“In the Best Interest of the Indians”:
An Ethnohistory of the Canadian Department of Indian Affairs, 1897-1913

by

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BA Hons, University of Northern British Columbia, 2006
MA, Carleton University, 2008
MA, University of Northern British Columbia, 2011

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We acknowledge with respect the Lekwungen peoples on whose traditional territory the university stands and the Songhees, Esquimalt and W̱SÁNEĆ peoples whose historical relationships with the land continue to this day.

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Abstract

Drawing on insights from recent ethnographic and ethnohistorical studies of bureaucracy by scholars such as Akhil Gupta and Ann-Laura Stoler, this dissertation turns the ethnohistorical lens back upon the colonial state to offer a ground-level view of how statecraft functioned on a day-to-day basis within the Canadian Department of Indian Affairs between approximately 1897 and 1913. I seek to pierce the artifice of clearly settled policy and elite micromanagement perpetuated by the official documentary record, and the tendency in both official documents and the literature to speak of "the Indian Department" and "the government" as a collective historical agent, to explore how settler privilege, Indigenous marginalization, and structural violence were enacted through the day-to-day operations of the Indian Department bureaucracy, especially its poorly-understood Ottawa headquarters. The first chapter represents the turn-of-the-century Canadian government bureaucracy through the metaphor of a house society, exploring the seasonal round, composition, and rituals of bureaucratic society. The second chapter analyzes the central role played by political patronage in the civil service – not merely *hampering* the efficient carrying out of the state's Indigenous policy, but actually in some ways *constituting* Indigenous policy – through a close reading of the Liberal purge of Conservative officials carried out between 1896 and 1898. Chapter three explores how clerks, most of them working anonymously, attempted to create meaning and make decisions through the management of files in the Ottawa headquarters. I trace two pleas as they made their way through the bureaucracy: one from the bottom up, an Indigenous request for a new church furnace; and one from the top down, a politically connected merchant hoping to collect on an Indigenous debt. The final two chapters explore the implications of this more granular reading of the bureaucratic state for understanding two areas of "Indian policy" of more conventional interest to historians: the evolution of "Indian status," which in important ways was shaped and improvised at the field agent level, in the absence of central control and outside of the vision of race embedded in the *Indian Act* of 1876; and the surrender and sale of land from reserves, which was driven by senior and ambitious officials, though often for personal advancement and profit rather than adherence to official state policies. Overall, I offer a vision of the state that moves away from abstract

conceptions of “the state,” “the Indian Department,” and “Indian policy,” towards implicating and interrogating the roles played by bureaucrats and files in the day-to-day operations of the colonial state.

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Introduction. Towards an Ethnohistory of Bureaucracy

Contemporary and historical critiques of the relations between Canada's settlers and Indigenous peoples are tightly bound to a particular discourse about *the state*, one that reifies and personifies state *agencies* like the Department of Indian Affairs[1] as historical *agents*.[2] The simple and particularly the popular narrative manifestation of this discourse is readily recognizable: "the government" perceived Indigenous peoples[3] as obstacles to the creation of modern society, so "the government" created reserves and residential schools in a misguided and ultimately unsuccessful effort to forcibly assimilate them into mainstream settler society. The state-sponsored version of this narrative, at least, continues: today, "the government" recognizes it was wrong to do these things, and tomorrow, "the government" will embark upon a new and nobler relationship with Indigenous peoples.[4]

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[1] The Department of Indian Affairs existed only from 1880 to 1936. There has, within the Canadian bureaucracy, been a distinct body tasked with the management of "Indians" since Confederation. For reasons of brevity, I refer to this body generically as "the Indian Department," although it has not always been known by this name, and at times it has been a branch rather than a department. Any use of the term "Department of Indian Affairs," however, refers specifically to the independent department during the abovementioned period.

[2] See Joe Painter, "Prosaic Geographies of Stateness," *Political Geography* 25 (2006), 754, for explanation of the concept of reification with respect to the state.

[3] Except when quoting other scholars who use different terms, I prefer to use the terms "Indigenous" and "Indigenous peoples." As I discuss in Chapter 5, terminology is complicated by discussion of legal categories, like "Aboriginal People" and "Indian," that have been mapped onto sociological racial categories as well as grafted onto individuals and communities. Thus, many Indigenous people are not Indians, although most Indians are Indigenous people. Normally, I would accept any person's apparently reasonable claim to Indigenous identity and also employ the term, in the absence of such evidence, for people who appeared to have been members of an Indigenous community. Specificity is also to be preferred. However, in certain cases when discussing operations of the Indian Department, I use the term "Indian" to clarify that I am referring specifically to the classification and management of population by bureaucrats. As dehumanizing as the discourse may have been, in those moments, it was the classification of persons as legal "Indians," as opposed to their self-identification as Indigenous people (or lack of such), which mattered for bureaucratic processes.

[4] See, for instance, statements by prime ministers Stephen Harper and Justin Trudeau: Prime Minister's Office, "Prime Minister Harper Offers Full Apology on Behalf of Canadians for the Indian Residential Schools System," June 11, 2008, http://www.pm.gc.ca/eng/news/2008/06/11/prime-minister-harper-offers-full-apology-behalf-

As scholars, we have set out to critique and challenge this narrative by reading "against the grain" or "between the lines" to unearth "the state's ambition," "Indian Affairs' will," and "Ottawa's efforts." These implications that something approximating a collective or institutional *agent* lay at the core of colonial state interventions are a common shorthand in the historical literature. Imputing the collective actions of the bureaucracy to a single elite figure, such as Duncan Campbell Scott, or mystifying the state through excessive use of the passive voice, are close variations on the theme.[5] In these ways, the work, agendas, and perspectives of thousands of individual historical agents within a complex web of interlocking and competing groups of varying degrees of power and officialness are collapsed into something approximating a single coherent entity, a body that *usually* did what it was told with some degree of efficiency and

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canadians-indian-residential; and Liberal Party of Canada, "Real Change: Restoring Fairness to Canada's Relationship with Aboriginal Peoples," July 10, 2015, https://www.liberal.ca/justin-trudeau-at-assembly-of-first-nations-36th-annual-general-assembly/.

[5] I draw my critique of methodologies that read "between the lines" principally from Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2010), especially 20-23. All of the following are works that I consider to be very good scholarship: my purpose here is not to criticize these authors in particular but to identify a common norm in the literature – certainly including in my own work to date – the implications of which I now wish to probe. These particular examples are drawn from Adele Perry, "From 'the Hot-bed of Vice' to the 'Good and Well-Ordered Christian Home': First Nations Housing and Reform in Nineteenth-Century British Columbia," *Ethnohistory* 50 (2003), 589; Martha Elizabeth Walls, *No Need of a Chief for this Band: The Maritime Mi'kmaq and Federal Electoral Legislation, 1899-1951* (Vancouver: University of British Columbia Press, 2010), 4; and Brian Gettler, "Colonialism's Currency: A Political History of First Nations Money-Use in Quebec and Ontario, 1820-1950" (PhD dissertation, Université du Québec à Montréal, 2011), 450. However, for other uses of this trope in major works, see, for instance, Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: University of Alberta Press, 2008), 155; James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013); Shelley A.M. Gavigan, *Hunger, Horses, and Government Men: Criminal Law on the Aboriginal Plains, 1870-1905* (Vancouver: University of British Columbia Press, 2012), 33-34; Tina Loo, "Dan Cranmer's Potlatch: Law as Coercion, Symbol, and Rhetoric in British Columbia, 1884-1951," *Canadian Historical Review* 73 (1992), 139; J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, 3rd edition (Toronto: University of Toronto Press, 2000), 254-255; and Bill Russell, "The White Man's Paper Burden: Aspects of Records Keeping in the Department of Indian Affairs, 1860-1940," *Archivaria* 19 (1984-1985), 69. Historians do recognize that the state was "not monolithic" in the context of discussion of interdepartmental or intergovernmental squabbles, on the one hand, and purported conflicts between Indian agents and the Ottawa headquarters, on the other. See, for instance, Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: University of British Columbia Press, 2002); Mary-Ellen Kelm, *Colonizing Bodies: Aboriginal Health and Healing in British Columbia, 1900-50* (Vancouver: University of British Columbia Press, 1998), xviii; P. Whitney Lackenbauer, *Battle Grounds: The Canadian Military and Aboriginal Lands* (Vancouver: University of British Columbia Press, 2006), 9; and Maureen K. Lux, *Medicine That Walks: Disease, Medicine, and Canadian Plains Native People, 1880-1940* (Toronto: University of Toronto Press, 2001), 188.

single-mindedness, or at least, did so often enough and approximately enough that state-as-agent sleight-of-hand can lift us past the tedious mire of administrative minutiae.

