One too Many: Imbibing and Resistance in the Cowichan Indian Agency 1888-1899

by

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B.A., University of Victoria, 2002
P.D.P. Education, University of Victoria, 2003

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Abstract

In 1864 William Henry Lomas preempted land in British Columbia's Cowichan Valley and began a complex relationship with the local Aboriginal people. As missionary, teacher, advocate and, from 1881-1899, Indian Agent, Lomas had allies and enemies among the *Hul'qumi'num* and *Snuneymuxw*. The latter turned the tables on him and tried three times to drive him from office by appropriating nineteenth century attitudes toward alcohol consumption and therefore highlighting the paradoxical tensions underlying Aboriginal prohibition and institutionalized tutelage. Their actions reveal strategies of resistance that invert Foucault's "panoptical principle" and suggest a retheorizing of dominant-subordinate relations between Aboriginal peoples and agents of the colonial state.

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For Jus

I

Problematique

When *Hul'qumi'num* and *Snuneymuxw* peoples forced an investigation of their drunken Indian agent in the last decade of the nineteenth century, they reversed a pervasive stereotype and opened a rare window onto questions of power in Aboriginal-State relations. Powers bestowed upon Indian agents by the Department of Indian Affairs were wide in scope and gave these men the ability to observe, evaluate and manipulate almost all facets of Aboriginal peoples' lives. However, policy and practice are not necessarily symmetrical, but exist within a dynamic paradigm of power. I intend to investigate the ways in which the *Hul'qumi'num* and *Snuneymuxw* peoples of Southern Vancouver Island actively engaged and resisted their local Indian Agent, William Henry Lomas, between 1888 and 1899.

In spite of the agent's importance as the interface between the Canadian government and Aboriginal peoples, the existing literature on agents is limited. Few studies deal with the tenuous dialogic that existed between Indian agents and the "members" of their Agency.[1] The majority of monographs that investigate Aboriginal and newcomer relations tend to remark upon agents in passing and often characterize these men as "petty tyrants who ruled over mini-fiefdoms…bent on destroying the spirit

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[1] By dialogic I mean the slippage between what is spoken or written and what is understood. The notion is derived from Mikhail Bakhtin's notion of dialogism and heteroglossia, "a diversity of discourse present at all times," which allows for important "counter-discourses to arise even in the face of imposed hegemony." This same argument is the foundation for Michael Harkin's study, "Power and Progress: the Evangelical Dialogue among the Heiltsuk," Ethnohistory 40:1 (Winter 1993): 26.

and initiative of Indian people."[2] Only a handful of articles and one single Canadian monograph, all of which are situated after 1920, attempt to study the Indian agent more critically. While the authors of all of these studies acknowledge to some degree the ways in which power undulates between Aboriginal individuals, Indian agents, departmental superiors, and Canadian society, the theoretical dimensions of these relationships have not been explored.

Noel Dyck's exploration of tutelage and resistance in Canadian Indian policy defines historical and current tensions between Aboriginal people and the Canadian state as an "underlying premise of a relationship which is characterized by coercive tutelage." Dyck defines the latter as "a form of arbitrary restraint or guardianship exercised by one party over another."[3] Specifically regarding Indian agents, Dyck surmises that these men were expected to shoulder the contradictions inherent in "imposed tutelage." For example:

> In order to justify the manner in which they were granted power by their agencies over aboriginal peoples, they had to commence by denying the worth and capabilities of Indians. Unless they accepted the proposition that native peoples could not lead a decent life without the direction that they provided, tutelage agents were cast in a role on which they would arbitrarily and self-consciously exercise power over human beings for no good reason.[4]

Victor Satewich finds Noel Dyck's characterization of Indian agents as overly simplistic and wishes to explore Dyck's interpretation of how agents justified their work

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[2] Victor Satewich and Linda Mahood, "Indian Agents and the Residential School System in Canada, 1946-1970," Historical Studies in Education 7:1 (1995): 45.

[3] Noel Dyck, What Is the Indian Problem? Tutelage and Resistance in Canadian Indian Administration (St. John's: Institute of Social and Economic Research, 1991), 2-3.

[4] Noel Dyck, What Is the Indian Problem?, 77.

in Aboriginal communities. Dyck suggests that government interference in Aboriginal peoples' lives is based on a racist perception which views Aboriginal people as victims of their own circumstances and attributes the lack of institutionalized success to "Indian" shortcomings. Building upon Dyck's hypothesis that Indian agents rationalized their participation in Aboriginal communities by accepting an inherent hierarchical separation between "Indian" and "other," Satewich proposes that Indian agents assumed "Indian problems" could be resolved by more structured and diligent management in Aboriginal peoples' lives.[5] Satewich does not disagree with Dyck's claims but points out that there is little systematic evidence to support Dyck's sketch other than a few select writings by a small body of agents. Satewich has tested Dyck's representation of Indian agents by investigating how agents responded to a departmental circular that requested individual ideas and opinions about the policies and practices of Indian Affairs in the 1940s. The Department of Indian Affairs requested Indian agents' personal perception of the "Indian problem" as well as suggestions on how the Canadian government could better their relationship with Canada's "Indians." Satewich's study reveals that many agents' responses were rife with racist stereotypes that characterized Indians as lazy, indolent and inferior while others blamed the "Indian problem" on the assumption that Indians were readily influenced by "ill-informed and irresponsible white people."[6] Amidst the negative victimization responses were also explanations that focused on the historically constituted

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[5] Noel Dyck referenced in Victor Satewich, "Reconsidering the Theory of Coercive Tutelage," The Canadian Journal of Native Studies XVII:2 (1997): 231.

[6] Victor Satewich, "Reconsidering the Theory of Coercive Tutelage," The Canadian Journal of Native Studies XVII:2 (1997): 237-238.

relationship of colonialism.[7] About fifty percent of Indian agents' suggested solutions to the 'Indian problem" were related to "changing Indians" and the remainder focused on changing administrative or structural practices. Satewich's analysis of Indian agent letters supports Dyck's thesis, but provides a higher degree of complexity than Dyck's two-pronged characterization. Satewich also recognizes that even though Indian agents in the 1940s recognized inherent ethnocentrism and inconsistent or absent relationships between Aboriginal people and other sections of Canadian society, none was able to suggest ways of reversing or ameliorating this problem.[8]

Indian agents in the 1940s still carried the racist assumptions of their nineteenth century predecessors. However, Victor Satewich reveals that by the mid-twentieth century, some individuals were recognizing, although perhaps unwittingly, that government interference was a major component in the fractured relationship between Aboriginal peoples and Canadian society. Victor Satewich and Linda Mahood have conducted two studies that examine the degree to which the Indian Act was interpreted and enforced by the Canadian government's field agents. Rather than interpreting Indian agents' power as unilateral and unopposed, Mahood and Satewich situate the agent's position as a fulcrum point which had to balance a variety of competing interests

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[7] Problems between Aboriginal peoples and the Department of Indian Affairs (hereafter DIA) were characterized as stemming from inadequate services including poor health care, abusive and ineffective residential schools; contested treaty interpretations (or complete lack of treaties in the case of British Columbia); meddling paternalism; racism that Aboriginal peoples experienced at the "hands of white society"; dishonesty and incompetence of previous Indian agents; and the Euro-Canadian ethnocentrism of the DIA branch as a whole coupled with double-standard applied to Euro-Canadian and Aboriginal populations.

[8] Victor Satewich, "Reconsidering the Theory of Coercive Tutelage," 251.

including government, corporate entities, non-Native communities, and the Church. In their study of the residential school project of the 1940's, Satewich and Mahood explore how conflicting interests between church and state often diminished the status and influence of the Indian agent. The article implies that Department of Indian Affairs' (DIA hereafter) officials often dismissed agents' concerns for student welfare based on retaliatory pressures of religious organizations. The authors do a good job of detailing the power triangle that existed between field agent, clerics and bureaucrats. However, there is little commentary about the webs of power that emanate from the triangle's vertices, webs that intersect the lives of Aboriginal people whom the various segments of society sought to control.

Satewich and Mahood's prior investigation of the DIA's control over band governance provides better insight into First Nations' resistance of Indian agents' authority, including the not so subtle nuances between the agent and his departmental superiors. "Indian Affairs and Band Governance: Deposing chiefs in Western Canada, 1896-1911," also seeks to reveal contradictions within the government's design for band politics and subsequent attempts on behalf of the DIA to maintain the power equilibrium. Satewich and Mahood not only demonstrate DIA officials' awareness of the unintended consequences that resulted from the government's elective system of band governance, it also juxtaposes the ability of Indian agents to recommend the deposition of chiefs and councilors from Band Council with successful requests. Of the only seven petitions made by B.C. Indian agents between 1895 and 1911, only four members of the Band Council

were dismissed.[9] The authors argue that Department officials were unlikely to depose chiefs based on personality disagreements between the agent and his wards. Nonetheless, chiefs who had good reason to challenge, contest and question certain DIA practices and policies were punished for their opposition. Satewich and Mahood point out that Departmental officials not only had the ability to disempower Aboriginal people and compel them to acquiesce to the regime, this hierarchical system of power also extended to and presided over their field agents.

This complex and contradictory bureaucracy as outlined by Satewich and Mahood is further explored in Robin Brownlie's study of John Daly and Robert Lewis, Indian Agents of Parry Sound and Manitowaning agencies during the interwar period. In her recent monograph, *A Fatherly Eye: Indian Agents, Government Power and Aboriginal Resistance in Ontario*, Brownlie convincingly compares and contrasts the attitudes, personalities and administration of Daly and Lewis in order to explore the psychological, socioeconomic, and political impacts of wardship and tutelage on Aboriginal people. Brownlie investigates both agents' patriarchal desire for authority, the methods they pursued to ensure and enforce that authority, and their simultaneously ingratiating and mundane correspondence with the Department of Indian Affairs. Although she tends to use this piece of local history for making generalizations about the attitudes and roles of all Indian agents of the period, she is careful to show the means by which Aboriginal people in the agency sought to have their opinions and requests heard. Brownlie's investigation establishes the effectiveness of these particular agents' abilities to exert control on and off reserves, and successfully outlines the attempts by various chiefs and

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[9] Victor Satewich and Linda Mahood, "Indian Affairs and Band Governance: Deposing Indian Chiefs in Western Canada, 1896-1911," Canadian Ethnic Studies 26:1 (1994): 48.

council members to challenge and undermine the agents' authority. Her careful investigation of agent influence on local band council politics and economics reflects the tightrope upon which agents were required to balance both the interests of their clientele and the demands of the DIA. Brownlie's study paints her research subjects in the aforementioned stereotypes, but she also recognizes that Daly and Lewis often acted or argued in the best interest of their clientele, but were forced by superiors to act against their better judgment.[10]

Near the end of her introduction, Brownlie stipulates that, "on one level [her] book can be seen as a study of the 'micro-physics' of power relations, informed by a Foucauldian analysis of the exercise of daily negotiation of power," but as she wanted to retain an accessibility for her readership, "at its heart is not a theoretical project."[11] While Brownlie and the authors of the previously discussed papers all recognize the presence of power and resistance in the relationship between Aboriginal peoples and Indian agents, none of them theoretically engage dimensions of power and resistance. The remaining sections of this thesis attempt to define power and resistance, as well as construct a tangible model to examine the relationship between William Henry Lomas and the First Peoples of Southeastern Vancouver Island. More than the previous studies, it focuses on

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[10] John Daly attempted to establish himself as an "integral" component of band council politics, although chiefs often took it upon themselves to bypass Daly's authority and correspond directly with Ottawa. Robin Brownlie, "Man on the spot: John Daly, Indian Agent in Parry Sound 1922-1939," Journal of the Canadian Historical Association 5 (1994): 78.

[11] Robin Brownlie, A Fatherly Eye: Indian Agents, government power and Aboriginal Resistance in Ontario, 1918-1939 (Don Mills: Oxford University Press, 2003).

the agency and resistance of Aboriginal people and their attempts to alter inequitable power relationships by means of a dialogic discourse.

Dimensions of power and resistance

While Indian agents have often been described as mere conduits of the Department of Indian Affairs, a view that has been challenged by the aforementioned studies, the ways in which Indian agents actually affected Aboriginal communities has been under-represented in Canadian history. In *Power and Knowledge*, Michel Foucault attempted to describe the degree in which power has penetrated the political, social, and economic spectrum: "power is always there…no one is outside it…there are no margins."[12] He even goes so far as to suggest that there are "no spaces of primal liberty between the meshes of its network."[13] Thus when we speak of Canada's colonial project,[14] one must investigate the methods employed by the state to exert power over their "wards" and the ways in which Aboriginal people responded to those methods.

As European nations battled for domination of North America during the sixteenth through nineteenth centuries, this continent's newcomers recognized Aboriginal

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[12] Michel Foucault, "Power and Strategies," Power and Knowledge: Selected Interviews and Other Writings (New York: Pantheon Books, 1980), 141.

[13] Michel Foucault, "Power and Strategies," 142.

[14] In using the term "colonial project" I am referring to the Department of Indian Affairs' policies as they existed under the British colonial government, and the continuum of these policies after Confederation and the British North America Act 1867. The term "colonial" in this particular use refers to the subjection of indigenous peoples to adopt and conform to the cultural, political and economic principals of the colonizer. In the case of Canada's Aboriginal citizens, the government declared members of independent Nations "wards of the state" and set a precedent in the 1876 Indian Act by increasing the powers of the "warden."

expertise in geography, hunting and guerilla warfare. However, with the end of the War of 1812, coupled with the dwindling of the fur trade and a solidification of "national borders" on the North American continent, the relationship between Canada's Natives and newcomers shifted. Colonial objectives shifted to settlement, agriculture and western progress. Historian J.R. Miller writes that Aboriginal peoples "ceased to have commercial and military utility to Europeans and became, at best, irrelevant, and at worst, an obstacle to the settlers."[15]

Western concepts of capitalism, individual ownership, and utilization of resources sharply contrasted with environmental and economic practices of Aboriginal people. When British Columbia joined Confederation in 1871, the British North America Act stipulated that "Indians" were the responsibility of the Dominion. As immigration from Europe and the Americas increased and wide-spread epidemics caused Aboriginal populations to decline, the federal government was pressured to displace Native peoples from their traditional lands and relocate them on reserves.[16] Separating Aboriginal people from the remainder of society allowed the government to create a "geography of power," in which the spatial boundaries of the reserve erected a system that was, as borrowed from Foucault, "architectural, functional and hierarchical."[17] Spaces, argued Foucault, "provide fixed positions and permit circulations; they carve out individual segments and establish operational links; they mark places and indicate values; they guarantee the

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[15] Quoted in Olive P. Dickason, Canada's First Nations: A History of Founding Peoples from Earliest Times (Toronto: Oxford University Press, 1997), 259.

[17] Michel Foucault, "Docile Bodies," in Discipline and Punish: The Birth of the Prison (New York: Vintage Books, 1977), 148.

obedience of individuals, [and create] a better economy of time and gesture."[18] When such philosophies are applied to the reserve system, the Indian agency located on the reserve becomes a tangible space for the Department of Indian Affairs to send its policies and guidelines, thus "permitting the circulation" of a power-complex. The idea that place creates "individual segments" and "establishes operational links," suggests that a hierarchy is established in the complex, and this hierarchy seeks to dictate the relationship between those individuals living on the reserve. The location and nature of Indian agent's housing and economic profile differed from those of the peoples with whom he worked, thus separating the two parties into "individual segments," while simultaneously creating a relationship in which they communicated and operated with one another. Finally, the distances and relationships between these geographical "spaces" created comparative value systems; social, economic, political and cultural conditions on reserves were compared with the conditions of settler communities. These observations were then utilized to increase the differences and therefore distance between the individual segments of two spaces.

By spatially othering Aboriginal communities through the establishment of reserve lands, the government simultaneously defined who was to reside on such reserves. In his paper titled "Relating to the Country," John Lutz examines non-physical tactics used by the government to displace the *Lekwammen* from the geographical and political landscape of British Columbia. Lutz argues that the Indian Act "pathologized" Aboriginal communities by declaring that there was something wrong with them and that Indian agents were to enforce this idea and "help solve" the "Indian problem" by a rigid

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[18] Ibid.

examination of individuals' lives.[19] Reserves were an ideal laboratory for the government's panoptic gaze.

In some respects, Jeremy Bentham's panoptical prison as described by Foucault in *Discipline and Punish* can be transferred to the position of Indian agents within the Aboriginal communities they served. The Department of Indian Affairs took it upon itself to define "Indianness" and thus created a system of knowledge, however perverted, which was recorded in the written word. "Indianness" became synonymous with "otherness" and the DIA required knowledge that this "Indianness" existed. The existence of "Indian/Other" was essential to the DIA because it provided justification for the Department's mandate of assimilation and eradication. Indian agents were responsible for implementing a system of observation and surveillance, the predecessors for the accumulation, systematization and organization of knowledge. Like Bentham's panopticon, the Indian agent was to be the center of a system that immersed people in a field of absolute visibility where "the opinion, observation, and discourse of others would restrain" the observed from trespassing authority.[20] For Indian Agent, William Henry Lomas, *the Hul'qumi'num, Lekwammen and Snuneymuxw* were already "enclosed in segmented space," providing him with the perfect position to observe, record and supervise. Foucault argues that this system of observation induces the "observed" to "a

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[19] John Lutz, "Relating to the Country: The Lekwammen and the Extension of European Settlement, 1843-1911," in Beyond the City Limits: Rural History in British Columbia, ed. Ruth Sandwell, (Vancouver: UBC Press, 1999) 24-25.

[20] Michel Foucault, "The Eye of Power" Power and Knowledge: Selected Interviews and other Writings (New York: Pantheon Books, 1980) 153.

state of conscious and permanent visibility that assures the automatic functioning of power."[21]

The relationship between Aboriginal people and early colonists steadily evolved into what Noel Dyck terms coercive tutelage, "a form of arbitrary restraint or guardianship exercised by one party over another."[22] In this power relationship, Canadian government officials and non-Native people provided the social, cultural and economic standards for Aboriginal people to imitate. An inherent manifestation of power difference exists in all tutor-student relationships, but in regards to the DIA, this relationship was not a "contractual agreement," nor a "negotiated understanding, but rather the power of one side to regulate the behaviour of the other in accordance with a set of unilaterally selected purposes."[23] That select purpose was to remove "Indianness" from the Canadian landscape and replace its absence with culturally modified Canadian citizens.

The physical presence of Lomas in the everyday lives of the *Hul'qumi'num* was multiplied by his unverifiable observation which manifested itself in his personal journals and correspondence with Victoria and Ottawa. One of Lomas' opponents, Chief Louis Good of Nanaimo, recognized this permeating system of power in regards to *Hul'qumi'num* Church attendance. Chief Good commented on the bureaucratic

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[21] Michel Foucault, Discipline and Punish, 200.

[22] Noel Dyck, What is the Indian Problem?, 3.

[23] Noel Dyck, What is the 'Indian Problem?, 24.

operations of the DIA to a member of the Cowichan Council for Church attendance: "you don't see the reports that Indian Agent Lomas makes…you should see them."[24]

If the power and authority of the Department of Indian Affairs were displayed spatially by means of the establishments of reserves, and architecturally by means of the "panoptic Indian Agent," to what dimension or tangible shape can the observer's gaze be likened? Despite its permeating presence and universally felt essence, the definition of power is highly elusive. "Power" can be defined as the "ability to do or act, " an "influence or authority," the "authorization or the delegation of authority," an "influential person, body or thing," and/or a "particular faculty of body or mind."[25] Certainly William Henry Lomas and other agents and ministers of the DIA had the ability to act as individuals, as well as act with "influence and authority" as such authority was delegated to them by the Department of Indian Affairs and its legislation. Agents, superintendents and ministers, all products of Victorian ideology, were of a "particular faculty or body of mind" that sought to scientifically and religiously justify the subjection and forceful assimilation of 'Indians' in order to secure the interests of a Euro-Canadian population.[26]

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[24] British Columbia Archives (hereafter BCA), Louis Augustine Skinnahan Good to A.W. Vowell, 04 February, 1897, RG10. Vol. 3801, File 48, 567.

[25] Della Thompson Editor, Oxford Dictionary of Current English, 1996, (New York: Oxford University Press, 1998), 699.

[26] Frank Oliver, Minister of the Interior and Superintendent General of Indian Affairs, 1905-11, articulated in Parliament in 1906 that if Indian policy came to be "a question between Indians and the whites, the interests of the whites would have to be provided for." Quoted in Brian Titley's A Narrow Vision: D.C. Scott and the Administration of Indian Affairs (Vancouver: UBC Press, 1986), 21.

Related to the Indian Agent's role as an "eye of power" is the definition of power which ascribes to it "the magnifying capacity of a lens."[27] The metaphor of a lens allows for both the geography of power in the sense that the field of vision is limited to what can be observed through the lens, as well as the panopticon of power because a lens by its functional nature is an instrument of vision. A lens has the ability to be narrowly focused, to magnify, to minimize, and to possess powers of destruction. Yet lenses are often distorted and can impair vision to the same degree to which they can enhance it; resistance is possible within an unfocussed and blurry gaze. The power of observation still remains, but its influence is weakened.

