

“Average mail...
Lots of routine”: Arthur Wellsley Vowell and the Administration Of Indian
Affairs in British Columbia 1889-1910

by

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BA, University of Northern British Columbia, 2013

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Supervisory Committee

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Abstract

Federal Indian Superintendent Arthur W. Vowell was a long serving administrator, who managed the Canadian government's relationship with Aboriginal people in British Columbia between 1889 and 1910. This research challenges the thesis that policy and practice were necessarily symmetrical by arguing bureaucracy operated as a distinct form of power in British Columbia in the late nineteenth and early twentieth centuries. I argue that the power exercised by department bureaucrats was not manifested in centralized top-down organization and micro-management by Ottawa, but instead evolved through the subjective, dispersed activities and daily decision making of individual bureaucrats. Drawing on department correspondence, and other evidence derived from a study of the life of Indian superintendent Arthur Vowell, this study seeks to understand how Indian affairs bureaucracy functioned. This understanding is developed through the particular lens of Arthur Vowell's administrative activities and their role in the larger context of the colonial project in British Columbia.

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Problematique

Government bureaucracy was ubiquitous in the lives of Aboriginal people in British Columbia by the end of the 19th century. Placed under the supervision of Indian agents, on reserves set aside by the government and subject to the terms of the Indian Act, Native people have been subjected to constant bureaucratic oversight from the late 1850s to the present day. The administration of Indian affairs in B.C. has been, and remains, a complex multifaceted enterprise. The aim of this thesis is to assess the nature of federal Indian affairs bureaucracy in this province through an examination of the life and work of Indian Superintendent Arthur Wellsley Vowell, who was a senior Department of Indian Affairs (DIA) official from 1889 to 1910.

Histories of Aboriginal-state relations allude to the work of government officials, Indian agents, and politicians in British Columbia, and recognize the asymmetrical power relations inherent in such interactions. However, as J.R. Miller has stated, scholars of Native Newcomer relations have tended to treat the intentions and the outcomes of Aboriginal affairs policy as synonymous, often failing to consider that this might not actually be the case.¹ Yet, few have attempted to investigate the particular, sometimes even peculiar, inner workings of a bureaucratic system that has had a long and potent influence upon Aboriginal people in British Columbia. I challenge the notion that the department was a cohesive hierarchical institution. By setting aside this assumption, I argue instead for an analysis that pays particular attention to the way that bureaucracy operated as a distinct form of power in British Columbia in the late nineteenth and early twentieth centuries.

¹ J. R. Miller, "Owen Glendower, Hotspur, and Canadian Indian Policy," *Ethnohistory* 37, no. 4 (1990), 387.

In drawing attention to the process and not just the outcomes of policies administered by Arthur Vowell, my purpose is to highlight the subtle day-to-day bureaucratic decisions and processes that contextualized such outcomes. Rather than being dominant and one-dimensional, the power exercised by government agencies was subjective and dispersed across different social institutions and individuals that did not necessarily work to fulfill the official prerogatives of the state. I seek to further illuminate the scope and limitations of Indian affairs bureaucracy in the province by suggesting that the Dominion's Indian department office in B.C. may have retained a unique character in relation to the rest of the country because of Vowell's influence as an administrator. Overall, this project has two aims. First, my research shows that his adept management of the Indian department was deeply enmeshed in colonial strategies of 'peaceful subordination' employed against Aboriginal societies in British Columbia. Second, this thesis will associate the particular contribution of Arthur Wellsley Vowell as an individual to the larger colonial project of Indian administration in B.C.

The development and composition of Indian affairs administration is important to any understanding of how the Canadian government coordinated and implemented policy among Aboriginal people. Historians who have approached the DIA through studies of its senior officials assume that it was a well-ordered organization managed through the central authority of its senior officials. For instance, Douglas Leighton characterizes deputy superintendent general of Indian affairs Lawrence Vankoughnet as the typical Victorian civil servant; a man who upheld commonly adhered to ideals of both the profession and the period, and strictly enforced financial economy within the department often at the expense of Native people. Vankoughnet was a

confident, authoritarian leader who exhibited great loyalty to the ruling Conservative government and rigidly upheld professional standards within the department.²

Leighton's conclusions are similar to those found in D.J. Hall's examination of Clifford Sifton, Minister of the Department of the Interior between 1896 and 1905. In 1896, Sifton initiated a reformation of the DIA; personnel were let go or encouraged to retire, western agencies were reorganized, and the salaries of many employees decreased.³ These changes were not to implement new policy, but rather to cut costs, encourage greater efficiency, and manage 'political considerations' within the department.⁴ Both authors categorize these officials as typical Victorian bureaucrats to whom political and fiscal considerations were of the greatest importance. This emphasis had consequences for Aboriginal people "Indians were not a major priority...[t]hey were a responsibility to be lived with, not likely to contribute significantly to the progress of the country."⁵

Similarly, Sarah Carter's influential *Lost Harvests; Prairie Indian Reserve Farmers and Government Policy* argues that the attitudes and approach of senior department officials determined the substance of Department of Indian Affairs policies. Despite the claims of department that its role was to help native people on the prairies become farmers, its policies ultimately caused the failure of agriculture on reserves. Carter argues that department based its policy upon a "prevailing ideology," characterised by "a set of shared attitudes and assumptions

² Douglas Leighton. "A Victorian Civil Servant at Work: Lawrence Vankoughnet and the Canadian Indian Department, 1874-1893" in, American Council of Learned Societies, *As Long as the Sun Shines and Water Flows a Reader in Canadian Native Studies*, ed. Ian A. L. Getty and Antoine S. Lussier, Nakoda Institute Occasional Paper, no. 1 (Vancouver: University of British Columbia Press, 1983),104.

³ D.J. Hall . "Clifford Sifton and Canadian Indian Administration 1896-1905." in, American Council of Learned Societies, *As Long as the Sun Shines and Water Flows a Reader in Canadian Native Studies*, ed. Ian A. L. Getty and Antoine S. Lussier, Nakoda Institute Occasional Paper, no. 1 (Vancouver: University of British Columbia Press, 1983), 122.

⁴ Hall, "Clifford Sifton and Canadian Indian Administration," 123.

⁵ Hall, "Clifford Sifton and Canadian Indian Administration," 137.

about Indians...often evident much more at the centre than at the periphery.”⁶ Carter’s arguments have played an important role in re-orientating the study of the DIA towards actual administrative practices, not just the content of official policy.

In particular, Carter emphasizes Hayter Reed’s role in shaping Indian policy in the Northwest after 1885. His policy aspirations were similar to those of his predecessor, Lawrence Vankoughnet, who adhered to a policy that severely restricted government aid to bands on the plains with great zeal.⁷ When he became Indian commissioner in 1888, Reed’s primary aspiration was to see Aboriginal people utterly assimilated into Canada’s population. To do so, he advocated an end to the reserve system and Native adaptation to agriculture to encourage individualism and responsibility.⁸ However, despite claims that these efforts were intended to assist Native adaptation to farming, his policy actually limited the ability of reserve farmers to obtain modern implements and sell their crops, and so resulted in the abject failure of most agriculture projects.

In *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada*, Brian Titley discusses Duncan Campbell Scott’s career as deputy superintendent general of Indian affairs. Chronologically, this book continues work initiated in earlier studies, based on the same top-down assessment of DIA administration. Avoiding an exclusively biographical approach, the book emphasises how Scott’s work may elucidate Euro-Canadian thought about Aboriginal rights at the turn of the century. Titley identifies evangelical Christianity, cultural imperialism, and laissez-faire economics as the primary inspiration for

⁶ Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy*, McGill-Queen’s Native and Northern Series 3 (Montreal ; Ithaca: McGill-Queen’s University Press, 1990), 144.

⁷ Carter, *Lost Harvests* 144.

⁸ Carter, *Lost Harvests*, 148.

Scott's Indian policy.⁹ He concludes that Scott was a loyal official who failed to question the aims and policies of the department. Scott denied the resiliency of Aboriginal culture, obsessively managed the department's finances, and promoted top-down decision making and administrative uniformity in much the same way as his predecessors.¹⁰

Titley makes similar arguments in *The Indian Commissioners: Agents of the State and Indian Policy in Canada's Prairie West*, one of the few books to consider the work of mid-level officials based outside of Ottawa. Of the commissioners, he states, "the commissioners were...significant in that their actions touched the lives of several generations of native people...and they led interesting lives that influenced the course of events—even if the extent of this influence is impossible to measure with much exactitude."¹¹ Titley concludes that cultural assimilation was the main impetus behind many of the policies created and enacted by each commissioner. Their role was to create an "apparatus of containment" that stripped Aboriginal people of their rights and removed their ability to function independently of the Canadian state.¹² Titley concurs with Hall and Leighton, who described Sifton and Vankoughnet as typical Victorian civil servants with attitudes that closely reflected the conventional prejudices and misconceptions of their day.

The literature considered above generally portrays the DIA as an orderly, hierarchal organization in which power flowed down from its upper echelons to affect the lives of people in Native communities. A smaller body of literature has addressed the role that Indian agents played in enforcing the department's policy. Historians frequently assume that the agents

⁹ Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 201.

¹⁰ Titley, *A Narrow Vision*, 202.

¹¹ Brian Titley, *The Indian Commissioners: Agents of the State and Indian Policy in Canada's Prairie West, 1873-1932* (Edmonton: University of Alberta Press, 2009), x.

¹² Brian Titley, *The Indian Commissioners*, 210

cooperated closely with senior officials, faithfully representing the department's interests in their work on the ground in Native communities.¹³ Most of this work is consistent with classical Weberian theorizations of bureaucracy that emphasize bureaucratic administration as being rational, impersonal, and bound by clearly formulated procedures and rules.¹⁴ As is the case in Weber's bureau, scholarly work dealing with the administrative composition of the department of Indian affairs maintains a general consensus that the authoritarian will of senior officials shaped the applications and outcomes of its policies.

Histories that address research of the department's work in British Columbia tend to echo similar themes. The first serious treatments of federal Aboriginal affairs administration in the province emerged during the 1960s and 70s, most notably in the work of Wilson Duff and Robin Fisher.¹⁵ Anthropologist Wilson Duff's *The Indian History of British Columbia* was one of the first monographs to outline the development of Indian policy in the province. Duff's brief monograph gives a basic but comprehensive treatment of federal administration and major developments from the colonial period to the contemporary era.¹⁶ In *Contact and Conflict*, Robin Fisher argues that the transition from fur trade to settlement in British Columbia is key to understanding the development of subsequent Native-newcomer relations in the province. Further, he argues that government administration of Aboriginal people arose out of the

¹³ Several graduate theses have addressed this topic. See for instance, Jean Manore, "Power and Performance: The Indian Agent and the Agency, 1877-1897: Two Western Case Studies" (MA Thesis, University of Ottawa, 1986), P. Trefor Smith, "John Freemont Smith and Indian Administration in the Kamloops Agency, 1912-1923." (MA Thesis, Simon Fraser University, 1994).

¹⁴ See, Max Weber and Max Rheinstein, *Economy and Society: Sociology of Law and Related Topics* (Chicago: University of Chicago, 1900).

¹⁵ Other works from this time such as Forrest LaViolette's *The Struggle for Survival: Indian Cultures and the Protestant Ethic in British Columbia* also discuss the development of Indian administration in BC. However, this book contains numerous factual errors making it a less reliable source for serious enquiries. Forrest Emmanuel LaViolette, *The Struggle for Survival: Indian Cultures and the Protestant Ethic in British Columbia* (Toronto: University of Toronto Press, 1973).

¹⁶ Wilson Duff and Royal British Columbia Museum, *The Indian History of British Columbia: The Impact of the White Man*, (Victoria: Royal British Columbia Museum, 1965), 61-70.

consolidation of settlement that occurred in the 1870s, following the province's entry into Confederation.¹⁷

In Fisher's assessment, two personalities, Governor Sir James Douglas and Commissioner of Lands and Works Joseph Trutch were the most significant individuals to impact Aboriginal-state relations before 1871. Whereas Douglas followed a liberal policy of acknowledging Indian title and allotting reserves, Trutch proceeded to reduce the size of reserves and disregard the significance of Native title. As Fisher wrote elsewhere, for Trutch, "anything, or more importantly anyone, who stood in the way of...development had to be moved."¹⁸ Fisher argues that by the end of the 1880s, a pattern of dominance was firmly entrenched. The transition from fur trade to settlement brought a settler government unwilling to recognize native rights or meet their needs. Despite the small size and limited reach of Indian affairs administration in the period, government officials effectively destroyed aboriginal sovereignty with discriminatory legislation following the stabilization of colonial settlement in the province. Fisher's account ends abruptly in the 1890s, which were "simply a reassertion of what had already been established by the consolidation of settlement."¹⁹ By drawing this conclusion, Fisher largely concurs with the work of other scholars addressed above.

Further research has shown that, in contrast to this assessment, settlement did not eliminate Aboriginal culture and history by the turn of the century. Some historical work of the early 1990s expanded the presence of the DIA in the literature, with topical discussions relating to major themes addressed by researchers like Duff and Fisher. Most notably, Paul Tennant's political history of land claims in British Columbia, *Aboriginal Peoples and Politics* and *An Iron*

¹⁷ Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890*, (Vancouver: UBC Press, 1977), 160.

¹⁸ Robin Fisher, "Joseph Trutch and Indian Land Policy," *BC Studies: The British Columbian Quarterly* no. 12 (1971), 5.

¹⁹ Fisher, *Contact and Conflict*, 211.

Hand upon the People, by Douglas Cole and Ira Chaikin provided new interpretations of government policy related to potlatching and the land question.²⁰ Tennant provided one of the first comprehensive treatments of the Native land question in British Columbia and the contemporary political history of Aboriginal people in British Columbia. In *An Iron Hand*, Cole and Chaikin trace the enforcement of legislation banning the potlatch and the responses of Native people to the law. The efforts to outlaw the potlatch, a topic that will be considered in greater detail below, provide a particularly good example of a situation in which the contents and outcomes of policy directed towards Aboriginal people were not synonymous. In particular, Cole and Chaikin observe that some people, such as the Alaskan Tlingit, gave up the potlatch voluntarily and were thus unaffected by any laws prohibiting it.²¹

Recent literature relevant to DIA administration draws on cultural and post-colonial theory and examines the relationship between power structures and the governance of Aboriginal people. Opportunities to perform this type of analysis have been brought about through the influence of ethnohistory and the ‘cultural turn,’ which have encouraged historians to access and interrogate new bodies of evidence that give insight into Aboriginal perspectives as well as more fully contextualize western points of view.²² Valuable accounts relating to significant aspects of the work of the department in the province have emerged along with the newer methodological approaches to Aboriginal history. However, less research has addressed department bureaucracy as a primary subject of analysis.

²⁰ Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: University of British Columbia Press, 1990); Douglas Cole and Ira Chaikin, *An Iron Hand Upon the People: The Law Against the Potlatch on the Northwest Coast*, (Vancouver: Douglas & McIntyre, 1990).

²¹ Cole and Chaikin, *An Iron Hand Upon the People*, 59-60.

²² Susan Neylan, “Colonialism and Resettling British Columbia: Canadian Aboriginal Historiography, 1992–2012,” *History Compass* 11, no. 10 (October 1, 2013), 835.

One of the first books to make explicit use of social theory and ideas relating to structural power and agency was Cole Harris' *The Resettlement of British Columbia*. In this book, Harris combined theory and empirical evidence to describe the ways that colonialism shaped the settlement of British Columbia, linking relations of power to the removal of land from Native people. However, as Harris himself notes in his introduction, he underrepresented the prevalence of Indian department bureaucracy in his analysis, even while recognizing it as a critical aspect of colonialism in the province during the late 19th century.²³ Despite this acknowledged shortcoming, Harris' work was constructive, as it encouraged other scholars to attempt similar approaches, contributing to a reconfiguration of the dominant metanarrative of Aboriginal displacement in British Columbia.

Scholarship that has enriched the literature surrounding the department's work in British Columbia include the work of Douglas Harris on the history of law and colonialism, Cole Harris' historical geography of the Native land question and Paige Raibmon's analysis of authenticity and colonial definitions of Aboriginal culture.²⁴ Douglas Harris argues that "a web of entitlements, prohibitions and sanctions governed the Native fisheries" and this bureaucracy produced by Dominion government officials conflicted with alternative native legal frameworks that existed before Euro-Canadian settlement.²⁵ In, *Making Native Space*, Cole Harris gives a sophisticated and comprehensive portrayal of the creation of British Columbia's Indian reserve system. As the scope of this work allows Harris to devote more attention to Indian affairs bureaucracy, he provides valuable synthesis of the work of the department in the allocation of

²³ Cole Harris, *The Resettlement of British Columbia: Essays on Colonialism and Geographical Change*, (UBC Press, 1997), xiv.

²⁴ Douglas C. Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia* (Toronto: University of Toronto Press, 2001); Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, Brenda and David McLean Canadian Studies Series (Vancouver: UBC Press, 2002); Paige Raibmon, *Authentic Indians: Episodes of Encounter from the Late-nineteenth-century Northwest Coast* (Durham, NC ; London: Duke University Press, 2005).

²⁵ Harris, *Fish Law and Colonialism*, 3.

reserves.²⁶ Paige Raibmon's *Authentic Indians* shows how notions of authenticity legitimized colonialism and racial superiority. In doing so, this book provides crucial context for understanding the contradictory goals, motivations, and ideologies of government officials, missionaries, anthropologists, and other settlers in British Columbia during the 19th century.²⁷ Such scholarship provides context for further studies of Indian affairs administration in the province. However, none consider the administrative composition of the department in its own right.

Few studies have considered the significance of bureaucracy in British Columbia in any detail. Dorothy Schreiber has proposed that the role of agents and routine administrative decisions have been underemphasized in the historiography. To Schreiber, the "liberal and paternal" spirit of department administrators and the localized decision making of Indian agents facilitated the imposition Canadian government management of fisheries so that they operated in the best interests of settler society.²⁸ Schreiber argues "it was not so much the official policies of Indian affairs that created the most oppressive outcomes for native people, but rather...ordinary confrontations and administrative decisions."²⁹ This assessment suggests a more nuanced approach to bureaucracy that emphasizes the subjective reality of day-to-day administrative activities. However, Schreiber chooses to argue that this form of decision-making produced consistent policy and "overall unity" in the department's administrative practices.³⁰ This stance

²⁶ Harris, *Making Native Space*, 169-216. Harris' assessment of Peter O'Reilly's work as Indian reserve commissioner and "The Vowell Years: 1898-1911," (219-228) are of particular relevance to the present study. The book does a good job of explaining the work of O'Reilly and Vowell as reserve commissioner and illustrates the bureaucratic and political constraints faced by both men during their respective involvement in the Indian Reserve Commission.

²⁷ Raibmon, *Authentic Indians*, 6.

²⁸ Dorothy Schreiber, "'A Liberal and Paternal Spirit': Indian Agents and Native Fisheries in Canada," *Ethnohistory* 55, no. 1 (January 1, 2008), 88.

²⁹ Schreiber, "'A Liberal and Paternal Spirit,'" 90.

³⁰ Schreiber, "'A Liberal and Paternal Spirit,'" 109.

falls much more in line with the majority of the literature emphasizing the overall uniformity of department bureaucracy.

Similarly, Keith Smith's reconsideration of Aboriginal history in light of Ian McKay's "liberal order framework," *Liberalism, Surveillance, and Resistance* compares the DIA's administrative efforts in British Columbia and Alberta during the late nineteenth century. Smith argues that liberal ideology was imposed on Native people and was an exclusionary force meant to henceforth control the minutest aspects of their lives.³¹ He describes the department as a "large and diffuse bureaucracy with a multilevel hierarchical structure in which each level in the chain of authority examined the level below and was responsible for the level above."³² Disciplinary surveillance was a primary mechanism of power, applied by the department to construct a "particular knowledge network," that helped make liberal expansion possible.³³ Smith's focus on liberal ideology works to the extent that it illuminates ways colonialism was justified by white settlers, but provides little insight into the inner workings of department bureaucracy. Most historians in this field are aware that the state and its bureaucracy were not monolithic entities. Nonetheless, these analyses do not challenge the view of the department as a classical Weberian bureaucracy—a centralized hierarchical organization in which power radiated outwards from Ottawa.

New theoretical approaches to bureaucracy developed primarily in the field of social science and now represent a fundamental challenge to the 'Weberian' theories of bureaucracy. Weber considered bureaucracy to be a superior form of organization that was dehumanized,

³¹ Keith D. Smith, *Liberalism, Surveillance, and Resistance Indigenous Communities in Western Canada, 1877-1927*, The West Unbound : Social and Cultural Studies Series (Edmonton: AU Press, 2009), 24.