In an influential 1990 essay, J.R. Miller cautioned his fellow historians not to "treat policy intent and effect as similar."[6] The space in between intent and effect was occupied by the Indian Affairs bureaucracy, which stood between elite policymakers on the one hand and First Nations communities on the other.[7] Drawing upon insights from ethnographic approaches to bureaucracy, my objective here is to explore what we miss when we assume that the Indian Department was an historical agent complicit in the colonial project, rather than a field upon which many actors – individuals and coalitions – practiced and resisted different and sometimes conflicting colonialisms. What were these settler-bureaucrats actually *doing* inside and along the boundaries of the colonial state? How and why did some become so seemingly powerful? What meaning did the grand project of "Indian policy" hold for them? What made some people and texts authoritative – and why, if they were so, did many bureaucrats, even senior ones, routinely ignore or flout the rules? What, ultimately, does it mean to talk about the historical aims or actions of "the state" or of a specific state bureaucracy like the Canadian Department of Indian Affairs?

The Indian Department between 1896 and 1913 – an understudied interregnum between the tenures of more well-studied and perhaps notorious deputy ministers Lawrence Vankoughnet (1873-1893), ably captured by Douglas Leighton,[8] Hayter Reed (1893-1897), and Duncan

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[6] J.R. Miller, "Owen Glendower, Hotspur, and Canadian Indian Policy," *Ethnohistory* 37, no. 4 (1990), 390.
[7] J.R. Miller, "Owen Glendower, Hotspur, and Canadian Indian Policy," *Ethnohistory* 37, no. 4 (1990), 390.
[8] Douglas C. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890" (PhD dissertation, University of Lancaster, 1978), 208, 318, 359-361, 506, 529; and "A Victorian Civil Servant at Work: Lawrence Vankoughnet and the Canadian Indian Department, 1873-1893," in *As Long as the Sun Shines and the Water Flows: A Reader in Canadian Native Studies*, eds. Ian A.L. Getty and Antoine Lussier (Vancouver: University of British Columbia Press, 1983).

Campbell Scott (1913-1932), already the subject of Brian Titley's important biography[9] – offers an important case through which to explore these questions. I explore how several hundred people, mostly but not exclusively settlers, claimed to constitute a particular organ of the state: "the Department," as they called it amongst themselves. In so doing, they arrogated for themselves powers both to monitor and to administer the lives of over one hundred thousand others, principally Indigenous people (though also several thousand white settlers, for reasons I explain later on). Their efforts during this interregnum are, to date, sufficiently poorly understood that there is scholarly uncertainty about such surprisingly basic empirical questions as whether their budget rose or fell and who was actually in charge.[10] This period approximately spans the Liberal government of Wilfrid Laurier (1896-1911), and was a period of sustained growth, relative prosperity, and profound change for the personnel of the Indian Department, during which both their population and their economy nearly doubled in size.[11] In the same

[9] Titley, *A Narrow Vision*. There is one major study to date of a leading post-Scott personality, secretary T.R.L. MacInnes: Jacqueline Briggs, "Exemplary Punishment: T.R.L. MacInnes, the Department of Indian Affairs, and Indigenous Executions, 1936-52," *Canadian Historical Review* 100, no. 3 (2019), 398-438. In placing MacInnes at the center of a national information web and imputing to him the uncomplicated authorship of the criminal sentencing memoranda he signed, however, she too does not attempt in a sustained way to interrogate the artifice of "great men" at the top of the department.

[10] Although the Department budget rose in all but one year during the Laurier period, there is a pervasive assumption in the historiography that the Liberals imposed severe spending cuts after coming to power in 1896: see, for instance, Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal and Kingston: McGill-Queen's University Press, 1990), 237; Maureen K. Lux, *Medicine That Walks: Disease, Medicine and Canadian Plains Native People, 1880-1940* (Toronto: University of Toronto Press, 2001), 118; Dorothee Schreiber, "'A Liberal and Paternal Spirit': Indian Agents and Native Fisheries in Canada," *Ethnohistory* 55 (2008), 98; E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 16; and Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The History, Part 1: Origins to 1939* (Montreal and Kingston: McGill-Queen's University Press, 2015), 227. While the literature on Duncan Campbell Scott continues to proliferate – one notable recent entry being Mark Abley's imaginative *Conversations with a Dead Man: The Legacy of Duncan Campbell Scott* (Toronto: Douglas & McIntyre, 2013) – there are as yet no such studies of those who exercised the greatest power for much of the interregnum studied here, namely, deputy ministers James Smart and Frank Pedley and secretary John McLean. David Calverley, "Who Controls the Hunt?" p. 154 does correctly note that the individual in charge at the turn of the century was McLean, not Scott or Smart.

[11] For personnel, see Vic Satzewich, "Indian Agents and the 'Indian Problem' in Canada in 1946: Reconsidering the Theory of Coercive Tutelage," *Canadian Journal of Native Studies* 17, no. 2 (1997), 227-257. For budgets, see Figure 1 below in Chapter 1.

years, the Indian population they sought to demarcate and administer halted its long demographic decline, so that civil servants spoke excitedly if cautiously about what they called a "decided increase" and a great "recuperative force."[12] Officials working during this period probably would have been surprised and even alarmed to learn that, in the post-*Guerin* world, we consider them to have held fiduciary obligations towards First Nations, such that a few comments scrawled casually in the margins of a letter can now be freighted with multi-million-dollar legal implications. They did, however, routinely assure themselves of the legitimacy of their work via the similar paternalist mantra that they were working "in the interest of the Indians" or even, in the phrasing that inspired my title, "in the best interest of the Indians."[13]

Enough Canadians are, it seems, sufficiently dissatisfied with the Indian Department – its continuing mission to transform Indigenous peoples, its equally long legacy of seizing Indigenous territories and confining Indigenous minds and bodies within disciplinary institutions, its persistent failure to deliver on promises of socioeconomic development and prosperity – that politicians periodically rebrand the Department and promise to make a fresh start with Indigenous peoples. However, this analysis explores the history of life within the bureaucratic institution at a level deeper than can be readily altered by abstract, high-level policy statements – or, from an historian's perspective, understood through the close reading of such statements. What I conceive as a critical history of bureaucracy is not just the specific case study of one group of settlers engaged in one particular colonial project, but also of how Canadian

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[12] Department of Indian Affairs, *Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1911* (Ottawa: C.H. Parmelee, 1911), xxi, and *Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1913* (Ottawa: C.H. Parmelee, 1913), xxiv. In particular, Pedley noted in 1911, the population of the Six Nations at Grand River had risen by about thirty percent in thirty years.

[13] For instance: see LAC, Indian Affairs Annual Reports, *Annual Report for 1897*, 199, *Annual Report for 1899*, 46, *Annual Report for 1900*, 331, *Annual Report for 1901*, 330, *Annual Report for 1905*, 217 and 298; and "best interest" references, for instance, LAC, RG 10, volume 2908, file 185,723-7A, McLean to Simpson, 20 April 1907; volume 1125, McLean to Superintendent General, 13 August 1901; and *Annual Report for 1875*, 115.

settler society has attempted to manage problems by establishing specially tasked bureaucratic groups. The particular cultural norms and social practices explored here are, of course, historically specific: how one was initiated into and ushered out of the Indian Department, the seasonal round of the fiscal year, the daily tasks of the paper trade, the specific compromises forged where individual interests, government policies, and lived experience met and clashed. However, so long as Canadian settler society purports to provide both individual and communal services to Indigenous peoples, there will likely be something like an Indian Department, practicing something like Indian Affairs. In this introduction, I explore the political utility and implications of the bureaucratic agency-as-agent discourse, the historiography of Canadian Indian Affairs, and some theoretical and methodological considerations in the framing of what I term the ethnohistorical approach to the study of colonial bureaucracy.

Even as they advance important and even radical reassessments of the content and implications of Canada's "Indian policy," historians have seldom seriously interrogated the makeup and inner workings of the Indian Department itself. Building on ethnographic and postcolonial scholarship by Akhil Gupta, Bruno Latour, Ann Laura Stoler, and others, I reconceptualize bureaucracies not as agents with discernible objectives, priorities, or perspectives, but rather societies marked by particular forms of hierarchical order, the ritual production and exchange of certain forms of officialness, and, especially, by the central political importance of certain documents in the form of "files." This reorientation of our perspective on colonial bureaucracies, from agents to sites of colonialism, forms the basis for an analysis that links historical and anthropological interpretations of state policy and action.

What I call the *ethnohistorical* approach to bureaucracy sets aside common questions about the goals of this Indian Department, and the (in)efficiency or (in)effectiveness with which

"it" pursued them, to reveal a more chaotic and contested political space than has previously been supposed, the sort of space that Joe Painter calls the "prosaic relations and practices" of daily statecraft.[14] Official assimilation policies preoccupied some of the bureaucrats in the Department, some of the time. But bureaucrats were not devoted just to one colonial or political project: rather, they pursued a wide range of agendas, individually and in coalitions, though most of them spent most of their time engaged in the maintenance and upkeep necessary to maintain the appearance of the Department as a collective agent. Some of these agendas were compatible with one another, while others provoked open conflict. Certain rules of behaviour, many of them unwritten, defined which sorts of agendas were deemed legitimate and how they obtained such status. They followed a seasonal round, practiced rites of initiation and banishment, and engaged in a complex "political economy of paper":[15] that is to say, they were a historically and culturally specific society worthy of study, beyond the dry modern Weberian ideal that shaped twentieth-century thought about the constitution of professional bureaucracy.