In Bentham's panopticon, the person exercising the power of observation was to be invisible, and while William Henry Lomas' private writings about the *Hul'qumi'num* certainly resided in this realm, his physical presence on reserves and in his office at Quamichan lacked this obscurity. Therein lies the paradox; Lomas' very visibility actually served as the foundation for Aboriginal people to resist his presence and authority. The *Hul'qumi'num* and *Snuneymuxw* began to utilize the very same tactics of observation and systematization of knowledge to create their own version of "William Lomas" based on his actions and interactions with themselves. William Lomas, "the observer," became William Lomas, "the observed." This argument is the foundation for the latter portion of this study which investigates complaints filed by members of the *Snuneymuxw* and *Hul'qumi'num* regarding William Henry Lomas' capability, or incapability, to act as their agent due to his unsound drinking habits.

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[27] Della Thompson, Oxford Dictionary of Current English, 699.

Sources and Methods

This particular study of Aboriginal resistance to government authority is based on specific complaints brought against William Henry Lomas, Indian Agent for the Cowichan Agency. The Department of Indian affairs conducted three separate investigations into allegations pertaining to Lomas' excessive use of alcohol: 1888, 1897, 1899. The investigations contain examples of the ways in which Aboriginal people inverted the gaze of power and entered into a discourse that collaborates with the Dominator's own principles of persuasion. *Hul'qumi'num* and *Snuneymuxw* peoples sought to place agent Lomas in a field of scrutiny and thereby reverse the panoptical relationship.

The extent of Lomas' panoptic gaze is evident in his daily journal entries which survive for the years 1895-1898. The seemingly unimportant references of his visits to different reserves within his jurisdiction and his mode of travel are accompanied by descriptions of epidemics on reserves, relief distribution, disputes, resource allocation, education and a variety of other topics. By analyzing the frequency with which Lomas refers to each particular topic contained within the latter catalogue, one can speculate on the division of Lomas' labour. It is important to note the weaknesses of such an approach as the diaries' comments only attest to situations that the author deemed significant enough to record. On the other hand, the selective jottings and omissions contained in these journals are a testament to the absence of Lomas' physical observation and are also indicative of the ways in which his preconceived notions of Aboriginal people, coupled with his interpretation of his duties and role in their lives, and his own personal value sets all coloured his physical gaze. Lomas' itinerary can also be crosschecked against the

instructions and advice of his superiors to reveal the discrepancies between policies of the Department and the practices of the Indian agent. This data also allows for a speculation of the effectiveness of Lomas' authority in "assimilating" Aboriginal people and, albeit it in a remote way, allows the historian to write Aboriginal heteroglossia in the margins and periphery of these writings.

Correspondence between Indian agents and their superiors can reveal agents' attitudes towards the people with whom they work, the expectations of the Department, and possibly the extent to which the agent fulfilled those expectations. They also allow the historian to measure the discrepancies of proposed and corporeal authority. While an in-depth analysis of an Indian agent's "day-to-day activities" does provide the historian with insight into the realities Aboriginal people faced within this particular period, it provides only one angle. Other sources must be examined to peel away the layers of complexities between Aboriginal people, the Indian Agent and the wider community. The British Columbia Archives houses a large collection of settlers' grievance letters, many of them addressed to the Cowichan Indian Agency. These letters help indicate the power relationship between Lomas and the settler community, as well as relationships between settlers and the *Hul'qumi'num* and *Snuneymuxw* people. As the majority of these complaints concern personal property and access to resources, as well as complaints against the moral fiber of individuals, they provide the historian with insight into forms of Aboriginal resistance to colonial authority.

Colonial authority was enacted in legislation and spatial segregation in an attempt to subordinate Aboriginal people. In addition to specific ordinances and boundaries, beliefs and attitudes espoused by the settler population served to further demarcate

definitions of "Indianness" and "immorality," terms which were often interchangeable during the time frame of this study. Since "drinking" was one of the issues that occupied the Indian agent and Aboriginal peoples, newspaper articles, Sessional Papers, Annual Reports published by the Department of Indian Affairs and various secondary materials were consulted in an attempt to ascertain contemporary attitudes about alcohol and its consumption.

Finally, the majority of source material used for this thesis is derived from William Henry Lomas' employment file for the Department of Indian Affairs. Within this collection of correspondence is a myriad of voices that represent various interests and interstices in a web of power. The agent, his wards, his departmental superiors, missionaries and the settler community all weave their own accounts of observation and resistance in a complex pattern of, and struggle for, power.

II

The peoples, the places and struggles for power

"Think you we did not live before the white men came? And think you we should die were he swept from these shores?" [28]

In his introduction to *Small City in a Big Valley*, Tom Henry propagates earlier "frontier myth" histories of the Cowichan Valley similar to those written by Elizabeth Blanche Norcross fifty years earlier.[29] He goes so far as to dramatize one of the first settler's initial thoughts about the landscape "requir[ing] a huge amount of work before it could be deemed settled" despite widely accepted knowledge espoused by Henry himself that *Hul'qumi'num* peoples had **settled** (emphasis intentional) the region thousands of years prior to William Duncan and his contemporaries.[30] Perhaps more aggravating is Henry's comment in his first chapter, "We Did not Resist You," which depicts the Cowichan peoples as having "colonized" their lands when they crossed a landbridge linking Asia with North America.[31] These slippages in terminology and privileging of pioneer history over Aboriginal history continue to create barriers of misunderstanding about the region's past. Despite the chapter's title, Henry has very little to say about Aboriginal and non-Aboriginal cooperation during this period and he completely ignores

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[28] Quoted in Daniel Marshall, Those Who Fell From the Sky (Duncan: Rainshadow Press, 1999), 90.

[29] Elizabeth Furniss, The Burden of History: Colonialism and the Frontier Myth in a Rural Canadian Community (Vancouver: UBC Press, 1999).

[30] Tom Henry, A Small Town in a Big Valley: The Story of Duncan (Madeira Park, BC: Harbour Publishing, 1999), 9.

[31] Tom Henry, A Small Town in a Big Valley, 11.

the interlay of power that existed between the *Hul'qumi'num* and newcomers throughout the nineteenth century.[32]

Daniel Marshall's history of the area focuses on the *Hul'qumi'num* experience and directly contradicts Henry's first chapter. Marshall suggests that Cowichan aggression frustrated Hudson's Bay Company (HBC) employees at Fort Langley in the 1820's. One employee wrote of raids at Pits River which kept

> the Indians of this vicinity in such continual alarm, that they cannot turn their attention to anything but the care of their family and they do but poorly. While the powerful tribes from Vancouver Island harass them in this manner, little hunt[ing] can be expected from them and unless the Company supports them against those lawless villains little exertions can be expected from them. [33]

Warring parties were not uncommon along the mainland, and HBC employees from Fort Langley commented on the *Hul'qumi'num*'s dominant control over the mainland fisheries. Marshall interprets traders' early accommodation of *Hul'qumi'num* aggression as an indication of the precarious position that the HBC continued to hold within the political and economic relations of their Aboriginal neighbours.[34]

However, with the establishment of Fort Victoria in 1843, the Hudson's Bay Company's aggressive "theatre of spectacle" sought to intimidate the region's Aboriginal

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[32] See John Evans for *Hul'qumi'num* support of early settlers in the Cowichan Valley. See Bruce Stadfeld, Daniel Marshall, and John Lutz for evidence of continual resistance to geographical and political incursion in *Hul'qumi'num* territory.

[33] Daniel Marshall, Those Who Fell From the Sky, 81

[34] Ibid.

inhabitants into obedience.[35] In 1843, Cowichan Chief Tzouhalem challenged the commanding officer of Fort Victoria, Roderick Finlayson's, authority by attempting to assault the fort. Finlayson returned Aboriginal gunfire by using a cannon to obliterate a longhouse.[36] When HBC employee Peter Brown was reportedly killed by a *Hul'qumi'num* man and a *Snuneymuxw* man in 1852, Douglas was careful to not implicate either tribe in the murder as he did not want to provide the closely related Cowichan and Nanaimo with a reason to form an alliance against settlers and traders. With a ship of 130 marines Douglas journeyed to Cowichan where the community voluntarily surrendered a man, but at Nanaimo the culprit had to be taken by force. In front of the Aboriginal community, Douglas had both captured men hanged at Nanaimo. He later wrote to a friend that the capture of the guilty from "the most numerous and warlike of the native tribes in Vancouver Island" was an "epoch in the history of our Indian relations."[37]

A similar incident of force occurred four years later when renegade fur traders Thomas Williams and John Humphreys arrived in Cowichan for business. Williams attempted to court a young woman who was promised to Tathlasut, a young and powerful man who had recently assumed the role of Chief of Somenos. Historian Graham Brazier

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[35] Cole Harris, "Strategies of Power in the Cordilleran fur Trade," in The Resettlement of British Columbia: Essays on Colonialism and Geographical Change (Vancouver: UBC Press, 1997), 31-67.

[36] Daniel Marshall, Those Who Fell From the Sky, 91.

[37] Douglas to John Pakington, 21 January 1853, quoted in Robin Fisher, Contact and Conflict: Indian European Relations in British Columbia, 1774-1890 (Vancouver: UBC Press, 1992), 55.

outlines how Williams' intent towards Tathlasut's bride would have transgressed *Hul'qumi'num* law; "according to custom, the seducer of an aristocratic girl could be killed, whether by the husband or the intended husband…if the offender was of the aristocratic class, the ultimate penalty was seldom invoked."[38] Williams was shot, presumably but not unequivocally by Tathlasut. Even though the former did not die, within ten days the HMS Trincomalee and HMS Otter had sailed to Cowichan with four hundred armed troops. Oral accounts and Douglas' writings suggest that the community was divided over whether to surrender Tathlasut; one chief finally collaborated in Tathlasut's capture which led to an execution held on 3 of September 1856. The militia remained in Cowichan for another two days to "practice with their field pieces to frighten the Indians."[39] The British navy and the Hudson's Bay Company wrestled power from the *Hul'qumi'num* people by force.

Ranajit Guha, director of the *Sub-Altern Studies* project, defines relationships of power as derivatives of the general correlation between Dominance (D) and Subordination (S).

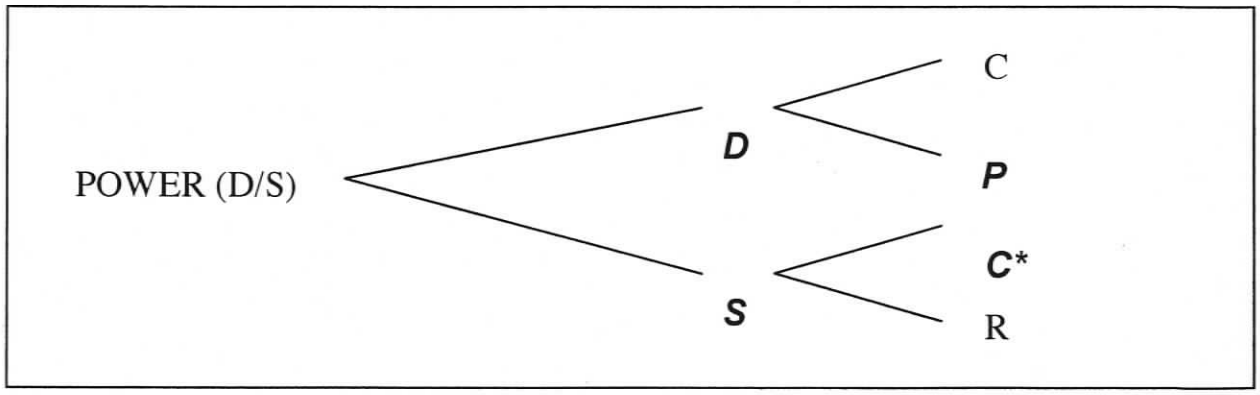

Figure 1.1 **Guha's General Configuration of Power as found in Dominance Without Hegemony (Cambridge, Mass.: Harvard UP, 1997)**

(December 2001): 4.

Within the interaction of Dominance and Subordination exists "a pair of interacting elements – [Dominance] by Coercion (C) and Persuasion (P), and [Subordination] by Collaboration (C*) and Resistance (R)," as represented in Figure 1.[40] In transposing Guha's diagram to early disputes between the *Hul'qumi'num* and newcomers, both parties attempted to display their dominance over the region through direct force. However, as the British, along with their cannons and epidemics, continued to arrive in *Hul'qumi'num* territory and as the latter's population was depleted, the struggle over the title for dominance was gradually tipped in favour of the newcomers. *Hul'qumi'num* acts of coercion gradually became acts of resistance.

One of seventy-eight settlers, William Henry Lomas arrived in Maple Bay aboard the HMS *Hecate* 18 August 1862.[41] It was not a coincidence that the settlers, accompanied by Governor Douglas and Surveyor General Pemberton, arrived during the Aboriginal fishing season: a time of year when most of the *Hul'qumi'num* peoples were away fishing on the Fraser River.[42] In this same summer, devastating small pox epidemics broke out in various tribes on Vancouver Island, decimating populations and the social fabric of communities.

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[40] Ranajit Guha, Dominance Without Hegemony: History and Power in Colonial India (Cambridge, Mass.: Harvard University Press 1997), 20.

[41] Bruce A. Hodding, North Cowichan: A History in Photographs (Duncan: Rainshadow Press, 1988) 23.

[42] Daniel Marshall, Those Who Fell From the Sky, 113.

While armed and violent conflict was rare during this era of resettlement, Tom Henry's opening chapter to his history of Duncan entitled, "We did not resist you" does little justice to the dialect of resistance embodied in the contestation over land. Disputes in the early period of Euro-Canadian resettlement occurred most commonly over property, payment for services and land. Despite Governor Douglas' desire for a thorough survey of the Cowichan valley and treaty negotiations with its inhabitants, lack of money impeded the process.[43] It was the government's policy, according to Land Commissioner Pearse in 1871, to "lay out on the ground the Indian Reserves synchronously with the settlement of the district by whites."[44] This policy led to conflict between settler and Native communities, and boundary disputes dominated the relationship. Bruce Stadfeld outlines the inability of the new settler population and the government to quash *Hul'qumi'num* resistance to land incursion. In 1858 Alexander Munro pre-empted land in the Cowichan Valley and only too quickly discovered the unwillingness of the *Hul'qumi'num* to recognize his claim. The *Hul'qumi'num* erected buildings and fences to indicate indigenous ownership, and they continued to occupy Munro's land while resisting authority of the B.C. Provincial Police for thirty years.[45]

Prior to the creation of the Cowichan Indian Agency, news from the Cowichan settlement as outlined in *The Daily British Colonist* was frequently dominated by arguments between *Hwunitum'* (white men) and *Hul'qumi'num* over land. In 1869

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[43] See Bruce Stadfeld, Daniel Marshall and Paul Tennant.

[44] Bruce Stadfeld, " Manifestations of Power: Native Resistance to the Resettlement of British Columbia," in Beyond the City Limits: Rural history in British Columbia, ed. Ruth R.W. Sandwell, (Vancouver: UBC Press, 1999).

[45] Bruce Stadfeld, "Manifestations of Power," 40-41.

William Henry Lomas wrote to the colonial secretary on behalf of approximately two hundred Cowichan men and chiefs. The letter requested the Governor to "pay them a visit and hear some of their troubles," the principal grievance being a "large portion of the country has been taken from them, and given to the white men; the Government at that time promising to pay the natives for it, which promise, they say had not been performed."[46] The letter continued to express *Hul'qumi'num* displeasure and suspicion surrounding recent surveys in their territory which resulted in them taking action of fencing off areas which they believed the government to be encroaching upon. Despite Pemberton's meeting with Cowichan leaders in 1869 to ensure *Hul'qumi'num* cooperation with land surveyors, the chiefs expressed their discontent with the government's actions and claimed that a "great injustice had been done to them by the Department of Lands and Works."[47] Similar conflicts endured for the next decade: An article in *The Daily British Colonist* relayed a story of an "Indian Chief and his son," who apparently

> jumped a piece of land belonging to a farmer at South Cowichan, and [were] sinking postholes for fences. The farmer bought the land from the government several years ago, paid for it, and has title deeds in his possession. When remonstrated with by the farmer the Indians defied him and said that there was no "chicamun house (jail) now, and no p'leesman (constable)![48]

Settlers and original occupants tirelessly sent grievance letters to the Department of Indian Affairs relating to the land issues. In 1878, *Hul'qumi'num* leaders complained to

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[46] BCA Colonial Correspondence File 1169-71 reel B1342 W. H. Lomas 3rd March 1869

[47] The Daily British Colonist and Victoria Chronicle,18 May 1869.

[48] Daily British Colonist, 19 April 1873.

land surveyor Gilbert Sproat that Douglas had entered into unfulfilled treaties with tribes to the north and south of Cowichan, their reserves has been reduced and sections been removed without consent or compensation, promises had been made but disregarded and settler populations has begun to use and encroach upon traditional fishing territories.[49]

Even after the appointment of an Indian Agent to regulate relations between the *Hul'qumi'num* and *Hwunitum'* the "land question" continued. Archibald Dods' preemption claim was resisted by the *Hul'qumi'num* for sixteen years. In 1886 William Henry Lomas reported to the DIA that at least six Cowichan people were residing on Dod's pre-emption and cultivating the same for their own benefit.[50] While Lomas attempted to persuade the *Hul'qumi'num* that they had no rights to the land, the *Hul'qumi'num* argued that the land had always belonged to them and the provincial government was responsible for compensating Dods; it had been the government who accepted payment for the pre-emption.[51]

The importance of the latter methods of resistance resides in their relation to Mikhail Bakhtin's theory of diaglossia. Michael Harkin writes that the history of native and non-native relations is characterized by a "subtle interplay among action and reaction, event and interpretation, structure and praxis, memory and representation,

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[49]See Daniel Marshall, Those Who Fell From the Sky 133. Joseph Trutch was primarily responsible for these measures. He suggested that there was no evidence that Douglas had made an agreement with the *Hul'qumi'num* but rather that they expected to receive what Trutch termed "donations" similar to those of the Saanich Treaties. Paul Tennant, Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989 (Vancouver: University of British Columbia Press, 1990), 40.

[50] Bruce Stadfeld, "Manifestations of Power," 43.

[51] Ibid.

dominion and resistance."[52] The *Hul'qumi'num* resisted the actions taken by the colonial government to survey reserve land as well as settlers' active cultivation of Aboriginal territory by responding to these events in a way that settlers would understand - they reflected the settlers' language back to them. By planting their own potato patches and erecting buildings and fences on pre-empted and unsurveyed land, the *Hul'qumi'num* adopted the same instruments of power that newcomers were using to dispossess the Cowichan peoples of their land and resources. The *Hul'qumi'num* were required to negotiate their understanding of traditional territorial boundaries if they were to enter into an intelligible discourse with foreign neighbors. In addition to verbal communication, (Lomas was able to speak Chinook and *Hul'qumi'num),* fences, buildings and cultivated land became a method of "spatial correspondence."

The ability of Aboriginal people to appropriate European agricultural traditions and land use policies undermined the theory of *terra nullius.* For if Aboriginal people were capable of utilizing the land according to European "norms," then the space existing between "superior European" and "inferior Native" narrowed. The process of normalization is important to power relationships in that it both "presupposes equality and justifies difference or inequality."[53] Thus the *Hwunitum'* required cultural norms - in addition to agricultural sanctions - that would reestablish the hierarchical gap between 'other and norm,' 'native and non-native.'

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[52] Michael Harkin, "Power and Progress: The evangelical dialogue amongst the Heiltsuk," Ethnohistory 40:1 (Winter 1993): 2.
[53] Barry Cooper, Michel Foucault: An introduction to the study of his thought, (New York: E Mellen Press, 1981), 43.

In a book of essays entitled *The Practice of Everyday Life*, Michel de Certeau outlines spatial and temporal dimensions of power and the means by which individuals enforce and resist power. De Certeau defines the difference between strategies and tactics in relation to a spectrum of power. According to de Certeau, "Strategies are able to produce, tabulate and impose these spaces…whereas tactics can only use, manipulate and divert these spaces." [54] The government's land surveyors and legislative policies allowed settlers to redraw boundaries and relocate any former inhabitants from the settlers' newly delineated claims. The *Hul'qumi'num* manipulated settler strategies and reclaimed their territories by erecting fences and planting crops. This manipulation of contested sites remains within de Certeau's tactile paradigm but requires a restructuring of Guha's model.