³² Smith, *Liberalism, Surveillance, and Resistance*, 93.

³³ Smith, *Liberalism, Surveillance, and Resistance*, 4.

impersonal and rational, and closely tied to the growth and empowerment of modern nation-states. In the classic Weberian bureaucracy, authority was derived from “a continuous organization of official functions bound by rules.”³⁴ In such a bureaucratic hierarchy, higher offices supervise their lower counterparts and the management of each organization revolves around ‘files’ or documents that define the activities of the bureau and organize specialized official knowledge.³⁵

While this perspective addresses the aspirations of bureaucracy to function with cohesion and efficiency, but it does not necessarily reflect real life, where inefficiency is rife and paperwork is copious. Contemporary ethnographic studies of bureaucracy deemphasize such structural and functional analysis of the state that “see ‘it’ either as an autonomous actor or a set of conventional government institutions which serves the interest of particular classes or groups of people.”³⁶ Rather than being preordained through rules and established organizational hierarchies, state power is understood as discursively produced and culturally embedded.

While the majority of these studies have a contemporary focus, and take place in diverse global settings, they offer a great deal of insight and new possible approaches to the study of bureaucracy in historical settings. In *Red Tape Bureaucracy, Structural Violence, and Poverty in India*, Akhil Gupta outlines a theoretical method that deconstructs the concept of the ‘state’ as a unified entity. Gupta builds on an epistemological framework established by Philip Abrams that argues for the suspension of belief in the idea of the state as a coherent, naturalized entity

³⁴ Max Weber, *The Theory of Social and Economic Organization* (Glencoe, Ill: Free Press, 1957), 330.

³⁵ Excerpt from Max Weber and Max Rheinstein, *Economy and Society: Sociology of Law and Related Topics* (Chicago: University of Chicago, 1900). in, Aradhana Sharma and Akhil Gupta, eds., *The Anthropology of the State: a Reader*, Blackwell Readers in Anthropology 9 (Malden, MA: Blackwell Pub, 2006), 49-50.

³⁶ Aradhana Sharma and Akhil Gupta, eds., *The Anthropology of the State: a Reader*, Blackwell Readers in Anthropology 9 (Malden, MA: Blackwell Pub, 2006), 165.

validated by an ontological reality underlying its institutional practices.³⁷ Gupta argues that “[f]ar from being a unitary organization with a singular intention, the state is characterized by various levels that pull in different directions.”³⁸ Rejecting structural conceptions of the state has led scholars like Gupta to understand the production of state authority as created through daily practices, representational discourse, and varied modalities of power that make it a ‘real’ entity in people’s lives.³⁹

From this perspective the structure of bureaucratic authority is not based on official functions secured by rules, but repetitive daily practice and routines. According to Wendy Brown, bureaucratic order and rationalization epitomize the “particular representation of a will to power—domination through regimes of predictability, calculability, and control.”⁴⁰ Bureaucratic ethnographic approaches recognize that this type of activity is not only performative but ritualistic and plays a significant role in confirming structures of authority within bureaucratic hierarchies. Indian department officials spent a great deal of time engrossed in managing innumerable files, maintaining records and answering letters. To Vowell, daily routine and endless paperwork were an unfailing constant in his daily life. These mundane activities were the basis for the ‘regimes of predictability’ alluded to in Brown’s definition. In his daily diary for 1901, he constantly alludes to, “routine galore,” or writes statements like “Average mail. Exam^d & attended to several letters written and much routine put through” that exemplify the pervasiveness of ritualistic paperwork within the department.⁴¹ The fact that Vowell wrote about

³⁷ Akhil Gupta, *Red Tape Bureaucracy, Structural Violence, and Poverty in India* (Durham, N.C.: Duke University Press, 2012), 44; Philip Abrams, “Notes on the Difficulty of Studying the State (1977)” *Journal of Historical Sociology* 1, no. 1 (March 1988): 58–89.

³⁸ Gupta, *Red Tape*, 46.

³⁹ Sharma and Gupta, *The Anthropology of the State*, 166.

⁴⁰ Wendy Brown, *Finding Man in the State*, in Aradhana Sharma and Akhil Gupta, eds., *The Anthropology of the State: a Reader*, Blackwell Readers in Anthropology 9 (Malden, MA: Blackwell Pub, 2006), 165.

⁴¹ BCA, Arthur Vowell Fonds MS-2790, Diary, 7 February 1900.

writing every day of his life confirms its importance to his work and that it was a significant means by which he derived his authority.

Ethnographic approaches to bureaucracy emphasize that writing is essential not only to the functioning of the bureaucracy, but constitutive of bureaucratic action itself. As such it is one of the central activities performed to actualize bureaucratic power. Pierre Bourdieu has suggested, “behind the appearance of thinking it, most of the writings devoted to the state partake, more or less efficaciously and directly, of the construction of the state.”⁴² More recently, Matthew Hull argues, “bureaucratic actors in the setting use the rationalizing regime of written documentation to ritually constitute a collective agent.”⁴³ To Hull, inscription, or bureaucratic writing, is a ‘semiotic technology’ that creates and legitimizes bureaucratic authority. Moreover, as Akhil Gupta bluntly puts it, in almost every bureaucracy, doing something meant writing it down; in the absence of records, actions were incomplete or nonexistent if sufficient documentation is not available to prove their existence.⁴⁴ Rather than being a by-product of the bureaucratic process, the writing that state officials produce was action itself. Ethnographic approaches to bureaucratic writing stress the importance of files as constitutive of state action, rather than simply a by-product of bureaucratic procedure. As both Hull and Gupta propose, viewing such writings as semiotic ‘technologies’ make possible deeper understandings of the ways that expressions state power and authority are closely intertwined with the seemingly mundane tasks of government bureaucrats.

⁴² Pierre Bourdieu, Loic J. D. Wacquant, and Samar Farage, “Rethinking the State: Genesis and Structure of the Bureaucratic Field,” *Sociological Theory* 12, no. 1 (March 1, 1994), 3.

⁴³ Matthew S. Hull, “The File: Agency, Authority, and Autography in an Islamabad Bureaucracy,” *Language & Communication*, Words and Beyond: Linguistic and Semiotic Studies of Sociocultural Order, 23, no. 3–4 (July 2003), 290.

⁴⁴ Akhil Gupta, *Red Tape Bureaucracy, Structural Violence, and Poverty in India* (Durham, N.C.: Duke University Press, 2012), 188.

This form of proceduralism functioned to reproduce the state and maintain the primacy of its institutions. As Bruno Latour puts it, inscription as a means of authoritatively rendering knowledge equates to the “reduction of the world to paper.”⁴⁵ However, as Latour goes on to point out, this process is not unlike “trying to stuff a quilt into an envelope,” it is complex and does not always proceed in a rational manner.⁴⁶ This may result in a Weberian nightmare, where neither rationality nor administrative logic prevails. In the daily business of bureaucratic institutions such as the Indian department, conflict and dysfunction inevitably arose with great frequency.

Transgressions or omissions that contravene the formal ‘rules’ of an institution also erode the centralized methods of control implied by bureaucratic hierarchy. Vowell was able to act with a great deal of discretion in his capacity as Indian superintendent. As Michael Lipsky has described, discretionary power held by ‘street-level bureaucrats,’ or state officials who regularly interact directly with the public, permits them a great deal of independence from organizational authority.⁴⁷ In assessing instances where Vowell made decisions at odds with institutional norms, and situations in which his authority was compromised by the actions of other staff, a more complex picture of department bureaucracy emerges. Rather than having a formal, orderly structure, the department’s administrative actions were frequently contingent and arbitrary, not systematic and cohesive.

Anthropologists like Gupta argue that bureaucratic routine and procedures can contribute to the promotion of social inequality and discrimination. In arguing that poverty in contemporary India ought to be understood as a form of killing or structural violence, Gupta suggests that state

⁴⁵ Bruno Latour, *The Making of Law: An Ethnography of the Conseil d’Etat* (Cambridge, UK ; Malden, MA: Polity Press, 2010), 229.

⁴⁶ Latour, *The Making of Law*, 229.

⁴⁷ Michael Lipsky, *Street-level Bureaucracy: Dilemmas of the Individual in Public Services*, Publications of Russell Sage Foundation (New York: Russell Sage Foundation, 1980), 13.

policies and practices intended to provide care to vulnerable populations in the country are unsuccessful in spite of their stated aims to help the poor. Therefore “extreme poverty should be theorized as a direct and culpable form of killing made possible by state policies and practices.”⁴⁸ DIA paperwork addressing Aboriginal complaints and petitions is often representative of similar outcomes. The burden of official paperwork and procedure meant that department staff were overworked and wrapped up in administrative minutiae. Complaints that entered the system were inscribed and acted upon, with the most frequent course of action being the production of paperwork. Administrative decisions played out in this paperwork reinforced and informed settler hegemonies. Bureaucratic procedures enabled a form of disciplinary control that acted to directly marginalize Native interests without recourse to violent or coercive intervention.

While the bureaucratic correspondence stamped or signed with Vowell’s name is voluminous, few traces of the life he led outside of government offices remain. No substantial stock of evidence such as letters, diaries, or journals remains to give a sense of his guiding principles, or the motivations behind his actions. In the absence of such readily available documentation, an attempt has been made to gather and assess diverse evidence that helps to reconstruct his life in a meaningful way. The official correspondence of the DIA—letters, reports statistics and statistics—make up the majority of the evidence considered in this analysis. While it provides insight only into the work of department officials, it is important to remember that this body of ‘official’ evidence is biased towards particular opinions and altered explanations.

The first aim of this thesis is to demonstrate that the Indian department’s ‘official’ opinions and procedures sometimes existed to mask and reconfigure the truth. It is easy to assume that these written texts represent a superior form of documentary evidence. However, they only give insight into the version of events sanctioned by the procedural oversight of the

⁴⁸ Gupta, *Red Tape*, 5.

department. With this in mind, I take the documentary evidence not as hard factual proof, but indicative of a particular set of discursive strategies employed by department bureaucracy. When considered from this perspective, we can interpret these texts to provide a sense of the ways that bureaucrats like Vowell employed inscription as a powerful tool that fabricated state effect in the lives of Aboriginal people.

Behind forms of power, and the apparatus of states and governments, individuals shaped the discourses of colonialism. Ann Laura Stoler's close examination of colonial archives and records such as those created by the Indian department, reveals colonial rule as partial and inconsistent as well as the epistemological and political dilemmas faced by colonial officials. Such ethnographic approaches to the archives "reside in the disjuncture between state mandates and the manoeuvres people made in response to them, between normative rules and how people actually lived their lives."⁴⁹ An acceptance of this sort of scholarship in British Columbia has challenged the narratives of 'contact and conflict' originally posited by Fisher and prompted scholars to look more closely at the micro dynamics of power in colonial situations. As Alexandra Harmon noted in her introduction to *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest*, "understanding treaties (or lack of treaties) with indigenous populations entails analyzing power relations, and power relations have been more complex, negotiable, and variable than many broad-brush histories of Indian affairs indicate."⁵⁰

⁴⁹ Stoler, Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009), 32.

⁵⁰ Alexandra Harmon ed., "Introduction: Pacific Northwest Indian Treaties in National and International Historical Perspective" in, *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest*, [The Emil and Kathleen Sick Lecture-book Series in Western History and Biography], (Seattle: Center for the Study of the Pacific Northwest : In association with University of Washington Press, Seattle and London, 2008), 17.

Like J.R. Miller, Harmon emphasizes that it is possible to write history that complicates “out-come oriented” perspectives on power relations without denying the overall subjugation of Aboriginal people in colonial contexts.⁵¹ Rather than focus on retrospective assessments of power differences between Natives and newcomers, Harmon advocates for histories that “examine what the parties knew, did not know, valued and expected at the time they spoke and acted.”⁵² In the same volume, Paige Raibmon advocates for a “figurative genealogy of colonialism” in British Columbia to reveal the “place where practices of settlement and the experiences of Indigenous people intersect.”⁵³ Raibmon encourages historians to place less emphasis on synthesis, look beyond obvious configurations of power and consider instead the makings of dispossession as a product of complex, localized interactions.⁵⁴ A few studies have taken such an approach.⁵⁵ Nonetheless, the full potential of studies that take a ‘genealogical’ approach to colonialism in B.C. remains unrealized.

As Keith Carlson has pointed out, one of the important contributions of Cole Harris’ *Making Native Space*, was a reminder that the relationship between settlers and Aboriginal people was often contradictory—individuals involved in the displacement of Aboriginal people

⁵¹ Harmon, “Introduction,” 17.

⁵² Harmon, “Introduction,” 17.

⁵³ Paige Raibmon, “Unmaking Native Space: A Genealogy of Indian Policy, Settler Practice, and the Microtechniques of Dispossession” in Alexandra Harmon and Center for the Study of the Pacific Northwest, eds., *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest*, The Emil and Kathleen Sick Lecture-book Series in Western History and Biography (Seattle: Center for the Study of the Pacific Northwest: In association with University of Washington Press, Seattle and London, 2008), 57.

⁵⁴ Raibmon argues that to understand processes such as settlement or the ‘making’ (or ‘unmaking’) of Native space in B.C. Therefore it is important to consider how the mundane processes and requirements of settlement brought about the displacement of Indigenous people from their land: “over time, settler practices and Indian policy combined in a mutually sustaining dialectic to do the work of colonialism.” The routine decisions and duties of colonial bureaucracy provide an ideal setting in which to assess such dynamics. Raibmon, “Unmaking Native Space,” 58.

⁵⁵ See for instance, Paige Raibmon, “‘A New Understanding of Things Indian’: George Raley’s Negotiation of the Residential School Experience,” *BC Studies: The British Columbian Quarterly* 0, no. 110 (1996): 69–96., Heather Lee Wilke, “One Too Many: Imbibing and Resistance in the Cowichan Indian Agency, 1888-1899” (Masters Thesis, University of Victoria, 2006).

also advocated for their rights under certain circumstances.⁵⁶ Carlson points to Harris' extended discussion of Gilbert Malcolm Sproat, who grappled with the colonial dispossession in which he played an important role. In placing such emphasis on Sproat, Cole Harris "recognizes and emphasizes the potential of individuals to shape historical outcomes" revealing the human implications of colonialism.⁵⁷ This is an exercise infrequently undertaken in the literature on the colonization of B.C. and an approach that I consider fruitful, and deserving of further consideration in the context of my research.

The second aim of this thesis is to take up the challenge of relating the historical significance of a particular individual to the history of colonialism in the province. Vowell did not advocate in favour of Native rights to the same degree as Sproat.⁵⁸ Nonetheless, he had a principled and at times sympathetic view of Aboriginal culture that complicate his stance as an Indian superintendent and figure of colonial government authority. Understanding individuals is a difficult but necessary task for historians interested in revealing the dispositions of a settler society empowered by colonialism. Ann Laura Stoler urges scholars to see past their own epistemic anxieties about colonialism, "the smug sense that colonial sensibilities are a given," and respond instead to "the *flat interiorities* commonly attributed to those with whom we do *not* sympathize, politically or otherwise."⁵⁹ As Stoler demonstrates, the relationship between bureaucratic correspondence and the affective lives of the colonial actors, remains underappreciated in studies of settler colonialism. This thesis adopts an approach that seeks to

⁵⁶ Keith Thor Carlson et al., "Appraising Cole Harris' *Making Native Space*," *Native Studies Review* 16, no. 2 (December 2005), 127.

⁵⁷ Carlson et al., "Appraising Cole Harris' *Making Native Space*," 127.

⁵⁸ This is perhaps one reason that Vowell has not received the same attention from historians.

⁵⁹ Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009), 238.

probe the inner workings of colonial bureaucracy and reconsider assumptions about DIA administration in British Columbia in the late nineteenth and early twentieth century.

In chapter 1, I begin by summarizing Vowell's life as a means of providing context for subsequent analysis and dispelling the confusion over his identity that persists in the historical record. With this in mind, chapter 2 discusses Vowell's understanding of, and role in, the enforcement of legislation banning the potlatch. Correspondence between Vowell and senior officials in Ottawa indicates that he maintained and challenged the expectations of his superiors, effectively substituting the 'official' standards of the department with his own preference not to actively prevent potlatches from occurring. Finally, chapter 3 closely analyses department bureaucracy at the level of the Indian agency. The implications of the appointment of a new Indian agent, William Robertson, for the Cowichan agency on Vancouver Island in 1900 provides an opportunity to examine how bureaucratic authority was produced and challenged through daily practices and encounters.

Chapter 1

“Isolation and depravations,” Vowell’s Life in Government Service, 1864-1910

Though he is remembered as one of the province’s pioneering civil servants, Arthur Vowell has only been given a passing glance in much of the relevant historical literature. He remains an individual well-known, but not well-understood. The general lack of recognition of his life may stem from the fact that his name, and role, as Indian superintendent are frequently confused with those of his predecessor in the Indian department, Dr. Israel Wood Powell. Powell served as superintendent for the department 1872-1889 and the similarity between the two men’s names has since caused some confusion among historians. Vowell has suffered the further indignity of having his name misspelled constantly, which has served to further lessen his individual significance in the historical record.¹

As a civil servant in the interior of British Columbia, a politician, and an official of the federal government, Vowell toiled in obscurity for much of his life. A stalwart, capable administrator, Vowell’s years of service with colonial and provincial government were likely to have secured his eventual appointment as Indian Superintendent for the province of British Columbia. His formative career, mainly spent in remote parts of the province, resulted in years of practical experience dealing with Aboriginal people. While Vowell appears to have been a consummate Victorian bureaucrat, he was by no means happy in either his personal or his professional life. Surviving personal correspondence penned during Vowell’s time in the interior frequently alludes to the loneliness and hardship of life on the frontier. He never married and

¹ I have come across many variations of Vowell’s name during my research. Notable misspellings include, ‘Arthur Wesley Vowell,’ ‘A.E. Vowell’ and ‘Arthur Powell.’ Even the records of Ross Bay Cemetery where he is buried incorrectly record his name as ‘Arthur W. Nowell.’

does not appear to have ever had close family connections in British Columbia. Much of his career was characterized by futile attempts to seek appointments away from the frontier. Though these attempts to seek a patronage appointment culminated somewhat successfully in his appointment as Indian superintendent, he was unable to transition his career away from public service. In order to demonstrate the experience he brought to his work in the Department of Indian Affairs, this chapter will relate the major events of Vowell's life and place his career in historical context.

Arthur Wellsley Vowell was born in Clonmel, County Tipperary, Ireland 17 September, 1839.² The twelfth of thirteen children, his father Richard Prendergast Vowell, was a prominent solicitor.³ His mother, Elizabeth Richards Bulkley was the daughter of a wealthy landowner.⁴ After attending grammar school at Clonmel, Vowell took a commission with the Irish Militia as a senior Lieutenant in the 4th Battalion Queen's Own Royal Dublin City Militia. He spent his service on garrison duty in England until 1860 when he left the militia preceding his immigration to Canada.⁵

In 1861, Vowell left Britain with his friend John George Brown for the colony of British Columbia.⁶ According to Brown's biographer William Rodney, Vowell's partnership with Brown was unsurprising. Both men moved in the same social circles, were military men, and had an affiliation with the Church of England.⁷ Before reaching British Columbia, the travelers

² BCA, "Vital Event Death Registration - Arthur Wellsley Vowell," 1918-09-037061/Roll b13084 .

³ R.E. Gosnell, *British Columbia, a History* (The Hill Binding Co., 1906), 453; R. E. Gosnell, *Biographical Dictionary of Well-known British Columbians; with a Historical Sketch*, (Kerr & Begg., 1890), 316-317.

⁴ Gosnell, *Biographical Dictionary of Well-known British Columbians; with a Historical Sketch*, (Kerr & Begg., 1890), 316-317.

⁵ *Hart's Annual Army List, Militia List, and Imperial Yeomanry List* (J. Murray, 1863), "Irish County Regiments."

⁶ William Rodney, "Biography – Brown, John George, Kootenai Brown" Volume XIV (1911-1920) – *Dictionary of Canadian Biography*.

William Rodney, *Kootenai Brown: Canada's Unknown Frontiersman*, 1st ed (Surrey, B.C: Heritage House, 1996).