Even as anthropologists have begun turning seriously to the intensive study of state bureaucracies, mostly in non-Western countries, some Canadian Indigenous-state historians are proposing a retreat *away* from the study of this institutional state in our scholarship, recognizing broader ambivalence over the legacy and viability of what James C. Scott calls "high modernist" states.[16] Paulette Regan and Paige Raibmon, separately, express concern that in focusing our research efforts upon state policies and bureaucracies we risk perpetuating the very alienation and dehumanization of which those agencies frequently stand accused: attribution of blame to remote bureaucracies facilitates useful alibis for past behaviour and distances us from a more

[14] Joe Painter, "Prosaic Geographies of Stateness," *Political Geography* 25 (2006), 754.
[15] Hull, *Government of Paper*, chapter 3.
[16] James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

genuine and personal reconciliation in the present. However, I interpret Raibmon's call to reorient our scholarship towards the colonialism of "regular folk" as an indication of the need for more thorough and critical reassessments of such folk *within* the bureaucratic state, not just outside of it.[17] Turning away from the othering narratives of state policy involves not just a renewed appreciation for non-state actors, but also a critical reinterpretation and re-personalization of people inside states.

In part, the critical study of bureaucratic societies is important because of the extraordinary efforts invested in their perpetuation by the very colonial civil servants whose legacy and ongoing actions we, in the field of Indigenous-settler relations history, have so harshly critiqued. Bureaucratic societies remain an extremely common phenomenon, and many of us – academics not least of all – spend much of our working lives either within them or at least in close proximity to them. According to Akhil Gupta, bureaucracies are formidable practitioners of what Johan Galtung called "structural violence," that is, the unequal distribution of factors that inhibit people from realizing their full life potential. Internally, the languages and practices of bureaucracy fracture and diffuse responsibility for such violence, transferring purported agency and accountability from many individuals onto a singular collective structure or to a few distant elites: ministers, deputy ministers, central offices, or just the simultaneously eponymous, pseudonymous, and somehow anonymous *they/them*.[18] This diffusion allows public servants outside some (possibly imaginary, certainly elusive) select circle of elites to explain –

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[17] Paige Raibmon, "Unmaking Native Space: A Genealogy of Indian Policy, Settler Practice, and the Microtechniques of Dispossession," in *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest*, eds. Alexandra Harmon and John Borrows (Seattle: University of Washington Press, 2008), 76-77. Paulette Regan, *Unsettling the Settler Within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada* (Vancouver: University of British Columbia Press, 2010), 35.

[18] Johan Galtung, "Violence, Peace, and Peace Research," *Journal of Peace Research* 6, no. 3 (1969), 168; and Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence, and Poverty in India* (Durham: Duke University Press, 2012), 19-21.

and believe – that they are merely "loyally implementing" (to use the contemporary jargon) policies passed down from on high,[19] that their limited and particular work is not freighted with the serious political implications of the project as a whole (how does working in the mailroom dispossess First Nations?), that they are "changing the system from within," or even that they are subtly undermining it by exploiting loopholes to benefit their marginalized clients. De-mystifying the ways in which "the deliberate actions of social agents" are "built into the [seemingly impersonal] structure of power" is therefore an important task of scholarship.[20]

However, this critique also speaks to those outside of the state who have readily adopted the bureaucracy-as-agent discourse for their own purposes. Bureaucracies make useful lightning rods for political grievances and important building blocks for narratives about the state. The persons who built the Indian Residential School system are long dead, but "the Indian Department" lives on (subject to periodic rebranding). State-as-agent talk is much more than an alibi for complicit bureaucrats: it facilitates a dialogue about political accountability that bridges specifically individual blame, on the one hand, and generic, universal complicity, on the other. In the same way, it links together the past, present, and future constituents of a purported agent over a span of generations, even centuries. It allows me to say to you, or the prime minister to say to us, that the government created reserves and residential schools because it wanted to destroy Indigenous cultures, minds, and even bodies, all with the expectation that speaker and audience enjoy some sort of common understanding, even if we are a bit fuzzy about the administrative minutiae of who or what really constituted "the government" in question, let alone

[19] This phrase forms part of the contemporary proclamation of public service ethics by the Canadian Treasury Board and Public Service Commission, "fearless advice and loyal implementation": see, for instance, Task Force on Public Service Values and Ethics, *A Strong Foundation* (Ottawa, February 1997), 16; and Treasury Board of Canada, *Values and Ethics Code for the Public Service* (Ottawa, 2003), chapter 1.

[20] Johann Galtung, "Violence, Peace, and Peace Research," *Journal of Peace Research* 6, no. 3 (1969), 168; and Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence, and Poverty in India* (Durham: Duke University Press, 2012), 19-21.

how they did it. These uses of bureaucracy are by no means limited to the field of Indigenous-state relations: according to Ben Kafka, crafting stories about the shortcomings of bureaucracy is one of the most important ways in which people in modern cultures make sense of their encounters with state officials and express their dissatisfaction with the state, whether these narratives link into macro-level critiques of marginalization and dispossession or personal frustration with tedious paperwork.[21]

As a scholar – and settler, citizen, and professional historian of Indian policy – I make no claim to stand wholly apart from these discourses or their consequences. To the contrary, my complicity in these discourses is part of what motivated this project. Pierre Bourdieu once observed that the business of constructing and thinking "government" is widely disseminated throughout society. Consequently, to challenge "the grip of the state," it is necessary "to submit to radical questioning all the presuppositions inscribed… in the very thought of the analyst." Contributors to the historiography of Indigenous-state relations, like the political and anthropological literatures that Bourdieu was addressing, necessarily inscribe theories of the state into their work. These theories may be rigorously developed or present only implicitly; they may be empirically and theoretically grounded, or simply presumed; but they are always present.[22] The assumptions and perspectives we bring to the study of the state therefore have important implications for the analyses and explanations we craft.

Consider, for example, the creation of the Indian Department. As researchers, we do not actually find "the Indian Department" when we walk downhill along Wellington Street in

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[21] Ben Kafka, *The Demon of Writing: Powers and Failures of Paperwork* (New York: Zone Books, 2012), 14-15 and 79. Kafka's analysis is decidedly Eurocentric in focus, but Gupta has advanced a comparable argument about popular discourses of corruption in rural India: see Akhil Gupta, "Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State," *American Ethnologist* 22, no. 2 (1995), 375-402.

[22] Pierre Bourdieu, Loic J.D. Wacquant, and Samar Farage, "Rethinking the State: Genesis and Structure of the Bureaucratic Field," *Sociological Theory* 12, no. 1 (1994), 2.

downtown Ottawa, past the Prime Minister's Office and Parliament, down past the Supreme Court, and finally reach – last and lowest – the Library and Archives Canada building. (All the while the redbrick headquarters of what is now the sister ministries of Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada glowers suspiciously at us from its perch on the far side of the river.) Instead, we encounter in the Archives what was formerly called, and is still best known as, Record Group 10 (RG 10; now R216): 2.4 linear kilometres of documents together with tens of thousands of maps, technical drawings, and tapes.[23] We bring to this material research questions about the policies and programs of "the Indian Department" and its sister agencies of state: how did the Department define and manage Indigenous labour? What objectives lay behind colonial land policies? What can the records of the Department, biased and imperfect as they are, tell us about a particular Indigenous community? Conveniently, the Archives also houses an array of research aids designed to help answer such questions. Out of this raw material, we fashion the historical state. The Indian Department does not merely reside in the archive: it is still being *built* there, by generations of complicit historians and archivists. What sort of department ought we to make?