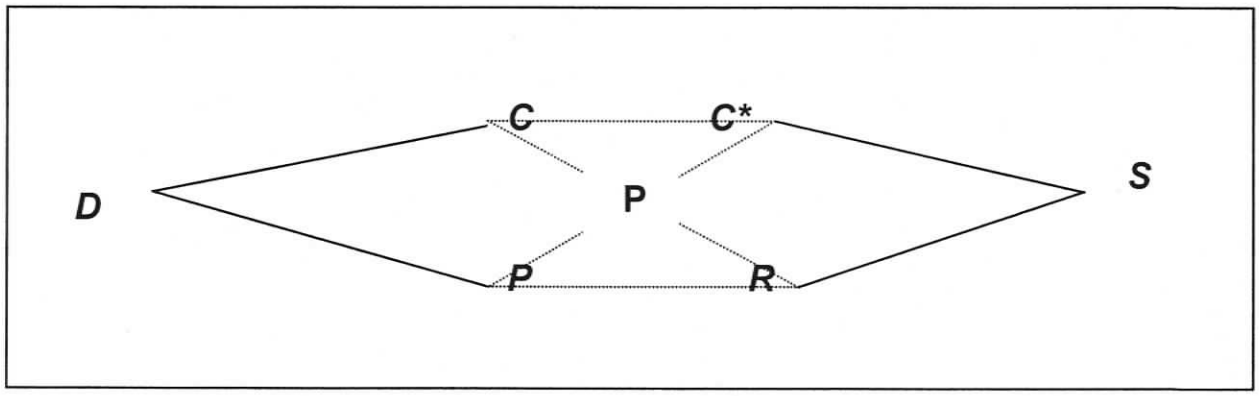

Figure 1.2 **Refigured Web of Power**

One problem with Guha's original diagram is that it does not allow for any interstices of power that may emanate from the various strategies and tactics employed by the Dominant and Subordinate actors. Guha inherently accords both Dominant and Subordinate individuals and or communities with power but neglects to acknowledge the

[54] Michel de Certeau, "'Making Do': Uses and Tactics," in The Practice of Everyday Life (Los Angeles: University of California Press, 1984), 29-42; 30.

interaction between various dialogues or disputes that create sites for the contestation of power. If each letter in *Figure 1.2* remains a representation of Guha's original configuration, but the Dominant and Subordinate are placed opposite from one another according to binary definitions of "self/other" or "White/Indian" the strategies and tactics employed by the opposition establish a web of power upon which contestation is mediated upon these lines.

Guha's original model does not allow for each party to appropriate the others' strategies or tactics. Firstly, it denies the ability of Subordinate parties to use persuasion (P) as a powerful form of resistance (R). Considering the methods of resistance executed by members of the Cowichan Indian Agency in response to land incursion, this trajectory of power is evident. The *Hul'qumi'num* employed colonial land demarcation tactics, such as erecting fences and planting potatoes, to reclaim and defend their territory. They also sought the help of W.H. Lomas in an attempt to persuade the colonial government of their inherent title. Just twelve years later, the *Hul'qumi'num* would use similar means of dialectic persuasion to incriminate the very same Lomas whom they had once employed to negotiate on their behalf. Rather than imitate practices related to claiming territory, the *Hul'qumi'num* used a dialectical interplay that appealed to Victorian codes of sobriety.

Secondly, Guha's previous configuration disallows Dominant parties to use collaboration (C*) as an effective strategy for creating hegemony. As colonialism, past and present, has continued to adapt itself according to various temporal, geographical and cultural variables, collaboration has been, and continues to be, an important strategy in creating dichotomies of wealth, race, status and power. One of many examples in the case of Canada's colonial project is the Department of Indian Affairs' decision to create

Aboriginal constables; the government hoped that by employing Aboriginal peoples, they would achieve their goal of eradicating resistance to cultural assimilation.

Such subtle strategies of coercion and resistance are crucial to the history of Canada's colonial project. Some scholars have repudiated popular histories that treat nineteenth century colonization of Aboriginal territories within the boundaries of present day Canada as benign, and these critiques should not be ignored. Gun boat diplomacy was an effective tool of coercion on the west coast and was readily employed by both the Hudson's Bay company and the colonial government. Yet as Britain slowly eased its grip on British North America and encouraged a heightened degree of independence, colonial officials and representatives began to radically alter their coercive strategies. Fearful of the violent unrest occurring between Aboriginal people and the United States of America, Canada decided that the pen would prove a much more powerful weapon than the sword.

III

The agent's eye

"The attentive eye will observe progress, slow it is true; but not the less steady toward improvement."[55]

Ideological boundaries separating Aboriginal and non-Aboriginal identities had been established well before the resettlement of Vancouver Island. In his study of Nootka Sound and the voyages of Captain Cook, Daniel Clayton argues that "colonialism does not start with occupation alone, and it does not work solely on land; it also works with images and representations, with imaginative geographies that precede and to a degree anticipate, colonialism."[56] Euro-Canadian conceptions and definitions of "Indianess" predated contact and evolved in both economic and ideological terms. Rife with misconceptions, the writings of explorers, sailors, missionaries, furtraders and settlers attempted to define and demarcate "Indianess" in relation to themselves. The settlers who

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[55] Quoted in John Leslie and Ron Maguire, Historical Development of the Indian Act (Treaties and Historical Research Center: Indian and Northern Affairs, 1978), 30. In 1856 Froome Talfourd, Thomas Worthington and R.T. Pennefather were appointed Special Commissioners for Indian Affairs. They were instructed to investigate and report upon the "best means of securing the future progress of civilization of the Indian Tribes of Canada" and the "best mode of so managing the Indian property as to secure its full benefits to the Indians, without impeding the settlement of the country" (Canada. JCLAC, App. 21 (21 Vic, 1958), Report pt 111). The commissioners' use of the quoted material presented in this chapter is from a section of their report, which suggests that Aboriginal people had come to "a greater or lesser appreciation of the blessings of civilization." However, the first sentence of the quotation suggests that the observer required a very observant eye to make such a deduction. As the next three chapters of this thesis will reveal, Aboriginal people were subjected to scrutiny by all segments of settler society, especially DIA officials, and yet the *Hul'qumi'num* and *Snuneymuxw* found methods for avoiding and obverting at least some of these gazes.

[56] Daniel Clayton, Islands of Truth: The Imperial Fashioning of Vancouver Island (Vancouver: UBC Press, 2000), 166.

arrived in the Cowichan Valley were familiar with these dialects of difference and sought to spatialize their ideological principles. Aboriginal people quickly found themselves marginalized in a complex web of geography, economy and legislation.

Shortly after arriving in the Cowichan Valley (see Appendix A), Lomas worked as a schoolteacher and Indian catechist. As early as 1864, Lomas was teaching in the Old Mission Chapel School on Somenos Lake even though he was not officially appointed to the post. Four years later he was working alongside Anglican Priest William Reverend Reece when St. Peter's Church was built in Quamichan.[57] Blanche E. Norcross' popular history of the Cowichan Valley, *The Warm Land*, suggests that Reverend Alex Garrett, Superintendent of Indian Missions on Vancouver Island, appointed Lomas as Indian catechist in 1867, a position that he held for fourteen years before entering the civil service.[58] Lomas worked alongside Reverend Reece and was apparently living in the Old Mission School at Somenos at the time of his marriage to Jane Alexander, who helped him in his education of *Hul'qumi'num* children.[59] Both W.H. Lomas and his wife learned the *Hul'qumi'num* language and translated the Book of Common Prayer.[60]

Little evidence regarding the details of Lomas' activities as catechist exists, although it is clear that Lomas became frustrated and disenchanted with his work. In a letter written by W.H. Lomas to W.J. Macdonald, Secretary of the Diocesan Church

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[57] Bruce A. Hodding, North Cowichan: A History of Photographs, 26.

[58] Blanche Norcross, The Warm Land: A History of Cowichan, 1959, (Duncan: Island Books, 1969) 32.

[59] BCA, John Evans, Add.MSS.2823, Letter to John Evans from Mary Dwyer.

[60] Bruce A. Hodding, North Cowichan: A History in Photographs, 24.

Society, Lomas discussed grievances with his salary as Indian catechist: "I need not tell you," Lomas wrote in 1870, "that in accepting my appointment I gave up all opportunities of bettering my position and have devoted my entire life to Indian work. I find it utterly impossible," continues the letter,

> To live upon my present salary…this you will allow is a state of things rather calculated to dishearten one especially when working with Indians, where one meets with so many discouragements. I shall regret very much giving up the work here…Unless some alterations can be made, my duty to my family will oblige me to look for other employment.[61]

After abandoning his position at the Old Mission Church, Somenos, Lomas obtained the position of public school teacher from the District of North Cowichan and moved to Duncan.[62] Using a canoe to cross the Cowichan River, he taught at Bench School, Mill Bay and the Kelvin Creek School on the Kokisilah Reserve on alternating days.[63] He retained his post as schoolteacher until 1881 when he was appointed the first Indian Agent for the Cowichan Indian Agency.

Directly after his resignation as Catechist in 1872, Lomas began corresponding with various government officials, articulating his desire for an appointment in the Department of Indian Affairs. In an early example of such correspondence, dated 13 February 1872, Lomas writes:

> I [am] anxious to obtain an appointment as the Indian agent for the eastern coast of this Island or some part of it; …I mention the east coast in

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[61] BCA, Kaye Lorentzen, Cowichan Indian Correspondance, F5 C84, W.H. Lomas' correspondence.

[62] Bruce A. Hodding, North Cowichan: A History in Photographs, 89; BCA, John Evans, "Pioneering in Cowichan District," MSS 2820, n.d.

[63] Ibid.

> particular because I am familiar with the language and know more about all the tribes on this coast than I do of those on the other side although I have visited it.[64]

The letter reveals the degree of Lomas' naivety in the political process, and more importantly, the diversity of Aboriginal peoples living on the eastern coast of Vancouver Island. The Aboriginal inhabitants living in the area spanning from the Malahat to Nanoose belong to the *Hul'qumi'num* language group, a dialect similar to *Halq'emelyn* which is spoken by the members of the *Sto:lo* Nation who reside along the upper Fraser River.[65] The *Hul'qumi'num* language differs from the language spoken by Aboriginal peoples whose traditional lands include the Greater Victoria region. The *Lekwammen*, the *T'Sou-ke*, and the *Wsanec* from Victoria, Sooke and Saanich respectively, each speak their own dialects which are derived from Northern Straits Salish and, like *Hul'qumi'num* belongs to the Coast Salish language family but are not mutually intelligible.[66] Thus Lomas' assumption that all Aboriginal peoples residing along the eastern coast of Vancouver Island were alike is reflective of the Federal Government's policies under which Lomas would be employed in 1881.

Ten years after be began his quest for a post in Indian Affairs, Lomas wrote:

> I believe that Dr. Powell has endorsed my application, but I am informed that there are many other applicants, some of which have no knowledge of the Indians...I need not remind you that I have been here for a number of years and during that time have devoted considerable time to the encouragement of the Indians knowing the language and having had a

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[64] BCA, W.H. Lomas, Add.MSS.986, Original Manuscripts.

[65] Keith Thor Carlson, You are Asked to Witness: The Sto:lo in Canada's Pacific Coast History (Chilliwack: Sto:lo Heritage Trust, 1997).

[66] Cheryl Coull, A Traveller's Guide to Aboriginal B.C. (Vancouver: Whitecap Books, 1996) 23.

> charge of them during the last small pox epidemic I think I may say I have their confidence and respect.[67]

The latter passage reveals the complexity and contradictory nature of Lomas' intentions and/or ambitions. Lomas refers to his knowledge of the "Indians" as superior to other applicants although it has already been suggested that his knowledge of Aboriginal diversity was limited. He also mentioned his five years experience as Indian catechist, a posting that he previously described as frustrating and ultimately abandoned. Finally, Lomas' reference to the small pox epidemic is complicated by his paternalistic use of language. Lomas did not use the word "help" to describe his interactions with those suffering from small pox, but instead he "encouraged" and "had charge of them." It is difficult to ascertain whether or not his actions gained the respect of his Aboriginal neighbours as there is no evidence to measure Lomas' success in administering medicine or care to the sick, and no Aboriginal comments about his involvement exist. The small pox epidemic hit coastal communities at approximately the same time as the Cariboo Gold Rush and the arrival of the *Hecate* in *Hul'qumi'num* territory. Daniel Marshall's history of the *Hul'qumi'num* suggests that the latter perceived the "*Hecate's* arrival was akin to witchcraft, in which the invisible magic of small pox assisted the *Hwunitum'* in his claims to the land."[68] This belief system may have influenced the *Hul'qumi'num* to view Lomas as a threat rather than a comfort. Nonetheless, his experience with the epidemic would be invaluable to him during his term as Indian Agent as much of his time

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[67] BCA, Kaye Lorentzen, Cowichan Indian Correspondance, F5 C84, W.H. Lomas' correspondence.

[68]Daniel Marshall, Those Who Fell From the Sky, 104-105.

was spent visiting the sick, applying for medicine and medical attention, and administering relief on reserves.[69]

Even before his appointment as Indian Agent, Lomas' interaction with Aboriginal peoples was predetermined by spatial precepts as a result of British Columbia land policies. Even though the *Hul'qumi'num* actively protested territorial incursion, as evidenced in the previous chapter, the majority of Aboriginal peoples were relegated to provincial reserves by late-nineteenth century. If we liken the reserve to a "space" for de Certeau's model of strategies and tactics, it also lends itself to a site of "panoptic practice," or a social laboratory. The reserve's "division of space… transform[s] foreign forces into objects that can be observed and measured, and thus controlled…within the scope of its vision."[70] This panoptic gaze transforms observations into "powers of knowledge" and translates uncertainties and unknowns into "readable spaces." This system of observation is a strategy that allows the observer, in this case, the Indian agent, to manipulate, define and erect boundaries of power according to a pre-established dialect of difference. In his study of the reserve system as a colonial mechanism for displacing and controlling Aboriginal people, Cole Harris suggests that reserves were part of a pervasive disciplinary system which had come to "rely on a few salient practices," and were" imparted by the differential allocation of land in the province, backedup of course by laws, courts and jails."[71]To Harris:

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[69] BCA, William Lomas, F5 L83, Personal Journals 1895-1899.

[70] Michel de Certeau, "'Making Do': Uses and Tactics," 36.

[71] Cole Harris, Making Native Space: Colonialism, Resistance and Reserves in British Columbia (Vancouver: UBC Press, 2002), 270.

> The reserve acquired a fixed place in the Cartesian space of the survey system and in the minds of officials and settlers…Such mapping situated the reserve within an official ambit of sovereignity, surveillance and management while detaching from its surroundings as well as the complex land uses and spatial patterns of former Native lifeways.[72]

Harris also suggests that from an "offical perspective, the map focused a disciplinary gaze, albeit from afar."[73]

The geography of the reserve itself affected the relationship between tutor and tutee, of observer and observed. The following data is tabulated from Lomas' personal journals over a four-year period. It is by no means an accurate representation of Lomas' field of observation as it accounts for only those visits that Lomas felt worthy of recording or those visits he remembered to record at all. Nonetheless it is significant that Lomas' observations stemmed from within the Cowichan Reserve 64% of the time compared with Victoria and Nanaimo at 17% and 4% respectively. Therefore various communities were under much more constant and astringent observation than others, and many communities had contact with the agent only once a year. This information also supports the inversion of Bentham's panopticon; while the Cowichan were by far most frequently held within Lomas' field of vision, they too could invert their gaze upon their agent. According to the table below, it would have been far easier for members of the Cowichan agency to locate Lomas than the reverse.

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[72] Cole Harris, Making Native Space, 271.

[73] Ibid.

Location	1895	1896	1897	1898	Total Visits
Comox	0	1	0	1	2
Nanaimo	10	8	3	4	25
Chemainus	6	9	9	3	27
Penelakut	0	0	2	0	2
Hellelt	3	2	4	3	12
Lyackson	0	0	1	1	2
Halalt	3	2	4	3	12
Cowichan Lake	1	1	0	0	2
Duncan	2	3	8	2	15
Quamichan	11	6	9	11	37
Comeakin	2	6	7	7	22
Cowichan Bay	3	0	4	1	8
Somenos	7	8	9	5	29
Kilpahlas	0	0	3	2	5
Kokisilah	2	4	5	8	19
Cowichan Office	64	63	59	80	266
Malahat Village	1	0	0	0	1
North Saanich	0	0	1	0	1
Paquachin	1	0	1	0	2
South Saanich	2	0	1	4	7
Pender Island	0	1	0	0	1
Saltspring Island	0	1	0	1	2
Victoria	15	11	8	10	44
Victoria Office	30	22	5	11	68
Sooke	0	1	0	1	2
Beecher Bay	0	3	2	0	5

Table 1.1 **Agent Lomas' annual visitations as recorded in his personal journals.**

Thus despite the Department of Indian Affairs' mandate to keep Aboriginal peoples under constant surveillance, the geographical scope of agencies and the limited access to transportation made such a task virtually impossible. As evidenced from his journals, Lomas himself struggled to visit some reserves only once during the year.

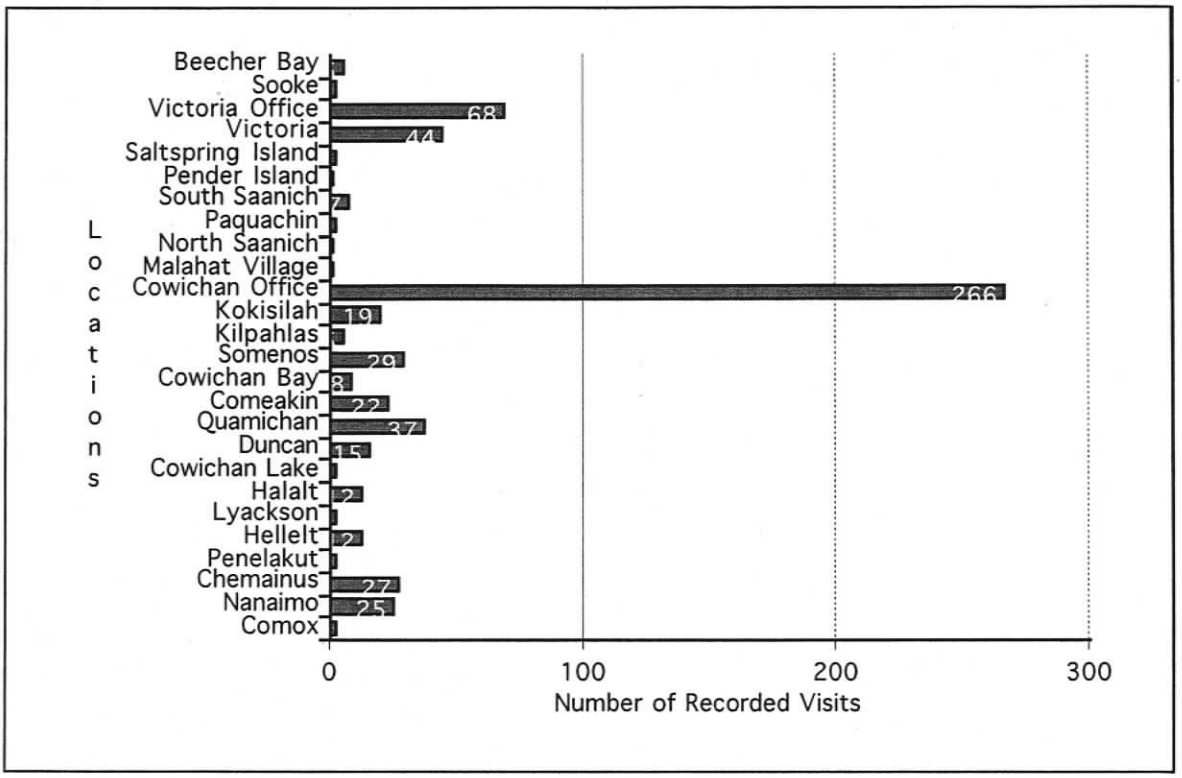

Figure 2.1 **Lomas' focused and unfocused gaze within the Cowichan Agency 1886-1899**

The Cowichan agency was - geographically and demographically - smaller than other agencies in the province. At the beginning of Lomas' tenure in 1881, 2,326 individuals were counted as belonging to the Cowichan Agency. Ten years later, there were 1910 people residing within the Cowichan Agency's jurisdiction compared with 2,560 in the Kamloops Agency and 5,001 in the Fraser River Agency.[74] Of the 98,981 Aboriginal citizens in all of Canada accounted for in the DIA census taken in 1899, one quarter of them lived in British Columbia and 1884 resided within the Cowichan agency.[75] More than three-thousand individuals lived within each of the Fraser River and

[74] Dominion of Canada, "Annual Report 1890," Department of Indian Affairs, (Ottawa, 1891).

[75] Dominion of Canada, "Annual Report 1899," Department of Indian Affairs, (Ottawa: S.E. Dawson, 1900), 499.

Kamloops-Okanagan Agencies while the North West Coast Agency reported 4,116 Aboriginal residents.[76] In terms of reserve lands, Lomas was responsible for surveillance of 20,082 acres compared with the 48,583 acres in the Fraser River Agency, 334,928 acres in Kamloops-Okanagan and 109,672 acres within the North West Coast Agency. Not only were these reserve lands fairly comprehensive, but many reserves were a great distance from one another. In the case of the Cowichan Agency, Lomas had to travel across the Georgia Strait to reach the Sunshine Coast as well as access the present-day Gulf Islands on the east coast of Vancouver Island by water. Therefore it is not outlandish to suppose many Aboriginal peoples were relatively free from departmental observation. However, this is not to negate additional observational restraints that may or may not have been placed upon them by other members of the community including local police, missionaries and other members of settler society.