⁷ Rodney, *Kootenai Brown*, 37.

experienced numerous delays. At the Isthmus of Panama, their steamer broke down, leaving Brown and Vowell stranded. Because remaining in the city awaiting passage through the canal was too expensive, they decided to travel by boat up the Chagres River, fishing and shooting along the way. In his journal, Brown claimed that they ‘bagged’ an alligator at one point during their expedition.⁸

Eventually the two men crossed the isthmus and boarded a Pacific Mail Company Steamship, disembarking next at San Francisco where they worked as labourers to earn a small stake to pay for passage to Victoria. Arriving at Esquimalt harbour in February 1862, they worked to fund travel to the Cariboo goldfields.⁹ They arrived in the Cariboo at the height of the gold rush but neither man was successful as a miner. Brown remained behind to trap and mine in the region for several more years, leading an illustrious life as a frontiersman, whiskey trader and eventually an advocate for the creation of Waterton Lakes National Park in Alberta.¹⁰ Vowell meanwhile, left the Cariboo and returned to Victoria.

In 1864, following work as a labourer on the Cariboo Wagon Road and in the city of Victoria, Vowell joined the public service. His first employment was as a gaoler at the New Westminster jail where he worked for two years before applying for a position as colonial constable.¹¹ As a young man with a respectable Anglo-Irish background and military experience, Vowell became a part of the colonial constabulary. Constables were required to be reliable, intelligent, and capable of keeping legible and accurate records of their official activities. Vowell was one of four colonial constables appointed in British Columbia just prior to the colony joining

⁸Rodney, *Kootenai Brown*, 38.

⁹ Rodney, *Kootenai Brown*, 40.

¹⁰ Brown and Vowell’s exploits in the Caribou are briefly chronicled in the 1991 film, “Showdown at William’s Creek” which gives a very loose historical account of their short-lived partnership as aspiring prospectors.

¹¹ BCA, *Colonial Correspondence*, Reel B01372, Box 138, File 1807, 1866.

the Canadian Confederation.¹² His first posting as a member of the colonial constabulary was as the chief constable for Big Bend on the upper reaches of the Columbia River in central British Columbia under magistrate Peter O'Reilly.¹³

Vowell's Irish protestant background and social respectability as a militia veteran and the son of a prominent Tipperary lawyer made him an ideal candidate for the civil service in the colonies. He joined a group of Anglo-Irish immigrants who are considered to have played a prominent role in British colonial administration in British Columbia during the nineteenth century.¹⁴ Margaret Ormsby names Vowell as one of a group of Anglo-Irishmen, who were "loyal subjects of the Crown...professing a desire to help in building British power in a new country."¹⁵ Vowell and others served as magistrates, gold commissioners, constables, and surveyors and Ormsby suggests that as government agents they were "respected for their sense of fair play, their sensitivity, and their displays of generosity."¹⁶

When he arrived at Big Bend in 1866, mining in the region was at its peak following the discovery of gold in the spring of 1865.¹⁷ Though the gold rush boom had gone bust at Big Bend by 1867, Vowell remained stationed at French Creek as a constable for the next six years. Despite his youth, Vowell's work as a constable was curtailed by ill health in 1868, and he was forced to request several months leave from his duties.¹⁸ The bout of rheumatism that he suffered during this period was an early instance of the ill health that plagued him until the end of his life.

¹² Frederick John Hatch, "The British Columbia Police, 1858-1871" (Masters Thesis, University of British Columbia, 1955), 50.

¹³ "Arthur W. Vowell" *Daily Colonist* (1909-07-12). 1909.

¹⁴ Cecil J. Houston, *Irish Emigration and Canadian Settlement Patterns, Links, and Letters* (Toronto ; Buffalo : Belfast: University of Toronto Press ; Ulster Historical Foundation, 1990), 55.

¹⁵ Margaret A. Ormsby, "Some Irish Figures in Colonial Days," *British Columbia Historical Quarterly*, xiv, no. 1 (1950), 61-62. See also Dorothy Blakey Smith, "'Poor Gaggin': Irish Misfit in the Colonial Service," *BC Studies: The British Columbian Quarterly*, no. 32 (1976): 41-63.

¹⁶ Ormsby, 62.

¹⁷ Edward L. Affleck, "The Big Bend Gold Rush of 1865," *B.C. Historical News* 35, no. 2 (1 April, 2002), 20.

¹⁸ BCA, *Colonial Correspondence*, Reel B01372, Box 138, File 1807, 1868.

However, it appears that his work as a constable in the Big Bend District was satisfactory. When he recommended that Vowell receive an increase in pay in 1870, Peter O'Reilly described him as "an active, trustworthy and zealous officer" who was well deserving of an increase in salary.¹⁹

In 1872, the government appointed Vowell as Gold Commissioner and Stipendiary Magistrate first in the Kootenay District and later in the Omineca and Cassiar districts. This promotion provided a more substantial salary, elevated his social status and increased his responsibilities. Governor James Douglas had created the position of Gold Commissioner and the 1859 Gold Fields Act determined their responsibilities.²⁰ Initial appointments to the office of Gold Commissioner were mainly from the "Dublin Castle" class with connections to Irish gentry, who were able to provide letters of introduction from influential individuals. As commissioners, each held the judicial responsibilities of a justice of the peace and was responsible for settling mining or civil disputes involving sums less than \$200.²¹ They also collected miner's licenses, registered mining claims, and supervised local mining boards. In addition to their work supervising mining activities, the commissioners also acted as the collector of revenue, assistant commissioner of lands, Indian agent and coroner for their respective districts. After 1861, new Gold Commissioners were often men previously employed as colonial constables. Former constables were the most desirable candidates as many, like Vowell, already had military or policing experience.²²

Despite the legal powers accorded them, Stipendiary Magistrates had no formal legal training. Judge Matthew Baillie Begbie initially desired men with an appropriate level of legal education, but few such individuals were readily available. Given the shortage of suitable

¹⁹ BCA, O'Reilly to Trutch, 7 November, 1870, *Colonial Correspondence*, Reel B01372, Box 138, File 1807, 1870.

²⁰ Margaret A. Ormsby, *British Columbia, a History*, (Toronto: Macmillan of Canada, 1971), 180.

²¹ Ormsby, *British Columbia, a History*, 180.

²² Hatch, "The British Columbia Police, 1858-1871," 48.

candidates, Tina Loo states that in the end, “English sentiment remained the overriding prerequisite for the colonial magistracy.”²³ Because of his Anglo-Irish background, Vowell met this basic qualification. Despite his ad-hoc legal qualifications, many respectfully referred to him as ‘Judge’ Vowell throughout his life.

Vowell left the Omineca district when his appointment as magistrate and gold commissioner was ‘cancelled’ due to cost saving measures put in place by the government. In response to what he viewed as a wrongful dismissal, Vowell requested be able to sue his employer.²⁴ According to the *Daily Colonist*, the case went to trial after the Government “having at first flatly refused, next consented, then refused, then stated in the House that there was no case,” agreed to hold a trial.²⁵ Before the case went before the court, Vowell took a temporary appointment as Collector of Customs at Burrard Inlet. In court, he claimed financial compensation for his dismissal as well as his travelling expenses. The defense questioned Vowell’s character during the trial. Accusations against him were made regarding the amount of time it took him to travel through the province, and a discrepancy between the amounts of money claimed as compensation by Vowell for travel costs and what he should have been paid by the government. However, in his decision the Judge stated that Vowell had acted “conscientiously” throughout the trial and dismissed the charges against him stating he had acted without fault.²⁶

After ten years as a civil servant, those he administered respected his impartial sense of justice nonetheless. Despite his legal troubles, in October 1874 the *Daily Colonist* published an address to Vowell signed by forty-one miners of the Omineca District that commended him for his work as magistrate and commissioner:

²³ Tina Merrill Loo, *Making Law, Order, and Authority in British Columbia, 1821-1871*, Social History of Canada 50 (Toronto: University of Toronto Press, 1994), 58.

²⁴ *Daily Colonist*, 5 April 1875.

²⁵ *Daily Colonist*, 1 May 1875.

²⁶ *Daily Colonist*, 9 August 1875.

We the undersigned Miners and Residents of Omineca, hearing with deep regret that you have been called to the performance of more important duties... present you our heartfelt expressions of esteem for your self personally and for the manner in which you have discharged your duties as Gold Commissioner and Magistrate while in charge of this district.²⁷

The *Colonist* went on to state that, “we are quite sure that it is no more than Mr. Vowell deserved, for he has given the greatest satisfaction in every community in which he has been stationed during the ten years he has been in the service.”²⁸ The incident seems to illustrate the tenuous nature of government employment in the period. With his reputation intact, Vowell entered politics as a member of the legislature for the Kootenays months later.

Vowell ran as a candidate for the provincial Legislative Assembly in order to highlight issues regarding the administration of justice in the Kootenays. Just before his election in 1875, Vowell travelled to meet Major General Edward Selby Smyth, Commander of the Militia of Canada, at the behest of the provincial government. Smyth’s expedition was making an over land inspection of the Northwest and required a knowledgeable local official to guide the expedition through the Kootenays.²⁹ Smyth’s party had crossed the prairies inspecting North West Mounted Police posts along the way, as well as the US Military at Fort Benton in Montana. Lieutenant Governor Joseph Trutch arranged for Vowell to meet Smyth’s party and act as a guide in British Columbia and the Pacific Northwest.³⁰ That August, Arthur Vowell traveled from Victoria to the Kootenays to meet General Smyth at Joseph’s Prairie (modern-day Cranbrook) on September 27. From there, the party traveled south to Walla Walla, Washington and Portland, Oregon.³¹

²⁷ ‘Deserved Testimonial’ *Daily Colonist*, 26 May 1874.

²⁸ ‘Deserved Testimonial’ *Daily Colonist*, 26 May, 1874.

²⁹ BCA, Vertical Files, Arthur Vowell.

³⁰ *Daily Colonist*, 22 October 1875.

³¹ *Daily Colonist*, 22 October 1875.

General Smyth's final report did not mention Vowell or his role as a guide for the expedition. However, the report suggested "the small population of about 100 Whites and 150 Chinese might on small pretext or by accident become entangled in a quarrel with the Indians who could massacre them all."³² It is likely that Vowell took the opportunity as a government agent for the region to impress upon Smyth the need for additional law enforcement officers in the Kootenays. At the same time as he was with General Smyth in the interior, Vowell was elected to the British Columbia Provincial Legislative Assembly.

A three-way tie occurred between Robert Galbraith, Charles Gallagher and Arthur Vowell. Along with Gallagher another Irishman, Vowell replaced the previous representatives for the Kootenay-Slocan District, John Andrew Mara and Charles Todd.³³ After the electoral returning officer cast deciding votes, Vowell and Gallagher were both elected to the assembly.³⁴ The *Caribou Sentinel* reported Vowell elected to the Opposition, while Gallagher had run as an Independent.³⁵ However, the press later clarified that both men ran as Reform members, opposing the government. At the time, a *British Colonist* editorialist endorsed Vowell, stating "knowing well from personal experience, the wants of mining communities, he will be enabled to represent the interests of his district intelligently and well on the floor of the house."³⁶

George A. Walkem retained his seat as Premier in the 1875 election. However, he soon lost legislative support and resigned after a vote of non-confidence in January 1876. The leader of the reform coalition, A.C. Elliot, subsequently replaced Walkem as Premier.³⁷ As a Reformer,

³² Edward Selby Smyth, "Report on the Defences and Mounted Police in the North-West," Canada Dept. of Militia, 1875, xivii.

³³ "Vowell, Arthur Wellesley: MLA Files." (British Columbia Legislative Library).

³⁴ Elections British Columbia and British Columbia, *Electoral History of British Columbia, 1871-1986* (Victoria, B.C: Queen's Printer, 1988), 21.

³⁵ 'The New Parliament' *The Caribou Sentinel*, 29 October 1875.

³⁶ 'The Kootenay Election' *Daily Colonist*, 24 October 1875.

³⁷ Elections British Columbia and British Columbia, *Electoral History of British Columbia*, 21.

Vowell became part of the new governing party. Overall, he did not have a very striking political presence. On one occasion, he questioned the Minister of Finance about the lack of Supreme, County, or Gold Commissioner's Courts in the Kootenay District. He also sat on several committees including one appointed to examine pastoral leases and cattle owners' claims in the interior.

Near the end of his brief engagement as a politician, Vowell stood and addressed the house encouraging the lieutenant governor to carry out the recommendations made by Major General Selby Smyth following his tour of the Northwest. Given the region's close proximity to the US border and threat of "outbreak among the aborigines," Vowell argued that the federal government should be encouraged to establish a Mounted Police post at Joseph's Prairie.³⁸ Although his motion passed, the Mounted Police did not arrive in the Kootenays until the arrival of the CPR in the 1880s.³⁹ Days after his address to the house in May 1875, Vowell resigned his seat and returned to the civil service, after accepting an appointment as Gold Commissioner and Stipendiary magistrate for the Cassiar District.

When he was not present to defend his reputation, mild controversy over Vowell's reappointment broke out in Victoria in 1878. Critics claimed that A.C. Elliot's government had shown preferential treatment in granting him the appointment to Cassiar. His accusers argued that he might have benefited favourably through his connections to the premier's ruling party. However, his friend, Representative John Andrew Mara, who had since been re-elected to the Assembly, defended Vowell's reputation. Mara argued that Elliot's government had never

³⁸ 'Mounted Police,' *Daily Colonist*, 15 May, 1875.

³⁹ The North West Mounted Police were deployed to Wild Horse River in 1887, during Chief Isadore's 'uprising,' following a dispute between the Kutenai people and a local politician over the boundaries of the Fort Steele Band's reserve. See Lynne Stonier-Newman, *Policing a Pioneer Province: The BC Provincial Police, 1858-1950* (Madeira Park, B.C: Harbour Pub, 1991), 57-59.

promised Vowell's position.⁴⁰ His name was also invoked in connection with the debate over the unequal distribution of electoral districts throughout the Province. Voters in rural districts such as Kootenay held an advantage over the electorate in more populous districts, a disparity which contributed to maintaining the schism between the Island and the mainland.⁴¹ Despite recurring controversy, Vowell's reputation as a capable, trustworthy civil servant survived intact. In 1879, he became the government agent and magistrate for Cassiar in addition to his regular duties as gold commissioner and magistrate. The *Daily Colonist* commented that Vowell's appointment ought to be considered to "guarantee...an impartial administration of the law" because by that time he was highly experienced as a Gold Commissioner and magistrate.⁴²

Between 1879 and 1884 when Vowell left the district, the Cassiar region was one of the most inaccessible parts of the province. The duties of government agents in remote districts like Cassiar were numerous and demanding because the position encompassed multiple vocations, coroner, notary public, and court registrar in addition to that of Gold Commissioner and Magistrate.⁴³ Apart from several months in the winter of 1877-78 that he had spent abroad in Ireland, Vowell remained at Laketon on Dease Creek, the administrative center of the Cassiar District as the sole provincial government official in the region.⁴⁴

In April 1884, Vowell transferred back to the Kootenay District. The district had lacked the presence of a government agent altogether after the former magistrate, elderly settler Edward

⁴⁰ *Daily Colonist*, 12 March 1878.

⁴¹ Jean Barman, *The West Beyond the West a History of British Columbia*, 3rd ed (Toronto: University of Toronto Press, 2007), 108.

⁴² 'County Court Judge of Cassiar,' *Daily Colonist*, 12 May 1879.

⁴³ *BC Gazette for the Year 1876*, Vol. XVI, 26 May 1876.

⁴⁴ *Daily Colonist*, 5 March 1878.

Kelly, vacated the position in May 1884.⁴⁵ Vowell returned, but before the hard rock mining boom and the arrival of the Canadian Pacific Railway, two circumstances that significantly increasing settlement and economic growth in the Kootenays. The CPR encouraged the construction of new trails and wagon roads that improved access to the rest of the province.⁴⁶ Railway construction, settlement and ongoing mining development dramatically increased the population, creating a greater need for law enforcement. Between December and June 1885, he worked from Donald near Revelstoke, which was a divisional point and center of construction for the CPR. Here, a correspondent of the *Daily Colonist*, described him as “government agent, stipendiary magistrate, gold commissioner, and with as many other posts as would overwhelm Ko-Ko, lord-high everything in the Mikado.”⁴⁷

With the arrival of the CPR, the demands on the few government agents in the Kootenays were increased significantly. Vowell was responsible for maintaining justice among miners and prospectors, and preventing violence and lawlessness along the line of the railway. The work was rigorous, and isolating. In a letter to his friend, politician William Smithe, he complained of the “masterly inactivity” of ferries in the Kootenays, poor mail service, and the high cost of goods and services in the region.⁴⁸ He states, with great frustration, “you can know what one man’s meat is another man’s poison very often, and I am heartily sick of the mountains, of bed rock, of sluices and everything connected with the “honest miner!”⁴⁹ The letter goes on to mention that he had applied for another appointment as magistrate on the Northwest Coast, away from the interior. He had applied for the position that April, but it appears that his request was not

⁴⁵ Edward Lloyd Affleck, Note, *Columbia River Chronicles a History of the Kootenay District in the 19th Century*, vol. 1, The Kootenays in Retrospect (Vancouver, B.C.: Alexander Nicolls Press, 1973).

⁴⁶ Edward Lloyd Affleck, ed., *Kootenay Pathfinders Settlement in the Kootenay District 1885-1920*, vol. 2, The Kootenays in Retrospect (Vancouver, B.C.: Alexander Nicolls Press, 1976), 4.

⁴⁷ ‘Revelstoke to Donald,’ *Daily Colonist*, 7 September 1886.

⁴⁸ BCA, Vowell to Smithe, 14 July 1884. Gr-441, Box 1, File 1.

⁴⁹ BCA, Vowell to Smithe, 14 July 1884. Gr-441, Box 1, File 1.

granted.⁵⁰ Evidently he did not enjoy being posted to rough, undeveloped parts of the province. In another letter to William Smithe, Vowell describes himself as having “no rest or comfort” while working in the railway belt and states that he had feared for his life more than once while in the line of duty.⁵¹

However, he addressed Prime Minister John A. Macdonald in a much more positive tone at Donald, BC July 22nd 1886. In a speech given on the occasion of Macdonald’s visit on the newly completed transcontinental Railroad, he described the challenges faced by settlers in the area and the expectations for growth and prosperity held by residents of the Kootenays. Freelance journalist Ellen Spragge, who was part of the intercontinental trip, documented the speech verbatim. According to her transcription, Vowell stated:

It must be a great source of pleasure for you to travel over the Canadian Pacific Railway, which has been brought to completion with a speed unparalleled in the history of railway construction...Until the railway reached this portion of British Columbia, it was impossible for settlers to come in, and the district was only occupied by a few enterprising miners, who endured hardships, privations, and dangers which it is hoped are now things of the past⁵²

In addressing the Prime Minister on behalf of the citizens of Donald, Vowell commanded considerable authority, with a reputation founded upon his ability to maintain order among the rough, disreputable individuals who were perceived to have made up the Kootenay District. Despite a firm belief in the importance of progress and the development of the province, Vowell desired to remove himself from the Kootenays and seek an appointment away from the province’s frontier.

⁵⁰ LAC, Vowell to MacDonald, 1 April 1884, MG 26-A, Vol. 403.

⁵¹ BCA, Vowell to Smithe, 2 July 1885. Gr-441, Box 1, File 2.

⁵² Ellen Elizabeth Spragge, *From Ontario to the Pacific by the C.P.R.* (Toronto: C.B. Robinson, 1887), 82-83.

Vowell's ability to maintain law and order also resulted in his being appointed to special assignments on behalf of the provincial government. When race riots broke out in Vancouver in 1887, Vowell departed from Victoria with several special constables to quell the conflagration. After several weeks of unrest, during which Vancouver citizens had actively protested the arrival of Chinese labourers in Vancouver, a mob attacked and demolished a Chinese camp on Coal Harbour.⁵³ Because of the suspicion that local authorities had been complicit with the rioters, thirty-six special provincial police constables were sent from Victoria to Vancouver to keep the peace. Vowell went along as a replacement stipendiary magistrate while the power of local authorities was suspended. The force arrived in the city on March 2nd and Vowell was given the key to the city jail by the mayor at city hall. Vowell subsequently decided that the city could maintain the peace on its own and ten of the special constables returned to Victoria on March 10. The rest, including Vowell, left on March 18 after returning the jail keys to Vancouver's Chief of Police.⁵⁴

Despite being well respected within upper-class society in the province, Vowell's influence did not extend to Ottawa. Having been engaged in government service for 24 years without being granted a pension, he aspired to hold a more comfortable position than that of frontier magistrate and government agent. Throughout the 1880s he repeatedly wrote to Prime Minister John A. Macdonald requesting a seat in the Dominion Senate as a representative for British Columbia.⁵⁵ In an 1881 letter he suggested that he knew senators, members of parliament,

⁵³ Patricia E. Roy, "The Preservation of Peace in Vancouver: The Aftermath of the Anti-Chinese Riot of 1887," *BC Studies: The British Columbian Quarterly* 0, no. 31 (1976), 53.