I turned to the ethnographic and ethnohistorical literature to help me contemplate this question. The term *ethnohistory* is seldom now employed to describe writing a document-based history, informed by anthropological theory, of an elite society with an extensive written tradition. To the contrary, since its institutional inception in the 1950s,[24] the subject matter of this interdisciplinary space has largely been limited to Indigenous peoples. Community

[23] LAC, Description: Department of Indian Affairs and Northern Development fonds, 1677-1995, archival reference R216-0-0-E, Archives Search database (search conducted in October 2015).
[24] Michael E. Harkin, "Ethnohistory's Ethnohistory: Creating a Discipline from the Ground Up," *Social Science History* 34, no. 2 (2010), 119; and Christian W. McMillen, *Making Indian Law: The Hualapai Land Case and the Birth of Ethnohistory* (New Haven: Yale University Press, 2009).

engagement and empowerment have become central concerns.[25] As traditional disciplinary boundaries have weakened, moreover, it has become increasingly prevalent both for historians who do not self-identify as ethnohistorians to use anthropological theories and methods in their work, and for anthropologists who do not consider themselves to be ethnohistorians to consider historical dimensions of the cultures they study.[26] In these ways, ethnohistory has moved away from the methods I employ here (exclusively document-based research),[27] while anthropologically informed historical scholarship has moved away from ethnohistory. Nevertheless, I employ the term to signal my interest in telling a history that "take[s] into account the people's own sense of how events are constituted, and their ways of culturally constructing the past," and, especially, of turning the ethnohistorical lens back upon the

[25] This priority was highlighted at a panel discussion on the future of ethnohistory at the Canadian Historical Association annual meeting in 2015, entitled "Future Directions for Ethnohistory in Canada: Taking Stock 60 Years after the American Indian Claims Commission Launched the Method of Ethnohistory."
[26] Shepard Krech III, "The State of Ethnohistory," *Annual Review of Anthropology* 20 (1991), 345, 350.
[27] My decision to craft an ethnohistory without participant observation, presently the hallmark of ethnographic scholarship on bureaucracy, may seem jarring. Given the climate of secrecy that prevailed when I launched the project (during the Harper years), such engagement would have been essentially unthinkable. There are anthropologies of civil servants in sensitive sectors of the Australian and American governments, and even of top executives and politicians in the United Kingdom: see, for instance, Josiah McC. Heyman, "Putting Power in the Anthropology of Bureaucracy: The Immigration and Naturalization Service at the Mexico-United States Border," *Current Anthropology* 36, no. 2 (1995), 261-287; Tessa Lea, *Bureaucrats and Bleeding Hearts: Indigenous Health in Northern Australia* (Sydney: University of New South Wales Press, 2008); and R.A.W. Rhodes, *Everyday Life in British Government* (Oxford: Oxford University Press, 2011). Prior to 2006, it was possible – though difficult – to conduct research inside the Canadian state as well: see, for instance, Barbara Wake Carroll and David Siegel, *Service in the Field: The World of Front-Line Public Servants* (Montreal and Kingston: McGill-Queen's University Press, 1999); Alison Mountz, *Seeking Asylum: Human Smuggling and Bureaucracy at the Border* (Minneapolis: University of Minnesota Press, 2010) and Gerald de Montigny, *Social Working: An Ethnography of Front-Line Practice* (Toronto: University of Toronto Press, 1995), which is autoethnographic. For the time being, however, scholars wishing to study the culture of federal intrastate groups in Canada may need to rely primarily upon written sources, as Dara Culhane did in her insightful study of judicial colonialism, *The Pleasure of the Crown: Anthropology, Law and First Nations* (Burnaby: Talon, 1998). There are some notable exceptions with respect to certain field officials: for instance, Stephanie Irlbacher-Fox interviewed several treaty negotiators for *Finding Dahshaa: Self-Government, Social Suffering, and Aboriginal Policy in Canada* (Vancouver: University of British Columbia Press, 2009). I might have turned to former public servants and, while I both know and have spoken to several about this project on occasion, ultimately I chose not to recruit such informants. As I discuss in the next paragraph, I am simply not confident that contemporary public servants would have deep insight into the research questions I pose about the civil service of more than a century ago. This suspicion is corroborated by the limited knowledge of departmental history seemingly possessed by Irlbacher-Fox's public servants. However, there could be much to be learned from an ethnographic study of contemporary culture in Indigenous and Northern Affairs Canada.

colonizer, a key component of what Keith Thor Carlson, John Lutz, and David Schaepe call the "new ethnohistory."[28]

This project is clearly a history of an elite formation, although most of its members did not think of themselves as elites and, for that matter, most have also been all but ignored by historians and the general public. (As John Brewer remarked thirty years ago, "no group can ever have written so much yet remained so anonymous" as office clerks.)[29] In the wake of severe cultural and economic disruptions over the past century, the Canadian civil service also appears to hold little knowledge of its own past: public servants may not truly be "people without history,"[30] to borrow Eric Wolf's phrase, but they are certainly people without a strong tradition of what they themselves commonly call "institutional memory."[31] Much was lost in the transformational upheavals associated with the deskilling of clerical work since the 1890s, the rise and fall of the so-called "mandarins" beginning in the 1920s, the transition in collective identity from distinct departments to the public service as a whole, and the rapid international diffusion of the anti-traditionalist New Public Management cult in place of the traditional "mandarins" during the late twentieth century.[32]

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[28] American Society for Ethnohistory, "Ethnohistory: Frequently Asked Questions," http://www.ethnohistory.org/frequently-asked-questions/; Keith Thor Carlson, John Lutz, and David Schaepe, "Turning the Page: Ethnohistory from a New Generation," *University of the Fraser Valley Research Review* 2, no. 2 (2009), 2; see these authors' and Naxaxalhts'i's *Towards a New Ethnohistory: Community Engaged Scholarship among the People of the River* (Vancouver: University of British Columbia Press, 2018).

[29] John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (Cambridge, MA: Harvard University Press, 1990), xvi.

[30] Eric Wolf, *Europe and the People Without History* (Berkeley and Los Angeles: University of California Press, 1983).

[31] Christopher Pollitt, "Institutional Amnesia: A Paradox of the 'Information Age'?" *Prometheus* 18, no. 1 (2000), 11.

[32] Bryan M. Evans, Janet M. Lum, and John Shields, "A Canada-Wide Survey of Deputy and Assistant Deputy Ministers: A Descriptive Analysis," in *Deputy Ministers in Canada: Comparative and Jurisdictional Perspectives*, eds. Jacques Bourgault and Christopher Dunn (Toronto: University of Toronto Press, 2014), 333-334; for a comparable British perspective, see Rhodes, *Everyday Life in British Government*, 205, and Paul Du Gay, "In Defence of Mandarins: Recovering the 'Core Business' of Public Management," *Management & Organizational History* 4, no. 4 (2009), 359-384.

At the same time, however, it is important to recognize that the civil service *does* have an historiographical tradition, and that narratives emerging from this tradition have been neither silenced nor suppressed. Contributors to this tradition, which could be loosely termed official history, include Indian Department employees Samuel Stewart, Duncan Campbell Scott, and T.R.L. MacInnes, in addition to, more recently, the authors of an anonymous and curiously error-prone narrative posted on the Indian Department's website, which, for reasons of brevity, I will term the Authorized Version. (Scott was, of course, the Indian Department's most prolific contributor to this genre.)[33] Official history is particularly notable because of the historical relationships between the conventions and content of this genre and the themes explored and assumptions made by academic historians.[34]

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[33] The term "Official History" normally connotes a piece of historical scholarship formally authorized by a collective body, and often written by an outsider. What I mean by "official history" is a genre of historical writing about state bureaucracies, typically but not necessarily written by civil servants, adhering to certain norms and conventions of the genre, herein described. See, for instance, Indian and Northern Affairs, "A History of Indian and Northern Affairs Canada," 2011, https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ap_htmc_inaclivr_1314920729809_eng.pdf; T.R.L. MacInnes, "History of Indian Administration in Canada," *Canadian Journal of Economics and Political Science* 12, no. 3 (1946), 387-394; and LAC, RG 10, volume 3016, file 218,410, part 1, Samuel Stewart, "History of the Indian Department in Canada and the Imperial Government," 1907. Scott first laid out his own narrative history of Indian Affairs in a trilogy of essays published shortly after he became deputy minister: "Indian Affairs, 1763-1841," in *Canada and its Provinces: A History of the Canadian People and their Institutions by One Hundred Associates*, vol. 4, eds. Adam Shortt and Arthur G. Doughty (Toronto: Glasgow, Brook & Co., 1914); "Indian Affairs, 1840-1867," in *Canada and its Provinces*, vol. 6; and "Indian Affairs, 1867-1912," in *Canada and its Provinces*, vol. 7. He subsequently refined and expanded his thesis on several occasions, including "The Aboriginal Races," *Annals of the American Academy of Political and Social Science* 107 (1923), 63-66.

[34] Official history stands in stark contrast to the other genres to which former civil servants frequently contribute, memoir and autobiography, which more often stress the importance and experience of the *individual* than of the bureaucratic structure: see, for instance, J.C. Gordon Brown, *Blazes Along a Diplomatic Trail: A Memoir of Four Posts in the Canadian Foreign Service* (Victoria: Trafford Publishing, 2000), Arnold Heeney, *The Things that are Caesar's: Memoirs of a Canadian Public Servant* (Toronto: University of Toronto Press, 1972), and Jack Pickersgill, *My Years with Louis St. Laurent: A Political Memoir* (Toronto: University of Toronto Press, 1975). In the space of Indian Affairs, several such examples survive from the field service of the Indian Department and, in keeping with this trend, stress the individual freedom of movement and the sometimes hyper-masculine authority and confidence exuded by the proper Indian agent in the face of Indians. These examples include the memoirs of B.C. Indian agents John McAllan and William Halliday and Prairie commissioner William Morris Graham. See W.J. McAllan, *Cariboo & Northwest Digest*, 1948; William Halliday, *Potlatch and Totem* (London: J.M. Dent, 1935); and W.M. Graham, unpublished manuscript memoirs, in Glenbow Archives, Graham fonds. The contrast between the staid, policy-centric official history and the individualist, hyper-masculinist, frontier-oriented scope of the Indian agent memoir would be a useful subject for further inquiry, but I do not pursue it to a great extent here.