In addition to the geographical scope of systematized observation, one can speculate as to the subjects and activities upon which the Indian agent's gaze focused. *Table 1.2* and *Figure 2.2* provide an approximate field of vision for Lomas as well as the subjects that preoccupied his gaze. Because the data are derived from personal diaries, it is by no means complete or accurate. It is merely a suggestion of how Lomas' gaze manifested itself on various reserves and the extent to which it was focused or absent.

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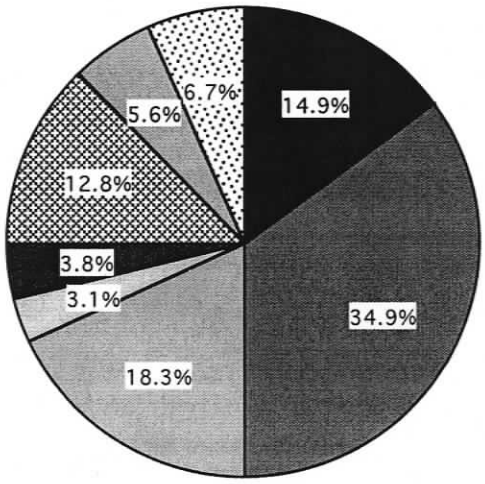
[76] Dominion of Canada, "Annual Report 1899," Department of Indian Affairs, (Ottawa, S.E. Dawson, 1900), 482-489.

Category	Topic of Observation	1895	1896	1897	1898	TOTAL
Education	Visit schools	21	17	20	18	76
	Truancy	0	0	7	1	8
Recreation	Sports	0	0	0	3	3
Health	Visit the sick	15	11	21	12	59
	Sanitation	0	0	0	4	4
	Doctors and Medicine	13	13	15	18	59
	Relief	7	15	12	10	44
	Death	14	5	8	11	38
Industry	Agriculture	5	4	4	5	18
	Livestock	13	11	13	7	44
	Fisheries	8	1	9	3	21
	Mining	0	0	1	1	2
	Employment/Permits	7	1	12	2	22
Public Works	Roads	3	3	1	4	11
	Fences	1	0	3	3	7
Governance	Band council	0	7	5	8	20
	Band elections	1	0	1	0	2
Crime	Arrests	2	4	3	5	14
	Alcohol	6	15	23	17	61
Religion/Mores	Religion	2	2	0	0	4
	Marriage/Divorce	1	3	5	2	11
	Potlatch	9	4	1	4	18
Bureaucracy	Vowell	9	5	2	0	16
	Bank	0	0	1	0	1
	Vouchers	5	3	3	11	22
Conflict	Disputes	0	18	11	26	55
	Trespassing	3	2	2	1	8

Table 1.2 **Frequency of subjects recorded within Lomas' personal journals 1896-1899**

The far right hand column of *Table 1.2* attempts to further categorize Lomas' division of labour. These categories are subjective and other systems of classification are possible. Nonetheless, these divisions allow for a comparison of subject headings deemed necessary by the DIA for annual reports and the daily activities and concerns of the agents themselves. In his very first annual report written in 1881, Lomas included comments regarding illness, agriculture, unsuitability of reserve land for the aforesaid purpose, education and the destitute or elderly. By the mid nineties, the DIA began to demand subheadings within reports. In addition to geographical and demographic

information,[77] subject headings included "health and sanitary conditions; occupation; buildings; education; religious characteristics and morality." The latter two headings generally concerned themselves with the degree to which Aboriginal peoples in the agency "bear favourable comparison with their white neighbours" in regards to economic and social standing.



Category	Total Entries
Education	84
Recreation	3
Health	204
Industry	107
Public Works	18
Governance	22
Crime	75
Religion/Mores	33
Bureaucracy	39
Conflict	63

Figure 2.2 Division of Lomas' gaze according to subject

In addition to the succinct comments made in annual reports, the observations within Lomas' journals are primarily concerned with education, health, industry, crime and disputes. The remainder of this chapter will focus on Lomas' personal approach to

[77] These headings consist of "location, area, resources, tribe and population." Dominion of Canada, "Annual Report," Department of Indian Affairs (Ottawa: S.E. Dawson, 1897).

monitoring industry, health, and social conduct on the reserves within his jurisdiction. Education will not be a focus as it is, in and of itself, a topic worthy of an entire thesis. Crime, specifically in relation to alcohol offences, will be more fully explored in chapter four and chapter five.

Lomas' role as Indian Agent gave him the power to regulate aboriginal livelihoods. Upon Euro-Canadian settlement in Cowichan territory, the *Hul'qumi'num* engaged in a variety of wage labour that included building boats, clearing land and other manual labour, picking hops in Washington, and working in lumber camps, sawmills, smelters and canneries.[78] Yet the fisheries continued to be the principal source of income and Lomas' journals frequently refer to an exodus of the reserves' inhabitants to fishing sites and canneries during the summer months. While this source of income allowed the *Hul'qumi'num* to be self-sufficient, local settler and government incursion soon sought to regulate the industry at the expense of Aboriginal people. Provincial legislation regulated size and location of driftnets in 1878, and by 1880, a provincial licensing system was developed to further marginalize *Hul'qumi'num* fishermen.[79] As the appointed "Fisheries Guardian," Lomas was responsible for issuing licenses and enforcing the 1878 *Fisheries Act,* which limited the use of the weir system in fresh waters.[80] He unsuccessfully fought against measures to limit the weir system.

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[78] Jos Noel, "To Take the Food from Our Mouths," Native Studies Review 13:1 (2000), 42-43.

[79] Daniel Marshall, Those Who Fell From the Sky, 135-137; Jos Noel, "To Take the Food from Our Mouths," 44.

[80] Daniel Marshall, Those Who Fell from the Sky, 141.

Faced with both legislative and social pressures that curbed access to the Cowichan River, the *Hul'qumi'num* found wage labour in the nearby canneries. Between 1871 and 1901, sixty-seven canneries were established long the Fraser, Skeena and Nass.[81] Limited access to local food resources and further encroachment of reserve lands forced Aboriginal people to become dependent upon the wage economy and increased the possibility of food shortages in communities. Not only did access to wage labour remove members of the agency from Lomas' field of vision, but it also resulted in unharvested and spoiled crops on the Cowichan Reserve.[82] Lomas' inability to monitor Aboriginal workers who left the reserve consequently increased his awareness of those who remained: the elderly. Throughout his Annual Reports and his personal journals, Lomas cites his concern for the elderly who, according to his accounts, were often without food in the winter.

Another facet of the *Hul'qumi'num* economy that Lomas influenced was the Cowichan Knitting Industry. Lomas' role in the industrialization of this Cowichan tradition occurred in connection with the Church of England's missionary activities in the Cowichan Valley. An 1869 article in the *British Colonist* described how "every inducement is to be afforded to them [the *Hul'qumi'num*] in agriculture, house building, and fencing, and a gentleman is about to teach them how to manufacture wool produced in the vicinity into clothing, the mission already being supplied with a carding

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[81] Mary Ellen Kelm, Colonizing Bodies: Aboriginal Health and Healing in British Columbia 1900-1950 (Vancouver: UBC Press, 1998), 31.

[82] Dominion of Canada, "Annual Report, 1889" Department of Indian Affairs, 1890.

machine."[83] It is not clear whether Agent Lomas is the gentleman to whom the article refers as he, along with Reverend Reece, established the first Cowichan Agricultural and Industrial Show in 1869 as a means of marketing *Hul'qumi'num* goods.[84] In addition to knitting, the annual craft competition categories included spinning, needlework, basket weaving and beadwork.[85] Lomas encouraged members of the reserve to participate in such activities, but as aforementioned, many families chose to move to the canneries, sawmills and hop fields where wages were higher and the Indian Agent was absent.

In addition to regulating various reserve-based economies, Lomas was also concerned with health. In 1881 Lomas drafted a bylaw that would fine "any person who shall leave…any refuse, dirt or offal in the neighborhood of any house on the Cowichan Reserve, causing thereby a nuisance and endangering the public health."[86] Perhaps the legislation was Lomas' attempt to minimize the spread of disease on the reserves; almost half of the entries in Lomas' personal diaries refer to his visitation of the sick and destitute. In 1881 the census return for the Cowichan Agency was 2,326.[87] In the same year, tuberculosis, measles and scarlet fever were of principal concern and the cause of many deaths. Unfortunately, the annual reports only provide a census return for total

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[83] The British Colonist, 15 May 1869.

[84] Sylvia Olsen, 'We Indians were sure hard workers: A History of Coast Salish Wool Working," (MA Thesis, University of Victoria, 1998), 59.

[85] Sylvia Olsen, "We Indians were sure hard workers," 61.

[86] BCA, W.H. Lomas, "Public Nuisances" 05 November 1881, F5 C85

[87] Dominion of Canada, "Annual Report 1884," Department of Indian Affairs, (Ottawa: Maclean and Roger & Co., 1882), 221-222. Note that this number does not include the Squamish nation, estimated at a population of 639, as this reserve was later removed from the Cowichan Agency and assigned to the Fraser River Agency.

population at the end of each calendar year. The statistics do not account for the birth or death rate within a community. In 1885 the Cowichan Agency had a total of 2,069 members, with higher densities of people residing in Clemclemalats, Nanaimo, Quamichan, Penalakut, and the Songheese Reserve in Victoria.[88] Just over ten years later, the census reported 1,959 members. It is difficult to ascertain whether or not this decrease in population was a result of disease and illness or a decrease in birth rate. However, illness was a major concern for Lomas as was procuring funds to combat it; Lomas used fines he received from liquor convictions as a way to supplement relief funds for the destitute, ill and elderly within the agency.[89] Yet by creating legislation for personal sanitation and cleanliness, Lomas reaffirmed the position of "Indians" as a degenerate and uncivilized people unable to act appropriately on their own behalf.[90]

Perhaps the most astringent and coercive of Lomas' activities as Indian agent were his views on Aboriginal culture and tradition. According to the Indian Act, an Indian ceased to be an Indian, and was considered a person, only when he or she "demonstrated to the superintendent-general of Indian Affairs 'the degree of civilization to which he or she has attained, and the character for integrity, morality and sobriety."[91] Indian agents, who were defined as any "officer acting under the instructions of the

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[88] Dominion of Canada, "Annual Report 1884," Department of Indian Affairs, (Ottawa: Maclean, Roger & Co., 1885), 188-189.

[89] Dominion of Canada, "Annual Report 1887," 98.

[90] Noel Dyck, What is the "Indian Problem?', 56.

[91] Quoted from An Act to amend and consolidate the laws respecting Indians (Indian Act), 39 Vic., c. 18, s. 12, 86 (1876). Located in Tina Loo, "Dan Cranmer's Potlatch: Law as Coercion, Symbol and Rhetoric in British Columbia, 1884-1951," in Canadian Historical Review 43:2 (1992): 129.

Superintendent General" were responsible for tutoring Aboriginal peoples according to nineteenth century values as well as observing and reporting on individuals' and communities' progress. The government's diagnosis of Aboriginal people as existing outside society's hegemonic definitions of citizenship allowed them to "delineate and patrol the borders between...approved members of society who merit membership and outsiders whose entry should be eschewed or at least monitored and regulated."[92] John Lutz's study of coercive tactics taken against the Lekwammen demonstrates how a combination of nomenclature, surveillance and examination was the primary tenets of a government who sought to appropriate land and resources from the indigenous population. In his first year as Indian Agent, William Henry Lomas applied the Indian Act's dichotomous definitions to the residents of the Cowichan Reserve, drafted by-laws concerned with their personal conduct of character and then observed and evaluated the degree to which they measured against the prescribed standards.

Lomas' by-laws outlined educational requirements for children as well as the monetary fines that would result from failing to meet such requirements.[93] He also composed legislation that outlined the responsibilities of husbands to their wives, stipulating that any "Indian who shall desert his lawful wife or children without just cause shall be liable for her or their support at a rate of $1 per week for the wife and fifty cents per week for each child."[94]A man charged with running away with another man's wife

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[92] Mimi Ajzensdadt, "Racializing Prohibitions: Alcohol Laws and Racial/Ethnic Minorities in British Columbia, 1871-1927," in Regulating Lives, ed. John McLean, Robert Menzies and Dorothy Chunn, (Vancouver: UBC Press, 2002), 99.

[93] BCA, W.H. Lomas, "School By-Law," 05 November 1881, F5 C85

[94] BCA, W.H. Lomas, "Husband's Liability By-Law," 05 November 1881, F5 C85 Similar stipulations were included in federal legislation which allowed the government to

would be required to forfeit his personal allotment of land.[95] Victorian masculinity was defined in a man's obligation to his family as provider and it is interesting to note that of the four existing by-laws, multiple violations of family obligation is the only offense punishable by a prison sentence. Lomas' involvement in missionary activity most likely influenced his adverse attitude towards Aboriginal marriage. He served as marriage commissioner during his term as Indian Agent and wrote in his 1885 annual report that the penalties incurred for the abandonment of one's wife were effective in bringing the "Indian back to his family."[96] Marriage and divorce accounted for only 5.6% of Lomas' diary entries.

The observation and evaluation of Aboriginal people's behaviour solidified a relationship characterized by an incongruity of understanding. Cast in the role of observers and tutors, Indian agents pathologized traditional ways of Native life and promoted the adoption of European customs and mores. This chapter has sought to investigate the various aspects of Aboriginal livelihood and culture that Lomas sought to manipulate. However, it also demonstrates that even within the observational laboratory of the reserve, the agent's gaze was often distorted or entirely absent. The following chapters further explore how Aboriginal bodies and Aboriginal drinking became focused sites of surveillance during Lomas' tenure. Yet the remainder of this thesis also seeks to demonstrate how the *Hul'qumi'num* and *Snuneymuxw* took advantage of Lomas' own

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redistribute an individual's treaty payments to his wife and or children if he were found guilty of desertion.

[95] Ibid.

[96] John Lutz, "Relating to the Country," in Beyond the City Limits: Rural History in British Columbia, ed. Ruth Sandwell, (Vancouver: UBC Press, 1999), 26.

visibility, thus inverting the panopticon's principles by using moral persuasion as a powerful mode of resistance.

IV

Attitudes and Alcohol: static and dynamic perceptions

"You brought diseases amongst us which are killing us. You took our lands and did not pay us for them. You drove away our deer and salmon and all this you did and now if we wish to buy a glass for firewater to keep our hearts up you will not allow us. What do you white men wish?"[97]

Attitudes surrounding alcohol and Aboriginal people remained relatively unchanged from the seventeenth through late nineteenth centuries. Stereotypes of 'drunken uncontrollable Indians' were popular in newspapers, temperance journals and personal testimonies. In contrast, attitudes towards non-Native drinking slowly evolved throughout nineteenth century British Columbia. Resettled by furtraders, miners and other resource workers, the population was predominantly male and fond of drink. Yet as the settler population and access to wage-labour began to increase and became more sedentary, temperance supporters gradually gained support. While the majority of the population did not support the idea of legislated prohibition, attitudes towards ethnic and class-based drinking practices had become fairly entrenched.

Much of the literature surrounding the historical relationship between Aboriginal people and alcohol agrees that alcohol was not indigenous to Canada's First Nations. Smart and Ogborne's social history of "drink" in Canada emphasizes that

> the first drinks [Aboriginal communities] were [exposed to] were very potent – rum, whisky or brandy. These drinks were provided in large quantities with no previous experiences with alcohol and no informal or

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[97] Robert Brown recording the voice of an unnamed Aboriginal man while on Vancouver Island exploring expedition in 1864. Quoted in Daniel Marshall, Those Who Fell From the Sky (Duncan: Rainshadow Press, 1999), 104.

> formal rules to govern its use. Often alcohol was consumed during trade negotiations and white traders encouraged Indians to get drunk to undermine their ability to bargain. Further, many traders...were themselves heavy drinkers.[98]

Arthur Ray notes that alcohol came to be used as leverage for non-aboriginal traders who would only offer spirits if trading was conducted at designated posts.[99] In her study of alcohol use as an effective means of Aboriginal protest, Nancy Oestreich Lurie suggests that while Aboriginal people imitated or adopted European drinking habits and behaviours, they did so for their own internal cultural reasons while Europeans simultaneously encouraged Aboriginal drinking for their own economic reasons.[100] Such encouragement provided an assured means of procuring furs; colonial officials were unwilling to disrupt trade patterns and equally unwilling to employ effective resources to enforce liquor legislation. "In the peculiar and racial logic of British America, alcohol had found[ed] an empire."[101]

Yet Peter Mancall points out the paradoxical nature of trading alcohol with Aboriginal people during the fur trade period. It was quickly apparent to traders, missionaries and colonial officials that trading alcohol with Aboriginal people created

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[98] Reginald G. Smart and Alan C. Ogborne, Northern Spirits: A Social History of Alcohol in Canada (Toronto: Addiction Research Foundation, 1996), 108-109.

[99] Arthur Ray, I Have Lived Here Since the World Began: An Illustrated History of Canada's Native People (Toronto: Key Porter Books, 1996), 111.

[100] Nancy Oestreich Lurie, "The World's Oldest On-Going Protest: North American Indian Drinking Patterns," Pacific Historical Review XL (1971): 323.

[101] Peter Mancall, "Stereotypes." Deadly Medicine: Indians and Alcohol in Early America (New York: Cornell Press, 1995), 28.

short-term and long-term health and social problems. Misconceptions and misunderstandings about the role and use of alcohol in Aboriginal cultures bred accounts of the "indolent and lazy" or "violent drunk Indian." These stereotypes were prevalent during the resettlement of North America and stood in stark juxtaposition to colonial governments' desire to integrate Aboriginal people into a trade network by means of assimilating them through social and economic values.[102] Thus various governments began to pass legislation, which attempted to limit, sometimes prohibit, but ultimately control Aboriginal drinking.

As early as 1657 Louis XIV issued an edict that prohibited selling alcohol to Aboriginal people in New France. The justification for forbidding alcohol in the fur trade was multi-faceted and according to the edict, would prevent Aboriginal people from the

> rage in which they find themselves [when] intoxicated; and that it is established that they desire to drink only to become intoxicated...and that the Indians are inclined toward drunkenness, despising the laws of Christianity and giving themselves to all sorts of vices and abandoning the hunt by which this colony has subsisted.[103]

This type of language, which would continue to be used in the nineteenth century, characterized Aboriginal people as incapable of abstaining from liquor and argued that the colonizers had a duty to protect both the souls of "les sauvages" as well as the economic interest of the crown. The French government set fines for direct or indirect

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[102] Peter Mancall, Deadly Medicine: Indians and Alcohol in Early America, 19.

[103] Nicholas J.S. Simons, "Liquor control and the Native Peoples of Western Canada" (MA Thesis, Simon Fraser University, 1992), 34.

provision of alcohol at 300 pounds for a first offense and flogging or banishment for a second offence.[104]

Despite a clause in the Royal Proclamation of 1763 that stated, "trade with the said Indians shall be free and open to all our Subjects," the British passed a statute similar to the French prohibition of the sale of liquor to Aboriginal subjects.[105] Yet in contrast to policies that attempted to restrict the availability of alcohol to Aboriginal people, alcohol continued to be used as an important leveraging tool by European companies battling for control over North America's lucrative fur trade. The Hudson's Bay Company and her many rivals, including the North West Company, liberally traded alcohol throughout the eighteenth and early nineteenth century. However, by the time of the merger between the former and latter in 1821, The Hudson's Bay Company began to seriously consider its policy of using alcohol as a trade good. According to conventional wisdom of the day, many of the social problems plaguing Aboriginal communities were not attributed to the peripheral and inferior position which settler society relegated them, but to alcohol. In 1833 the HBC made internal changes to their policies and, in an attempt to curb the liquor traffic along the border, Governor Simpson leased a monopoly from the America Fur Company for 300 pounds annually. In 1835 the province of Upper Canada enacted a liquor ban, which prohibited "sale, barter, exchange or gift of any distilled liquors to any

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[104] Nicholas J.S. Simons, "Liquor control and the Native Peoples of Western Canada," 34.

[105] John Leslie and Ron Maguire, The Historical Development of the Indian Act (Canada: Treaties and Historical Research Centre, P.R.E. Group, Indian and Northern Affairs, 1978), 24.

Indian, woman or child."[106] Yet despite an amendment made in 1840 to permanently illegalize the distribution of alcohol to Aboriginal people, the law was not heavily enforced; there existed only one licensing inspector in a district populated by approximately sixty thousand people.[107]

Despite the Hudson's Bay Company's attempt to maintain order and commercial viability of its operation, the profitability of alcohol did not escape Fort Victoria's jurisdiction. In 1850 Richard Blanshard, the first Governor of Vancouver Island, penned a document titled "An Act regulating the importation of spirituous liquor" which imposed restrictions on the importation of alcohol related products. By arguing that "the free and unrestricted traffic of Spiritous Liquors has caused and does still cause great damage and inconvenience to the Inhabitants of Her Majesty's Colony of Vancouver Island, by debauching and corrupting the population, both native and Immigrant," Blanshard hoped to justify a permit and penalty system for the liquor trade.[108] The colony's initial liquor laws erected a system of licenses as a means of taxation and revenue.