⁵⁴ Patricia E. Roy, "The Preservation of Peace in Vancouver," 52-53.

⁵⁵ Several records total dating from this period contained in the Sir John A. Macdonald papers (MG 26-A) held by Library and Archives Canada. All seem to pertain to various attempts to gain Federal government appointments away from the interior of B.C.; Vowell to Macdonald, 19 January, 1882, MG 26-A, MG 26-A, Vol. 200; Vowell to Macdonald, 7 April 1887, MG 26-A, Vol 20.

Supreme Court judges and Indian commissioners could all attest to his abilities. In particular, he mentioned, “the Hon. J.W. Trutch is also well acquainted with my past career in this Province and will testify in my favour.”⁵⁶ Despite his loyalty to the ruling Conservative Party, repeated correspondence, and trips to Ottawa during which he attempted to meet personally with the Prime Minister, this wish was not granted.

In 1886, he tried again, writing further letters to Macdonald. Vowell stated that he was “particularly anxious to escape from the isolation and deprivations attendant on my present position,” further that “if B.C. was still under the Imperial Government I would be entitled to a very good pension in consideration of my past services.”⁵⁷ Having had trouble maintaining secure employment in the past Vowell hoped that a senate position would guarantee the economic stability and social prestige that he was unable to obtain as a provincial magistrate. However, instead of a plum Senate appointment, Vowell was left stuck, mainly in the service of the provincial government, until the end of the 1880s when he became Visiting Indian Superintendent for British Columbia.

Another acquaintance, then Superintendent General of Indian Affairs Edgar Dewdney, recommended Vowell’s appointment in November 1889. As Douglas Leighton has pointed out, politics often played a role in Indian affairs appointments.⁵⁸ Being a former conservative representative in the British Columbia legislature, Vowell’s political convictions resonated with those held by other officials within the department at the time. However, his political convictions and professional accomplishments as a provincial civil servant were not sufficient to allow him

⁵⁶ Vowell to Macdonald, N.d. 1881,

⁵⁷ LAC, Vowell to Macdonald, 1 April 1886 M626-A Vol. 16, Reel C-1493.

⁵⁸ Douglas Leighton. “A Victorian Civil Servant at Work: Lawrence Vankoughnet and the Canadian Indian Department, 1874-1993” in, American Council of Learned Societies, *As Long as the Sun Shines and Water Flows a Reader in Canadian Native Studies*, ed. Ian A. L. Getty and Antoine S. Lussier, (Vancouver: University of British Columbia Press, 1983), 110.

to move on from being simply a bureaucrat. It seems that though he actually aspired to leave civil service, his personal and political connections could not overcome the isolation and localism that frequently prevented ‘outsiders’ from benefitting from the patronage system in Ottawa.⁵⁹ In 1882, Vowell also tried to become the Deputy Adjutant General of British Columbia, which would have put him in command of the province’s small Militia. In this instance his request was also turned down. A private letter to the Prime Minister confirmed his rejection, stating, “we do not intend to replace...[Deputy Adjutant General] Lt. Col. Laurie by an outsider...”⁶⁰

Vowell had acted as Indian agent in the Kootenays since 1887 in addition to his other roles as magistrate and gold commissioner.⁶¹ Experience in dealing with Native people and law enforcement, combined with his reputation as a competent, trustworthy civil servant made Vowell a good candidate for the role of visiting Indian superintendent. These roles had kept Vowell on the frontiers of the province for virtually all of his service. This meant that he had a low professional profile in Ottawa (a circumstance that is attested to by his failure to achieve appointment to the senate). Therefore, he was ultimately relegated to the Dominion civil service and remained a senior bureaucrat instead of being elevated to a role in the Senate or other such political appointments.

In 1890, the Indian Superintendent’s office was located in a squat building on the southwest corner of Bellville Street, behind the present day location of the Empress Hotel. Throughout

⁵⁹ Gordon T. Stewart, “Political Patronage Under Macdonald and Laurier 1878–1911,” *American Review of Canadian Studies* 10, no. 1 (March 1, 1980), 12-13.

⁶⁰ LAC Unknown to John A. Macdonald, 4 February 1882, MG 26-A, Vol. 200.

⁶¹ Canada, Parliament, “Annual Report of the Department of Indian Affairs for the year ended 31st December 1889,” in *Sessional Papers* (1889), Vol. 13, No. (Ottawa: Brown Chamberlin, 1890), 155.

the 1890s, the staff at 20 Douglas Street was small and the office's expenditures minimal in comparison with Indian affairs administration in other parts of the country. In 1890, the department employed about fifteen personnel including the eight Indian agents who administered the whole of the province.⁶² Vowell officially took over the office from acting superintendent Hamilton Moffat 1 December 1889. However, he did not commence work in his new position until the middle of the month due to a bout of illness that prevented him from beginning work before Christmas.

According to a letter from department headquarters in Ottawa, his primary responsibility was to periodically visit Aboriginal bands "with a view to ascertaining that the agents are discharging their duties in a satisfactory manner and that the Indians are protected in their rights."⁶³ The superintendent was supposed to encourage the Indians to adopt agriculture and make "profitable" use of reserve land whenever possible.⁶⁴ In accordance with the department's views regarding the improvement of reserve lands, relief for 'destitute' Indians was to be distributed in an economical manner being "limited to cases of aged, infirm, or...widows who are too old to work for themselves and children."⁶⁵ The role of the Indian superintendent was understood to be a paternal one in which the presiding official's primary responsibility was to extend a civilizing influence over Aboriginal people, through the management of individual agencies from his Victoria office and annual tours of inspection to reserves in different parts of the province. His most important bureaucratic tasks were the production of an annual report regarding the state of Indian affairs in the province at the end of the fiscal year, and formal statements of his office's financial expenditures. The basic scope and characteristics of his work

⁶² Canada, Parliament, "Annual Report... 1890," 155.

⁶³ NAC RG10, Vankoughnet to Vowell, 24 January, 1890, vol. 3829, file 61939.

⁶⁴ NAC RG10, Vankoughnet to Vowell, 24 January, 1890, vol. 3829, file 61939.

⁶⁵ NAC RG10, Vankoughnet to Vowell, 24 January, 1890, vol. 3829, file 61939.

during his 20-year service as Indian superintendent changed very little over the course of his career. However, by the early 1900s, the provinces Indian superintendency was also more involved in administering the province's growing Indian residential school and hospital systems.

In 1898, after several years as Indian Superintendent, Vowell also took over Peter O'Reilly's position as head of the British Columbia Joint Reserve Commission. The arduous duty of travelling around the province and allotting reserves was also a taxing occupation. In his discussion of Vowell's work as reserve commissioner, Cole Harris describes the conditions endured by Vowell on some trips to the interior as truly "horrendous."⁶⁶ Vowell worked as the reserve commissioner in addition to his regular duties as Indian superintendent until 1907. According to Harris, in the early years of his mandate Vowell, "had a little room to maneuver and he took such advantage of it as he could."⁶⁷ He allocated forty-nine reserves, and was able to have ten others created through transfer, donation or purchase of land. Vowell was not an innovator in this role, but this was most likely due to the circumstances within which he found himself—the Province was becoming increasingly unwilling to allocate reserve lands.

Vowell's desire for a patronage position that provided some measure of comfort beyond that of a senior civil servant was never satisfied. A *Daily Colonist* article summed up his career in 1909 by declaring, "His career, which has brought him to all parts of the province, has been interwoven by perils from flood and field, and many are the hairbreadth escapes and exciting experiences which he has to relate."⁶⁸ In reality, the culmination of his career was unfulfilling. In spite of his long service in both the provincial and federal civil service, he never received any

⁶⁶ For a detailed discussion of Vowell's work as reserve commissioner see, Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, Brenda and David McLean Canadian Studies Series (Vancouver: UBC Press, 2002), 219-228.

⁶⁷ R. Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, Brenda and David McLean Canadian Studies Series (Vancouver: UBC Press, 2002), 220.

⁶⁸ *Daily Colonist*, 12 September 1909.

form of superannuation from either the federal or provincial governments. Though he had hoped to receive a federal pension like his predecessor in the Indian department I. W. Powell, he did not. Upon his retirement, the Indian department office in Victoria was closed and administration in British Columbia restructured. Consequently, his legacy as an administrator has been simultaneously diminished owing to the discontinuities that resulted from ensuing changes in department record keeping practices.

Vowell's lengthy career in government service had an undoubtedly poor effect upon his physical and mental health. Fragmentary evidence suggests that the isolation and difficult conditions of frontier life caused Vowell to fall victim to mental illness. In a 1923 letter addressed to anthropologist Marius Barbeau, Indian agent R.E. Loring relates a bizarre story of a trip Vowell had made to Kitwancool during which "some very [sic] excentric actions took place."⁶⁹ According to a Mrs. Cox, the affair involved a heavy washbasin being thrown by Vowell at the opening of her tent. Stranger still, Vowell was also reported as having "quite frequently pillow fights with himself, and, at the same time screaming at the top of his voice, when in reality he was quite alone."⁷⁰ What this seems to suggest, is that from his first experiences in the Cariboo goldfields, Vowell never felt at home on the frontier. It is likely that his struggle to cope with the isolation and challenges of life in rough parts of British Columbia limited not only his career prospects and social standing, but also shortened his life.

Outside of government service, Vowell gained a degree of wealth and social standing. Over the years, he acquired social status through affiliations to various organizations frequented

⁶⁹ BCA, B-F-202.52, reel A1418, R.E. Loring to Marius Barbeau, 12 April, 1924.

⁷⁰ BCA, B-F-202.52, reel A1418, R.E. Loring to Marius Barbeau, 12 April, 1924.

by the Province's social elite. By 1909, he was a long-time Royal Arch Mason, and a member of the British Columbia Pioneer Society.⁷¹ He also maintained active memberships in both the Vancouver Club, and the Union Club in Victoria. Like many prominent Euro-Canadian individuals of his time who interacted regularly with Aboriginal people, Vowell maintained a personal collection of Aboriginal art and artefacts. His collection was modest, by contemporary standards but contained some rare and unusual artifacts. He was actively involved in the trade and acquisition of ethnological 'antiquities' after becoming Indian Superintendent in 1889.

His predecessor, Superintendent Israel W. Powell, along with other prominent residents of Victoria including Judge Matthew Baillie Begbie and Dr. William Fraser Tolmie were all supporters of the creation of a Provincial Museum in 1886.⁷² Part of the museum's mandate was to acquire Indigenous artifacts before foreign collectors removed them from the Province. Vowell's social and professional affiliations with these individuals influenced his creation of a personal collection. However, as Superintendent, Vowell also gave permission to private collectors and professional ethnographers like Franz Boas to remove artefacts and human remains from Aboriginal burial sites for collecting purposes.⁷³

He added to his own collection during his inspections on behalf of the Department of Indian Affairs. In 1898 while visiting the Hazelton region, Vowell acquired the most notable items in his collection—at least 35 carved stone batons found at Hagwilget Village in Bulkley Canyon on the Skeena River. Vowell was either given the objects, or simply took them from Gitksan Chief Johnny Muldoe, who had found them in a clay-lined cache while digging post-

⁷¹ *Daily Colonist*, 12 September 1909.

⁷² Douglas Cole, *Captured Heritage: The Scramble for Northwest Coast Artifacts* (Vancouver: UBC Press, 1995), 92.

⁷³ Cole, *Captured Heritage*, 308.

holes for a new house.⁷⁴ After keeping them for several years, Vowell provided one of the clubs to Dr. Charles F. Newcombe of the Provincial Museum so that it could be studied and recorded.

It appears that at some point before his death in 1918, Vowell gave up his collection, giving some items to the Newcombe family, who subsequently donated them to the Provincial Museum upon Charles Newcombe's death in 1924. Another part of the collection, including three other stone clubs from Hagwilget, was purchased from Vowell by Lieutenant George T. Emmons at an undetermined date and later sold to collector George Heye in 1916.⁷⁵ Additional artifacts from Vowell's collections were dispersed among a variety of museums in Great Britain and the United States, including the Ashmolean Museum, the British Museum, and the Museum of the American Indian in New York.

Vowell's will and probate documents show that he had also amassed a good amount of wealth for a civil servant of his stature, through investments in real estate and stocks in various companies. All told, the net worth of his estate at the time of his death was listed as, \$70, 979.36. He invested widely in mining companies such as the Corbin Coal and Coke Company Limited and Fontenoy Gold Mines Limited, as well as other businesses like the Maroni Wireless Telegraph Co. and the Victoria Opera House Company.⁷⁶ Throughout his life Vowell acquired pieces of land in the BC interior, as well as in Victoria, on the Saanich Peninsula, in Vancouver, and even to the south in Bellingham, Washington. Vowell was also the only individual from British Columbia known to have held shares in the Bell Farm, a corporate farming enterprise in Saskatchewan run by the Qu'Appelle Valley Farming Company.⁷⁷

⁷⁴ James Adams, "Export of Ancient Club Blocked," *The Globe and Mail*, July 10, 2008, sec. The Globe Review.

⁷⁵ Cole, *Captured Heritage*, 218.

⁷⁶ BCA, Arthur Wellsley Vowell, Probate Documents, Gr-1304, Reel B08291, 1918.

⁷⁷ "Arthur W. Vowell - Bell Farm Investor." Accessed 22 February, 2014. <http://bellbarn.ca/gallery>.

There is no indication that Vowell ever married. The legatees listed in his will were dispersed around the globe and all appear to have resided outside of Canada. Since he came from a large family, Vowell had numerous siblings that emigrated away from Ireland. His estate was divided up mainly between his nephews and nieces who lived in Ireland, Australia, New Zealand and England.⁷⁸ The other beneficiaries appear to have been acquaintances from Victoria and the British Isles. The documents also list two contributions to charitable organizations, a Women's Christian Temperance Union Refuge Home formerly situated on Shelbourne Street in Victoria and the Shaftesbury Society a British charitable organization that offered destitute children free education.

Vowell's life did not end happily. He committed suicide in his home on Terrace Avenue Victoria, September 26, 1918. A coroner's report stated that he suffered heart problems and chronic eczema at the time, and listed his cause of death as suicide by gunshot.⁷⁹ It was also reported in the press that "the act had been premeditated for sometime...with the conviction that a long illness confronted him, one that must inevitably end in death...apparently Judge Vowell had decided to end it all and at once."⁸⁰ He was remembered in an obituary written by Victoria author Edgar Fawcett as "a man I liked, although at times he was a bit too outspoken." Fawcett went on to commend Vowell as being someone he had admired, among other peers such as Peter O'Reilly, all of who were pioneering Irish immigrants.⁸¹ At his death Vowell was primarily commemorated by his Irish heritage and achievement as a self-made, pioneering individual. As would have been considered fitting for someone with such experience of British Columbia

⁷⁸ BCA, Arthur Wellsley Vowell, Probate Documents, Gr-1304, Reel B08291, 1918.

⁷⁹ BCA, Arthur Wellsley Vowell, Coroners Report, Gr-1304, Reel B08291, 30 September, 1918.

⁸⁰ *Daily Colonist*, 28 September, 1918.

⁸¹ *Daily Colonist*, 29 September, 1918.

during its early settlement, the headstone over his grave in Ross Bay Cemetery states simply:

‘Resident of this Province for 56 Years

Chapter 2

“Prudence and Good Judgement,” Vowell and the Potlatch Ban

In March 1901, Emily Shortt of 44 Dewson Street, Toronto Ontario, wrote to the Department of Indian Affairs enclosing a leaflet published by the Anglican Church Missionary Society.¹ The brief publication included a description of potlatching among the Native people of British Columbia and had prompted Shortt to enquire when the law banning the practice had been passed. The department replied with a letter that enclosed a copy of its Annual Report and a copy of the Indian Act in which sections relating to the potlatch ban were highlighted. The letter, stamped with secretary J.D. McLean’s name stated, “that if the Potlatch or the Sundance are still occasionally held it is thought they have been denuded of their most objectionable features.”² This confident reassurance demonstrates the government’s faith in its ability to control Aboriginal people and the successful application of the law banning the potlatch system. In reality, the elimination of cultural practices like potlatching was never actually achieved.

Enforcing the policies set out in the Indian Act was a significant preoccupation of Indian affairs bureaucracy. The discourse of government officials played a key role affords an opportunity to scrutinize the way that power and knowledge were intertwined in DIA policy. Such narratives relied upon the construction of a subordinated Other to further the assimilation of Aboriginal people into Canadian society. This chapter will argue that Vowell assumed an intermediary role in the debate over the potlatch laws, moderating the views of his agents as well

¹ Emily Ann McCausland Shortt was a prominent journalist, philanthropist and social reformer who was heavily involved in Anglican mission outreach services and other organizations promoting women’s rights and social reform beginning in the 1870s until her death in 1930. In 1890, she toured Native reserves in British Columbia, Manitoba and the Northwest Territories and published a series of articles regarding the plight of Native people on behalf of the Toronto diocesan branch of the Woman's Auxiliary to the Missionary Society of the Church of England in Canada. For more see, Marjory Lang, “Shortt, Emily Ann McCausland (Cummings),” Volume XV (1921-1930) *Dictionary of Canadian Biography*, http://www.biographi.ca/en/bio/shortt_emily_ann_mccausland_15E.html.

² McLean to Shortt, 5 March , 1901, LAC, RG 10, vol. 3629, file 6244-2.

as missionaries and members of the public. An assessment of the potlatch ban focussing on Vowell's opinions regarding the law demonstrates the degree to which bureaucrats influenced the application of policy.

Insofar as it was successful, Vowell's approach towards the potlatch ban provides a striking example of what Mary Louise Pratt and others have termed the "anti-conquest," which she defines as "the strategies of representation whereby European bourgeois subjects seek to secure their innocence in the same moment as they assert European hegemony."³ Acts of anti-conquest are often veiled by positive aspirations, seemingly representing values antithetical to overt colonialism.⁴ Drucker and Heizer have called described the government's attempt to outlaw the potlatch as a "lengthy comedy of administrative errors."⁵ Nevertheless, Vowell implemented Section 114 of the Indian Act with a policy of discretion and minimal interference demonstrated purposefulness, tact and a clear understanding of reality on the ground. However, a particular colonial narrative also characterized his approach to the potlatch. Officials like Vowell acknowledged the social and economic significance of the potlatch system, yet sought to weaken Aboriginal society by ultimately discouraging the practice.

The potlatch was a quintessential social, cultural, and economic institution among Aboriginal people on the Northwest coast and in parts of British Columbia's Interior. Though it was an integral aspect of pre-contact Aboriginal cultures, the frequency and magnitude of potlatches increased in the post-contact era due to epidemic disease, and the suppression of Aboriginal slavery and warfare. During a potlatch, a chief or family and their community

³ Mary Louise Pratt, *Imperial Eyes Travel Writing and Transculturation* (London ; New York: Routledge, 1992), 7.

⁴ Pratt, *Imperial Eyes*, 53.

⁵ Philip Drucker and Robert F. Heizer, *To Make My Name Good; a Reexamination of the Southern Kwakiutl Potlatch* (Berkeley: University of California Press, 1967), 29.

welcomed guests, gave feasts, and distributed property. The purpose of the feast or potlatch varied to suit a number of occasions of social significance including births, deaths and marriages, or the conveyance of names, crests, or hereditary titles.⁶ In the 19th century, the potlatch was at the center of the conflict between the values held by Aboriginal people, and those of the settler society. While many white British Columbians were unperturbed by the potlatch, Christian missionaries and a smaller segment of the province's population considered it an immoral behaviour, a waste of time, and an impediment to the assimilation and conversion of Native people.⁷ Even as efforts to put a stop to potlatching intensified during the 1890s, so too did Native efforts to resist cultural suppression and maintain the practices in new ways.

In November 1889, Chief Klen-a-wult of the Quamichan reserve on Vancouver Island sent a letter to the Indian department in Victoria, stating that he desired to hold a potlatch to repay debt he owed to his community. According to the chief, he had been preparing for the potlatch for thirty years and would "be shamed by all the Indians if I do not pay what I owe in the old manner...in the presence of all others."⁸ Newly appointed to the Indian department, Indian superintendent Vowell told Cowichan Indian agent W.H. Lomas that the department would not sanction the holding of such an event among the Cowichan. However, Lomas replied that the potlatch ought to go ahead, because the practice was about to die out and would be beneficial to the community stating that "the Indians in these gatherings are not only encouraged by the store-keepers who are interested parties; but have also the moral support of the white population, who see no harm in them."⁹

⁶ Drucker, *Cultures of the North Pacific Coast*, 55.