In official history, the narrative of Indian Affairs turns upon elite proclamations called policies and the orderly procession of elite figures. Like the other great departments, the living institution of Indian Affairs – the Department – was "called into existence" by Parliament through acts of legislation: *in the beginning was the word*.[35] As the inheritor and standard-bearer of Indian affairs, the Indian Department was a comparatively young and small department, but, Scott emphasized in one 1914 essay, one with an unmatched pedigree: a policy tradition unchanged (he claimed) since before Confederation and an institutional history dating back to before the Seven Years' War, an unbroken chain that the Indian Affairs minister honoured by assuming the grandly colonial title of "Superintendent General of Indian Affairs," and that also stretched into the indeterminate future.[36] According to Scott, "a broader policy of advancement had been evolved, and… the policy thus well established was not changed… down to the present time." With the Department's "protection and encouragement," he prophesied, Canada's Indians would one day be "complete[ly] absor[bed]" into "the general population" – an end towards which they were already "advanced more than half-way."[37] (Scott did not explain by what metrics he had come to this conclusion.)

Today's Authorized Version sounds a more ambivalent tone than Scott's rendition. "Initiatives were created to bring British 'civilisation' to indigenous people," it explains, with characteristic use of the passive voice to mystify bureaucratic action. However, these policies were eventually "roll[ed] back" (ostensibly, and perplexingly, following the end of the "Korean

[35] For use of this wording, see P. Mitchell, in *Annual Report of the Department of Marine and Fisheries for the Year 1868* (Ottawa: Hunter, Rose, & Co., 1869), 1.
[36] Scott, "Indian Affairs, 1763-1841," esp. 698-699.
[37] Scott, "Indian Affairs, 1867-1912," 593-594 and 622-623.

war… in 1946"). This narrative ends indecisively, describing the importance of "practical arrangements" for Aboriginal self-government and a formal apology for residential schools.[38]

The authors of today's Authorized Version probably see themselves, and Indigenous peoples, in very different ways than did Scott his contemporaries. Two implicit themes, however, stand out in both narratives. First, even as historical texts, they proclaim the fundamental legitimacy of contemporaneous policies and, more generally, of the *concept* of extensive bureaucratic intervention into Indigenous lives and societies. Early official histories were quite positive. Scott's generation joined the civil service in the 1870s, ascended to the heights of the Indian Department during the period I have studied, and in some cases remained there into the 1930s. They were more personally invested in Indian policy, and inherited what they likely perceived as a well-established policy tradition for which there was no need to apologize. (Even so, there was a distinctively defensive undertone beneath Scott's insistence that his Department's policy was neither "repugnant" nor "niggardly.")[39] As late as 1946, McInnes could continue to insist that any charges against the Department of "neglect" or "mismanagement" in this charge were no more than "a great deal of nonsense."[40]

Today, Stephanie Irlbacher-Fox argues in *Finding Dahshaa*, public servants are more likely to rationalize the legitimacy of contemporary state practices by contrasting them with the admittedly harmful policies of the state-in-the-past, a process she calls the "dysfunction theodicy." Bureaucratic "intervention" is a legitimate tool: it is simply that in the past it was applied incorrectly, or towards inappropriate ends.[41] Sylvia Olsen's history of reserve housing

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[38] Indian and Northern Affairs Canada, "A History," 6, 9. The report devotes two vague sentences to the existence of the "abuse and mistreatment" for which this apology was extended.
[39] Scott, "Indian Affairs, 1867-1912," 600 and 623.
[40] MacInnes, "History of Indian Affairs Administration," 393.
[41] Irlbacher-Fox, *Finding Dahshaa*, 31. There are parallels between Irlbacher-Fox's theodicy and Lea's "remedial circularity" (*Bureaucrats and Bleeding Hearts*, 13), as well as, going back further, Michel Foucault's critique of

notes a similar phenomenon in the form of repeated political commitments to "fix" a purportedly "broken" system.[42] Although contemporary accounts may reject Scott's enthusiastic advocacy of "absorption," they share with him the assumption that the Indian Department can be a powerfully effective tool for social change. If the West's rationalization of subjugation of Indigenous peoples hinges on the phrase "not yet," as Dipesh Chakrabarty argues,[43] then the bureaucratic state's dismissal of its shortcomings often turns on "if only": *if only* there had been more centralized coordination[44] (or alternatively, field officers had been granted more flexibility), *if only* the political will had existed[45] (or bureaucratic obstructionism had not),[46] *if only* there had not been such chronic underfunding (or, we had not just "thrown money at the problem"),[47] *if only* officials had been properly trained (or their clients educated on what to expect and how to participate).[48] Among the reasons for the failures of historical Indian policy, according to the Authorized Version, were "poor management…, chronic underfunding, a general lack of understanding of First Nations cultures and values," religious conflicts, and inadequate consultations.[49] This underlying optimism gives rise to the routinized spectacle of the

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liberal prison reform movements in *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), 268.

[42] Sylvia Olsen, "Making Poverty: A History of On-Reserve Housing Programs, 1930-1996" (PhD dissertation, University of Victoria, 2016), 4-5.

[43] Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton: Princeton University Press, 2000), 8.

[44] Robert J. Surtees, "Indian Reserve Policy in Upper Canada, 1830-1845" (MA thesis, Carleton University, 1966), 41, 94-95.

[45] L.F.S. Upton highlighted the negative consequences of "non-policy" in the Maritimes in "Indian Policy in Colonial Nova Scotia, 1783-1871," *Acadiensis* 5, no. 1 (1975), 10; "Indian Policy in Colonial New Brunswick," *Acadiensis* 3, no. 2 (1974), 25; and "Indians and Islanders: The Micmacs in Colonial Prince Edward Island," *Acadiensis* 6, no. 1 (1976), 21-42. Recently the region's general policy history has been updated by Martha Walls, who was similarly critical of similar "disinterest" after Confederation: Martha Walls, "Confederation and Maritime First Nations," *Acadiensis* 46, no. 2 (2017), 155-176.

[46] The indifference thesis is an old one in Canadian history: Diamond Jenness argued, in 1946, that under Duncan Campbell Scott Indian Affairs had been permitted to languish, "more concerned with preserving the *status quo* than with improving the economic or social status of the Indians": see "Canada's Indians Yesterday: What of Today?", *Canadian Journal of Economics and Political Science* 20, no. 1 (1954), 98-99.

[47] Jean Chretien, "The Unfinished Tapestry: Indian Policy in Canada" (speech, 1971), 8.

[48] Chrétien, "The Unfinished Tapestry," 1.

[49] Indian and Northern Affairs Canada, "A History."

proclamation of a once-for-all reset and repair of the nation-to-nations relationship, performed every several years by senior civil servants and politicians who increasingly move fluidly between multiple departments and have little deep knowledge of any one department's historical evolution.[50] It also serves as grist for the mill of revisionist arguments that, beneath the superficial rhetoric of official policy, the state never wanted Indigenous people to succeed or even to survive.

Second, these histories are marked by the primacy of texts and institutions in place of living people. Jarringly, the origin narratives produced by bureaucratic people-without-history very often seem like histories without people. Pervasive use of the passive voice can be interpreted not as a sign of poor writing skills, but rather a revealing expression of the bureaucracy-as-agent discourse and a signal of ongoing ambiguity over agency. A privileged elect descended from Parliament to the departments and "animated" them – to use Scott's term – through special proclamations called *policies*,[51] all in the name of a distant Crown. Since then, the departments have been busy "loyally implementing" (that is to say, following orders), subject to the limitations of shifting political will, fiscal constraints, and human imperfections. In Scott's trilogy, eighteenth-century Indian policy was dominated by romantic, larger-than-life, almost mystical figures like Sir William Johnson, whose pure honesty and integrity granted him "power over the Indians."[52] Over time, these great men were succeeded by increasingly faceless functionaries: Scott faintly praised Lawrence Vankoughnet, in a brief eulogy, as a "consistent…

[50] Promises to fundamentally reset and restart the state's relationship with Indigenous peoples include, for instance, the Trudeau government's response to the Truth and Reconciliation Commission report of 2015, the Harper government's residential schools apology and land claims action plan, the Martin government's Kelowna Accord (2005), the Chrétien government's *Gathering Strength* (1997) and *Agenda for Action with First Nations* (1998), the Mulroney government's Nielsen task force (1985), and the Trudeau government's White Paper (1969) and Penner Report (1983).
[51] Scott, "Indian Affairs," 1867-1912," 603.
[52] Scott, "Indian Affairs, 1763-1841," 700.