In 1854, Governor Douglas passed prohibitory legislation aimed at the colony's Aboriginal inhabitants. Echoing Blanshard's sentiments regarding the pernicious effects of alcohol on the entirety of colonial subjects, Douglas' bill singled out "thoughtless and

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[106] F. L. Barron, 'Alcoholism, Indians and the Anti-Drink Cause in the Protestant Indian Missions of Upper Canada, 1822-1850," in 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: UBC Press, 1983), 196.

[107] F. L. Barron, 'Alcoholism, Indians and the Anti-Drink Cause in the Protestant Indian Missions of Upper Canada, 1822-1850," 198.

[108] BCA, GR 0771, Richard Blanshard, "Act Regulating the importation of spirituous liquor," 13 May 1850.

evil-disposed persons [who] have been carrying on a traffic in spirituous liquors manifestly injurious to the Native Tribes and dangering [sic] the public Peace, and the lives and property of Her Majesty's Subjects."[109] While Blanshard's stance weighed alcohol abuse as prevalent in both the native and immigrant populations, Douglas implies that Aboriginal alcohol consumption was a more critical issue with the potential for jeopardizing colonial inhabitants. Douglas' legislation enacted that

> every person who shall give, sell, barter or exchange, or for valuable consideration, otherwise dispose of any Wine, Spirits, Beer, Ale, Perry or other intoxicating Liquors to Indians, or shall permit or suffer the same...to be consumed or drunk by Indians in his or their house or premises, shall respectively for each such offense on conviction before one Justice of the Peace forfeit and pay any sum not exceeding Twenty nor less than Five pounds Sterling, together with the costs of conviction [sic].

If any individual was convicted of the above and proved incapable of paying the fine, their goods and chattels were seized. If the latter were of insufficient value, the Justice of the Peace was permitted to commit any offender to jail for no less than one, but no more than three, calendar months.[110]

When the responsibility of Indian Affairs was transferred from the Imperial government to the colony in 1860, the Canadian provinces began to consolidate legislation relating to Aboriginal people and alcohol. In 1859, the Civilization and Enfranchisement Act extended regulatory liquor legislation to the entire colony. Individuals found guilty of providing Aboriginal people with alcohol were initially fined

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[109] BCA, GR1529, James Douglas, "An Act prohibiting the Gift or Sale of intoxicating Liquors to the Indians, 3 August 1854.

[110] Ibid.

no more than five pounds sterling; penalties for subsequent offences failed to be delineated.[111] 1860 saw passage of the Indian Land Act in which the fifth clause prohibited the distribution of alcohol at land surrender meetings. In the same year as Confederation, the Liquor Ordinance Act authorized customs officials to search any vessel suspected of transporting any alcoholic beverages intended for sale to Aboriginal people. By 1874, clauses 79 and 80 of the Indian Act extended penalties for illicit sale of intoxicants to Indians in Manitoba and the Northwest Territories to the rest of the Dominion.[112]

The government's policies toward alcohol and Aboriginal people remained entrenched in paternalistic rhetoric. In 1890 the Deputy Superintendent's comments on "Liquor Traffic" were not dissimilar to those of King Louis XIV more than two hundred years earlier. The second paragraph of this subsection outlines the deleterious effects of "the immoderate use of ardent spirits [which] is to render [Indians] frenzied; they completely lose their self-control." To illustrate his point, the Deputy Superintendent General recounts two incidents that relate Aboriginal drinking habits with murder. The paragraph closes by claiming that, "the use of liquor by an Indian appears to arouse in him his savage nature afresh, and to lead him to the commission of the most fiendish crimes."[113] Hamilton argues that illegalizing alcohol consumption for Aboriginal peoples sprang from two conflicting impulses: British imperialism and Christian paternalism

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[111] John Leslie and Ron Maguire, The Historical Development of the Indian Act, 32.

[112] Ibid.

[113] Canada. Sessional Papers No 12, 1890, Department of Indian Affairs, Annual Report 1889, xiii- xiv.

sought to "protect Aboriginal peoples from the evils and bad habits foisted upon them by encroaching civilization" and prohibition "proved very useful as a tool of intimidation to facilitate the expansion of white settlement, and later for social control."[114]

In his personal journals, Lomas outlines his preoccupation with the prohibition of alcohol on the reserve. In a two-year period, of the twenty-five arrestable offences recorded in his journals, twenty-one of those involved liquor offences. Of the twenty-one liquor sentences, eight white men were convicted of supplying liquor to Native peoples and thirteen Native men were charged with consumption of alcohol.[115] Despite 1884 legislation that forbade Aboriginal people from participating in Potlatch ceremonies, it was only the presence or trafficking of alcohol at Potlatches that incited Lomas to prohibit these traditional celebrations. In 1895 Lomas attended potlatch ceremonies held at Paquachin [Saanich], Cowichan, the Songhees reserve in Victoria, and twice at Nanaimo. Lomas suspected liquor trafficking at the February and November Nanaimo potlatches and while he could not prove the existence of liquor violations, he justified terminating both events based on concerns over the health of participants, specifically the density of attendees congregated on a small piece of territory.[116] Throughout his eighteen years as Indian Agent in the Cowichan Valley, Lomas frequently mentioned Aboriginal imbibing in his Annual Report. Lomas lamented that while many members of the agency

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[114] Douglas L. Hamilton, Sobering Dilemma: A History of Prohibition in British Columbia (Vancouver: Ronsdale Press, 2004), 38.

[115] BCA, W.H. Lomas, "Personal Journals," 1895-1896, F5 L83.

[116] BCA, W.H. Lomas, "Personal Journal," 05 November 1895, F5 L83.

were peddling fruit from their orchards, they often spent their proceeds on whiskey before returning from town.[117]

Aboriginal people were the only members of the Dominion's populace to be subject to prohibition. As more and more immigrants "supplanted" themselves into the colonial fabric, their diverse attitudes towards alcohol accompanied them. Alcohol was a common commodity and an integral part in the organization of early colonial life. The tavern was often the only building large enough to hold community functions as diverse as religious services, schools, political meetings and community events such as dances or other family celebrations. In addition to the common presence of alcohol in public drinking houses, beer and liquor also had a traditional place in people's private homes, at public ceremonies and at work. It was common practice to offer free "booze" at work parties, commonly referred to as "bees," and many other working men including soldiers, sailors, farmers and labourers expected alcohol stipends to be included in addition to their wages.[118] Only minor impediments including taxation and licensing fees limited colonists' access to alcohol, and public drunkenness was widely accepted. Only the destruction of private property or unwarranted abuse of others (including impoverishing one's family) necessitated behavioural sanctions and resulted in fines, manual labour, or corporal punishment.[119] Governor James Douglas remarked that alcohol was 'the crying

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[117] Canada. Sessional Papers No 12, 1890, Department of Indian Affairs, Annual Report 1889.

[118] Craig Heron, Booze: A Distilled History (Toronto: Between the Lines Press, 2003), 32.

[119] Craig Heron, Booze, 47.

and prevalent sin of [the] colony," and yet the lack of legislation related to its use suggests a stark omission of repentance.[120]

The Fraser River gold rush resulted in a drastically increased population; the streets of Victoria and makeshift mining towns became speckled with new saloons and brewing companies, not to mention glasses and pockets waiting to be emptied. The prevalence of liquor during this period is recounted in a story of a man who entered a saloon on a hot summer's day. The man asked the barkeeper for a glass of water to which the keeper replied, "Water! Why stranger I'll *give* you a glass of rum but two bits is the price of water in this yere bar! [sic]"[121]

Despite the emergence of organized temperance societies in the eastern colonies during the 1830s, hegemonic attitudes surrounding alcohol remained relatively unchanged. Temperance reformers were generally members of a middle-class movement whose class-consciousness focused on an individual's ability to attain social respectability through spiritual salvation and material prosperity. While the movement was much more heterogeneous at its inception, it failed to fully mobilize segments of the working class or ethnic minorities.[122] The American based prohibition society, The Sons of Temperance, was the first society to be established in Victoria in 1859. Other clubs advocating prohibition included the Blue Ribbon Club, the Royal Templars, the national club named the Dominion Alliance and the local Victoria chapter of the Dashaway

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[120] Quoted in Adele Perry, "On the Edge of Empire: Gender, Race, and the Making of British Columbia 1849-1871 (Toronto: University of Toronto Press, 2001), 40.

[121] Terry Reksten, The Illustrated History of British Columbia (Vancouver: Douglas and McIntyre, 2001), 60.

[122] Craig Heron, Booze, 160.

Club.[123] Not until 1882 was a chapter of the Women's Christian Temperance Union (WCTU) established in British Columbia. Victoria had 236 WCTU members in 1884 although other temperance associations rarely exceeded a membership of sixty people.[124]

Settlers' attitudes towards alcohol were beginning to change at the turn of the century in British Columbia but the relationship that alcohol had since the colony's inception was still very much a part of "frontier' culture.[125] Even after the gold rush had subsided, other resource industries - including fisheries, mining and logging - tapped workers' liquid appetites. In 1880 more than 100 liquor licenses existed in Victoria alone. By the turn of the century there were more than 1000 licensed premises in the province and British Columbia's thirsty citizens led the nation in per capita consumption.[126] By 1900 there were more than one thousand places to buy a drink in British Columbia. [127]

Yet as the province continued to grow and its residents became more diverse, government and social control advocates sought to regulate the drinking habits of various segments of the population. According to F. L. Barron, much of temperance's ascetic message provided "the ethical foundations for capitalist enterprise [and] also defined the

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[123] Douglas L. Hamilton, Sobering Dilemma, 29.

[124] Douglas L. Hamilton, Sobering Dilemma, 70.

[126] Cheryl Krasnick Warsh, "John Barleycorn Must Die": An Introduction to the Social History of Alcohol," in Drink In Canada: Historical Essays (Montreal: McGill University Press, 1993) 12. For alcohol and its relation to the early resource sectors of British Columbia see Robert A. Campbell, Demon Rum or Easy Money: Government Control of Liquor in British Columbia from Prohibition to Privatization (Ottawa: Carleton University Press, 1991).

[127] Douglas L. Hamilton, Sobering Dilemma, 35.

means to middle-class status in a competitive and achievement oriented society."[128] Mimi Ajzenstadt argues that economic and moral discourses were used prior to 1890 to either support or condemn liquor trafficking. By supporting a government run licensing system, many businessmen suggested that not only was their trade benign, it stimulated economic growth. Keeping within this economic discourse, WCTU members argued that liquor consumption damaged private and public property.[129] In moral terms, businessmen involved in liquor traffic recognized that consumption could result in immoral behavior, but this was attributed to free choice and individual deficiency. Punitive responses were to teach these individuals moral values as evidenced in the Habitual Drunkards Act of 1887. Likewise, Aboriginal people were deemed immoral and in need of tutelage surrounding Christian ethics – therefore their child-like standing (the Youth's Protection Act 1877 prohibited sale of liquor to children under the age of sixteen) in society necessitated their protection from liquor, a substance which settlers associated with "renewed savagery." The *Daily Colonist* capitalized on the aforesaid stereotypes of Aboriginal drinking, suggesting that

> while its moderate use cuts off many whites it literally cuts down the red men, who imbibing our vices (which are animal) far more aptly than our virtues (which are intellectual) can never bring themselves to refuse the power of strong drink and are powerless to observe moderation in its use, losing under intoxication all outer consciousness.[130]

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[128] F. L. Barron, 'Alcoholism, Indians and the Anti-Drink Cause in the Protestant Indian Missions of Upper Canada, 1822-1850," 199.

[129] Mimi Ajzenstadt, "The Medical-Moral Economy of Regulations: Alcohol Legislation in B.C., 1871-1925," (Ph.D. diss, Simon Fraser University, 1992), 40.

[130] Daily Colonist, "The Indians of British Columbia" 14 April 1886.

The conflicting definitions of Victorian masculinity in this period served to entrench racialized definitions of drunkenness. Good husbands exercised industry and sobriety, whereas bad husbands continued to spend their money at the saloon when money was tight. Husbands who were convicted under the Habitual Drunkards Act were said to have been "put on the Indian list."[131] Such rhetoric highlights the material consequences of these men's punishment. Like Aboriginal men, they were legally barred from drinking establishments. On a more derisive level, society compared these men's wills to their weak and subordinate Indian neighbours.

According to Ajzenstadt:

> The attribution of alcohol-induced immorality only to certain individuals helped to separate social and health issues from commercial concerns. The banning of alcohol consumption by members of these groups allowed authorities and liquor entrepreneurs to ignore the moral issues and health hazards associated with alcohol consumption and, instead, to emphasize the economic benefit which could be derived from the alcohol trade.[132]

The 1892 Royal Commission on Liquor Traffic concluded that the liquor traffic had sunk its roots deep into the Canadian economy and the industry branched from interests as diverse as grain farming and transportation to marketing. The Commission estimated that in the last decade of the nineteenth century, the federal government received seven million dollars annually in excise and custom duties, whereas licensing fees left the

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[131] Craig Heron, Booze, 122-123.

[132] Mimi Ajzenstadt, "The Medical-Moral Economy of Regulations: Alcohol Legislation in B.C., 1871-1925," 4.

pockets of provincial governments approximately 1.5 million dollars richer.[133] Alcohol was big business, and as a result, governments had a vested interest in regulating it.

Temperance and morality were unquestionably linked in the later nineteenth century. The advent of the second industrial revolution increased both urbanization and immigration, which in turn, fueled reactionary responses from the upper middle classes.[134] Alcohol served to explain social problems in Aboriginal communities and it became a scapegoat for the problems of the urban poor. In addition to pressuring the federal and provincial governments to support prohibition, temperance advocates began to run for public office as independents. Tina Loo and Carolyn Strange interpret the movement to enforce prohibition as "another regulatory campaign which attacked one thing (alcohol) by targeting specific forms of behaviour, particular types of people and certain public spaces."[135] Alcohol was often associated with prostitution, disorderly behaviour, gambling, profanity and idleness, all of which Indian agents and social reformers sought to eradicate from reserves and the working class districts. In the words of Loo and Strange, "the temperance movement did not target the upper-class hotels or gentlemen's clubs," but sought to "regulate the habits of low-life people in low-life places."[136]

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[133] Craig Heron, Booze, 102.

[134] Craig Heron, Booze, 165.

[135] Carolyn Strange and Tina Loo, Making Good: Law and Moral Regulation in Canada, 1867-1939 (Toronto: University of Toronto Press, 1997), 70.

[136] Carolyn Strange and Tina Loo, Making Good, 71.

Throughout the nineteenth century, colonial and provincial officials struggled with enforcing liquor legislation. The lack of police superintendents and other magistrates to regulate anti-liquor legislation pushed the problem of enforcement to the navy who, throughout the 1860s and 1870s, policed the coast for liquor traffic, often raiding Aboriginal communities, seizing ships and shutting down distilleries. However, the fleet was only able to give the task "casual attention" owing to the limited number of ships and various other deployments it received from colonial officials.[137] Enforcement remained a problem at the turn of the twentieth century. The report of the Superintendent General of Indian Affairs lamented the existing difficulties in "find[ing] and punish[ing] the miscreants who supply the Indians with intoxicants" as the latter were usually the only witnesses of these transactions and refused to report bootleggers as it "would cut them off from all hope of procuring further supplies."[138] However, as Ajzenstadt, Strange and Loo have suggested, the "normalizing gaze" of social reformers lobbied for a more attentive approach to policing drunk and disorderly behaviours.

Under section 105 of the Indian Act, "Any constable may, without process of law, arrest any Indian or non-treaty Indian whom he finds in a state of intoxication, and convey him to any common gaol, house of correction, lock-up or other place of confinement, there to be kept until he is sober."[139] The Indian Act also legislated that:

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[137] Barry M. Gough, "Send a Gunboat: Checking Slavery and controlling Liquor Traffic among coast Indians of British Columbia in the 1860s," Pacific Northwest Quarterly (October 1978): 168.

[138] Report of the Deputy Superintendent of Indian Affairs, 1900. In Dominion of Canada, "Annual Report 1899," Department of Indian Affairs, (Ottawa: 1900).

[139] Indian Act 43 V., c.28, s. 94 *part*; 45V., c.30, ss.3 and 5, *part*.

every Indian or not-treaty Indian who makes or manufactures any intoxicant, or who has in his possession or concealed, or who sells, exchanges with, barters, supplies or gives to any other Indian or non-treaty Indian, any intoxicant shall, on summary of conviction before any judge, police magistrate, stipendiary magistrate or two justices of the peace, or the Indian agent...upon the evidence of the informer alone; if he is a credible person, --be liable to imprisonment for a term not exceeding six months and not less than one month, with or without hard labor, or to a penalty not exceeding one hundred dollars and not less than twenty-five dollars, or to both penalty and imprisonment, at the discretion of the convicting judge, magistrate, justices of the peace or Indian agent.[140]

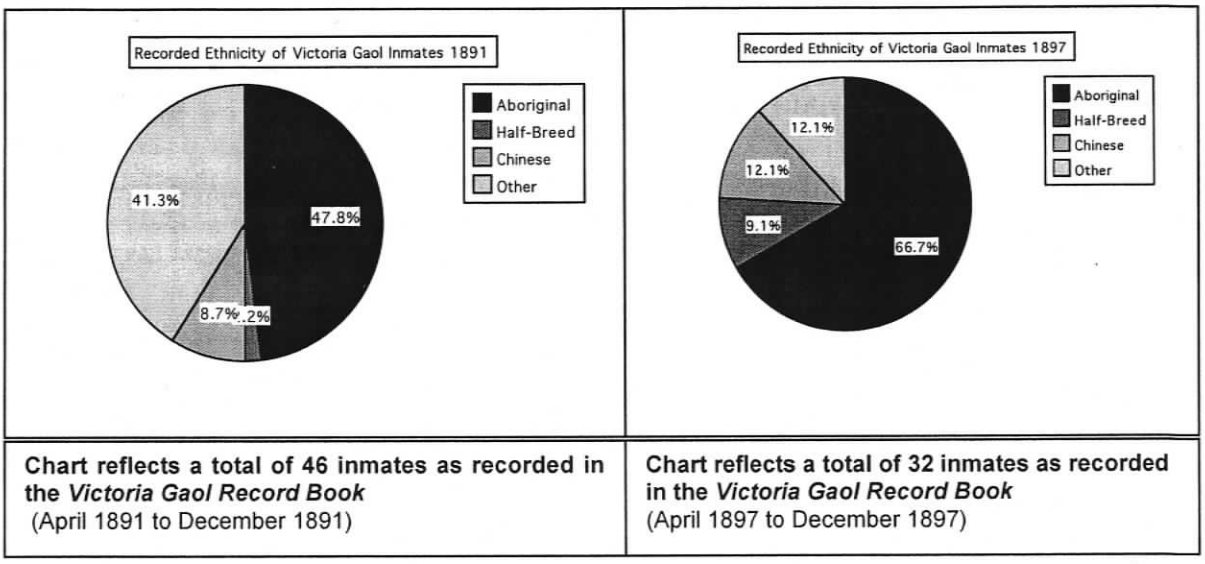

Chart reflects a total of 46 inmates as recorded in the *Victoria Gaol Record Book*
(April 1891 to December 1891)

Chart reflects a total of 32 inmates as recorded in the *Victoria Gaol Record Book*
(April 1897 to December 1897)

***Figure 3*: Ethnic Composition of Victoria Gaol Inmates**[141]

Figure 3 reflects the ethnicity of individuals who were arrested for various offenses relating to alcohol in Victoria. Upon admission into the gaol, police recorded each arrestee's name, age, occupation, ethnicity religion and country of origin. The record book also includes whether inmates were literate, married or temperate upon arrest. Of the seventy-nine arrests made in 1891, all but two were made as a result of infringing upon the Indian Act. Of these seventy nine arrests, fourty-six were described

[140] Indian Act 43V., c. 28, s. 90, *part*.

[141] The actual number of inmates listed for 1891 is 79. However, because the beginning of the 1897 gaol records begin with April 01, I have accounted for the same nine months in 1891 for a respective comparison.

as "Indian" and four as "half-breed." Another twenty-seven were described as Canadian, American, Mexican or as originating from a variety of European backgrounds. Only four men of Chinese descent were charged with trespassing against the Indian Act. In contrast, of the twenty-eight arrests made for "drunk and disorderly" behaviour, twenty-four are described as "Indians."[142] This startling discrepancy begs the question as to whether Aboriginal and non-Aboriginal men and women were held to different standards of drunken behaviour.

In November of 1892 the Royal Commission on the Liquor Traffic interviewed Henry William Shepherd, Superintendent of the Victoria Police Force. There were twenty-two men employed by the police force that year and much of this man- power was used for regulating Aboriginal drinking. Out of the 804 individuals that were brought before court that year, 231 were Aboriginal, of which 175 were charged as being drunk.[143] Thus the double standard for what constituted responsible or respectable drinking patterns remained. Irresponsible drinking behaviour for non-Aboriginals consisted of supplying liquor to Aboriginals. According to Samuel Drake, sheriff for

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[142] Out of the 46 Aboriginal arrests recorded in the 1891 Victoria Gaol Record Book, nine people were repeat offenders. Therefore if one compares inmates to arrests (Figure 3 displays the former from April through December), 31 Aboriginal individuals were arrested in comparison with 27 non-Aboriginal individuals.