⁷ Douglas Cole and Ira Chaikin, *An Iron Hand Upon the People: The Law Against the Potlatch on the Northwest Coast* (Vancouver: Douglas & McIntyre, 1990), 50-51.

⁸ W.H. Lomas to Hamilton Moffat 15 November, 1889, LAC, RG 10, vol. 3831, file 63210.

⁹ W.H. Lomas to A.W. Vowell, 9 January, 1890, LAC, RG 10, vol. 3831, file 63210.

Lomas was unconcerned by the event even though he expected at least a thousand Indians to attend, asserting that Indian constables would be able to maintain order at the gathering. He also said that Klen-a-wult and his people “have no idea of holding a ‘Potlatch’ as formerly understood, but...merely intend to pay their debts in public and that they have no intention of lending any goods, or money to be returned at some future ‘Potlatch.’”¹⁰ Lomas’ entreaty was enough to convince Deputy Superintendent General Lawrence Vankoughnet to advise Superintendent General of Indian Affairs Edgar Dewdney that unless specific complaints arose, the Indian agent had no power to enforce the law banning the potlatch. The department informed Superintendent Vowell of this decision and told him that he take no further steps in the matter. Klen-a-wult held his potlatch and the event seemed to have caused little disturbance on the Cowichan reserve, despite the reservations held by Vowell.

By reframing the purpose of the event at Cowichan as the repayment of debts, Klen-a-wult was able to convince authorities that he should be allowed to hold a potlatch.¹¹ Native discourse encompassed a wide variety of differing opinions that formed the basis of a dialogic encounter in which Aboriginal people were active participants. Native people consistently articulated their opinions and presented them in ways amenable to the department’s approach to regulating the potlatch. This flexibility often proved an effective form of resistance to government policy that is particularly evident in petitions presented by Aboriginal people regarding the potlatch ban.

¹⁰ W.H. Lomas to A.W. Vowell, 9 January 1890, LAC, RG 10, vol. 3831, file 63210.

¹¹ Newer scholarship regarding Aboriginal encounters with Christian missions on the North West Coast emphasizes the way that Aboriginal people actively participated in shaping forms of Christianity in their communities and were in turn affected by engagement with Euro-Canadian missionary perspectives. For an in-depth discussion of these dynamics see Susan Neylan, *The Heavens Are Changing: Nineteenth-century Protestant Missions and Tsimshian Christianity*, McGill-Queen’s Native and Northern Series 31 (Montreal: McGill-Queen’s University Press, 2003).

Petitions were a common feature of negotiations over the potlatch ban throughout the 1890s. Aboriginal people advocated both for and against the potlatch. In 1895, chiefs from the Nass River Valley presented a petition to Superintendent Vowell in Victoria.¹² It requested that the department restrain the efforts of missionary J.B. McCullagh, who continued to oppose Indians that desired to hold potlatches in some villages. The chiefs stated that their potlatches were “conducted in the most orderly manner” and that the “meddling” of clergyman like McCullagh was unwelcome.¹³ Vowell chose not to act on the matter stating to the deputy superintendent general that he thought 5000 dollars would be sufficient to settle outstanding debts among the petitioners and thereby prevent them from holding further potlatches.¹⁴ Though he cautioned the Chiefs that their complaints ought to have been placed with the Indian agents and not the superintendent’s office in Victoria, Vowell made no effort to meet the petitioner’s demands.

Unsatisfied by the department’s response, a second delegation of Chiefs submitted another petition to Member of Parliament G.E. Corbould. This petition, presented by Amos Gosnell, William Jeffrey, and Billy Williams was published in the *Daily Colonist*. It eloquently defended the views of potlatch supporters and drew significant public attention to the issue. The petition described what the Chiefs viewed as “a contradictory state of affairs adorning your [White] civilization”¹⁵ in which Non-Native people were allowed to celebrate festivals and holidays without facing persecution, while Indians were forbidden from honouring their own traditions:

You have your Christmas's, Fourths of July and 24th's of May, all
of which you celebrate without interference—sine que non...we are

¹² Cole and Chaikin, *An Iron Hand Upon the People*, 46-47.

¹³ Nass Chiefs to DSGIA 30 August 1895, LAC, RG10, vol. 3628, file, F6244-1.

¹⁴ Vowell to DSGIA, 6 September 1895, LAC, RG10, vol. 3628, file, F6244-1.

¹⁵ “A Plea for the Potlatch” *Daily Colonist*, 24 February 1896.

puzzled to know whether in the estimation of civilization we are human, or fish on the tributaries of the Naas river, that the felicities of our ancestor[s] should be denied us.¹⁶

The Chiefs spoke of the “natural rights” which were denied by the potlatch ban, that they had come to defend in Victoria.¹⁷ The petition sparked a public conversation that included a rebuke from Methodist missionary C.M. Tate, published in *The Province* newspaper a few days later. White British Columbians also responded to the issue, setting off discussion that contributed to a prolonged debate amongst potlatch and anti-potlatch Nishga’a people.¹⁸

Native Christian converts who opposed the potlatch also put forward numerous petitions supporting their views in the late 1890s. They urged the government to strengthen enforcement of Section 114 of the Indian Act that banned the potlatch. However, as Susan Neylan suggests, it would be incorrect to assume that the coercive missionary efforts to end the potlatch provided the sole motivation for Aboriginal resistance to the potlatch. Neylan points out that the identities of many Aboriginal people were fluid; even Christian Indians participated in the potlatch, and often adapted Christian belief structures to suit their own needs.¹⁹ In 1899, a letter from Chiefs of the Kincolith, Lachkaltzap, Aiyinsh Nishga bands claimed that two thirds of their people were against the practice.²⁰ These chiefs appealed to the authority of the government and detailed what they viewed as key differences between the ‘white man’s law’ and the ‘potlatch law.’ They argued that though they desired to follow ‘white law,’ the continuation of the potlatch made it difficult to do so.

¹⁶ “A Plea for the Potlatch” *Daily Colonist*, 24 February 1896.

¹⁷ “A Plea for the Potlatch” *Daily Colonist*, 24 February 1896.

¹⁸ Cole and Chaikin, *An Iron Hand Upon the People*, 47.

¹⁹ Susan Neylan, *The Heavens Are Changing: Nineteenth-century Protestant Missions and Tsimshian Christianity*, McGill-Queen’s Native and Northern Series 31 (Montreal: McGill-Queen’s University Press, 2003), 249.

²⁰ Nishga Chiefs to Clifford Sifton, 1 July 1899, LAC, RG10, vol. 3629, file 6244-2.

Amongst white men when any law is to be made a vote is given and if there be a great number for it, then it becomes law for all. Well whenever the greater number of Indians is against the Potlatch there it should die and be ended... We want to follow the Queen's law and the Indian Act, but the Potlatch law will not agree to the Queen's Law²¹

The statement suggested that recourse to traditional practices represented a significant impediment to progress and civilization amongst Aboriginal people. Just as supporters of the potlatch engaged in dialogue with white authorities calculated to correspond to their views on the subject, Native Christians who opposed it altered older cultural practices to suit their new Christian beliefs. Conflicting viewpoints were a frequent source of tension within many communities, separating families and sometimes causing outright confrontation.

In 1895, the Dominion government amended Section 14 of the Indian Act and strengthened the wording of Section 114 that banned potlatching and other similar Aboriginal customs. The new amendments made any individual involved in a festival or dance that involved the giving away of property or money in any form an indictable offense.²² The amendments revised the definition of potlatching as referring to any Indian celebration that involved “giving away, parting with, or exchange of large quantities of personal effects,” making specific components of the practice illegal.²³ It banned all giveaways and celebrations or dances that involved mutilation, biting, or cannibalistic acts. This resulted in a considerable strengthening of the earlier wording that stated “every Indian who engages in or assists in celebrating the Indian festival known as the ‘Potlatch’ or the Indian dance known as the

²¹ Nishga Chiefs to Clifford Sifton, 1 July, 1899, LAC, RG10, vol. 3629, file 6244-2.

²² Cole and Chaikin, *An Iron Hand Upon the People*, 43.

²³ Extract from Brief on the Bill further to amend the Indian Act 1896, N.d., LAC, RG10, vol. 3628, file 6244-1.

‘Tamanwas’ is guilty of a misdemeanour, and liable to imprisonment for a term not exceeding six months and no less than two months.’²⁴

While the aspects of the potlatch considered violent or immoral were condemned by all of the officials, most felt that the potlatch was not particularly problematic in and of itself. According to West Coast agent Harry Guillod, “the Dances in vogue at the Potlatch's [sic] among the West Coast Tribes are not objectionable and may be witnessed by any Whites.”²⁵ He described the 'real' Tamanawas dance as originating among tribes along the east coast of the Island, explaining that it occurred when “men apparently possessed bit every one they came across, eat parts of dead bodies and tore dogs to pieces with their teeth.”²⁶ He went on to point out that these practices were not evident along the west coast of Vancouver Island. Agent Lomas at Cowichan was similarly unconcerned by either the potlatch or the dances. To him, dances performed during the potlatch were “merely given for the amusement of the guests” and that performers were paid by their hosts to put on the dances.²⁷ Like Guillod, he reported that the Tamanawas dances did not exist in his agency. There, only a few medicine men remained and none believed in the practice.

Lomas’ views were representative of the liberal attitudes toward the potlatch held by some British Columbians at the time. In response to complaints from Methodist minister C.M. Tate in 1895, Lomas defended his lack of interference with a potlatch held on the Cowichan reserve. He argued that he was better acquainted with the potlatch than Tate’s “I have seen more of these gatherings than Mr. Tate has ever done...quarrelling and drinking never occur at

²⁴ Extract from Brief on the Bill further to amend the Indian Act 1896, N.d., LAC, RG10, vol. 3628, file 6244-1.

²⁵ Guillod to Vowell, 18 May 1895, LAC, RG10, vol. 3737, file, 27590.

²⁶ Guillod to Vowell, 18 May 1895, LAC, RG10, vol. 3737, file, 27590.

²⁷ Lomas to Vowell, 11 June, 1895, LAC, RG10, vol. 3737, file, 27590.

potlatches.”²⁸ Further, he claimed that through his own actions, he had been making progress in convincing younger Indians to abandon the tradition:

Years before Mr. Tate did anything for Indians I had in public and private advised the young Indians to avoid getting entangled in the meshes of the potlatch, which I believed then as I do now, does not tend to their advancement and I claim to have done my utmost to elevate the people under my care, possibly not in the manner in which Mr. Tate would wish, still I am proud to see that my efforts have not been entirely unsuccessful.²⁹

He also argued that Tate’s reports of the mistreatment of the aged and infirm, destruction of property, and other behaviors considered evil or immoral were exaggerated.

Contrary opinions were evident in the views of Agent R.H. Pidcock of the Kwakweth Agency, who was far more opposed to the potlatch. After making numerous inquiries among “halfbreeds and Indians” and ascertaining that the ‘Tamanawas Dance’ was not familiar to the Indians of his agency.³⁰ He claimed that the Hamadza or Red Bark Dance associated with the potlatch was a greater concern. In his experience, potlatching involved making a 'name' while also making money and giving away blankets or property. In describing the potlatch itself, he stated that:

At the time of the ‘Potlatch’ the blankets are distributed to each man according to the position he holds in his tribe, sometimes as many as thirty or forty pairs of blankets are given to a chief, and not more than two pairs to a man of low position, so it can be seen that the man of property has the means of largely increasing it, at the expense of his poorer neighbours³¹

In describing the means that the Indians used to prepare for a potlatch, he stated that men would often go to extreme lengths to pay for potlatch goods, either through legitimate work, selling

²⁸ W.H. Lomas to A.W. Vowell, 21 October 1895, LAC, RG10, vol. 3628, file, F6244-1.

²⁹ W.H. Lomas to A.W. Vowell, 21 October, 1895, LAC, RG10, vol. 3628, file, F6244-1.

³⁰ Pidcock to Vowell, 12 July, 1895, LAC, RG10, vol. 3737, file, 27590.

³¹ Pidcock to Vowell, 12 July, 1895, LAC, RG10, vol. 3737, file, 27590.

liquor, or encouraging their wives and daughters to engage in prostitution. To Pidcock, only strict legal measures would deal with the problems caused by the potlatch as “not only are the means used in promoting it most pernicious but it causes an immense amount of idleness and waste of time, as...[guests] are often invited to these potlatches months before the property is distributed.”³²

Pidcock’s attitude towards the potlatch was similar to that of the Christian missionaries who opposed the potlatch ban because they considered it a barrier to the civilization and conversion of Native people to Christianity. Missionaries believed that it was their duty to spread Christianity to all parts of the earth, civilizing ‘heathen’ Indians and replacing what they viewed as abhorrent traditional cultural practices with the cleanliness, goodness, and Christian civility proscribed by evangelical Christian doctrines.³³ Most viewed the potlatch as the primary source for violence and uncivilized behavior in the communities where they worked. Anglican missionary Reverend James B. McCullagh claimed that among the Indians he ministered to on the Nass River, the situation was one “seething mass of disaffection and discontent owing to the potlatch.”³⁴ McCullagh described the potlatch as inherently conflict ridden and wasteful, stating that destitute Indians were treated with great neglect by other community members, “the poorest man gets only one biscuit, as it were while the man who is well off or a Chief gets...twenty.”³⁵

In January 1897 a Methodist Missionary R.J. Hall, stationed at Cape Mudge in the Kwakweth agency, obtained an arrest warrant from Indian agent Pidcock to detain two members of the Salmon River Kwakiutl (Kwakwaka'wakw).³⁶ Citing potlatch practices as a major obstacle

³² Pidcock to Vowell, 12 July 1895, LAC, RG10, vol. 3737, file, 27590.

³³ Fisher, *Contact and Conflict*, 124-125.

³⁴ McCullagh to Vowell, 1 February 1896, LAC, RG10, vol. 3628, file, F6244-1.

³⁵ McCullagh to Vowell, 1 February 1896, LAC, RG10, vol. 3628, file, F6244-1.

³⁶ Cole and Chaikin, *An Iron Hand Upon the People*, 49.

to the progress of his school for Native children, Hall claimed that the potlatches held by the Kwakwaka'wakw people were particularly degrading.³⁷ A justice of the peace along with two special constables who claimed to be timber cruisers arrived before the alleged potlatch began and under the pretence of searching for whiskey sellers, attempted to arrest several men at Hall's behest.

The constables arrested two men, Johnny Moon and his father Chief Harry. After a struggle between the special constables and community members, however, Chief Harry was able to escape. Only Johnny Moon was left to face trial in Nanaimo along with two witnesses, Billy Assu and Jim Nak-nak-nim.³⁸ In Vowell's assessment of the situation, the actions of the justice of the peace were "of a most unwarranted nature and calculated to make trouble."³⁹ Viewing Hall's actions as a direct challenge to the authority of the department, Vowell was concerned that proper procedures were not followed when the arrests were made.

A judge subsequently dismissed the case and ruled that because none of the accused had distributed any gifts, there was no proof that the potlatch had actually happened. Hall fumed to a superior in Toronto that "If this is a correct interpretation of the act, I confess I do not understand it...the Indian department at Victoria evidently have no desire or intention of enforcing the act."⁴⁰ In response to an enquiry made to the department by Dr. Alexander Sutherland, Secretary of the Methodist Mission Board in Toronto, Deputy Superintendent General Hayter Reed characterized the incident as "more in keeping with an attempt at kidnapping than the solemn and dignified manner which should characterize measures for the enforcement of the law."⁴¹

³⁷ R.J. Walker to Rev Dr. Alexander Sutherland, 11 February 1897, LAC, RG10, vol. 3628, file, F6244-1.

³⁸ Cole and Chaikin, *An Iron Hand Upon the People*, 49.

³⁹ Vowell to DSGIA, 12 January 1897, LAC, RG10, vol. 3628, file, F6244-1.

⁴⁰ Walker to Sutherland, 11 February 1897 LAC, RG10, vol. 3628, file, F6244-1.

⁴¹ DSGIA Hayter Reed to Sutherland, 20 March 1897, LAC, RG10, vol. 3628, file, F6244-1.

While the department did not question the motives behind Hall's actions, it cautioned him to act with greater tact in the future. This incident exemplified the difficulties created by the zealous attempts of missionaries and Indian agents who desired to enforce the law.

Despite Vowell's insistence that the issue be handled with tact and discretion, individuals like Hall were still willing to take independent actions against suspected potlatchers. The difficulties created by missionaries like Hall, or 'interested parties' as Vowell referred to them above, informed Vowell's policy of discretion. Incidents such as the one involving Reverend Hall frequently created a great deal of paper work and often reflected poorly on the department's work among Aboriginal people. These were two outcomes that Vowell always wished to prevent from occurring. In correspondence with his superiors in Ottawa, Vowell repeatedly maintained his position that the potlatch law ought to be enforced with great care and circumvented attempts to limit the discretion of his office in the matter.

Later that year in April 1897, MLA Harry D. Helmcken put forward a resolution before the British Columbia legislature asking the federal government to repeal statutes banning the potlatch. While some members believed that the potlatch concerned Dominion government authorities only, others argued that potlatches were highly demoralizing to the Indians and posed a threat to British Columbia society.⁴² Attorney General Joseph Martin heartily approved of Helmcken's suggestion stating "the Indian had the right to have a jolly good time just as much as the white man."⁴³ Other members of the legislature were less approving of the motion and it ultimately passed by a slim margin of 14 to 13 votes. While the legislature was concerned for the welfare of Native people, the most pressing issue raised by the resolution was the disaffection

⁴² *Daily Colonist*, 13 April 1897.

⁴³ *Daily Colonist*, 13 April 1897.

among them perceived by provincial officials. The government was concerned that if the law were not changed, further discontent on behalf of certain bands would become a general threat to the peace and security of the province.

When the resolution passed the department instigated a further round of enquiries into the potlatch. That May, the deputy superintendent general of Indian affairs wrote to the governor general regarding the legislative assembly's resolution and suggested that the department attempt to determine once and for all the "origin, nature, and meaning of the potlatch."⁴⁴ A department secretary wrote to Vowell, requesting particulars from specific agencies regarding the Indian bands upset by the enforcement of the law. The department also wanted to know which bands supported enforcement and the extent that the various Indian agents enforced it.⁴⁵

When the department requested information from Vowell, he replied neutrally to the proposed repealing of the ban. Vowell stated that he was unconcerned by the social, friendly aspects of the potlatch, and reiterated that his policy of minimal interference would uphold the law and minimize conflict between the department and Aboriginal people. However, the department was concerned that "the repeal of the law on the subject would appear to many to be a retrograde step; and before such could be undertaken good reasons would have to be given for such course."⁴⁶ Vowell had already written numerous letters explaining his position on the matter throughout his career as superintendent. Nonetheless, he replied that though he had tried to consider the matter from every possible point of view, he had "not fully enough touched upon

⁴⁴ DSGIA to Governor General, 11 May 1897, LAC, RG10, vol. 3628, file 6244-1.

⁴⁵ DIA Acting Secretary to Vowell, 31 May 1897, LAC, RG10, vol. 3628, file 6244-1.

⁴⁶ DIA Acting Secretary to Vowell, 31 May 1897, LAC, RG10, vol. 3628, file 6244-1.

the different features of the case which might be deemed worthy of consideration before the question of altering the law as it now stands...[is] decided upon.”⁴⁷

Around the same time, Vowell met with several individuals who supported repealing the potlatch ban. A letter by anthropologist Franz Boas in June 1897 mentions a dinner held by Vowell’s friend Dr. C.F. Newcombe at which he, Vowell, and Attorney General Joseph Martin met and likely discussed the matter.⁴⁸ Vowell subsequently sent a copy of Boas’ article on the potlatch to the department. Vowell’s understanding of the potlatch may have been attributable in part to his connections to men like Boas and Newcombe, who desired to understand Aboriginal cultures on their own terms. His understanding of the socio-cultural significance of the potlatch reflects the influence of Boas in particular. Vowell described the potlatch as “a gathering at which an Indian who has amassed more property than he requires for his own actual wants distributes his property to other Indians who he has invited for the purpose.”⁴⁹ He viewed it as an event that held social and economic significance within Aboriginal communities as a “fiscal system,” that was derived from the need to redistribute wealth in pre-contact Aboriginal societies.⁵⁰ This perspective was one shared by Boas who, in a letter published in the Province newspaper in 1897 stated:

the recipients of gifts at this festival...receive these as loans, which they utilize in their present undertakings. But after the lapse of several years they must repay them with interest to the giver or to his heir. Thus the potlatch comes to be considered by the Indians as a means of insuring the well being of their children...it is we might say, his life insurance...The sudden abolition of this system, which in all its intricacies is very difficult to understand, but

⁴⁷ Vowell to DSGIA, 1 June 1897, LAC, RG10, vol. 3628, file 6244-1.