friend" of the Indians, and offered no descriptions at all of Vankoughnet's three shorter-lived successors.[53] In the Authorized Version, the Indian Department is merely "the vehicle for the expression of the… plan" determined by higher levels of government.[54] Even dissidents like Paulette Regan and Pamela Palmater, while arguing powerfully against settlers' enduring faith in their state bureaucracies, concentrate the greater part of their fire upon the elite formation of policy texts.[55] Australian ethnographer Tessa Lea calls this philosophy of the state, in which agency is reserved for privileged texts and the policy elites who produce them, "policy animism."[56]

The Canadian historiography of Indigenous-state relations can, since the 1970s, be characterized in very broad terms as a widespread repudiation of Irlbacher-Fox's theodicy – official history's first premise – by a scholarly community comprised principally of committed policy animists (in Lea's terms) increasingly skeptical that the government's true aims had either ever been benevolent or had truly changed with time. The first academics to seriously explore Indian policy history tended to accept both: to George Stanley, for instance, Indigenous peoples "were unable completely to withstand the impact of a more highly developed civilization," and Indian policy was devised "to find an answer to the problem of adjustment."[57] Robert Surtees speculated that the roots of the Indian Department's failure to achieve its assimilationist

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[53] Scott, "Indian Affairs, 1867-1912," 621.
[54] Indian and Northern Affairs Canada, "A History," 6.
[55] Regan, *Unsettling the Settler Within*, chapter 4, on the Alternative Dispute Resolution program, and Pamela Palmater, *Beyond Blood: Rethinking Indigenous Identity* (Saskatoon: Purich Publishing, 2011), on status policy.
[56] "With bureaucrats giving disembodied self-descriptions of how the policies they produce came into being," Lea explains, "and analysts not caring for the dramas going on behind the scenes,… policies act, they have political effects": *Bureaucrats and Bleeding Hearts*, 19.
[57] George Stanley, *The Birth of Western Canada: A History of the Riel Rebellions* (Toronto: University of Toronto Press, 1992), 242. It is worth noting that by the 1950s Stanley had developed a more nuanced view of Indian policy, writing frankly that "too often tutelage and wardship have become goals in themselves" and that "cultural assimilation is offensive to any human being possessing a strong sense of national identity": George F.G. Stanley, "The Indian Background of Canadian History," *Report of the Annual Meeting of the Canadian Historical Association* 31, no. 1 (1952), 21.

objectives lay in its inadequate centralization of power.[58] In a trio of pioneering essays on the importance of Indigenous history in the Atlantic provinces, L.F.S. Upton savaged the colonial regimes principally for their lack of interest in adopting the sort of positive, interventionist Indian policy practiced elsewhere in what would become the Dominion.[59]

This assessment of Canadian Indian policy as largely benign was shattered by the Indigenous political resurgence of the 1960s, the explosive revelations of the Hawthorn Reports, and, in historiographical terms, by John L. Tobias's work the following decade.[60] In his wake, historians such as Sarah Carter, Maureen K. Lux, Hugh Shewell, and, more recently, James Daschuk documented in chilling detail the extent to which the Indian Department directly and indirectly exacerbated enduring economic inequalities, widespread poverty, chronic health problems, poor education, unemployment, disrupted families, and territorial dispossession.[61] In doing so, they continued to conceptualize the Indian Department as a carefully micromanaged,

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[58] Robert J. Surtees, "Indian Reserve Policy in Upper Canada, 1830-1845" (MA thesis, Carleton University, 1966), 41, 94-95.

[59] Upton argued that the "non-policy" or neglect that characterized Indian policy in New Brunswick, Nova Scotia, and Prince Edward Island was in large part responsible for ongoing Aboriginal marginalization and poverty: "Indian Policy in Colonial New Brunswick," *Acadiensis* 3, no. 2 (1974), 25; "Indian Policy in Colonial Nova Scotia," *Acadiensis* 5, no. 1 (1975), 10; and "Indians and Islanders: The Micmacs in Colonial Prince Edward Island," *Acadiensis* 6, no. 1 (1976), 21-42.

[60] John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy (1867-1873)," *Western Canadian Journal of Anthropology* 6, no. 2 (1976), 39-53, and "Canada's Subjugation of the Plains Cree, 1879-1885," *Canadian Historical Review* 54, no. 4 (1983), 519-548. Tobias's work should be interpreted within a broader ethnohistorical and social historical turn in the historiography that opened new spaces for Indigenous agency and cultural survival: see, for instance, Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890* (Vancouver: University of British Columbia Press, 1977); Arthur J. Ray and Donald B. Freeman, *Give Us Good Measure: An Economic Analysis of Relations Between the Indians and the Hudson's Bay Company Before 1763* (Toronto: University of Toronto Press, 1978); and Bruce Trigger, *The Children of Aataentsic: A History of the Huron People to 1660* (Montreal and Kingston: McGill-Queen's University Press, 1976).

[61] Carter, *Lost Harvests*; Lux, *Medicine That Walks*; Hugh Shewell, *Enough to Keep Them Alive: Indian Welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2004); and Daschuk, *Clearing the Plains*, chapter 8. For other work in this vein, see, for instance, F.L. Barron, "A Summary of Federal Indian Policy in the Canadian West, 1867-1984," *Native Studies Review* 1 (1984), 28-39; Stephen Fudge, "Too Weak to Win, Too Strong to Lose: Indians and Indian Policy in Canada," *BC Studies* 57 (1983), 137-145; Joe Mathias and Gary Yabsley, "Conspiracy of Legislation: The Suppression of Indian Rights in Canada," *BC Studies* 89 (1991), 34-47; and Toby Morantz, *The White Man's Gonna Getcha: The Colonial Challenge to the Crees in Quebec* (Montreal and Kingston: McGill-Queen's University Press, 2002), 8, chapter 6.

top-down organization. To Carter, for instance, "Indian policy" was authored by a handful of "major architect[s]" who constituted "the 'official mind' of the bureaucracy."[62] Daschuk, similarly, interprets federal Indian Affairs administration through the writings of the minister, deputy minister, and sometimes a regional manager.[63] These scholars, in short, portray the Indian Department as paternalistic and assimilationist in principle, while simultaneously frugal and authoritarian in practice.

Following the cultural and linguistic turn in the 1990s, historians operating from several new theoretical and methodological perspectives[64] have probed state practice as the creation, maintenance, and naturalization "of ideological formulations around race" and health, labour, geographic space, housing, gender, sexuality, money, and a raft of other topics. They have revealed the racialist, capitalist, and colonialist "common sense" underpinning official policies and reinterpreted the state as a composite of colonial discourses and political technologies enabling "action at a distance," and helping settlers reformulate on their own terms their relations with Indigenous peoples.[65] Such projects failed, in part, because, as James C. Scott argued in

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[62] Carter, *Lost Harvests*, 51, 141.
[63] Daschuk, *Clearing the Plains*, chapter 8.
[64] From such perspectives, the state was not merely a composite of material institutions but "a cultural phenomenon… by which authority became progressively pervasive and efficacious in our society": Allan Greer and Ian Radforth, "Introduction," in *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1992), 11; see also Bruce Curtis, *The Politics of Population: State Formation, Statistics, and the Census of Canada, 1840-1875* (Toronto: University of Toronto Press, 2001); and Sheila McManus, *The Line Which Separates: Race, Gender, and the Making of the Alberta-Montana Borderlands* (Lincoln: University of Nebraska Press, 2005). In colonial settings, racial and gendered discourses of difference are particularly prominent aspects of state projects. The endeavour to maintain such dichotomous boundaries and classificatory schemes – artificial, unstable, and constantly at risk of catastrophic collapse – thus came to be seen as one of the most difficult and important tasks of bureaucrats as well as others intimately involved in colonial enterprises: Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (London: Routledge, 1992); and Catherine Hall, *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867* (Chicago: University of Chicago Press, 2002).
[65] Kelm, *Colonizing Bodies*, xviii, 129. See also, for instance, Jean Barman, "Taming Aboriginal Sexuality: Gender, Power, and Race in British Columbia, 1850-1900," *BC Studies* 115/116 (1997), 237-266; Perry, "From the 'Hot-Bed of Vice'"; Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: University of British Columbia Press, 2002), 217, 265; Brian Hubner, "'This is the Whiteman's Law': Aboriginal Resistance, Bureaucratic Change and the Census of Canada, 1830-2006," *Archival Science* 7 (2007), 197; Tina Loo, "Dan Cranmer's Potlatch: Law as Coercion, Symbol, and Rhetoric in British Columbia, 1884-1951,"

Seeing Like a State, the complexity of actually existing societies cannot be easily reduced to the handful of discrete variables manipulated by "high modernist" policymakers according to simple "rules of thumb."[66]

This work has significantly broadened scholarly understanding of state processes and continued to call into question the legitimacy of bureaucratic interventions in the lives and communities of Indigenous peoples. It has done so, however, without adequately exploring *how* bureaucrats operate. Most scholars remain firmly rooted within Lea's policy animism. As Dean Neu and Richard Therrien put it, senior officials "administered the daily operations" closely and "ma[d]e virtually all the major decisions."[67] Keith Smith, whose Foucauldian analysis is one of the strongest critiques of the Indian Department's bureaucracy in the literature, holds that the Indian Department was comprised of "functionaries" who worked in a "formidable hierarchical structure" and "shared a set of assumptions" about their work, specifically, that "the transfer of land and resources from Indigenous to newcomer control stood above all other policy considerations."[68] The discursive turn reveals government bureaucrats concerned with many more projects of rule – or dimensions of a single project – than previously supposed, without explaining how or even why they did so.