[143] Canada, Royal Commission on Liquor Traffic, 1892, Sessional Papers No. 21 A. 1894, Henry William Shepherd, reprinted in Canada Institute for Historical Microreproductions. Note that the previous discussion of Aboriginal and non-Aboriginal drinking statistics reflects arrests, not court convictions as described by Superintendent Shepherd. Aboriginal individuals brought before the court may not necessarily have been arrested in Victoria. Aboriginal people may have been found under the influence on the reserve; they were not necessarily arrested but still appeared in court for trial.

Nanaimo, "an Indian is always a decent fellow when he is sober, as most of them are."[144] For Victoria merchant, Alexander Wilson, putting whiskey in the mouth of an educated Indian caused him "to fall back at once and become a low Indian," whereas putting whiskey in "white man" [gave] you "a 'mean white' at once."[145] According to Hamilton, non-Aboriginal problem drinkers were labeled as being "siwashed" which was "a derogatory term for Natives commonly used during the early years of the Province." Hamilton does not explain how this term was used as a verb, although the context suggests that "siwashed" might have meant either "drunk" and/or "jailed."[146]

Attitudes surrounding alcohol use were both racialized and gendered. Men and women regarded alcohol abuse as a male vice; "women [drank] at home, but they drank liquor disguised as patent medicine, which contained up to 65% alcohol."[147] Of those arrested in 1891, ten Aboriginal women and one Russian woman were arrested for either drunk and disorderly behaviour or committing infractions against the Indian Act. Of these ten women, Jenny Chicken was arrested three times. Annie (aged twenty) was arrested four times, while another Annie (aged forty) was arrested a total of six times throughout the year. These women may have chosen to drink for a number of reasons. However, their drinking was public and perhaps an active and recurring form of resistance.

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[144] Canada, Royal Commission on Liquor Traffic, 1892: Samuel Drake, p. 555.

[145] Canada, Royal Commission on Liquor Traffic, 1892, Alexander Wilson, page 514.

[146] Douglas L. Hamilton, Sobering Dilemma, 75.

[147] Robert A. Campbell, Demon Rum or Easy Money: Government Control of Liquor in British Columbia from Prohibition to Privatization (Ottawa: Carleton University Press, 1991), 15.

Another Aboriginal woman's relationship with alcohol can be surmised from the following anecdote. In 1897 a temperance journal included a story about W.H. Lomas and an unnamed Indian woman who had brought him letters to read. Amongst these papers was a pledge form from the Victoria Temperance League, which instructed the signee (the woman's deceased husband) not to drink rum. The woman indicated to Lomas that she knew of this pledge although she often got drunk. When Lomas inquired into her adherence to the pledge, she declared that she followed it well; she only drank whiskey.[148]

While some Aboriginal women used alcohol as a tangible form of resistance, other women responded differently to its use. Jean Barman includes an account of one woman's apparent frustration with her drunken husband. The third person observation is included in her study of Aboriginal women's experiences in mid-late nineteenth century British Columbia and is quoted thus:

> I saw an Indian woman gesticulating & loudly talking –sometimes as in anger- other times in affliction…A man before her was on the ground. It was her husband. He was intoxicated, not sufficiently but that he knew what he was about…She was reproaching him. She was ashamed of him. She pitied him. She hated him. She feared him. She loved him. What she actually uttered I could not understand but the purpose was plain & all these states and feelings were evident…She stood at a distance and scolded him from afar. She relented & would come back as though to assist him home but on approach his folly created in her disgust & she could not bring herself to aid him.[149]

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[148] "Liquor Up North, Port Townsend Washington," 26 May 1897, in Harold Tuttle Allen, Forty Years Journey: The Temperance Movement in British Columbia to 1900 (Self published, 1981), 71.

[149] Jean Barman, "Invisible Women Aboriginal Mothers and Miced Race Daughters in Rural Pioneer British Columbia," in Beyond the City Limits: Rural History in British Columbia, ed. Ruth Sandwell. (Vancouver: UBC Press, 1999), 163.

Women were often victims of men's alcohol abuse, but it is important to note that they also used liquor for their own purposes. Women who did so, however, were seen as existing outside appropriate gender norms and thus subject to regulation by their families, the Indian agent or the police.

Therefore as the colonial gaze began to increasingly scrutinize the behaviors of ethnic minorities, "drunkenness" became synonymous with "otherness" and therefore a decreasingly acceptable mode of behaviour among both the hegemonic elite and the growing working class. While the Canadian prohibition movement gained momentum in the last decade of the nineteenth century, its support varied by region. In November of 1892 the Royal Commission on the Liquor Traffic conducted interviews in Victoria, Nanaimo, New Westminister and Vancouver. A "respectable drinker," according to Victoria contractor Morris Humber, was defined "as a man who does not get drunk but takes a drink when he wants it."[150] William W. Walkem M.D., defined a "habitual drinker" as a "man who drinks five to six a day and does not get drunk."[151] The doctor did not consider a habitual drinker to be a man "who takes a glass of beer with dinner or has a beer or two three times a day some days."[152] The commissioners found that many of the men interviewed, such as police magistrates, business men, coal foremen and ministers of different denominations, favoured prohibition but thought it would be impossible to enforce. Many of these men also supported the "Sunday Closing" legislation, and believed it was responsible for decreased incidents of drunkenness within

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[150] Canada, Royal Commission on Liquor Traffic 1892, Morris Humber, page 485.

[151] Canada, Royal Commission on Liquor Traffic 1892, William W. Walkem, page 575.

[152] Ibid.

Victoria and Nanaimo. The foreman and chief medical officer of the Vancouver Coal Company suggested to the commissioners that prohibition would benefit miners, and yet neither indicated that the men under their charge drank to the point of affecting their work, even though the latter would often get drunk on pay day. The majority of men interviewed also suggested that the influences of churches and temperance societies were altering public opinion regarding public drinking.

To the disappointment of the "dry" segments of Canadian society, The Royal Commission did not endorse prohibition. Thus temperance advocates continued to push for a national plebiscite on the issue, which Laurier granted in September of 1898. Even though the majority of those who voted supported prohibition, only 278,477 votes out of a possible 1,233,627 were cast by temperance supporters.[153] Of the 10,478 votes cast in British Columbia, 5, 731 votes favoured prohibition. Writing to the head of the Dominion Alliance, Prime Minister Laurier wrote that in the government's judgment, "the expression of public opinion recorded at the polls in favour of prohibition did not justify the introduction by the Government of a prohibitory measure."[154] Thus British Columbia, and the rest of Canada, was unwilling to embrace complete abstinence from alcohol.

Different expectations surrounding Aboriginal and non-Aboriginal drinking remained after the national plebiscite. In 1897 Lomas included one sentence about Aboriginal drinking habits in his Annual Report under the subheading "Morality." He maintained that, "Indians have a good name on the coast for morality," and concluded that "several, however from each band are addicted to intemperance when near the towns,

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[153] Ruth Spence, Prohibition in Canada (Toronto: Dominion Alliance, 1919), 248.

[154] Ruth Spence, Prohibition in Canada (Toronto: Dominion Alliance, 1919), 252.

where liquor is easily procurable." [155] Similar sentiments were recorded in the British Columbia Superintendent's report, which seconded Lomas' spatialization of Aboriginal drinking habits: "Unfortunately in the cities where so many disreputable white men engage in the illegal traffic of supplying [Indians] with liquor the veil still exists and proves a great drawback for their advancement and welfare."[156] It is important to note the ramifications of these two congruous statements. In 1897, Aboriginal intemperance had apparently been reduced and yet alcohol was still easily procurable near towns from "disreputable white men." Firstly, these comments negate Department responsibility for their wards as a result of the issue's spatial dimension. According to Lomas and Vowell, drinking was occurring near the "towns" and "cities," not on the reserve. Aboriginal drinking was occurring in a space that was not under the paternalistic gaze of the Indian agent, but rather the indifferent attitudes of magistrates and other state officials. The comments also bear witness to the equation of moral degeneracy within the urban environment, a notion being espoused by the social purity movement of the day. "Disreputable white men" inhabited these urban spaces and lay outside the punitive hand of the Department of Indian Affairs. Thus the DIA conveniently dismissed their failure to eradicate Aboriginal drinking by situating the problem outside their physical and social jurisdiction.

In the Department of Indian Affairs' 1889 Sessional Papers, Agent Lomas and B.C. Indian Superintendent Vowell included sections in their reports titled "Temperance and Morality." Lomas commented on the decrease in liquor offences from the previous

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[155] Dominion of Canada, "Annual Report 1890," Department of Indian Affairs, (Ottawa: 1890.

[156] Dominion of Canada, "Annual Report 1897," Department of Indian Affairs, (Ottawa: 1897).

year and proudly stated that harsh punishment of liquor traffickers was responsible. Vowell summarized the provincial situation by claiming that

> to a great extent the Indians of British Columbia have sufficient self-control to enable them to sustain temperate habits even when exposed to temptation. Others, unfortunately, who have contracted the desire for the exhilarating effects produced by indulgence in intoxicants give way all too readily....owing to the cupidity of the degraded white man, who for the paltry gain of twenty five cents, will lose no opportunity of...doing a great injury to the ignorant Indian, who is incapable in many instances of distinguishing right from wrong.

Vowell reported that there had been an improvement in "morality prevailing amongst the aborigines...due mostly to the untiring efforts of the missionaries," coupled with observation and education "of the manners and customs of respectable white people."[157] The argument set forth by the Indian superintendent as to the moral superiority of the white population compared with the child-like innocence and vulnerability of the Native population, was picked up and espoused by members of the *Hul'qumi'num* and *Snuneymuxw* communities in their efforts to have William Henry Lomas deposed from his office as Indian Agent.

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[157] Ibid.

V

Inverting the Gaze

While Lomas certainly possessed the power of an observational gaze, the secure structure of Bentham's panopticon was unrealized in the Indian Agent-Indian relationship. The *Snuneymuxw* and *Hul'qumi'num* came to recognize that they were trapped in a position of permanent visibility on the reserve, at Band Council meetings and at religious ceremonies. They were also aware of an "unverifiable" gaze, a gaze that manifested itself in correspondence sent between the local Indian agent and Ottawa. Yet where Bentham's panopticon and the position of Indian agents differ is in the architecture of visibility. Bentham's ideal architectural model of the panopticon inhibits prison inmates and the mentally ill from having visual access to their observers; Indian agents' physical and tangible presence on reserves negates this very important component of Bentham's prototype. Thus the "eye of power" is subject to inversion, and Aboriginal individuals are able to observe the actions and behaviour of the agent. In this scenario, visibility becomes a trap,[158] and the *Hul'qumi'num* and *Snuneymuxw* created their own "eye of power" by observing their Indian Agent's lack of temperance. Thus de Certeau's postulation that tactics of resistance are enacted within an imposed terrain, one which is organized by the law of a foreign power, can be likened to *Hul'qumi'num* and *Snuneymuxw* observations of Lomas' drinking habits. For de Certeau, tactics of resistance are executed "at a distance, in a position of withdrawal, foresight and self-

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[158] Michel Foucault, Discipline and Punish, 200.

collection: it is a maneuver within the enemy's field of vision."[159] By appealing to a common dialect of sobriety and simultaneously highlighting their "Indianess," the *Hul'qumi'num* and *Snuneymuxw* invited outside members of their community to take a closer look at the hypocrisy of Aboriginal tutelage.

In 1888, Jim Wheatson of Quamichan informed British Columbia's Indian Superintendent I.W. Powell of opposition to Lomas' position as Indian Agent. In his letter, Wheatson claimed that Lomas was almost never at his office, but rather at the hotel where they would find him "not any the better for being there."[160] Wheatson argued that he and his supporters "have things against him, [Lomas,]" which are cause for dismissal.

In July of 1888, Powell investigated the charges laid against Lomas. Jim Wheatson testified to seeing Lomas under the influence on two occasions:

> Powell: Can you tell me of any one time you have seen William Lomas drunk?
> Wheatson: On Thursday last I saw him drunk.
> Powell: Have you ever seen him drunk before?
> Wheatson: Yes – when Leo and Kit-see-lum and myself went about a piece of land.[161]

Lomas was given the opportunity to cross-examine Wheatson:

> Lomas: What time of day was it when you saw me drunk (with Leo and Kit-see-lum?
> Wheatson: Midday or afternoon – not the a.m.
> Lomas: Was it when Kit-see-lum and Leo were quarreling?
> Wheatson: That's the time…I did not take part: but Leo said to W.Lomas when Lomas pushed him, "What are you drunk again?"[162]

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[159] Michel de Certeau, "'Making Do': Uses and Tactics," 37.

[160] BCA, Jim Wheatson to I.W. Powell, 05 May, 1888, RG10 vol.3801 f. 48,567.

[161] BCA, I.W. Powell, 29 April 1888, RG10 vol.3801 f. 48,567.

[162] Ibid.

John Kit-see-lum testified that he was present at the incident described by Wheatson but he also testified to never having seen Lomas drunk. Leo on the other hand recollected to having seen Lomas under the influence three times. Leo testified that during the incident in which he was quarreling with Kit-see-lum he smelt whiskey on Mr. Lomas' breath. When questioned about the second incident he told Powell:

> Leo: I do not want to tell any lies…at my place when I was working, Mr. Lomas came over and was very angry and I said "Do not be angry with me. You are my chief," and W.L. was very drunk.
> Powell: Did you smell his breath?
> Leo: No but I could see that he was drunk.
> Powell: How did you know?
> Leo: I saw in his eye that he was drunk – he seemed he wanted to strike me.
> Powell: What third occasion?
> Leo: When I went to his house…and he could not talk properly…I said "you are not right, not to be able to talk," and Mr. Lomas said, "No Leo. I am not."[163]

Other band members defended Lomas' character and his position as Indian Agent. Using Robert James Roberts as a scribe, the Kuper Island Band wrote to Powell regarding "certain rumours," and they defended the "services of [their] worthy and much loved Agent Mr. Lomas," based on his ability to heal the sick and speak their own language.[164] Lomas' own response to the accusations brought against him in 1888 was that they were a result of his refusal to allow Wheatson and his brother Cleu-a-wult- to hold a potlatch. Lomas wrote to Vowell that the complaints were the orchestration of

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[163] BCA, I.W. Powell, 29 April 1888, RG10 vol.3801 f. 48,567.

[164] BCA, Penelakut Chief to I.W. Powell, 10 May 1888, RG10 vol.3801 f. 48,567.

"three or four men whom I have had to punish at different times for taking liquor into the camps."[165]

In his report to the Deputy Superintendent General, Powell made clear his sentiment that the only complaint against Lomas worthy of consideration was the Agent's frequent visitation to the hotel. Yet Powell dismissed the testimony received in favour of his own judgment: "I have never had any proof presented to me...of intemperance, and on the occasion of my visit to Cowichan last week, I was struck by the great respect in which Lomas appears to be held by the Indians, especially the Chiefs whom I met there."[166] Powell takes the position of Lomas and his non-Native defender, Robert J. Roberts, and rather than taking Wheatson's accusation seriously, he attributes the allegations to "ill feeling [about Wheatson's potlatch] and the interest of two to three white settlers." [167] In July of the same year, Lomas informed Powell that a white man named Owens had incited some of the "Indians" to make a complaint against their Agent, and "the same person had been convicted of supplying liquor to the Indians and fined $100 and three months hard labour."[168]

Powell seems to have made his decision irrespective of convincing testimony both in favour of and against Lomas. Rather, he seems to have based his convictions upon pre-

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[165] BCA, W. H. Lomas to I.W. Powell, 03 June 1888, RG10 vol.3801 f 48, 567.

[166] BCA, I.W. Powell to the Superintendent of Indian Affairs, 07 June1888, RG10 vol.3801 f. 48,567.

[167] Ibid.

[168] BCA, I.W. Powell to the Superintendent of Indian Affairs, 12 July 1888, RG10 vol.3801 f. 48,567.

conceived assumptions that "Indians" were troublemakers incapable of acting of their own will, and easily influenced by self-interested white men. Noel Dyck argues that the DIA interpreted egalitarianism not as a function of equality between all persons, but as a philosophy that "permits one to look down on others but not to look up."[169] Because the relationship between Lomas and those who opposed his authority was based on an implicit inequality, the DIA would effectively undercut institutionalized tutelage if it admitted to one of its servant's moral duplicitousness. Dyck claims that the defense and celebration of the preferred values of a civil society was implicit to the "othering" of Aboriginal people. Public sentiment of the period revealed:

> There are only two ways of governing an uncivilized people: first, by the strong hand, looking to immediate annihilation...and second, by treating their removal as an ordination of providence...and making their gradual disappearance as imperceptible as possible by the active exercise of those Christian doctrines vaingloriously dwelt upon by those who have come to supplant the Indian.[170]

Lomas endorsed his position based on similar ideas. In a defensive letter to the Superintendent, Lomas reminded his superior that the duties of an Indian Agent, "if properly carried out, place[s] him in opposition to a certain class of white people as well as Indians."[171] Public opinion required members of the government "to step between the two sections of the population...and see that justice is done and protection given to both parties; this is their great and inalienable duty and one which there can be no possible

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[169] Noel Dyck, What is the "Indian Problem?" 14.

[170] The Daily British Colonist and Victoria Chronicle 18 May 1869.

[171] BCA, W.H. Lomas to A.W. Vowell, 5 February 1897, RG10 vol.3801f. 48,567.

excuse for neglecting."[172] Lomas suggested that in no way had he neglected such a duty, but the enforcement of fishery regulations, the Provincial Game Acts and Potlatch legislation was "certain to affect some person who then thinks he has a grievance and is ready to get up a complaint about the agent."[173]

Four years after the first investigation into Lomas' drinking habits the Deputy Superintendent General remarked that Aboriginal constables were being appointed (upon recommendations from their Indian Agents) "with a view to the prevention of the introduction of intoxicating liquor." Not only was it thought that the measure taken would result in "the repression of the vice of intemperance amongst Indians," it would also "bring to justice parties guilty of selling intoxicants to [Indians]," and "diminish other breaches in the law on Indian Reserves so situated that they are specifically exposed to the aggressions of evil-disposed white men." Not only does this argument reveal a paradox in Lomas' defense of his own conduct, it more thoroughly complicates shifting definitions of "white" and "Indian". According to Lomas, Indians were trouble-makers incapable of acting of their own will, and easily influenced by self-interested white men. He relayed similar sentiments in a *Daily Colonist* article published in 1886 which attributed the failure of advancing the 'Native race" to "judging and treating Indians by European standards, forgetting that though the Indian is a close reasoner, his character is a mix of child like suspicion, credulity and selfishness."[174] The entire panoptic process as established by the reserve system - buttressed by coercive legislation and enforced by the

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[172] The Daily British Colonist and Victoria Chronicle 18 May 1869.

[173] BCA, W.H. Lomas to A.W. Vowell, 5 February 1897, RG10 vol.3801f. 48,567.

[174] The Daily British Colonist, "The Indians of British Columbia," 14 April 1886.

Indian agent - juxtaposed "Indian" with "European standards" in order to measure the reduction of the former and the inheritance of the latter in all those whom the federal government defined as "Indians." Not only does Lomas' commentary virtually undermine his role in Aboriginal tutelage and negate any possibility of assimilation, it contradicts sentiments of DIA officials who deemed Aboriginal constables as more capable of ascertaining guilt than if "a white man were to hold the office."[175] Lomas' comments obscure otherwise rigid classification systems that position Aboriginals as incapable of managing their own affairs and Euro-Canadian bureaucrats as experts in hegemonic practices and values. By suggesting that Aboriginal constables may be more effective in curbing Aboriginal drinking habits, the Indian agent's position as the authoritative model for appropriate alcohol consumption becomes a contested site for power and control.

In her investigation of legislative power, Tina Loo suggests that the use of argument and rhetoric are essential components in understanding the functional nature of the law's authority. Loo explains the act of arguing as a way of organizing experience and suggests that argumentation is used to make others think and act in ways similar to ourselves.[176] She also maintains that arguments are "self-consciously created by the teller," and that effective arguments require an understanding of the audience to which the argument is presented, as well as a manipulation of the argument so that it "evokes certain sensibilities in the audience that forge a connection between" audience and

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[175] Department of Indian Affairs Annual Report, Sessional Papers no. 12, 1890, xiv.

[176] Tina Loo, "Dan Cranmer's Potlatch: Law as Coersion, Symbol and Rhetoric in British Columbia, 1884-1951," Canadian Historical Review 43.2 (1992), 133.

arguer.[177] Loo's analysis of argument parallels Mikhail Bakhtin's concept of "dialogism," in which "the speaker seeks to orient his discourse...in relation to the horizon of the other, the one who does the understanding."[178] The *Hul'qumi'num* used the *Times Colonist's* editorial authors' appeal to Christian doctrines - such as honesty, temperance and work ethic - to arouse the sensibilities of Departmental officials, create a horizon of understanding, and portray Lomas as existing outside these doctrines. When questioned by Superintendent Powell in 1886, Leo appealed to Judeo-Christian value sets including honesty, restraint and abstinence by inversely appealing to antonyms of the same qualities. He told Powell that "he did not want to tell lies," that Lomas looked as if he may be violent, and that the same also knew that his condition was not acceptable. Leo capitalized on Euro-Canadian perspectives of Aboriginal peoples as dishonest, prone to violence while under the influence and incapable of self-restraint and appropriated the power of such conceptions by aligning them with Lomas. In his own defence, Lomas reminded the DIA that his position was merely one in a mutual relationship of Dominance and Resistance, thus undercutting *Hul'qumi'num* allegations as inconsequential griping.