⁴⁸ Franz Boas to Marie Krackowizer, Franz Boas, *The Ethnography of Franz Boas* (Chicago: University of Chicago Press, 1969), 201-202.

⁴⁹ Vowell to DSGIA, 1 June 1895, LAC, RG10, vol. 3737, file, 27590.

⁵⁰ Vowell to DSGIA, 1 June 1897, LAC, RG10, vol. 3628, file 6244-1.

...[sic] destroys, therefore, all the accumulated capital of the Indians.⁵¹

While it may not have been the case that Vowell had deep ethnographic knowledge of the potlatch, it is evident that he thought he understood the potlatch and was tolerant of the role that it played within Aboriginal society.

However, like many of his contemporaries, Vowell believed that Aboriginal people were a dying race with their cultural practices soon to be displaced by the growth of settler society. Since the custom was in the process of dying out, enforcement of the potlatch ban was not a major concern to him. Stating, “the advance of civilization and the safety and convenience of banks...are fast modifying the Indians views on this question,” Vowell meant that younger generations would be increasingly less involved in traditional practices and eventually give up the potlatch altogether.⁵² In some respects, Vowell’s ability to comprehend some of the Native meanings attached to aspects of the potlatch contradicts common assumptions regarding the department’s desire to suppress the potlatch. His views were grounded in authenticity discourse that considered traditional Aboriginal identities as deeply rooted in the distant past.⁵³ Despite this, they also reflected the influence of alternative perspectives of some Indian agents and individuals like Newcombe, Boas and the chiefs with whom he interacted frequently as Indian Superintendent.

Nonetheless, any activities that appeared to include any form of cannibalism or violence were deemed unacceptable. Discussing the Tamanawas, Vowell suggested that it was a religious ceremony practiced only by 'pagan' Indians and instigated by medicine men. He speculated that it

⁵¹ “Extract from “The Province” of March 6th 1897” LAC, RG10, vol. 3628, file 6244-1.

⁵² Vowell to DSGIA, 1 June 1895, LAC, RG10, vol. 3737, file, 27590.

⁵³ Paige Raibmon, *Authentic Indians: Episodes of Encounter from the Late-nineteenth-century Northwest Coast* (Durham, NC ; London: Duke University Press, 2005), 202.

functioned as a form of religious worship, but once again emphasized that the advance of civilization was eroding beliefs in the power of medicine men. He described the actual dance as being “of a most revolting nature.”⁵⁴ During a dance, “the performers [would]...rush about biting at what comes nearest, man or beast; live dogs are said on these occasions to be partly devoured, and other disgusting proceedings which characterize the performance are carried on.”⁵⁵ While it was necessary to regulate strictly the more shocking elements of the practice, Vowell argued that on the whole, the potlatch ought not to be totally suppressed.

Vowell was also concerned with the practicalities of retaining the law. He pointed out that although missionary organizations often promoted the view that potlatching was a barrier to the progress of Aboriginal people, it was not always a reprehensible activity.⁵⁶ He further noted that overbearing, strict enforcement of the law might be unjust and cause unnecessary hardship for Native people. He thought that his Indian agents were unlikely to act unwisely in enforcing the law. However, he had little power to regulate any of the justices of the peace who “either from ignorance, prejudice, or pressure brought to bear upon them by interested parties...[might be] capable by injudicious proceedings of creating serious trouble.”⁵⁷ Similarly, he acknowledged that the interference of missionaries such as Reverend Hall also complicated efforts to minimize legal conflicts: the “missionaries highly approved of the law prohibiting the Potlatch and have since been using it as a lever of no inconsiderable force in their efforts to upset that institution.”⁵⁸

Vowell was highly aware of the practical implications that had consistently complicated efforts to enforce the law. He pointed out that the prevention of practices such as gift giving was

⁵⁴ Vowell to DSGIA, 1 June 1895, LAC, RG10, vol. 3737, file, 27590.

⁵⁵ Vowell to DSGIA, 1 June 1895, LAC, RG10, vol. 3737, file, 27590.

⁵⁶ Vowell to DSGIA, 22 May 1897, LAC, RG10, vol. 3628, file 6244-1.

⁵⁷ Vowell to DSGIA, 22 May 1897, LAC, RG10, vol. 3628, file 6244-1.

⁵⁸ Vowell to DSGIA, 1 June 1897, LAC, RG10, vol. 3628, file 6244-1.

untenable and that despite the existence of the law: “it seems doubtful if an Indian can constitutionally be prevented from disposing of what may be his or her individual property, as he or she pleases.”⁵⁹ Vowell recognized that no Indian agent was capable of preventing all instances of gift giving or celebrations among the Indians of their agencies. He instructed his agents that it would be “unwise in the extreme” to try to arrest any Indian suspected of breaking the law at a large gathering. The chance of creating conflict could thus be mitigated and “the vindication of the law” would not be prejudiced.⁶⁰ In circumstances when food or property was distributed and none was destroyed or otherwise wasted, Vowell deemed the initiation of any legal proceedings inadvisable.

While he accepted the law as it had been redefined in 1895, further amendment to legislation enforcing the ban was unnecessary in Vowell’s opinion. Instead, the task for him and his agents was to discretely observe suspected potlatches but interfere as little as possible. He emphasized that he had repeatedly informed the Indians personally about the law and attempted to show them that it existed to serve their best interests. In finalizing his opinion, Vowell stated:

as long as prudence and good judgment is exercised by those in authority as to putting in force of the law under consideration I do not think there need be any just cause for trouble...in dealing with the Indians firmness is of all things the most necessary qualification to ensure success; vacillation always produces disrespect and a thorough want of confidence in the source from which it emanates.⁶¹

In taking this position, Vowell reasserted that a careful, even handed approach to the law and strict supervision of Native people was the most practical way to proceed. It is conceivable that without Vowell’s deliberate efforts to avoid conflict with First Nations a great deal more

⁵⁹ Vowell to DSGIA, 8 June 1897, LAC, RG10, vol. 3628, file 6244-1.

⁶⁰ Vowell to Indian Agents, 16 January, 1897, LAC, RG10, vol. 3628, file 6244-1.

⁶¹ Vowell to DSGIA, 1 June, 1897, LAC, RG10, vol. 3628, file 6244-1.

antagonism might have existed between the department, clamorous missionaries, Indian agents who opposed the potlatch and Native bands throughout the province.

Ultimately, the department accepted Vowell's approach and retained Section 114 of the Indian Act. A memo giving its final decision stated that recent reports received from the Williams Lake Agency and Fraser River Agencies asserted that the potlatch had almost entirely disappeared in both regions. The department attributed the decline of such celebrations to the efforts of missionaries and Indian agents who worked hard to promote the civilization of Aboriginal people. Potlatching persisted on the Northwest coast although without the "degrading features of mutilation and dog-eating."⁶² Almost a year later, the department provided consensus on the issue, stating that:

the law for the suppression of the custom should not be repealed but that discretion should be allowed, and great care exercised, by our agents in its enforcement, and that as the young Indians who are for the most part opposed to the potlatch, supplant the chiefs and older members of the tribes, who favour its continuance, the custom will gradually die out.⁶³

The second part of the letter dealt with the way that a repeal of the law might be viewed by the Indians "as an evidence on the part of the Government of weakness and vacillation, which as Mr. Superintendent Vowell says would produce disrespect and a thorough want of confidence in the source from which it emanates."⁶⁴ It finally confirmed that the law should not be repealed though Indian agents and magistrates should be encouraged to use their utmost discretion when they perceived any infraction of the law.

Though the department may have been under the impression that the law as it stood was a success, potlatching failed to disappear on the Northwest coast. An article published in the *Daily*

⁶² Memo, 11 January 1898, LAC, RG10, vol. 3628, file 6244-1.

⁶³ Memo, 11 January 1898, LAC, RG10, vol. 3628, file 6244-1.

⁶⁴ Memo, 11 January 1898, LAC, RG10, vol. 3628, file 6244-1.

Colonist a year later in February 1898 enthusiastically announced that Chief Wannuck of Fort Simpson was about to hold the “Greatest Potlatch in History.” It claimed that the chief was planning to distribute 12,600 blankets worth of goods including 8,000 blankets, 2,000 blankets worth of buttons, and bracelets, 1,200 blankets worth of food, 700 blankets worth of basins and pails, and 500 blankets worth of head dresses.⁶⁵ Potlatches continued to be held in various forms throughout the remainder of Vowell’s career as Indian Superintendent. Ceremonial events persisted throughout the province, albeit in a modified form that often aligned with traditions derived from missionary Christianity.⁶⁶

An important indication of Vowell’s influence in moderating the official policy banning the potlatch was that within a few years of his retirement, Indian agents in British Columbia began arresting and jailing participants at potlaches.⁶⁷ While he did not succeed in preventing all attempts to enforce the potlatch ban, Vowell successfully treated the law as a ‘dead letter’ during the time he was superintendent. As Keith Carlson has argued, the traditional potlatch has been well-studied by anthropologists interested in its functionality and meaning within Indigenous cultures and by historians concerned with the coercive repression of the potlatch by missionaries and government agents.⁶⁸ The total effects of such efforts caused irreparable harm to the social and cultural well being of Aboriginal people. As Carlson emphasizes, the potlatch ban lessened the occurrence of the community gatherings and social interaction that supported the traditional social, familial, economic, and political structures of Aboriginal life. Arguably, much of the worst of these effects were postponed by Vowell and were the product of his successors.

⁶⁵ *Daily Colonist*, 15 February 1899.

⁶⁶ Cole and Chaikin, *An Iron Hand Upon the People*, 58-61.

⁶⁷ When he became superintendent general of Indian Affairs in 1913, Duncan Campbell Scott made a far more concerted effort to eliminate the potlatch. For more see Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986).

⁶⁸ Keith Thor Carlson, *The Power of Place, the Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism* (Toronto ; Buffalo ; London: University of Toronto Press, 2010), 202.

While the department willingly entertained the petitions of Aboriginal people who both supported and opposed the potlatch, it simultaneously denied them real power by maintaining discriminatory legislation making it illegal. As R.D.K. Herman states, “the anti-conquest poses itself as a benign paternalism that puts the Other on a pedestal—a gesture of respect that is also an exclusion, an isolation.”⁶⁹ Moreover, it permits the “fixing of the Other into a historical space separate from the modern.”⁷⁰ This form of paternalism is abundantly evident in Vowell’s words, and the department’s view that the potlatch was an antiquated element of what were considered dying cultures. Vowell’s policy was successful in that it reflected common assumptions about Aboriginal culture. At the same time, it was also carefully differentiated from the position of others such as missionaries who advocated for the implementation of more immediate and overt measures to suppress the potlatch. This greatly reduced the amount of potlatch related ‘trouble,’ administrative and otherwise, that the department had to deal with while providing reassurance that the potlatch was indeed soon to disappear.

⁶⁹ R. D. K Herman, “The Aloha State: Place Names and the Anti-conquest of Hawai‘i,” *Annals of the Association of American Geographers* 89, no. 1 (March 1999), 77.

⁷⁰ Herman, “The Aloha State,” 77.

Chapter 3

The Indian department, the Cowichan agency, and the Hul'qumi'num in 1900

In his 1913 testimony before the McKenna McBride Commission, held to finalize the size of Indian reserves throughout British Columbia, Indian agent for Cowichan William Russell Robertson testified that he filled two 750-page letter books with correspondence from his agency each year. Many of these letters were written to his superior A.W. Vowell during his time as Indian superintendent. The commissioners, no doubt surprised by Robertson's statement, subsequently asked how many agents would be required to manage adequately the affairs of the agency. Robertson replied that a second agent was necessary, as the business of administration became more complex and time consuming.¹ Robertson's testimony exemplified one of the most significant barriers to bureaucratic efficiency within the Indian department.

Colonial bureaucracy reinforced inequality between settler and Aboriginal populations overtly empowered by policy and legislation. This chapter will shift the focus from the upper levels of the DIA to bureaucratic interactions at the local level, specifically, between the Cowichan agency on Southern Vancouver Island and the Victoria office of the B.C. Indian superintendent. Correspondence from 1900 between Indian agent William Robertson, Senior Clerk William McLaughlin and Superintendent Arthur Vowell demonstrate that bureaucratic practices empowered department staff at the level of the Indian agency. As Heather Wilke has shown, the work of the Indian agent W.H. Lomas (1888-1899) was fraught with difficulty and contested by the *Hul'qumi'num* people.² Arthur Vowell's instructions to his agents, correspondence between other officials and exchanges concerning W.R. Robertson's difficulties

¹ RCIA, Cowichan Agency, "Examination of W.R. Robertson, Indian Agent," 2 July, 1913, UBCIC Digital Collections.

² Heather Lee Wilke, "One Too Many: Imbibing and Resistance in the Cowichan Indian Agency, 1888-1899," (Masters Thesis, University of Victoria, 2006).

as a new agent in 1900 illustrate ongoing challenges to department administration in the region. Letters between Vowell and the newly appointed agent Robertson and others offer unique insights into the implicit assumptions Vowell held concerning proper bureaucratic procedure unarticulated in formal correspondence with other officials.

As Robertson's 1913 testimony demonstrated, paperwork was an essential and time-consuming task for department officials. The mountain of paperwork created by such correspondence meant that officials spent a great deal of their time reacting to correspondence, rather than dealing with the issues that arose within Native communities. For DIA officials, reports and correspondence were more imperative and urgent than meeting the needs of Native people. The damage caused by this system was supported by racist institutions such as the residential schools, and in discriminatory government policy promulgated by the DIA. The logic of bureaucracy adhered to by the department constituted a particular form of power employed to exercise control over First Nations people.

By 1900, all Aboriginal groups in South-western British Columbia had experienced sustained close contact with settler populations for several decades. The Cowichan agency was inhabited by Salish speaking *Snuneymuxw*, *Hul'qumi'num* and Straits Salish people and on the east coast of Vancouver Island extending from Cape Mudge in the north to Sooke in the south, including reserves in the Gulf Islands. The reserves in the agency made up a total of 19,637 acres in 1900, the largest of which were located in the Cowichan Valley.³ In 1882 the entirety of this large area was put under the control of a single Indian Agent, W.H. Lomas. However, in November 1899, Agent Lomas committed suicide in the agency office near Duncan leaving his

³ DIAR, Annual Report of W.R. Robertson, 1900, 399.

position vacant.⁴ In his place, William McLaughlin became acting in Lomas' role until the department appointed a new agent to the position.

The new agent, William Robertson, assumed control of the agency in 1900, when the population of its reserves faced a variety of significant challenges. The growth of the province at the turn of the century placed increasing pressure on Aboriginal people involved in wage labour jobs such as salmon canning and hop picking. Aboriginal workers were regularly exposed to health and financial risks, sometimes accruing large debts due to low wages. The temporary housing provided by cannery companies and hop farms on the mainland was frequently inadequate, and working conditions in the canneries were often poor. The spread of disease amongst cannery workers often incited concern amongst authorities.⁵ In his 1899 annual report, agent Lomas had reported that a serious epidemic of typhoid and measles afflicted at least 24 children who had traveled with their parents to Fraser River salmon canneries the year before.⁶

At the turn of the century, both agriculture and fisheries were under pressure from encroaching settler society.⁷ Fishing and farming were two of the most lucrative sources of income in the agency, particularly on reserves near Chemainus and in the Cowichan valley. By 1900, seine fishing in Cowichan Bay by white fishermen posed a serious threat to the fish stocks

⁴ *Daily Colonist*, 28 November, 1899.

⁵ Mary-Ellen Kelm, *Colonizing Bodies: Aboriginal Health and Healing in British Columbia, 1900-50*. (UBC Press, 1998), 46.

⁶ DIAR, Annual report of W.H. Lomas, 1899, 373-374.

⁷ Earlier studies of Native newcomer relations in the Cowichan Agency have dealt primarily with the Cowichan people's effort to maintain their traditional fishing rights. See, Jos Dyck, "To take the Food from Our Mouths": The Cowichans' Fight to Maintain their Fishery, 1894-1914." *Native Studies review* 13, no.1 (2000), 41-70, and "The law Runs Through it: Weirs, Logs, nets, and Fly Fishing on the Cowichan River, 1877-1937," Douglas C. Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia* (Toronto: University of Toronto Press, 2001), 127-180.

available to the people on Cowichan reserves.⁸ The failure of the Fraser River salmon run that fall meant that families who had worked at the canneries on the lower mainland returned home in debt with little means to support themselves over the winter.

The Cowichan successfully protested efforts to end their use of fish weirs on the Cowichan River and continued to fish despite the criminalization of traditional methods. However, Fishery Act regulations excluded Cowichan people from taking part in more lucrative seine fisheries.⁹ Log runs on the Cowichan River eroded substantial portions of riverbank bordering the reserve, destroying agricultural land, salmon spawning beds and interrupting the natural flow of the river.¹⁰ Tension over these environmental concerns, as well as fishing and land rights created constant difficulties between the Cowichan people and their non-Aboriginal neighbours. As a result, the administration of the Cowichan agency was a complicated endeavour that drew considerably upon the administrative resources of the department.

Arthur Vowell and his staff were well aware of the challenges posed to Native communities. However, when it came to ensuring that the department acted in the best interests of the people, some issues were prioritized over others. That Indian department officials spent so much time engrossed in maintaining records and answering letters is significant because writing was essential not only to the functioning of the bureaucracy, but represented bureaucratic action itself.¹¹ Vowell exemplified this expectation. In his correspondence with the Cowichan agency, his letters frequently emphasized, above all, the importance of following official protocol and

⁸ Dyck, "To take the Food from Our Mouths," 52.

⁹ Douglas C. Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia* (Toronto: University of Toronto Press, 2001), 161.

¹⁰ Daniel Patrick Marshall, *Those Who Fell from the Sky: a History of the Cowichan Peoples* (Duncan, B.C: Cultural & Education Centre, Cowichan Tribes, 1999), 143-144.

¹¹ Akhil Gupta, *Red Tape Bureaucracy, Structural Violence, and Poverty in India* (Durham, N.C.: Duke University Press, 2012), 188.

providing complete documentation.

Correspondence between Vowell and the officials heading the Cowichan agency in 1900 suggests that McLaughlin and new agent William R. Robertson were consistently overworked, and struggled to complete routine administrative tasks. At the same time, the amount of work required of employees in the Victoria Indian superintendent's office also frequently exceeded the capabilities of its limited staff. Concerns about overwork and a lack of resources was a common theme in department correspondence during the years that A.W. Vowell was superintendent. Requesting an increase to his salary in 1892, clerk McLaughlin emphasized how his ever-increasing workload ought to make him eligible for a raise.¹² Superintendent Vowell frequently suggested that the workload expected of his office department was unreasonable in his annual reports to the department in Ottawa. In 1895, he stated, "work in connection with Indian affairs in this province continues to increase and taxes to the utmost the powers of my limited staff, two in number."¹³ Vowell and his staff raised such concerns repeatedly, suggesting such dissatisfaction was habitual in the Indian office during throughout the 1890s.

The department was no better off in 1900 when William McLaughlin became the acting agent for the Cowichan agency. Early that year clerk J.W. McKay of the Victoria office informed McLaughlin that the office had been particularly busy over the holidays because of his absence. According to McKay, neatly written letters sent recently were "the work of the messenger's son who in bad weather during the holidays helped his father at this office."¹⁴ William Russell Robertson, a former member of the legislature for Cowichan, replaced McLaughlin as the agent for Cowichan in April 1900. At the time, the Indian office was not well staffed; McLaughlin had

¹² McLaughlin to DSGIA, 1892, RG 10, Vol. 3806, File 52, 237.

¹³ Canada, Parliament, "Annual Report... 1895," 14.

