher[?] to Sproat, 3 June 1878, RG 10, vol. 3596, file 1279; BCA, Vowell to Carter-Cotton, 13 October 1899, GR 1440, file 8498/99.
- 32 BCA, Sproat to colonial secretary, 8 January 1877, GR 494.
- 33 BCA, Report of Indian Reserve Commission, 21 March 1877, GR 1069, item 212.
- 34 Powell to attorney general, 26 December 1873, *Papers Connected with the Indian Land Question*, 123.
- 35 BCA, Sullivan to attorney general, 5 January 1874, GR 429, box 1, file 3, 1/74.
- 36 BCA, Munro to Indian Reserve Commission, 8 January 1877, GR 494.
- 37 BCA, Report of the Indian Reserve Commission, 21 March 1877, GR 1069, item 212.
- 38 BCA, Indian Reserve Commission to provincial secretary, 16 January 1878, GR 494.
- 39 BCA, Statement of Munro, 29 November 1879, GR 1069, item 212.
- 40 NAC, Powell to Lomas, 6[?] August 1883, RG 10, vol. 1330.
- 41 NAC, Annual Report of Indian Agent Lomas, 25 July 1884, RG 10, vol. 3662, file 756, pt. 2.
- 42 Dods to attorney general, 11 June 1874, quoted in Fisher, *Contact and Conflict*, 175.
- 43 Fisher, *Contact and Conflict*, 196.
- 44 BCA, Dods to Pearse, 28 July 1870, Colonial Correspondence, file 477c.
- 45 BCA, Dods to Beaven, 18 September 1873, GR 1440, file 1559/73.
- 46 BCA, Dods to Beaven, 27 November 1873, GR 1440, file 1989/73.
- 47 Powell to attorney general, 26 December 1873, *Papers Connected with the Indian Land Question*, 123.
- 48 BCA, Sullivan to attorney general, 5 January 1874, GR 429, box 1, file 3, 1/74.
- 49 Moffat to Indian commissioner, 26 February 1874, *Papers Connected with the Indian Land Question*, 129.
- 50 Morley to attorney general, 20 February 1874, *Papers Connected with the Indian Land Question*, 128.
- 51 Dods to attorney general, 20 February 1874, *Papers Connected with the Indian Land Question*, 128.
- 52 BCA, Dods to Walkem, 11 June 1874, GR 429, box 1, file 3, 87/74.
- 53 Dods to Beaven, 5 November 1874, *Papers Connected with the Indian Land Question*, 150.
- 54 BCA, Morley to Department of Lands, 2 March 1877, GR 1440, file 448/77.
- 55 BCA, Dods to Vernon, 12 April 1877, GR 868, box 3, file 18, 757/77.
- 56 BCA, Dods to Vernon, 18 April 1877, GR 1440, file 781/77.
- 57 BCA, Meredith to Powell, 9 April 1877, enclosed in Powell to Vernon, 25 April 1877, GR 1440, file 878/77.
- 58 BCA, Elliott to Dods, 28 May 1877, GR 494.

- 59 NAC, Lomas to Davie, 12 July 1886, RG 10, vol. 1353.  
 60 BCA, Fell to Vernon, 14 May 1889, GR 1440, file 1132/89.  
 61 See Fisher, *Contact and Conflict*, 54-5 and 106-8; and Harris, 'The Lower Mainland,' 48.  
 62 Harris, 'The Lower Mainland,' 48.  
 63 *Ibid.*, 67.  
 64 Loo, 'Dan Cranmer's Potlatch.'  
 65 See Robin Fisher's criticism in the preface to the second edition of *Contact and Conflict* (1992), xxi-xxii.  
 66 This is not to argue that charges and prosecutions are necessary for the law to become a site of struggle. The law's existence creates the possibility of coercion, manipulation, and oppression.  
 67 Robin Brownlee and Mary-Ellen Kelm, 'Desperately Seeking Absolution: Native Agency as Colonialist Alibi?' *Canadian Historical Review*, 64, 4 (1994): 543-56.  
 68 Doreen Jensen and Cheryl Brooks, eds., *In Celebration of Our Survival: The First Nations of British Columbia* (Vancouver: UBC Press 1991).