In 1897 members of the *Snuneymuxw* band made similar complaints about Lomas' character. British Columbia Indian Superintendent A.W. Vowell, who replaced Powell in 1899, received letters detailing scenarios of inappropriate behaviour such as an incident at South Saanich where Agent Lomas "was drunk and trying to look after the

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[177] Tina Loo, "Dan Cramner's Potlatch," 134.

[178] Quoted in John Lutz, "Makuk: Work and Welfare in Aboriginal-White Relations," mss.

Indians."[179] A man named Kulimalt claimed that Mr. Lomas fell out of a fishing boat as a result of his inebriation, and his intoxication was so severe that "all the Indians were making fun of him at the time."[180] The letter concludes by informing Vowell that Lomas "slept off his drink" at Chief Harry's lodging.

Chief Louis Skinahan Good instigated the 1897 complaints, and he provided a variety of testimonies, including the latter given by Kulimalt, as evidence of Lomas' addiction to drink. In a memorandum to DIA Secretary Duncan Campbell Scott, the acting secretary of the Lomas Case, G.M. McLean, provided a synopsis of evidence as obtained through letters received by various protestors, as well as interviews between A.W. Vowell and individuals who had filed complaints. It is recorded that Reverend E. Robson supported the *Snuneymuxw* peoples' accusations, he himself having considered Lomas to be drunk based on the smell of liquor on the Agent's breath, and two young teachers had "complained that [the] Agent used to smell so strongly of liquor that Indian children noticed it."[181] Those listed as supporting a rebuttal to the charges included Johnny Layah, Sam Quamichan, Chief Jacob, Albert Westley, R.G. Wellwood (Methodist Missionary), and Billy Yahklum. The Department had also received petitions from twenty-two Cowichan and forty-six Penalkut stating their desire to keep Lomas as their Agent.[182]

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[179] BCA, Kulimalt to A.W. Vowell, 20 January 1897, RG10 vol.3801 f. 48,567.

[180] Ibid.

[181] BCA, Memorandum to Duncan Campbell Scott from Acting Secretary McLean, 09 April 1897, RG10 vol.3801f. 48,567.

[182] Ibid.

The Memorandum cites the following specific evidence as pertaining to Lomas' drinking habits:

> 1st being under the influence of liquor on day of last Dominion Elections William Moloquin was away from home on election day; when he returned he found a fence post of his had been broken and was told the Agent did it- that he had been drinking – made a blow with an axe – seemed to miss the handle...Peter Pelkenum witnessed [the incident]...Chief Louis Good met agent with Mr. Galloway on Election Day – agent spoke to him – smelt like liquor...Chief's daughter says Agent called at their house on election day and he smelt strongly of liquor.[183]

It could be speculated that Chief Good and his supporters chose Dominion Election Day as a specific example of Lomas' indiscretion to increase a level of understanding between themselves and DIA officials. The S*nuneymuxw* certainly recognized that intoxication was an inappropriate behaviour for a government agent. In a letter that alluded to the earlier investigation of 1888, Chief Good stated: "It was a pity that Mr. Lomas did not take up warning and give up drinking after that trial, but for years he has been a heavy drinker of liquor that the Indian Act punishes the Indians for using and by drinking so much liquor he has often been unable to do his duty as Indian agent."[184] Good specifically highlights the hypocrisy of the situation. The government prohibits Aboriginal people from consuming alcohol and hires individuals to ensure the latter doesn't occur. However, the government's representative not only consumes alcohol, but does so in quantities which seriously limit his ability to ensure his wards are not engaging in similar behaviour. The word "duty" may have appealed to departmental paternalism and drawn

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[183] Ibid.

[184] BCA, Louis Skinnahan Good to A.W. Vowell, 5 January 1897, RG10 vol.3801 f. 48,567.

attention to Good's role as chief in his community. By writing a letter suggesting that Lomas has repeatedly neglected his responsibilities of leadership, Good demonstrates he is fulfilling his duty of providing a suitable role model and leader for his people. Perhaps Good also realized the significance of exhibiting the latter behaviour on a day devoted to the celebration of civilized governmental process. The earliest mention of Aboriginal enfranchisement in Canada was the 1857 Act for the Gradual Civilization of the Indian Tribes of the Canadas.[185] In 1869 the federal government altered the1857 Act by adding a 'blood quantum' provision, yet the objective for gradual enfranchisement remained the same. While First Nations were banned from participating in Provincial elections, the federal government continued to pass legislation regarding Aboriginal enfranchisement.[186] In her investigation of contemporary racial tension between Aboriginal and non-Aboriginal citizens, Elizabeth Furniss makes the following observation:

> when groups are engaged in relationships that are partly conflictual and partly collaborative, challenges to the inequal and injustices within those relationships will be couched in language judged to be relevant and legitimate to the party in power. As a result, much of peasant resistance seeks not to criticize the terms of a dominant culture, but to bring about redistribution of power by making appeals to key values, morals and normative rules and by illustrating how those in power have failed to live up to certain standards of conduct. Oppositional discourse…is essentially a normative discourse that strategically manipulates the contradictions between ideal and actual behaviour while implicitly affirming key aspects of this dominant culture.[187]

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[185] Olive P. Dickason, Canada's First Nations: A History of Founding Peoples from Earliest Times (Toronto: Oxford University Press, 1997), 225.

[186] Olive P. Dickason, Canada's First Nations, 235.

[187] Elizabeth Furniss, "Culture and Colonialism in Rural BC," The Burden of History, Colonialism and the Frontier Myth in a Rural Canadian Community (Vancouver: UBC Press, 1999), 15.

By accusing Lomas of drunken conduct on Dominion Election Day, the *Snuneymuxw* may have purposely elicited an appearance of respect for governmental process, an argument that would have appealed to the sensibilities of government officials.

Unfortunately, even if *Snuneymuxw* arguments did precipitate empathy from Lomas' superiors, the DIA dismissed allegations. Based on Mr. Galloway's and D.G. Dailey's (the barber at Nanaimo), claims that the Agent was not under the influence of liquor, as well as apparent "evidence to discredit Chief Good's character," Mr. Vowell is cited as stating that "no instance of any serious neglect of duty on account of excessive indulgence in liquor has been proved against Mr. Lomas."[188] Vowell did admit to "evidence suggest[ing] the idea that Mr. Lomas is one of those men who can habitually make the use of stimulants without thereby appreciably impairing their capacity for work - unless upon very rare occasions when they indulge excessively."[189] McLean concluded his report by indicating that direct charges were mostly contradicted by counter statements of "favourable consideration" and that the only charge not rebutted was that of Rev. M. Spencer who had testified to having witnessed Lomas drunk in the Quamichan Office. McLean concludes his memorandum with the suggestion that Lomas be seriously warned about his conduct, and unless the Minister considered the Agent's effectiveness to have expired, that Lomas be allowed to continue his duties as Agent.

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[188] BCA, Memorandum to Duncan Campbell Scott from Acting Secretary McLean, 09 April 1897, RG10 vol.3801f. 48,567.

[189] Ibid.

Just after the closure of the 1897 investigation, Methodist Minister Charles Montgomery Tate wrote to Deputy Superintendent General J.A. Smart (thus bypassing departmental hierarchy) and indicated that he had admonished Agent Lomas for his drinking habits and that evidence had been sent to the department regarding the latter. In his letter Tate feigns surprise by Smart's admission that he had no knowledge of the case and the former confidently surmised: "evidently the matter had gone no farther than Victoria office and no doubt will be forthcoming at your request."[190] Approximately one week later, Smart wrote to Vowell referring to McLean's report and to inform Vowell that "since the receipt of that report the Department has been informed on what appears to be good authority that Mr. Lomas is a man who is strongly addicted to drink and that he has been under the influence of liquor on the Reserve." Smart reminds Vowell that if Lomas "is a man of this character he is certainly unfit for the position, and we are, therefore anxious to know from you, by a definite statement, whether Mr. Lomas is addicted to drink or not."[191] Vowell replied ten days later, agreeing with Smart that a man addicted to drink is not a "proper person for the position" of Agent and referred his superior to a statement in his report, citing that "Mr. Lomas, no doubt, as many other do, indulge occasionally in strong drinks etc and this statement I am prepared to repeat at anytime."[192] Vowell maintains that ample notice was given to any who wished to make a case against Lomas and that nothing was withheld from his own report. Vowell

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[190] BCA, C.M. Tate to J.A. Smart, 27 July 1897, RG10 vol.3801 f. 48,567.

[191] BCA, J. A. Smart to A.W. Vowell, 5 August 1897, 10 July 1899, RG10 vol. 3801 f. 48,567.

[192] BCA, A.W. Vowell to J.A. Smart, 16 August 1897, RG10 vol. 3801 f. 48,567.

reminded Smart that he knows "so well from experience" that "very often evil reports are circulated which upon investigation are found to be nothing like what they have been made out to be."[193] There is a hint of defensiveness in the letter, both in Vowell's repeated statements about the comprehensiveness and accuracy of his report as well as his careful legitimization of Smart's opinions on intemperance. Vowell's letter attempts to carefully distance himself from possible implications of ineptitude regarding the Lomas investigation while simultaneously reminding his superior of the precarious position many members of the department find themselves; his comments on hearsay and "evil reports" attest to the Department's prior unwillingness to concede to legitimate complaints in order to protect their employees. And yet despite his initial refrain from making a personal verdict on the Agent's drinking, his allusion to hearsay and his comments that other men engage in similar habits, Vowell confirms *Hul'qumi'num* and *Snuneymuxw* allegations by concluding his letter thus: "Mr. Lomas I am of opinion, is a man who all his life, pretty much, has been accustomed to drink beer and liquor, and is certainly addicted more or less to such indulgences."[194] Both Vowell and Smart clearly state that a man addicted to drink is unfit for the position of Indian Agent. According to Vowell, he was addicted to drink, and therefore unfit. Apparently being addicted to drink was unfit, but not unfit enough to be fired.

Perhaps not surprisingly, similar complaints about Lomas' insobriety were forwarded to the Department of Indian Affairs in 1899. In June of the same year,

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[193] Ibid.

[194] Ibid.

Methodist missionary Charles Montgomery Tate complained, again to Mr. Smart, that Lomas frequented the Nanaimo reserve in a state of intoxication.[195] Tate also wrote a letter on behalf of Sharqueset of Comiaken, suggesting that when Sharqueset and Chief Sa-heelton visited the Indian office regarding a land dispute Mr. Lomas was drunk and abused both men. Lomas denied Tate's allegation and provided the Department with a letter from one Geo R. Raymond on his behalf. [196] In relation to Sharqueset, Lomas claims that there had been a history of quarrelling between Sharqueset and Toosheley over land and that his role in mediating the dispute most likely had incited the complaints against his character.[197]

This third incident moved A.W. Vowell, with the support of his superiors, to request that evidence received in another Lomas investigation be taken on oath. Clifford Sifton, Superintendent General of Indian Affairs enabled Indian Superintendent Vowell to "summon by subpoena...any person or persons and to examine such a person or persons under oath in respect to any matter affecting Indians."[198] These more drastic measures may have resulted from a variety of impetuses. However, because of the lag in correspondence between Vowell and his superiors, the investigation into Lomas' drinking was significantly delayed. Vowell's annual trips to the Kootenays and Chilcotin country

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[195] BCA, Charles Montgomery Tate to Deputy Superintendent of Indian Affairs J.A. Smart, June 1899, RG10 vol. 3801 f. 48,567.

[196] BCA, Geo R. Raymond per W.H. Lomas, 10 July 1899, RG10 vol. 3801 f. 48,567.

[197] BCA, W.H. Lomas to A.W. Vowell, 4 September 1899, RG 10 vol. 3801 f. 48,567.

[198] BCA, Clifford Sifton, 16 July 1899, RG10 vol. 3801 f. 48567.

also delayed the investigation. In November of 1899, William Henry Lomas committed suicide. The investigation into charges laid against him was closed.[199]

No conclusive evidence exists to explain why Lomas took his own life. The Victoria newspapers ran an article, "in connection with the mystery surrounding Mr. Lomas' unhappy end," which attempted to provide an

> emphatic contradiction to the rumour that his suicide was in any way influenced by the irregularities in his business affairs. On the contrary, the most careful audit of his books goes to show that they were carefully and accurately posted to the very day of his death, and that instead of being in any way indebted to the government in whose service he had been for so many years, he was himself a creditor.[200]

I propose that Lomas took his own life to protect his professional integrity. While *Hul'qumi'num* and *Snuneymuxw* allegations as to his drinking habits were dismissed by his superiors, Lomas may have been worried about a third investigation. He had recently been acquitted of criminal charges laid against him by a Duncan settler, and the circulars pertaining to the incident indicate a growing concern over his abilities. Resentment certainly existed between Lomas and Tate, as *Hul'qumi'num* often visited the latter for help and advice. Tate's diary entry from 16 October 1899 shows the extent to which Tate trespassed on Lomas' duties as Agent:

> Spent the morning with some Indians at home. One man has difficulties about his land. A woman is in trouble about a report the sailing schooner is missing with her son on board. Two others wanted medicine.

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[199] BCA, McLean to Vowell, 16 November 1899, RG10 vol. 3801 f.48,567.

[200] The Daily Colonist, 08 November 1899.

> In the afternoon I visited some of the Somenos Indians and gave an order to George to get some lumber for seats, for our services which we hold in his house. Helped Charley raise the kitchen.[201]

Lomas wrote to Vowell in July of 1899 and intimated that "some two years ago I had a few words with the Rev. Gentleman when I had to tell him that as I was the party responsible for carrying out the Indian Act and I could admit no interference on his part."[202] Tate's involvement in everyday affairs on the Cowichan reserve is not unusual for a missionary, but Tate may have won *Hul'qumi'num* support from Lomas, especially if Lomas' liquor habits were seriously affecting his ability to perform his duties as Indian Agent.

Tate summarized his reactions to his position as Chief Missionary at Cowichan in a brief report written in his later years. He claimed that 1899

> was one year of very great trial on account of so much opposition from the Indian Agent, the Catholic priests, some protestant white people who said it was too bad to oppose the Catholics who had been here so long; and from a few of the Indians who were instructed by the priests; but the majority of the Indians were highly pleased with the appointment, and no difficulty was found in getting congregations in all the villages.
>
> The Indian Agent was more often drunk than sober, and the Catholic Priest in charge was frequently in like condition. On one occasion he was so drunk he fell out of his buggy, and was dragged home by an Indian, who on the way took the bottle of liquor out of the Priest's pocket, and he too got drunk. In fact, drunkenness was so universal, so much that when I asked who were the sober Indians, the Indian replied with a laugh that all the Indians drank, both men and women.[203]

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[201] BCA, C.M. Tate, Private Diary, 16 October 1899, ADD MSS 303 Box 2 File 8.

[202] BCA, W.H. Lomas to A.W. Vowell, 12 July 1899, RG10 vol. 3801 f. 48,576.

[203] BCA, C.M. Tate, Cowichan Indian Mission, n.d. Add.MSS 303 Box 1 File 9.

Lomas may have feared that the Department would not dismiss Tate's accusations as swiftly as they had rejected *Hul'qumi'num* and *Snuneymuxw* complaints. Even though the *Snuneymuxw* and *Hul'qumi'num* had presented convincing evidence, their position as Subordinate in the D/S relationship overpowered their claims. Tate, on the other hand, was not Aboriginal, nor subordinate, and even though his objection to Lomas' position as agent paralleled arguments espoused by his Aboriginal counterparts, his argument was more powerful and more threatening. Neither evidence nor rhetoric persuaded DIA officials to contemplate Tate's complaints against Lomas seriously; Tate's racial and professional profile were far more convincing. For the DIA, a missionary possessed far more authority on proper temperance habits than "Indians." The Department of Indian Affairs was simply unwilling to allow the Subordinate voice to outweigh the voice of the Dominator. Subordinate voices were only taken into serious consideration when supported by a member of the Dominating group.

Much like the protagonist in Margaret Atwood's acclaimed poem, "Progressive Insanities of a Pioneer," William Henry Lomas attempted to impose his authority over a landscape and a people that refused to submit. In Atwood's poem, "Things/ refused to name themselves/ refused to be named."[204] The *Hul'qumi'num* and *Snuneymuxw* peoples refused to exist within a relationship of Domination and Subordination as an inert and wholly subject people. Instead, they inverted the powerful gaze of panopticism and created a mode of argument wherein cultural values could be negotiated. These modes of resistance may not have moved the DIA to depose Lomas from his position as Indian

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[204] Margaret Atwood, "Progressive Insanities of a Pioneer," in 15 Canadian Poets x2, Gary Geddes ed., (Toronto: Oxford University Press, 1990) 401.

Agent, but they ultimately diminished his authority and power. Both Lomas and the pioneer in the poem foresaw their failure – "and in the end/ through eyes/ made ragged by his/ effort, the tension/ between subject and object,"– consumed them both.[205]

[205] Ibid.

VI

Conclusion

"Henceforth," Coyote said, "there will be two times. There will be the time when things happen, and there will be the time from which we remember those things. The old Ones will leave their things to be found, to teach people today their lesson."[206]

Award winning scholars Robin Brownlie and Mary Ellen Kelm posit that historians must be careful of writing about Aboriginal agency in a way that "mitigates and nullifies" the negative impacts of colonization.[207] Written during their own graduate studies in history at the University of Toronto, the article titled "Desperately Seeking Absolution: Native Agency as Colonial Alibi" specifically accused fellow historians Douglas Cole and Ira Chaikin, J.R. Miller, and Tina Loo of authoring works that could be viewed as invalidating the injurious effects of colonial policies on Aboriginal people. Miller's reply to the aforementioned article suggested that Brownlie and Kelm were more concerned with intention than effect, and that they had missed the entire point of his essay, which sought to eradicate confusion between the goals of the state and its practical consequences. Kelm and Brownlie emphasize that government "policies had the potential to become the coercive instruments they were meant to be," and that "this threat alone is significant and cannot be ignored."[208] The threat cannot be ignored, nor can the

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[206] George Nicholas, "Coyote Creates the Past," in Coyote U: Stories and Teachings From the Secwepemc Education Institute edited by P.J. Murphy, George P. Nicholas and Marianne Ignace, (Penticton: Theytus Books, 1999), 93.

[207] Robin Brownlie and Mary Ellen Kelm, "Desperately Seeking Absolution: Native Agency as Colonialist Alibi?" Canadian Historical Review 45:4 (1994).

[208] Robin Brownlie and Mary Ellen Kelm, "Desperately Seeking Absolution," 549.

diverse effects that these policies actually had on Aboriginal people. The introductory paragraph of this thesis claims that policy and practice are not symmetrical, but exist with a dynamic paradigm of power. As evidenced in chapter three, many Aboriginal inhabitants of the Cowichan Indian Agency were rarely in contact with Indian Agent Lomas, while the residents at Quamichan were as much under his observation as he was under theirs. Chapter four highlights how Aboriginal drinking habits were observed, scrutinized and responded to differently than other ethnic groups and how many Aboriginal people were all too well aware of the coercive practice of Aboriginal prohibition. In response to Kelm and Brownlie's critique of his own article, J.R. Miller reminds historians of the concurrent dangers associated with emphasizing Aboriginal victimhood: "Accounts that stress the victimization of Aboriginal people by the state run the danger that sloppy judicial readers will conclude from their analyses that the government succeeded in eliminating certain Aboriginal rights."[209] According to Cole Harris, "Native people resisted in every way they could within an equation of power balanced overwhelmingly against them."[210] Harris notes that studies devoted to recognizing ways in which Aboriginal people have "continued to act in their own interests" are a "welcome corrective to [Aboriginal people's] effacement in studies that have treated the contact process as a 'fatal impact.'"[211] Yet Harris reiterates that while Aboriginal people have continued to fight and survive, they have had to do so against "the apparatus of the state settled over them" and "by complexes of power against which

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[209] J.R. Miller et al, "Notes and Comments - Desperately Seeking Absolution: Responses and a Reply," Canadian Historical Review 76.4 (1995): 638.

[210] Cole Harris, Making Native Space (Vancouver: UBC Press, 2002), 206.

[211] Ibid.

they were relatively defenseless and which, whatever they tried to do, had the capacity to marginalize them quickly in their own territories."[212]

This project by no means wishes to minimize the negative effects that Department of Indian Affairs' policies and practices have had on the *Hul'qumi'num* and *Snuneymuxw* people. However, it does seek to contradict popular historians' claims that these nations' ancestors "did not resist" incursion on their territory nor fight for their intrinsic human and cultural rights. Not only do claims against Lomas' drinking habits clearly demonstrate a carefully constructed dialogic of resistance, but other acts of resistance can be found in the heteroglossia of historical records. Whether cleverly making the distinction between various liquors (as in the case of the woman who refused to adhere to her deceased husband's temperance oath), building fences, planting potatoes, or refusing to attend Kuper Island's industrial school, men, women and children actively resisted political and social control. Despite the various tactics the government took to undermine Aboriginal rights, the *Hul'qumi'num* and *Snuneymuxw* found various tactics of resistance in an attempt to reassert their authority and have their voices heard in a society and system that repeatedly chose to ignore them.