¹⁴ McKay to McLaughlin, 12 January 1900, LAC RG 10, Vol. 1342, File 114.

been away at Cowichan all spring, and senior clerk J.W. McKay was not working at all due to illness. At times, Vowell ran the office in Victoria alone, intermittently busy dealing with large amounts of mail.¹⁵ With so much work to do, William McLaughlin was recalled to Victoria immediately, leaving Robertson alone in Cowichan where he was forced to become accustomed to his new position by himself.¹⁶

Armed with a set of instructions from superintendent Vowell, Robertson embarked on his new career as Indian agent. The requirements of the job, as stated in Vowell's instructions, were not complicated. The agent ought to be someone who was fit and capable of traveling, honest, intelligent, able to comprehend Chinook Jargon, and "acceptable to the Indians."¹⁷ Altogether, there would be "little other responsibilities attaching to the position of Indian agent than the ordinary care of the interests of the Indians, and their protection from wrongs at the hands of...other nationalities."¹⁸

The rest of his instructions give a sense of the real work, the paperwork, required of Indian agents. In contrast to the agent's general duties described above, the administrative requirements of the job were numerous and specific. Vouchers were required detailing all travel expenses incurred, and were to be submitted in triplicate to the Victoria department office along with a travel diary. Any assistance or provision involving financial expenditure for sick or "indigent" Indians also had to be submitted as a voucher with receipts attached.¹⁹ Medical attendance was recorded on Form 'No. 15' in the same manner and required the signature of the attending doctor and Indian agent in order to be considered valid. Several reports had to be submitted monthly so that the superintendent in Victoria could be kept up to date with the affairs

¹⁵ Arthur Vowell, Diary April 1900, BCA MS-2790.

¹⁶ Vowell to Robertson, 23 April 1900, BCA RG10, Vol. 1342.

¹⁷ Vowell to Robertson, 19 April 1900, BCA RG10, Vol. 1342.

¹⁸ Vowell to Robertson, 19 April 1900, BCA RG10, Vol. 1342.

¹⁹ Vowell to Robertson, 19 April 1900, BCA RG10, Vol. 1342.

of the agency.

Agents were responsible for submitting a monthly report, a copy of their diary in duplicate, school reports (also made out in duplicate) and their travel diary along with the travelling and expense vouchers for the month all accompanied by cover letters stating their purpose. Yearly reports, including a list of the government property in the agency and tabular statements for the year were due by the 15th of August. This was in addition to the regular correspondence that was exchanged on a daily basis between the agent, the superintendent in Victoria and others, school and health department officials, priests and missionaries, the public, and Aboriginal people.

Correspondence was to be written or typed on official department stationary only, addressing one subject per letter. All regular correspondence was duplicated, with copies of both incoming and outgoing mail recorded in office letterbooks maintained by the agent. Given the staggering amount of paperwork necessary to fulfill the administrative requirements of the agency, it was inevitable that Robertson's initial employment as an Indian agent would be challenging. William McLaughlin anticipated Robertson's struggle to become accustomed to his new job. In a private letter, he said that although Vowell would have Robertson come down to Victoria and be instructed how to perform all the tasks expected of him, it would be better if he were to come to and assist Robertson at the agent's office in Duncan. He advised, "I should show you this book and that in the office and point out how this case and that is to be dealt with...you have to see the documents in your office properly put through and become acquainted on the spot with what is to be done."²⁰ Unfortunately for Robertson, no opportunity for McLaughlin to put

²⁰ McLaughlin to Robertson, 27 April 1900, BCA RG10, Vol. 1342.

him “in the right groove,” ever arose.²¹

At the beginning of May, Vowell continued busy in Victoria running the office on his own without the assistance of clerk McKay who was hospitalized in Victoria. Vowell commented in his own diary, “work work work...and poor satisfaction with staff.”²² Around the same time, Robertson complained to Vowell that he was bewildered by the system of bookkeeping he was expected to maintain in his office “I have been here two weeks and must confess I have not accomplished much yet not getting a proper start.”²³ Days later he came to Victoria seeking further instructions about how he was supposed to run his office. However, he struggled to meet Vowell’s standards. In July he submitted a school report that Vowell deemed to contain insufficient details regarding the activities of the students. Cautioning Robertson, he reminded him that if the report were submitted to the department in Ottawa without the appropriate details, “a lengthy correspondence would be sure to result.”²⁴

By October, Robertson’s performance had yet to improve. He wrote to Vowell, stating that he was exceedingly overworked. He spent all day dealing with complaints and settling disputes on the reserve, which meant he stayed at the office until 9 o’clock every night catching up on paperwork he was unable to complete during the day.²⁵ His annual report, submitted late, pointed out that a great deal of dissatisfaction existed amongst the people on the Cowichan reserve, because non-Aboriginal fishermen were using seines and overfishing Cowichan Bay. Vowell, receiving his report, asked him to look into claims that the seines left few salmon for the residents on the nearby reserve. The tone of his request verged on impatience “Please report in

²¹ McLaughlin to Robertson, 27 April 1900, BCA RG10, Vol. 1342.

²² Arthur Vowell, Diary, 4 May 1900, BCA MS-2790.

²³ Robertson to Vowell, 5 May 1900, BCA RG10, Vol. 1362.

²⁴ Vowell to Robertson, 11 July 1900, BCA RG10, Vol. 1342.

²⁵ Robertson to Vowell, 17 October 1900, BCA RG10, Vol. 1362.

duplicate at once on the following points and remember that your report should be based on your own observations – not on the hearsay evidence of people in the district.”²⁶ Following this, a list of several pointed questions regarding the matter suggest that Vowell thought Robertson was likely to produce an adequate report only when given exceptionally thorough instructions.

Vowell prioritized some concerns over others in his administration of the department. The threat of disease was a serious concern that prompted swift action by Vowell on several occasions. At the same time, evidence suggests that Aboriginal complaints regarding the loss of crops and insufficient pastureland on the Cowichan reserve were less of a priority for the department. In February 1900, Superintendent Vowell was informed that a feast would be held at the Tsawout (East Saanich) reserve on the Saanich Peninsula.²⁷ As soon as he found out about the feast, Vowell sent detailed instructions to acting Cowichan agent William McLaughlin. He directed him to be present at the event, making sure that no disturbance occurred and to ensure that the people did not take part in any illegal cultural practices. According to Vowell, any individual found breaking the law should be reported to the Indian office. If the peace was breached, or the sale of illegal alcohol occurred, McLaughlin should work with the local magistrate to arrest suspected bootleggers immediately.²⁸ Local Catholic missionary Father Vullingsh also helped monitor the event and encouraged the guests to leave the feast as soon as possible.

Liquor and other illegal activities turned out not to be the main concern relating to the Tsawout feast. Rather, it was the arrival of Native people from La Conner Washington that

²⁶ Vowell to Robertson, 20 October 1900, BCA RG10, Vol. 1342.

²⁷ Vowell to McLaughlin, 19 February 1900, BCA RG10, Vol. 1342, File 128.

²⁸ Vowell to McLaughlin, 19 February 1900, BCA RG10, Vol. 1342, File 128.

prompted Vowell's concern. He was aware that infectious disease was prevalent among Native people in Washington State at the time and instructed McLaughlin to ensure that they were camping away from Saanich and to send them back to their homes immediately.²⁹ Though his directions seemed straightforward, events on the ground did not unfold as Vowell wished. McLaughlin assembled the Indians from La Conner and told them they needed to return to their homes in Washington State. However, they produced a clean bill of health signed by an official in Washington State and made assurance to him that they had not contacted any sick people, having travelled directly from their reserve by canoe. McLaughlin reported to Vowell that they complained "bitterly" after they were told to leave the Tsawout reserve.³⁰ The Cowichan people protested that they could not hold any kind of dance or festivity without interference from white men. McLaughlin replied that the health regulations existed for their own protection, but also sympathized with their position.

In his report to Vowell, McLaughlin pointed out that preventing the people from travelling outright was next to impossible. He also described the people from La Conner somewhat sympathetically stating, "I may add that the American Indians in question were a clean, well-behaved, sober lot of men and women and Indians of more than ordinary intelligence."³¹ Despite the fact that he had not personally met with the individuals in question, Vowell was not swayed by McLaughlin's opinion. The Indians from La Conner should have presented a 'clean bill of health' to the suitable authorities upon their arrival in Canada, rather than to McLaughlin upon his arrival at the feast. Because they did not submit to this procedure and precautions needed to be taken against infectious diseases, they still had to leave the country.

²⁹ Vowell to McLaughlin, 24 February 1900, BCA RG10, Vol. 1342, File 260.

³⁰ McLaughlin to Vowell, 26 February 1900, BCA RG10, Vol. 1342.

³¹ McLaughlin to Vowell, 26 February 1900, BCA RG10, Vol. 1342.

Deferring to the regulations, rather than the reality of the circumstances as reported by McLaughlin, he replied "their feelings could hardly be weighed against the question of preserving the Public Health which in all cases must be made a primary consideration."³² In this situation, Vowell was more concerned with appearing to follow regulations than trusting the report of his staff.

That November, smallpox allegedly broke out among a number of white families living in Nanaimo. Robertson told Vowell about the outbreak and reported that Cowichan people at the village of Khenipsin were holding a feast.³³ Acting to ensure that smallpox would not break out among the people gathered at the feast, Robertson visited the people there and advised them that they should end the gathering as soon as possible. Meanwhile, in Nanaimo, Dr. Fagan, the Provincial health officer discovered thirteen mild cases of the disease in three households in the city.³⁴ Subsequently the Health Department took strict precautions; vaccinations were ordered for everyone within a ten-mile radius of the outbreaks, all patients were placed in quarantine, and all passengers embarking from steamers at Nanaimo were subject to a formal inspection by health authorities. While three additional cases of disease were detected, the *Colonist* reported that the disease would not spread any further only days after the first outbreak.³⁵ Despite the precautions taken by authorities, the threat posed by the disease outbreak did not cause a great deal of concern. The *Nanaimo Free Press* speculated that the disease was not small pox at all but possibly a less lethal form of the disease such as cowpox.³⁶

In contrast, Vowell was concerned that disease might affect Native people near Nanaimo.

³² Vowell to McLaughlin, 26 February, 1900, BCA RG10, Vol. 1342.

³³ Robertson to Vowell, 16 November, 1900, BCA RG10, Vol. 1361.

³⁴ *Daily Colonist*, 22 November, 1900.

³⁵ *Daily Colonist*, 23 and 25 November 23, 1900.

³⁶ *Nanaimo Free Press*, "Is it Cow-Pock," 24 November, 1900. BCA Reel CL202.

He instructed Robertson to return to Khenipsin and remind the people “it is to their interest to disperse as soon as they can for in the case of an epidemic breaking out amongst them the consequences would be serious.”³⁷ He also told Robertson to visit Nanaimo as soon as possible and work with Dr. Fagan to vaccinate as many Indians as possible near where the smallpox outbreak occurred. However, counter to Vowell’s instructions, Robertson stayed near Cowichan and did not go to Nanaimo as ordered. By the end of November, newspapers were reporting that the disease outbreak was all but over because only a few new cases had been discovered and all known patients were receiving treatment.³⁸ However, on 5 December, Vowell wrote to Robertson, stating that, as far as he was aware, Robertson had not visited Nanaimo at all nor written to explain why this was the case. To Vowell, “such procedure is to say the least very irregular and is altogether too lax.”³⁹ In reply, Robertson gave the excuse that he had been too preoccupied with the business of the agency in Cowichan to travel to Nanaimo and that a bad cold had made him too unwell to travel.

These excuses were unacceptable to Vowell who said that when diseases such as smallpox threatened the health of Indians in the agency, vaccinations were essential to protect the health of the population. Moreover, Robertson’s inaction put the department’s reputation at risk. If the problem were attended to immediately, “public excitement is...speedily allayed and the Indians are taught that the [sic] Department is alive to their best interests.”⁴⁰ Finally, he had made a significant error by failing to notify Vowell, in writing, when he would proceed to Nanaimo “to keep me waiting day to day expecting to hear that you have been to the place to which you were

³⁷ Vowell to Robertson, 19 November 1900, BCA RG10, Vol. 1342.

³⁸ *Nanaimo Free Press*, 26 November 1900, BCA Reel CL202.

³⁹ Vowell to Robertson, 5 December 1900, BCA RG10, Vol. 1342.

⁴⁰ Vowell to Robertson, 10 December 1900, BCA RG10, Vol. 1342.

instructed to proceed is to say the least irregular.”⁴¹ Two days later, Vowell reported Robertson to the department in Ottawa for repeatedly failing to follow instructions. Nearly a month after the initial smallpox outbreak, Robertson finally notified Vowell that despite still feeling ill he would travel to Nanaimo. He also protested against being reprimanded stating, “I regret very much that you had to report me to the department and hope I may be able to make some difference for my seeming neglect of duty.”⁴²

While the department was concerned about minimizing the spread of disease between Native and white populations, other ongoing problems such as loss of land on the Cowichan reserve were consistently downplayed by government officials. The conventional approach to any circumstances involving a conflict between the settler population and residents of the reserve was to defer to the best interests of white settlers. When a Mr. W. Ford wanted to build a roadway through the Koksilah reserve, he offered ten dollars compensation to a Cowichan man named Louie, on whose land the road would be located. William McLaughlin, who was along to look over the proposed site for the road suggested that rather than pay Louie on the spot, Ford should wait and make sure there would be no competing claims to the land by other members of the band.

McLaughlin wrote to Agent Robertson that he advised Ford “not to pay Louie but to see who the other claimant is and make the [sic] \$10.00 do for both of them for there is certain to be a lot of waw-waw over the question.”⁴³ McLaughlin’s aim seems to have been to ensure that Ford would not be required to compensate many individuals for the right to build a road and minimize the number of complaints regarding the issue that would be heard in future by the

⁴¹ Vowell to Robertson, 10 December 1900, BCA RG10, Vol. 1342.

⁴² Robertson to Vowell, 14 December 1900, BCA RG10, Vol. 1361.

⁴³ McLaughlin to Robertson, 2 May 1900, BCA RG10, Vol. 1342

department. In McLaughlin's opinion, when Ford offered to ten dollars to Louie, he complicated the situation unnecessarily: "had he [Ford] only taken my advice and waited to settle with the other claimant instead of giving Louie the \$10.00 I consider that everything would be alright and no more would have been heard of the subject, at least as far as the Indians were concerned."

The department showed similar reticence when it came to compensating people for damage to the reserve due to flooding and erosion along the banks of the Cowichan River. In March 1900, William McLaughlin communicated to A.W. Vowell that he had been to investigate the complaints of a man named Pitahl, who had lost a crop of potatoes due to flooding caused by a log jam in the Cowichan River.⁴⁴ McLaughlin reported that having made several visits to Pitahl's land he was able to conclude that rather than a log jam on the river, heavy rains were to blame for flooding the lowland. This led him to suggest "I cannot understand why he did not pit his potatoe [sic] crop on his high land in close proximity to his house instead of leaving the matter to chance." Logging practices in the Cowichan watershed caused excessive amounts of erosion on Indian Reserve no. 1 at the foot of Cowichan Bay.⁴⁵ While the Indian Department was aware of the problems it created, little was done to remediate the effects of the logjams that destroyed the riverbanks and pastureland along the Cowichan River. Erosion had serious consequences for individuals trying to cultivate small plots of land on the Cowichan reserve.

Blaming *Pitahl's* poor judgement, despite the land being inherently prone to flooding, McLaughlin advised him to plant less vulnerable crops of grain in the lowland and move his root crops to higher ground. Once this advice was provided and recorded in department correspondence, the matter was considered closed. No compensation was offered to Pitahl for the damage, and the greater issues posed by the location of the reserve went unaddressed. Later in

⁴⁴ McLaughlin to Vowell, 13 March, 1900, BCA RG10, Vol. 1361.

⁴⁵ Daniel Patrick Marshall, *Those Who Fell from the Sky: a History of the Cowichan Peoples* (Duncan, B.C: Cultural & Education Centre, Cowichan Tribes, 1999),

the year, the Cowichan Lumber Company held another log drive on the river. That winter, William Robertson reported that the Cowichan Lumber Company planned to send 900 million feet of timber down the river through the Cowichan reserve.⁴⁶ Though the log drives ended when a railway spur was eventually completed to Cowichan Lake, alleviating the need for log drives, such practices damaged land on the Cowichan Reserve considerably.

The Cowichan people often expressed their displeasure with the limitations posed by the size and location of their reserve. In July of 1900, Charlie Cut-quah-ton, Acting Chief of the Somenos band and twenty other Cowichan headmen, sent a petition to the Department of Indian Affairs in Ottawa. The petition requested additional pastureland on reserve for their animals. The chiefs stated that when James Douglas laid out their original reserves they were treated fairly and their rights had been protected. However, subsequent surveys of their reserve reduced it in size and encouraged the encroachment of white settlers. After two churches were built on the reserve as well as a schoolhouse with the consent of the Cowichan, the land occupied by the buildings was removed from the reserve. "Great was our surprise when a third survey was made, and all the portions occupied by white people...were declared to be white people's land."⁴⁷ Conditions on the reserve were problematic; some families had no access to land, while others were forced to make do with small one to ten acre lots. This made raising animals on the reserve difficult. "We are trying to follow the example of the white people in getting horses and cattle and sheep; but when we have planted our crops we have no place to keep them."⁴⁸

After losing half of their original reserve land, the Cowichan did not have space to pasture their animals properly. When they were unable to feed, horses strayed from the roadsides

⁴⁶ Robertson to Vowell, 8 October 1900, BCA RG10, Vol. 1361.

⁴⁷ "Extract of Petition to the Department of Indian Affairs" (copy), June 25, 1900 BCA RG10,, Vowell to Robertson, 13 July, 1900, BCA RG10, Vol. 1342.

⁴⁸ "Extract of Petition to the Department of Indian Affairs" (copy), 25 June, 1900, Vowell to Robertson, July 13, 1900, BCA RG10, Vol. 1342.

and sometimes fell in the Cowichan River and drowned, while others broke free from where they were tethered and destroyed nearby crops. The petition requested that the department provide two plots of land while the harvest took place in which to pasture horses. Such a gesture would serve to “preserve the good feeling between the Indians and the White people” and allay further damage of fields and loss of property.⁴⁹ Despite the well-reasoned argument laid out in the petition, Vowell was unconvinced by the Chief’s statement.

In his reply to the department, he pointed out that the Cowichan reserve included several hundred acres of woodland that served merely as a supply of fuel and fencing. Because the Cowichan had over six thousand acres reserved to them altogether, Vowell thought that providing them with extra pastureland was unnecessary. Instead, he proposed, “if the...[wooded] land were partially cleared of the timber fair pasturage could be had for the Indian’s stock.”⁵⁰ He further justified his opinion stating:

Complaints have been and are continually being made to the effect that the Indians have all the good land in the valley: and I may add that even if it was deemed advisable to reserve more land for their use it could not be done except by purchase, every...[foot] of land in that section having been either pre-empted or purchased long since.⁵¹

Ultimately this response downplayed the significance of the petition in several ways. Vowell disagreed that additional pastureland was necessary and blamed the Cowichan for their own predicament by insinuating they had not made good use of their reserve land. He finalized his opinion by pointing out that no reference to the issue arose at any of the band council meetings attended by William McLaughlin. Therefore, rather than being suggested by the chiefs, the

⁴⁹ “Extract of Petition to the Department of Indian Affairs,” Vowell to Robertson, 13 July, 1900, BCA RG10, Vol. 1342.

⁵⁰ Vowell to DIA, 13 July, 1900, BCA RG10, Vol. 1342.

⁵¹ Vowell to DIA, 13 July, 1900, BCA RG10, Vol. 1342.

petition could be attributed to “untoward outside influences,” unnamed individuals who desired to make trouble for the department.⁵²

Other historians have shown that Vowell’s attitude towards the Native land question was more liberal than that of other officials in the Department of Indian Affairs. He sought to allocate reserve lands in a reasonable manner, made efforts to convince provincial officials to allow Native people to purchase their own land, and did his best to keep the reserve commissioner’s office functional in the face of ever-increasing resistance from the provincial government.⁵³ However, the residents of the Cowichan reserve were hemmed in by the settler population and lived in the midst of prime agricultural land. Neither the department nor the Province supported the purchase of such land for the purposes of Native people. While Vowell may have understood the Cowichan’ predicament, rather than acting on their complaints he used bureaucratic procedure to suppress the argument stated in the petition.

The idea that Hul’qumi’num held sovereign authority over their land and in their relationship to the government was foreign to the way the department bureaucracy functioned and inconsistent with the Indian Act. Bureaucratic efforts to quell the concerns outlined in petitions and complaints such as the one outlined above were a key characteristic of the relationship between government officials and the Cowichan. As Douglas Harris has outlined in his discussion of attempts to outlaw Cowichan weir fisheries, the Dominion government launched a discursive attack against the people that relied on Euro-Canadian legal and scientific

⁵² Vowell to DIA, 13 July, 1900, BCA RG10, Vol. 1342.