### Chapter 3: An Early Rural Revolt

- 1 J.S. Helmcken, 'Debate on the Subject of Confederation with Canada,' British Columbia Legislative Council, 9 March 1870, in *Journals of the Colonial Legislatures of the Colonies of Vancouver Island and British Columbia, 1851-1871*, V., ed. James E. Hendrickson (Victoria: Provincial Archives of British Columbia 1980), 449 (hereafter *Journals of the Colonial Legislatures*).
- 2 Political parties are simply defined as 'any group, however loosely organized, seeking to elect governmental office holders under a given label.' Ixson D. Epstein, *Political Parties in Western Democracies* (New York: Praeger 1967), 9-10.
- 3 For a detailed quantitative study of British Columbia 'Island versus Mainland' politics during the 19th century, see chapter 2, 'Mapping the New Political World: The McCreight-DeCosmos Administrations, 1871-1874,' in Daniel P. Marshall, 'Mapping the Political World of British Columbia, 1871-1883' (MA thesis, Victoria: University of Victoria 1991).
- 4 Allan Smith, 'The Writing of British Columbia History,' *BC Studies* 45 (Spring 1980): 73-102.
- 5 See Table VI a, 'Population and Labour Force: 1862-1870' in Paul A. Phillips, 'Confederation and the Economy of British Columbia,' in *British Columbia and Confederation*, ed. W. George Shelton (Victoria: University of Victoria 1967), 58.
- 6 For a complete listing of the old BC Tariff, see R.E. Gosnell, *The Year Book of British Columbia* (Victoria: Government Printer 1897), 86-7.
- 7 Canadian Liberals had more often aligned themselves with the farmers of Western Ontario and rural Rouges south of the St. Lawrence. 'Only when the Liberals abandoned their reformist posture as defenders of the agrarian underdog and spokesman for reform did they succeed.' See Hugh G. Thorburn, 'The Development of Political Parties in Canada,' in *Party Politics in Canada* 5th ed., edited by Hugh G. Thorburn (Scarborough, ON: Prentice-Hall 1985), 4.
- 8 A good example of a historical work that glosses over the Canadian tariff issue is E.O.S. Scholefield and F.W. Howay, *British Columbia: From the Earliest Times to the Present II*, (Vancouver: S.J. Clarke Publishing 1914), 296-7, 328.
- 9 Much of the information contained in this paper may also be found in a larger quantitative study of BC legislative alignments in the 19th century. See Chapter 3, "'The War of the Tariffs': The Introduction of the Canadian System of Tariffs to B.C.," in Marshall, 'Mapping the Political World of British Columbia,' 44-74.
- 10 This is not an attempt to derogate other newspapers in the province, such as the *Mainland Guardian*, *New Westminster Herald*, or the *Cariboo Sentinel*, for instance. Yet the close proximity of Victoria's press to the legislature, combined with the fact that editors Robson and De Cosmos were also opposing political players for the period of study suggests that Victoria's newsprint contained greater political coverage. Further research will, of course, require a proper canvass of other newspapers in the province.
- 11 The few exceptions are 'The Kootenay Seats,' *Victoria Daily Standard* (hereafter *Standard*), 19 February 1872, 3, where members are cautioned 'not to create a sectional feeling between the Island and Mainland.' Also, 'The Seat of Government,' *Standard*, 26 March 1872, 2, which identified John Robson with a rumoured attempt to relocate the BC capital to the Mainland. Also, see the election advertisement entitled 'Electors,' *British Colonist* (hereafter *Colonist*), 26 February 1874, 3, which is an extreme, yet uncommon, illustration of 'Island vs. Mainland' sentiment where voters are warned: 'Remember! Vancouver Island has fewer members than the Mainland. If you elect Dalby you will give the Mainland one more member and then the Island voters can at anytime be out voted.' By far, the majority of newspaper coverage does not reflect an Island vs. Mainland alignment. Edith Dobie's assertion that an 'Island vs. Mainland' alignment did exist is particularly curious as she based her piece primarily on Victoria newspapers of the period. Howay is cited frequently in the work, however, and this is probably the more likely, although erroneous, source. See Edith Dobie, 'Some Aspects of Party History in British Columbia, 1871-1903,' *Pacific Historical Review* (1932): 235-51. Of more particular interest is an article that claimed 'Island vs. Mainland' sectionalism was being contrived. See 'Manufacturing Public Opinion,' *Colonist*, 8 March 1874, 3.