It is also important to note that while a singular man is at the center of this investigation into Aboriginal resistance, it does not mean to celebrate "pioneers" as autonomous individuals without recognizing the overarching structures of colonial power. Rather than "eras[ing] from history the coercion and oppression of Aboriginal peoples," which has been a central element to the settlement of Canada, this thesis aims to highlight the complex web of political, economic and social marginalization of

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[212] Ibid.

Aboriginal people while simultaneously demonstrating both their intent and success at finding holes and spaces within these structures.[213]

In their critique of Tina Loo's article about the circumscription of anti-potlatch legislation, Brownlie and Kelm are apt in reminding readers that Dan Cranmer and other participants were punished under the law and thus "learned the culture of the Euro-Canadian system was [and is] unwilling to accommodate the viewpoint of Aboriginal people."[214] Despite three investigations and convincing evidence regarding Indian Agent Lomas' addiction to drink, DIA officials continued to ignore and undermine *Hul'qumi'num* and *Snuneymuxw* concerns over the man appointed to represent them. Sadly, Brownlie and Kelm's assertion holds true for this case study too, but to ignore these carefully constructed acts of resistance and acquiesce to a belief that the system may (or may not) be continually characterized by deafness denies these peoples' voices and the necessity for listening to them. *Hul'qumi'num* and *Snuneymuxw* concerns were made intelligible to DIA officials through the appropriation and inversion of Victorian codes of morality; the DIA listened, and heard, but chose not to act. It is important as contemporary citizens that we listen, hear and act.

Finally, this thesis seeks to indirectly demonstrate how historical legislation surrounding Aboriginal drinking habits has in the past fueled, and presently continues to support double standards surrounding the use of alcohol by Aboriginal and non-aboriginal individuals and communities. Mariana Valverde's socio-historical study

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[213] Elizabeth Furniss, "Mobilizing History," The Burden of History, Colonialism and the Frontier Myth in a Rural Canadian Community (Vancouver: UBC Press, 1999), 93.

[214] Robin Brownlie and Mary Ellen Kelm, "Desperately Seeking Absolution," 555.

entitled *Diseases of the Will: Alcohol and the Dilemmas of Freedom* investigates North American and British conceptions of alcohol use and individualism. Valverde writes that "Liquor laws governed racial status as much as, and perhaps more effectively than, they governed drinking" and that "Aboriginal prohibition had a profound impact on instituting binary racial formation."[215] In her account of the relationship between colonialism and the status of alcohol in Aboriginal and non-aboriginal communities, Elizabeth Furniss notes "status domination occurs through the forcible ascription of negative identities. One of the most common of these imposed identities is that of the 'drunk Indian.' So pervasive is this stereotype that on occasion sober Aboriginal people are perceived by Euro-Canadians as drunks."[216]

Sadly, this binary racial formation is propagated in high school Social Studies curricula. Furniss briefly studied the portrayal of Aboriginal people in two high school textbooks approved by the British Columbia Ministry of Education. As a high school teacher myself, I have had to use one of these textbooks and despite the introduction of more recent resources, the two in which Furniss found little to be desired continue to be used. In the grade ten text published in 1989 and entitled *Our Land: Building the West,* Furniss found the most "vitriolic treatment of the Indian-alcohol relationship" in a section entitled "The Whisky Trade." The text suggests that "for bottles of cheap rotgut" Aboriginal people traded valuable items including "buffalo robes, furs, horses, food and even their wives and daughters." The text presents disease and malnutrition, not poverty

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[215] Mariana Valverde, Diseases of the Will: Alcohol and the Dilemmas of Freedom (Cambridge: Cambridge University Press, 1998), 164.

[216] Elizabeth Furniss, "Mobilizing History," 129.

and dislocation, as the effects of "alcoholism," which "interfered with traditional hunting and food gathering activities." [217] Further adding to these misconceptions, the authors of the 1992 award-winning *Canada Revisited,* juxtapose – perhaps unwittingly- these two sentences: "There was no one to arrest and punish people who robbed and murdered. There was no one to stop the Americans from selling whiskey to the Native peoples and others living in Canada."[218] The equivocal connection between these two statements implies that crimes such as murder were as heinous and of equal magnitude as Aboriginal imbibing. The most recent of grade ten textbooks, published in 1999, focuses on social history as opposed to political history, and yet its treatment of the liquor trade is most similar to that of its earliest precursor. Written by four authors, one of whom taught at the high school I attended and possessed a doctorate degree in political science, *Horizons* also attributes the liquor trade primarily to American fur trading companies. While the use of alcohol undoubtedly negatively affected various individuals and communities, this most recent of texts fails to evaluate how decreasing buffalo populations coupled with increasing immigrant populations and epidemics, as well as newly enacted legislation that effectively reduced Aboriginal people to the same status as children and other non-

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[217] Vivien Bowers and Stan Garrod, Our Land: Building the West, ed. Peter Messiah (Toronto: Gage Education Publishing Co., 1989), 187. As found in Elizabeth Furniss, "The Landscape of History," The Burden of History, Colonialism and the Frontier Myth in a Rural Canadian Community (Vancouver: UBC Press, 1999), 59.

[218] Penny Clark and Roberta McKay, "NWMP Reasons for Formation," In Canada Revisited (Edmonton: Arnold Publishing, 1992), 244.

citizens, contributed to the disruption of Aboriginal communities.[219] Not one of the textbooks discusses different cultural approaches to alcohol nor investigates the various reasons why individuals and communities chose to use alcohol. It is hypocritical of the BC Ministry of Education to expect students to describe "the interaction between Aboriginal people and Europeans" as well as "contributions made by Aboriginal people, the French, and the British to the development of Canada" without providing resources that adequately analyze unequal legislations as mandated by the Canadian government and the Department of Indian Affairs.[220]

According to Gilbert Quintero, colonial forms of Aboriginal drinking

a) created and standardized oppositions based on perceived biological, racial and cultural oppositions
b) were systematically used to disempower Indians by characterizing them as dysfunctional and or weak
c) continue marginalized and colonized status[221]

Whether alcohol is viewed as a disruption of the "Noble Savage" stereotype or whether it is used to define Aboriginal people as inherently inferior and primitive, "alcohol was a key means of constructing Indians within a colonial intellectual space."[222] This thesis attempts to illustrate the ways in which *Hul'qumi'num* and *Snuneymuxw* peoples sought

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[219] The 1997 publication of *Challenge to the West: A Canadian Retrospective from 1815-1914,* does not make as disingenuous statements as the other three discussed in the body of this conclusion, the authors again focus on the illegality of the alcohol trade in the North West Territories without discussing the history of such legislation. *Challenge to the West* does however discuss the starvation and illness that many Prairie people faced, without linking the former with alcohol use.

[220] BC Ministry of Education, "Prescribed Learning Outcomes: Social Studies 10," Curriculum Branch, 1997. http://www.bced.gov.bc.ca/irp/ss810/apa3.htm

[221] Gilbert Quintero, "Making the Indian: Colonial Knowledge, Alcohol and Native Americans," American Indian Culture and Research Journal 25:4 (2001): 58.

[222] Gilbert Quintero, "Making the Indian: Colonial Knowledge, Alcohol and Native Americans," 59.

to deconstruct and invert these stereotypes in an attempt to erase dichotomous definitions, or at least shift the boundaries.

One of the tales in Madrona Holden's 1976 article about the satirical portraiture of white people in Coast Salish folklore bears a remarkable connection to the situation of Indian Agent Lomas and members of the Cowichan Indian Agency. In this tale, as recorded by ethnographer Franz Boas, an individual who attempts to "straighten out the world" actually gets himself "straightened out."[223] Transformer, the protagonist of the tale, trades for a headpiece, which forces him to "go through all sorts of contortions in order to undo his own reformation."[224] Transformer is actually forced to turn to someone else to "fix" his "own fixing" activity. He therefore becomes a character whose purpose is to question and challenge the cultural or moral authority of the Transformer figure. If we insert Lomas into the role of Transformer, it could be said that he dons a metaphorical hat of assimilative authority. This hat gives him power to observe and restructure Aboriginal cultures, societies, economies and - in the case of this thesis – drinking habits. Yet, despite Lomas' attempts to "straighten out the Indians," he himself became "crooked" (perhaps quite literally if he was as addicted to drink as suggested by this case study) and this "crookedness" was systematically observed by those whom he was supposed to be observing. Unfortunately for Lomas, "the necessity for the 'straightner,' [who faces] the consequences of his own trade" does not end in his "finding someone to

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[223] Franz Boas, as cited in Madrona Holden, "Making All the Crooked Ways Straight: The Satirical Portrait of Whites in Coast Salish Folklore," *American Folklore* (1976): 277.

[224] Ibid.

'straighten him out,'" but ends in his suicide.[225] While *Hul'qumi'num* and *Snuneymuxw* individuals were able to inhabit spaces outside Lomas' observational gaze, it was much more difficult for Lomas himself to find such refuge in the distorted panoptic mechanism focused at his office at Quamichan.

The variable interstices of power that the *Hul'qumi'num and Snuneymuxw* sought to appropriate open new trajectories of dialogue about Aboriginal resistance. As a student, scholar and teacher, I feel that it is imperative to bear witness to the frequently discordant voices of the old ones scattered throughout this piece of writing. History is a symphony of their whispers. Listen

[225] Ibid.

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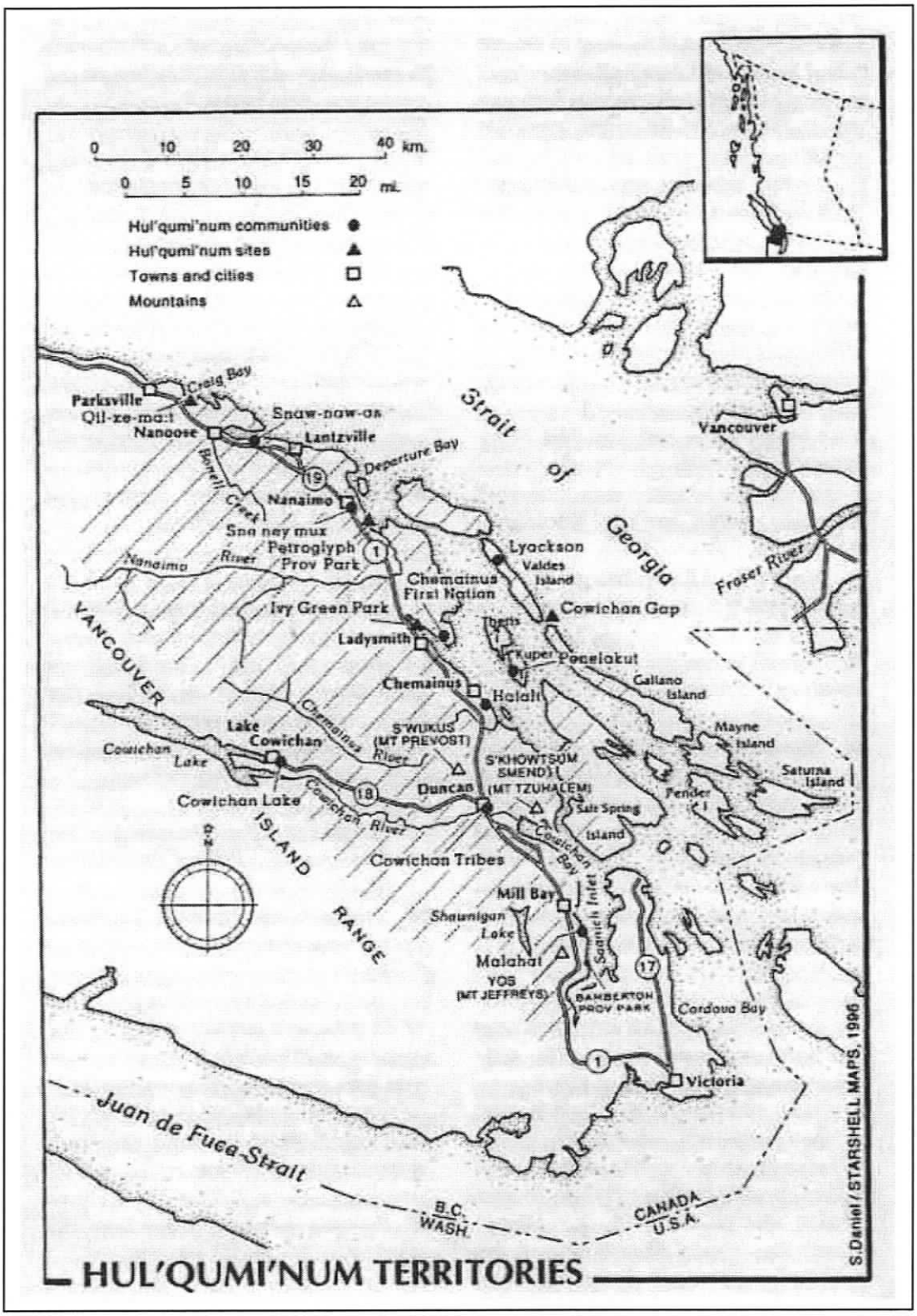
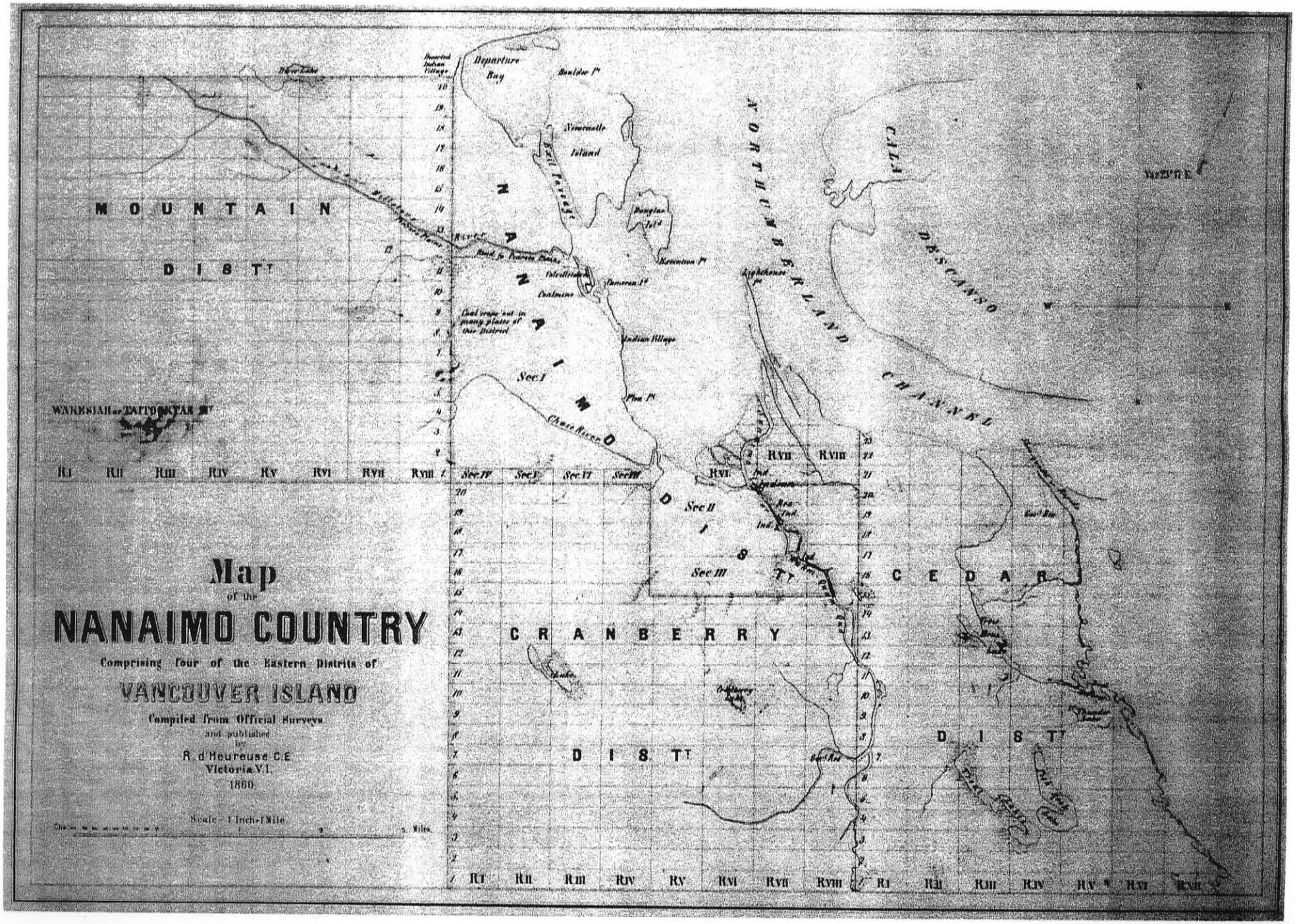
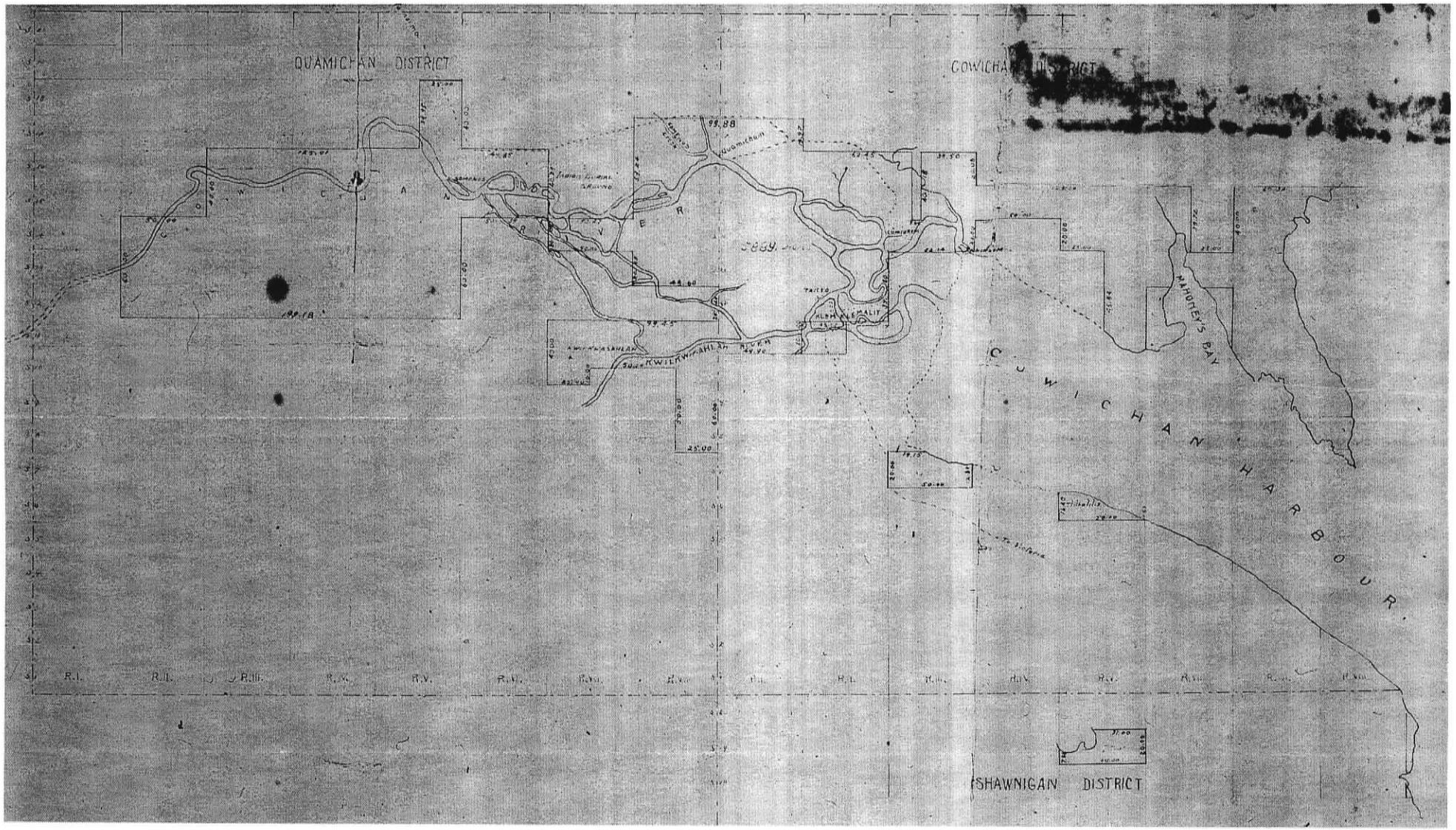


Appendix A. Map of *Hul'qumi'num* Territories located on Northeastern Vancouver Island. As printed in Cheryl Coull, A Traveller's Guide to Aboriginal B.C. (Vancouver, Whitecap Books, 1996), 30.



Appendix B. Map of Nanaimo Country, 1860.



Appendix C. Map of Cowichan Reserve, 1880.