In accepting the historical Indian Department in terms resembling those cast in the official history, we have been comforted by the limited scholarship on the history of Indian Affairs administration. The increasingly dated but still definitive studies of Douglas Leighton

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Canadian Historical Review 73, no. 2 (1992), 125-165; John Lutz, *Makúk: A New History of Aboriginal-White Relations* (Vancouver: University of British Columbia Press, 2008), chapter 3; Renisa Mawani, *Colonial Proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1871-1921* (Vancouver: University of British Columbia Press, 2009); Dean Neu and Richard Therrien, *Accounting for Genocide: Canada's Bureaucratic Assault on Aboriginal People* (Black Point: Fernwood Publishing, 2003); and Keith David Smith, *Liberalism, Surveillance, and Resistance*.

[66] Scott, *Seeing Like a State*, 319.

[67] Neu and Therrien, *Accounting for Genocide*, 81, 89-90.

[68] Smith, *Liberalism, Surveillance, and Resistance*, 8-9, 47, 94, 105.

and Brian Titley depict a rigid, centralized institution in which deputy ministers made "all decisions of consequence" while their faithful retinue of clerks attended to "inconsequential and boring matters."[69] P. Whitney Lackenbauer's call to move beyond "the rational actor model" has thus far been answered largely through insightful studies of interdepartmental and intergovernmental strife, such as Cole Harris's exploration of reserve creation in B.C., Shelley Gavigan's history of criminal law on the Prairies, Byron King Plant's analysis of integrationism in B.C., and David Calverley's history of game policy in Ontario.[70] A pair of studies have hinted at the procedural complexity of Departmental archival practices,[71] another pair have scratched the surface of the fascinating and long-ignored role of Indigenous clerks in the civil service,[72] and the steadily expanding corpus of Indian agent studies has gradually come to grips with the degree of freedom possessed by those whom anthropologists call "street-level bureaucrats."[73]

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[69] Douglas C. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890" (PhD dissertation, University of Lancaster, 1978), 208, 318, 359-361, 506, 529; and "A Victorian Civil Servant at Work: Lawrence Vankoughnet and the Canadian Indian Department, 1873-1893," in *As Long as the Sun Shines and the Water Flows: A Reader in Canadian Native Studies*, eds. Ian A.L. Getty and Antoine Lussier (Vancouver: University of British Columbia Press, 1983). Brian Titley's most important work remains *A Narrow Vision*, but he recently explored the application of Indian policy at the level of the regional manager of the Plains in *The Indian Commissioners: Agents of the State and Indian Policy in Canada's Prairie West, 1873-1932* (Edmonton: University of Alberta Press, 2009).

[70] Lackenbauer, *Battle Grounds*, 9, although Lackenbauer maintains that the Indian Department itself was "controlled by a highly centralized headquarters (p. 16); see also Harris, *Making Native Space*, Gavigan, *Hunger, Horses, and Government Men*; Byron King Plant, "The Politics of Indian Administration: A Revisionist History of Intrastate Relations in Mid-Twentieth Century British Columbia" (PhD dissertation, University of Saskatchewan, 2009); and David Calverley, "Who Controls the Hunt? Ontario's *Game Act*, the Canadian Government and the Ojibwa, 1800-1940" (PhD dissertation, University of Ottawa, 1999). Gettler, "Colonialism's Currency," 117, 355, 387-388, accepts that "the state and the institutions that comprise it are far more complicated and conflicted than their unified external façade suggests," but contintues to speak of the Indian Department as a rational agent concerned chiefly with the "reduc[tion of its] outlay on welfare."

[71] Sean Darcy, "The Evolution of the Department of Indian Affairs' Central Registry Record-Keeping Systems: 1872-1984," *Archivaria* 58 (2004), 161-171; and Russell, "The White Man's Paper Burden," 50-72.

[72] Both articles discuss the same individual, Thawennensere (Charles Cooke); however, there were several Indigenous clerks in the Indian Department during the 1890s and early 1900s. See Brendan F.R. Edwards, "'A Most Industrious and Far-Seeing Mohawk Scholar': Charles A. Cooke (Thawennensere), Civil Servant, Amateur Anthropologist, Performer, and Writer," *Ontario History* 102, no. 1 (2010), 81-108; and Katharine McGowan, "'In the Interest of the Indians': The Department of Indian Affairs, Charles Cooke and the Recruitment of Native Men in Southern Ontario for the Canadian Expeditionary Force, 1916," *Ontario History* 102, no. 1 (2010), 109-124.

[73] The earliest studies of Indian agents interpreted them chiefly as faithful adherents to elite policy: see, for instance, Jean Manore, "Power and Performance: Indian Agents and Agencies in the West, 1876-1896" (MA thesis, University of Ottawa, 1986), 35; Noel Dyck, *What is the Indian "Problem"? Tutelage and Resistance in Canadian Indian Administration* (St. John's: Institute of Social and Economic Research, 1991); and, more recently, Cori

Especially for the pre-1945 era, however, we still lack the sustained interrogation of bureaucratic culture that could properly situate these disparate case studies in their broader historical context.[74]

If the statist inclinations of official history have survived so long in the historiography, it is probably less because the purveyors of the former are exceptionally persuasive than because the authors of the latter – including myself – share with them many basic assumptions about how to think and talk about the state, even if we disagree strenuously about that state's intentions, effects, and basic legitimacy. I do not imagine that many contemporary historians – or public servants, for that matter – would view the esteemed Canadian administrative historian J.E. Hodgetts's framing of state bureaucracies as true organisms, complete with life histories and

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Simpson, "'In the Eyes of the State': Memories of Indian Agents, Agency and Resistance in Kahnawake" (MA thesis, Trent University, 2008), 15. Later scholarship granted them a greater degree of agency: see especially Robert Kuhlberg, "'Mr. Burk is Most Interested in Their Welfare': J.G. Burk's Campaign to Help the Anishinabeg of Northwestern Ontario, 1923-53," *Journal of Canadian Studies* 45, no. 1 (2011), 58-89; Paige Raibmon, "'A New Understanding of Things Indian': George Raley's Negotiation of the Residential School Experience," *BC Studies* 110 (1996), 69-96. Robin Jarvis Brownlie stands in the middle of this spectrum: see *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* (Toronto: University of Toronto Press, 2003), as, to a lesser extent, does Trefor Smith, "John Freemont Smith and Indian Administration in the Kamloops Agency, 1912-1923," *Native Studies Review* 10, no. 2 (1995): 1-34. Dorothee Schreiber comes closest to the conventional "street-level bureaucracy" model – which I discuss later in the introduction – in her study of Indian fisheries policy. Schreiber argues that fisheries policy largely originated with Indian agents in the absence of clear direction from the Ottawa headquarters: "'A Liberal and Paternal Spirit': Indian Agents and Native Fisheries in Canada," *Ethnohistory* 55, no. 1 (2008), 88-90, 95. Curiously, in the conclusion to an essay that mounts a credible challenge to the conception of the Indian Department as a strictly centralized institution with rigidly top-down policy agendas, Schreiber retreats to the more classically conventional position that there was a secret policy-within-a-policy: perhaps Secretary James "McLean, as a skilled bureaucrat," gave "his agents" discretion "to do what they did best," knowing they would use their freedom to "create spaces in which Indians could be transformed into colonial subjects" (*ibid*., pp. 109-110).

[74] For some time, scholars working on the integrationist and post-integrationist eras have proven theoretically and methodologically innovative: see, for instance, Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda, 1968-70* (Toronto: University of Toronto Press, 1981); Hugh Shewell, "'Bitterness Behind Every Smiling Face': Community Development and Canada's First Nations, 1954-1968," *Canadian Historical Review* 83, no. 1 (2002), 58-84; Vic Satzewich, "Indian Agents and the 'Indian Problem' in Canada in 1946: Reconsidering the Theory of Coercive Tutelage," *Canadian Journal of Native Studies* 17, no. 2 (1997), 227-257. These authors highlighted exceptionally important dimensions of state practice – respectively, the complexity and contingency of elite policy-making, the unpredictable and uncontrollable nature of policy initiatives once implemented, and the disillusionment with formal policy shared by many field officers – but, even for the postwar period, there is still no comprehensive study that tries to tie these pieces together in the form of a depiction of bureaucratic society.

stages of maturity, as more than an (over)extended metaphor.[75] Still, as one member of my doctoral committee remarked when I started this project, historians understandably resist the urge to submerge themselves and their readers in mundane trivialities of statecraft. The state-as-agent discourse helpfully shifts our gaze from a few "guilty men" to the larger webs of social relations that made their actions significant. The magic of exactly how "the state" accomplished its tasks, however, should not be left uninvestigated. Perhaps, people who live in intensely bureaucratized societies and work in bureaucratic settings for much of their lives have come to accept this magic as normal, natural, or "taken for granted."[76] We are, after all, policy animists.