⁵³ Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, Brenda and David McLean Canadian Studies Series (Vancouver: UBC Press, 2002), 219-224.

justifications.⁵⁴ Harris argues that the Cowichan responded in kind, invoking the same discourses aligned against them by claiming their own legal entitlement to fishing rights. These rights stemmed from long use and occupation and were supported by Hul'qumi'num traditional ecological knowledge that verified that weirs are a sustainable fishing practice. They challenged the Crown's notion of sovereignty with their own sovereign discourse that asserted jurisdiction over a fishery that had never been ceded to the crown.⁵⁵

In the early 1900s a province-wide Native resistance movement began to gather momentum. Unsatisfied with their treatment at the hands of government and intending to assert the rights denied to them, Native leaders sought new opportunities to state their grievances before higher authorities. One significant example was the petition presented by Squamish Chief Joe Capilano, Cowichan Chief Charley Isipaymilt, and Shuswap Chief Basil David to King Edward VII. The Chiefs traveled to England in 1906 in an attempt to draw attention to the injustice experienced by Aboriginal people in BC. They wanted to compel the Dominion to consistently apply the rule of law regarding First Nations in all Canada's provinces.⁵⁶ The petition described the inequalities of Indian policy in Canada and emphasized how successive governments had failed to keep promises between the Crown and Aboriginal people. Significantly, it also emphasized a lack of political accountability in the relationship between Aboriginal people and the Dominion. The Chiefs voiced frustration that they were excluded from contributing to the bureaucratic decision making process that selected Indian agents for their communities and decried the hypocrisy of being described as uncivilized despite their efforts at

⁵⁴ Douglas C. Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia*, (Toronto: University of Toronto Press, 2001), 152.

⁵⁵ Harris, *Making Native Space*, 153.

⁵⁶ Keith Thor Carlson, "Rethinking Dialogue and History: The King's Promise and the 1906 Aboriginal Delegation to London," *Native Studies Review* 16, no. 2 (December 2005), 10.

meeting the standards of civilization dictated to them by government officials.⁵⁷ Chief Capilano and his counterparts recognized Indian affairs bureaucracy as a significant inhibition of their sovereignty and their ability to exercise rights and resist the colonial project.

The Cowichan continued to make active attempts to protect their sovereignty throughout the 1900s. Around the turn of the century, a significant expansion and elaboration of Native protest took place as numerous tribes took further steps to protest ongoing white settlement and the restriction of hunting and fishing rights. The Cowichan, assisted by Methodist missionary, C.M. Tate, and lawyers Arthur O'Meara and J.M. Clark produced another petition in 1909 that was presented to the office of the Secretary of State for the Colonies in London. It referenced the 1763 Royal Proclamation as a legal basis for the recognition of Aboriginal title in British Columbia in an attempt to obtain a decision on the matter from the judicial committee of the Privy Council. Though it was eventually sent back to the Canadian government for further consideration, the petition was significant because it represented close collaboration between Native people and non-Aboriginal supporters.⁵⁸ It provided the impetus for the growth of organizations such as the Indian Rights Association that made efforts to air Native grievances outside of DIA bureaucracy and instead seek recompense directly from Provincial, Dominion and Imperial governments.

In 1913, during the McKenna McBride commission, Cowichan chiefs clearly articulated their rights and grievances regarding the way they were treated by both governments and the settler population of the Cowichan Valley. That May, before Indian agent Robertson was examined by the commission and gave evidence regarding his work in the agency, the chiefs outlined their own complaints. In clear and uncomplicated language, they put forward that the

⁵⁷ Carlson, "Rethinking Dialogue and History," 12.

⁵⁸ R.M. Galois, "The Indian rights Association, Native protest Activity and the Land Question in British Columbia, 1903-16" *Native Studies Review* 8, 2a (1992), 8.

land reserved to them was insufficient and that coercive laws made it difficult to fulfill their most basic needs. According to Chief Charlie Seehaillton,

Not only is the land very small but the white people are making laws to stop them getting their food from the River, and the white people are making all kinds of laws which are getting my people into trouble. Look around here, if you doubt that the land is very small. I myself only occupy 3½ acres, and yet the white man says I have got too much.⁵⁹

Chief Joe Kukahalt alluded to discriminatory laws that restricted his people's rights and pointed out that the provincial and federal governments, failed to pay attention to the grievances put forward to them:

The White men are making laws which are getting our people into trouble. The way they are now, our people cannot do anything without violating some law. They cannot get their Grub anywhere without being subject to some law. No matter what they try to take for food they get into trouble about it. The Government do not seem to try to find out the particulars of their grievances.⁶⁰

Chief Charley [sic] Selpaymult (Isipaymilt), who had been part of the delegation that met with King Edward in 1906, called on the commission to honour promises made to the Indians by the Crown:

I went to the King...a few years ago, to try and get some settlement from the King...His Majesty promised to do something for us, and said he would send somebody out to look into the matter. The King told me that I need not feel very sorry about these things, as, if there was anything that he (the King) could do anything for me, he would do it. His Majesty promised to give each male Indian on the reserves, 160 acres of land, as the land belonged to us Indians. I hope you will take what I say into consideration, and do what you can for us.⁶¹

⁵⁹ RCIA, Cowichan Agency, "Meeting with the Cowichan," Comiakem Reserve, 27 May 1913, UBCIC Digital Collections.

⁶⁰ RCIA, Cowichan Agency, "Meeting with the Cowichan," Comiakem Reserve, 27 May 1913, UBCIC Digital Collections.

⁶¹ RCIA, Cowichan Agency, "Meeting with the Cowichan," Comiakem Reserve, 27 May 1913, UBCIC Digital Collections.

The Chiefs were acutely aware of the effects that bureaucracy and the Canadian legal system had had in stifling their rights, serving the interests of settler society and not their people. Indian agent Robertson's testimony alluded to general growth in the amount of business relating to the agency and praised the progress of Native farmers, stating that their work compared "favourably" with that of nearby white farmers.⁶² The difficulties described by the Cowichan Chiefs were the same as the problems dealt with by Robertson as a new agent in 1900. The Cowichan people still fully engaged with protecting the boundaries of their reserve, maintaining their fishing rights and making a living through agriculture on small plots of reserve land.

The evidence considered above demonstrates how settler colonialism and bureaucracy in particular placed Aboriginal people in a double bind. *Hul'qumi'num* people were instructed to farm and 'improve' their reserve land, while consistently being denied a sufficient amount of land on which to raise crops and pasture animals. When their attempts failed, such as in the case of *Pitahl's* potato crop, or their livestock drowned in the river, the people were blamed for their own mistakes and the root of the problem—insufficient reserve land—was purposefully downplayed by the Indian department. Such dilemmas were strongly articulated by John Elliot, interpreter for the Cowichan Chiefs who attended the McKenna McBride Commission hearings:

The white people tell us that we Indians do not till the land, that we are a class of people who will not work. Now, if we were to go to work and grow stuff on our lands, we would not be able to find a proper market for our produce... Besides, if we cultivate the land, where are we going to keep our cattle [?]... There is not enough land on the Reserves, and no man with a small piece of land can make a decent living out of it. Then again, if our land is fenced in to keep the cattle off the roads, white people very often come down

⁶² RCIA, Cowichan Agency, "Examination of W.R. Robertson, Indian Agent," 2 July 1913, UBCIC Digital Collections.

on fishing expeditions, climb over and break our fences, and, when spoken to, they say we have no right here.⁶³

Individuals who complained to the department were unable to confront directly the dilemma after their complaints had been filtered through official bureaucratic channels, leaving them mostly powerless to effect change in their circumstances. In this way, bureaucratic procedure itself was an effective form of control that obtained favourable results for the department while avoiding open confrontation. Herein lies the significance of bureaucracy's effect upon people in the Cowichan agency. When procedure dictated a swift response, as in the case of the threat of disease among Native people, Superintendent Vowell acted quickly to address the situation. However, in matters less conducive to the bureaucratic imperatives of the department, it was usually inclined to find recourse in procedures that minimized and disregarded Native claims.

The complex bureaucratic procedure and protocols that mediated the interaction between Vowell, his Indian agents, and the *Hul'qumi'num* effectively concealed the coercive intent of government policy. Overt attempts to enforce discipline in situations such as an outbreak of disease or a potlatch celebration were disapproved of by Vowell, and considered at odds with the public image of the department he sought to promote. Yet, Robertson and Vowell also worked to maintain a peaceful, ordered relationship with Native people on Southern Vancouver Island through the orderly application of department administrative practices. In reality, these administrative processes served to reinforce complex system of contradictory imperatives. This double bind, as articulated by John Elliot in the preceding quote, meant that the people were placed in circumstances that left them incapable of meeting the double imperatives set out by the DIA. They were encouraged to imitate the social, agricultural, and religious behaviour of settler society; yet, to imitate too well or surpass expectations gave rise to criticism and mistrust and

⁶³ RCIA, Cowichan Agency, Meeting with the Cowichan, Comiakem Reserve, 27 May 1913, UBCIC Digital Collections.

provoked bureaucratic manoeuvring meant to assert government control and limit their independence.

Conclusion

In 1910, the Federal government closed the Indian Superintendent's office on Wharf Street in Victoria and Vowell's former position; superintendent of Indian Affairs, was abolished. All Indian agents were instructed to correspond directly with Ottawa in all affairs pertaining to their agencies and the province was also divided into three Inspectorates, each headed by an Inspector of Indian Agencies.¹ The circumstances surrounding Vowell's departure underscore the instances of bureaucratic inefficacy highlighted throughout this thesis.

When Vowell left the service of the government he initially gave his keys to one of his office clerks, Stevens, who handed them to the caretaker Lyall. According to the clerk, Lyall was supposed to pass them on to the Chief Architect of public works, William Henderson. Despite never actually being given the keys, Henderson suggested that the offices formerly occupied by the DIA might be handed over to Captain Gaudin of the Marine and Fisheries Department.² This concerned the department because it had not had time to deal with the government property and records still remaining in Vowell's office. The situation was rectified when Stevens regained possession of the keys and wrote to assure the department that he would maintain responsibility for the office and its contents until the department was prepared to give it up.

Subsequently, Southern District Inspector W.E. Ditchburn was finally given possession of the office and days later, Vowell's books and papers were removed. This reorganization changed the department's administrative system in the province and diminished the evidentiary record of Arthur Vowell's time as Indian Superintendent. At some point, old files from the

¹ BCA, Finding Aide, "Series GR-0123 - Dept. of Indian Affairs records with regard to British Columbia," 1-2.

² J.D. McLean to W.A. Stevens, 30 April, 1910 LAC RG 10, Vol. 3902, File 101, 313; W.A. Stevens to department Secretary, 6 May 1910, RG 10, Vol. 3902, File 101, 313; W.E. Ditchburn to department secretary, 5 July 1910, RG 10, Vol. 3902, File 101, 313.

Victoria office were supposed to be sent east, to be retained by the department in Ottawa. However, in 1911 difficulties resulting from an overabundance of paperwork resulted in the destruction of a large portion of the documents from Victoria and the office of the Indian Commissioner in Winnipeg that was also closed in 1909.³ Consequently, the historical record pertaining to the Victoria superintendent's office is incomplete. Incoming correspondence dating from between 1886 and 1894 survives in original chronological order. However, innumerable documents from the following sixteen-year period remain largely unavailable. Because of the diminishment of the official record of his activities, and his low profile public and personal life, Vowell has been largely disregarded since ending his career in government service.

This thesis has emphasized the importance of bureaucratic processes in the administration of Aboriginal people in turn of the century British Columbia. My central purpose has been to document one of the primary, and lesser known dimensions of the colonization of Aboriginal people in Canada—the government administration of Indians affairs and the bureaucrats who worked within this system. While the literature has emphasized the role of senior officials in Ottawa, I have argued that the department's 'middle management' must also be considered as having played a vital role in administration and policy implementation. Despite its oft-mundane appearance, the bureaucratic process constituted a unique form of colonial power applied in an attempt to marginalize and control Aboriginal people. In order to understand how this might have taken place, I have studied how Indian affairs bureaucracy functioned, through the particular lens of Arthur Vowell's administrative activities. My research challenges the thesis that Aboriginal affairs policy and practice were necessarily symmetrical. In my view, Indian

³ William Russel, "The White Man's Paper Burden: Aspects of Records Keeping in the Department of Indian Affairs, 1860–1914," *Archivaria* 19 (1985), 68-69.

affairs bureaucracy represents more than the cumulative effect of government policy. Power exercised by department bureaucrats was not manifested in centralized top-down organization and micro-management by Ottawa, but instead evolved through the subjective, dispersed activities and daily decision making of individual bureaucrats.

Bureaucracy was a characteristic element of the colonial project in Canada that long sought to enable subordination of Native people through non-confrontational paternal and assimilative measures. In light of these ideas, I also view bureaucracy as a key aspect of, what has previously been described as, the ‘peaceful subordination’ of Aboriginal people in British Columbia. Peaceful subordination enabled the dispossession of Aboriginal people that was justified by the perceived benefits of their incorporation into settler society.⁴ Bureaucracy was an important focal point of this process. Native people entered into dialogue with a government that at once claimed to be supporting their best interests, yet sought to subordinate their views, revoke their rights and privileges and deny their sovereignty, primarily through law. Department policy and government legislation sought to erase the cultural identity of those it sought to assimilate and subsume them into a foreign cultural framework.

Power inequalities were shaped and reinforced by the department through the textual representations in official correspondence and interactions involving Aboriginal people. This process should not to be seen in terms of large-scale causes and effects that created immediately disastrous outcomes. In reality, minor acts of dispossession occurred daily at the local level and took effect gradually. Minor incidents that often preoccupied department staff, such as the loss of Pitahl’s potato crop to erosion described above, contributed significantly to the dispossession of Aboriginal people, and to oppression, marginalization, and cultural disruption. Therefore we

⁴ John S. Lutz, *Makúk: a New History of Aboriginal-white Relations* (Vancouver ; Toronto: UBC Press, 2008), 24-25.

have followed Vowell, Indian agent William Robertson and others into a number of situations that help contextualize the micro politics and practices that contributed to peaceful subordination.

As Taiaiake Alfred has argued, oppression and cultural disruption have produced a despair that lies at the root of the discord and violence present in contemporary reserve communities and an overall dependency on government resources.⁵ To Alfred, the roots of the colonial problem lie in the oppression experienced by Aboriginal people over a long period of time, oppression that has damaged the basic cultural integrity, mental and physical health of Native communities.⁶ Aboriginal affairs bureaucracy played a fundamental role in this process because it was largely responsible for setting the terms of this relationship. The work of bureaucrats like Vowell, who strived to enforce and strengthen the expansionist and assimilative aims of the Dominion government, resonate in the ongoing issues stemming from unequal power relations that still manifest today.

Vowell's work as superintendent has not attracted a great deal of attention from historians. He has been viewed for the most part as a benign presence, neither vilified nor lauded for his service as Indian superintendent. My research is not intended to serve either of these purposes, but does try to address this lack of visibility in the historical record. I believe greater consideration of Vowell's role is necessary due to the influence of the department in the lives of Aboriginal people during the twenty years he was Indian superintendent. Unlike other prominent individuals such as the notorious poet-bureaucrat, Duncan Campbell Scott or Joseph Trutch, Vowell's equally valid role alongside such contemporaries has been largely overlooked. Due to

⁵ Gerald Taiaiake Alfred, "Colonialism and State Dependency," *International Journal of Indigenous Health* 5, no. 2 (2009), 3.

⁶ Alfred, "Colonialism and State Dependency," 3.

the lack of surviving personal documents, and significant gaps in official documentation, we know decidedly less about him than other historical figures that played prominent roles in Aboriginal affairs at the time. As a consequence, his historical presence is much less discernable.

Nonetheless, Vowell's role in Indian Affairs was crucial to the relationship between Aboriginal people, the Canadian government, and settler society in B.C. at a time when they faced unprecedented change and upheaval. It is difficult to directly link the bureaucratic missives penned by Vowell and his intimate personal experience. However, consideration of both provides an expanded sense of his role in Indian affairs administration. According to Ann Laura Stoler, a focus on the personal and public lives of colonial officials "[forces]... longer reflection on what made up their common sense and how such imperial dispositions are sustained by the generative power of a 'vital lie.'"⁷ Stoler alludes to the fact that the dispositions of such individuals are formed by social, political, and psychic factors that influence the subjectivities of Imperial histories, haunting the "logos and pathos of empire."⁸

Both logos and pathos are reflected in Vowell's life in his political conservatism and paternal affinity to Aboriginal people, and the privation of a less than satisfactory life spent in service of government. In the three decades following Confederation, Vowell witnessed a remarkable amount of change in British Columbia. He was both highly qualified and experienced, and a hapless, fragile individual who experienced acute loneliness and frustration serving for much of his life on the margins of the province's frontier. A dutiful, yet principled individual, Vowell acted autonomously in his capacity as superintendent while also devoting a great deal of effort to the causes of civilization and Christianization advocated by the Indian department. By understanding Vowell in terms of his personality, attitudes, and background, as

⁷ Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009), 278.

⁸ Stoler, *Along the Archival Grain*, 278.

well as his views expressed in official correspondence, I have tried to recover a sense of how individuals fit within the bureaucratic processes described earlier—an approach which I believe supports the ‘ethnographic’ theoretical underpinnings of this thesis.

A bureaucratic ethnography framework has not been applied to the study of Indian affairs in this province prior to my research. I believe that deeper theoretical engagement with these ideas, beyond the limited scope of this project, may prove a highly fruitful approach for future scholarship in this area. Studies such as this are important in that while many generations have come and gone since Vowell’s death, the Indian Act still exists, and along with it the Indian Affairs bureaucracy. Bureaucracy still imposes itself between the political goals of Parliament and Aboriginal communities in need of support. In recent years news reports have blamed “cumbersome” federal bureaucracy for inadequate infrastructure replacement especially in the areas of housing and water treatment systems. Contemporary Aboriginal Affairs bureaucracy has been blamed for preventing access to funding and putting up unnecessary barriers through the reporting requirements that result in copious amounts of paperwork.⁹

For instance, in British Columbia, the Nazko reserve has had unsafe drinking water for over sixteen years. Despite the installation of a multi-million dollar water treatment plant by the Canadian government in 2013, breakdowns at the plant and high prohibitive operating costs have prevented it from functioning.¹⁰ Nazko band members interviewed by CBC blamed a lack of funding support and co-operation from the Department of Aboriginal Affairs and Northern Development Canada for the treatment plant’s ongoing failure to provide safe drinking water.

⁹ “Shacks and Slop Pails: Infrastructure Crisis on Native Reserves,” accessed 30 September, 2015, <http://www.cbc.ca/news/canada/shacks-and-slop-pails-infrastructure-crisis-on-native-reserves-1.1004957>.

¹⁰ “B.C. Nazko First Nation Asks: Why Can’t We Drink Our Water?” accessed 16 October, 2015, <http://www.cbc.ca/news/canada/british-columbia/bc-first-nation-drinking-water-1.3271766>.

The functioning of the bureaucracy itself has also been questioned. Today, as was the case over a hundred years ago, Indian affairs bureaucrats operate with chronically inadequate resources relative to the type of work they are required to perform.

One recent, and somewhat absurd example of these difficulties was an attempt made by the Ontario staff of the department of Aboriginal affairs to hold an all-staff meeting in January 2015. Due to budget constraints stemming from Federal government austerity measures, suggestions were made that the meeting be held at a public library, and that the staff might hold bake sales to provide snacks during the meeting.¹¹ Though senior officials quashed these proposals, the situation demonstrates that underfunding and bureaucratic ineffectiveness are still present in department administration. These issues serve to highlight the overall fact that an understanding of the operations of bureaucracy, particularly in the field of Aboriginal affairs is still of great importance.

Behind sweeping acts of dispossession often lie innumerable small injustices. Future opportunities lie in the study of historical bureaucracies in Canada and elsewhere, particularly in the fields of colonial and imperial history. Such scholarship could explore in greater depth the linkages between bureaucratic institutions and other elements of society and the subjectivities that lie in administrative knowledge. There are also further opportunities to contextualize and test the validity of the textual representations produced by bureaucratic authorities. Finally, ethnohistorical analysis provides much-needed context for the ongoing process of decolonization underway among Aboriginal people in Canada. To this end, studies that further our understanding of the rationale, operations, and impacts of government administration upon Aboriginal people provide a sense of the past that may help reverse past inequities.

¹¹ “Aboriginal Affairs Bureaucrats Offered to Bake Snacks to Save Dough: Document,” accessed 30 September, 2015, <http://www.cbc.ca/news/politics/aboriginal-affairs-bureaucrats-offered-to-bake-snacks-to-save-dough-document-1.2921261>.

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