- 12 'History of the Tariffs,' *Colonist*, 6 March 1873, 2.
- 13 See *Journals of the Colonial Legislatures*, V, Appendix A.
- 14 Robert W.W. Carrall, 'Confederation Debates,' British Columbia Legislative Council, 11 March 1870, *Journals of the Colonial Legislatures*, 478.
- 15 Hon. Thomas Wood, J.P., 'Confederation Debates,' 23 March 1870, *Journals of the Colonial Legislatures*, 551. Certain individuals abandoned farming by 1870 as food prices dropped and agricultural imports increased to \$225,193. See Margaret A. Ormsby, 'Agricultural Development in British Columbia,' in Dickson M. Falconer, ed., *British Columbia: Patterns in Economic, Political and Cultural Development* (Victoria, BC: Camosun College 1982), 154. For Blue Book figures and related discussion to growth of agricultural production in BC from 1862 to 1870, see Paul A. Phillips, 'Confederation and the Economy of British Columbia,' in W. George Shelton, ed., *British Columbia and Confederation* (Victoria: Morriss Printing 1967), 49-50. Also see George M. Dawson, 'Note on Agricultural and Stock Raising, and the Extent of Cultivable Land in British Columbia' (Geological Survey of Canada), in Sanford Fleming, *Report on Survey and Preliminary Operations on the Canadian Pacific Railway* (Ottawa: Maclean, Roger & Co. 1877), Appendix S, 246-53.
- 16 John Robson, 'Confederation Debates,' 9 March 1870, *Journals of the Colonial Legislatures*, 455. Joseph Trutch, chief commissioner of lands and works, further explained that 'the [federal] "Organic Act" puts it virtually out of the power of the colony to prescribe what form of Tariff we should have under Confederation. The scheme ... is based on the transfer of the control of customs to Canada.' 'Confederation Debates,' *Journals of the Colonial Legislatures*, 553.
- 17 John Robson, Member for New Westminster, 'Confederation Debates,' 9 March 1870, *Journals of the Colonial Legislatures*, 454.
- 18 Amor De Cosmos, Member for Victoria District, 'Confederation Debates,' 10 March 1870, *Journals of the Colonial Legislatures*, 470.
- 19 See 'The Struggle for Confederation,' in George Woodcock, *Amor De Cosmos: Journalist and Reformer* (Toronto: Oxford University Press 1975), 97-126.
- 20 Amor De Cosmos, 'Confederation Debates,' 22 March 1870, *Journals of the Colonial Legislatures*, 549. In 1870, British Columbia employed 1,827 persons in agriculture, 403 in manufacturing, 1,303 in trading, and 2,348 in mining, as recorded in 'British Columbia: Report of the Honourable H.L. Langevin, C.B.' (Ottawa 1872), in G.P.V. Akrigg and Helen Akrigg, *British Columbia Chronicle, 1847-1871* (Vancouver: Discovery Press 1977), 404. Victoria City was attributed with an iron factory, 2 sash factories, gas works, 4 breweries, 2 distilleries, 1 soap factory, 2 tanneries, and 2 lumber yards. By comparison, New Westminster City, including Burrard Inlet, was eclipsed with only 3 sawmills, 1 grist mill, and 1 distillery. Akrigg, *British Columbia Chronicle*, 403-5.
- 21 'Confederation Debates,' 23 March 1870, *Journals of the Colonial Legislatures*, 558-9.
- 22 'Confederation Debates,' 24 March 1870, *Journals of the Colonial Legislatures*, 565-6.
- 23 As quoted in Margaret A. Ormsby, 'The Relations Between British Columbia and the Dominion of Canada, 1871-1885' (PhD dissertation, Bryn Mawr College, 1938), 90. The emphasis is my own.