The foundations for most of today's slippery, mystifying, and even mystical characterizations of state agency are a set of interlocking descriptive, normative, and prescriptive premises rooted loosely in responses to so-called Weberianism. In *Economy and Society*, Max Weber argued that the emergence of the modern state was both characterized and facilitated by a new type of social organization, one defined by the storage of politically privileged knowledge in written form ("the files"); the supremacy of official "rules, which are more or less stable,… exhaustive, and which can be learned"; and a professional career staff whose authority derives from their ceremonial titles ("offices") and their privileged access to "the files," rather than from "charismatic" personal leadership. Smoothly functioning Weberian bureaucracies transform elite will into collective action: that is to say, they render policy animism (seemingly) sensible and

[75] J.E. Hodgetts, "Adolescent Bureaucracy: Some Features of the Canadian Civil Service Before Confederation," *Canadian Journal of Economics and Political Science* 18, no. 4 (1954), 419-430; *Pioneer Public Service: An Administrative History of the United Canadas, 1841-1867* (Toronto: University of Toronto Press, 1955); and *The Canadian Public Service: A Physiology of Government, 1867-1970* (Toronto: University of Toronto Press, 1973); and Hodgetts, William McCloskey, Reginald Whitaker, and V. Seymour Wilson, *The Biography of an Institution: The Civil Service Commission of Canada, 1908-1967* (Montreal and Kingston: McGill-Queen's University Press, 1972).

[76] Pierre Bourdieu, *Outline of a Theory of Practice*, translated by Richard Nice (Cambridge: Cambridge University Press, 1977), 168.

appropriate.[77] The term is typically intended as derogatory or derisive but nevertheless reveals an important shift in power relations: from the rule by *people* to the rule by bureaus, writing tables, *i.e.* desks, at which a sequence of people happen to sit. During the second half of the twentieth century, "Weberianism" came largely to be associated with two related scholarly traditions that arguably depart considerably from Weber's own views: a distinctly Whiggish narrative of progressive administrative professionalization and modernization, exemplified in Canada by J.L. Granatstein's *The Ottawa Men*;[78] and a social scientific framework that conceives of this modern bureaucratic order as an ideal type rather than as the probable end state of sociopolitical evolution.[79] In any event, it is this body of theory which historians invoke when

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[77] Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (New York: Bedminster Press, 1968), III:958-963.

[78] In the earlier onwards-and-upwards narratives, authors clearly endorsed the gradual stripping away of what they deemed the inefficiencies and shortcomings of patronage-based, non-meritocratic, pre-modern administration: J.L. Granatstein, *The Ottawa Men: The Civil Service Mandarins, 1935-1957* (Toronto: Oxford University Press, 1982), but see also L.W.C.S. Barnes, *Consult and Advise: A History of the National Joint Council of the Public Service of Canada, 1944-1974* (Kingston: Queen's University Industrial Relations Centre, 1974); Terry Eastwood, "R.E. Gosnell, E.O.S. Scholefield and the Founding of the Provincial Archives of British Columbia, 1894-1919," *BC Studies* 54 (1982), 38-62. The linkage of Canadian bureaucratic professionalization to the progressive interwar "government generation" – Doug Owram, *The Government Generation: Canadian Intellectuals and the State, 1900-1945* (Toronto: University of Toronto Press, 1986) – implies that the Canadian bureaucratic revolution occurred some while after its British counterpart was unleashed by the Northcote-Trevelyan Report in 1854. Subsequently, post-Foucauldian scholars have reinterpreted the Weberian revolution as the ascendancy of historically specific projects of rule legitimized by particular normative discourses about statecraft and managerialism, rather than as the evolution of an objectively superior form of social organization. See, for instance, Stéphane Castonguay, "Naturalizing Federalism: Insect Outbreaks and the Centralization of Entomological Research in Canada, 1884-1914," *Canadian Historical Review* 85, no. 1 (2004), 1-34; Robert A.J. McDonald, "The Quest for 'Modern Administration': British Columbia's Civil Service, 1870s to 1940s," *BC Studies* 161 (2009), 11-12; Lisa Pasolli, "Bureaucratizing the Atlantic Revolution: The 'Saskatchewan Mafia' in the New Brunswick Civil Service, 1960-1970," *Acadiensis* 38, no. 1 (2009), 127, 131; and, in the United Kingdom, Edward Barratt, "Governing Public Servants," *Management & Organizational History* 4, no. 1 (2009), 67-84. These writers call into question the narratives proposed by Weber and the Whig school of bureaucratic history, but not the essential outcome: the rise of a professional, non-partisan, career-oriented civil service exercising power through distinctly Weberian practices of files, offices, and impersonal relations.

[79] See, for instance, Peta Sheriff, "The Sociology of Public Bureaucracies, 1965-1975," *Current Sociology* 24, no. 1 (1976), 1-115; Eric J. Walton, "The Persistence of Bureaucracy: A Meta-Analysis of Weber's Model of Bureaucratic Control," *Organization Studies* 26, no. 4 (2005), 569-600; and Karl von Holdt, "Nationalism, Bureaucracy and the Developmental State" (2010). Such ahistorical approaches, complains Eugenie Samier, "transform [Weber] into an apologist for technical rationality": see Eugenie Samier, "Toward a Weberian Public Administration: The Infinite Web of History, Values, and Authority in Administrative Mentalities," *Halduskultuur* 6 (2005), 62. Weber seems to have viewed bureaucracies as objectively superior only in their organizational capacity and efficiency: that is to say, modern professional bureaucracies were better at political rule in much the same sense that factories were better at producing finished goods than artisanal workshops. This superiority of efficiency did

they describe the Indian Department as "a harsh, faceless bureaucracy consumed by rules, accountability, and fiscal restraint."[80] Some Weberians (though not Weber himself) saw this evolution as a largely positive development, although Ben Kafka observes that the system of "rule by desk" has been an object of derision or lamentation since the very term *bureaucracy* was coined in the mid-eighteenth century,[81] and, throughout the second half of the twentieth century, the ominous, alienating dark side of even or especially *successful* bureaucratic endeavours came to preoccupy outside critics: Hannah Arendt's "rule by nobody," Ralph Hummel's "new species of inhuman beings," Michael Herzfeld's "humorless automatons."[82] Such fears arguably reached their zenith in Zygmunt Bauman's thesis that the Holocaust was a triumph of modern "bureaucratic rationalization."[83]

It is this darker dimension of Weberian bureaucracy that has animated new scholarly critiques of state formation since the 1970s. Historical sociologist Philip Abrams argued in 1977, in what remains a widely-cited paper, that scholars should cease accepting the state as "a separate and autonomous entity"; instead, he portrayed it as "an ideological project… [and] an exercise in legitimation," which "prevent[s us from] seeing political practice as it is."[84] Following Abrams, historians as well as scholars in other disciplines have come to see the state as a composite of *processes* of moral regulation, rather than of tangible institutions; these

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not imply that their ascendancy was desirable in other respects; in one 1919 lecture, he somberly anticipated the coming technocratic rule of rationality as "a polar night of icy darkness and hardness… [in which] not only the Kaiser but also the proletarian has lost his rights": Max Weber, *From Max Weber: Essays in Sociology*, eds. H.H. Gerth and C. Wright Mills (Abingdon: Routledge, 1991), 128.

[80] Shewell, *Enough to Keep Them Alive*, 92, 94, 329.

[81] Kafka, *The Demon of Writing*, 11, 77-79.

[82] Hannah Arendt, *On Violence* (Orlando: Harcourt, 1970), 81; Hummel, quoted in Zachary W. Oberfield, *Becoming Bureaucrats: Socialization at the Front Lines of Government Service* (Philadelphia: University of Pennsylvania Press, 2014), 174; Michael Herzfeld, *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy* (Chicago: University of Chicago Press, 1992), 1.

[83] Zygmunt Bauman, *Modernity and the Holocaust* (Cambridge: Polity Press, 1989), 15.

[84] Philip Abrams, "Notes on the Difficulty of Studying the State," *Journal of Historical Sociology* 1, no. 1 (1988), 63, 76, 82.

processes may be found inside or outside the conventionally drawn boundaries of the institutional state.[85] However, the observation that state power is contingent, arbitrary, and socially constructed is merely the first step: the next is to study *how* that construction occurs. If we fail to treat seriously "what… officials actually do in the name of the state," as Bruno Latour, Gupta, and Ben Kafka have observed, then we risk "enhanc[ing] rather than reduc[ing] the mystery" of statecraft. The very legitimacy and authoritativeness upon which state action relies hinges *precisely* upon bureaucrats' success in divorcing their speech acts, written and verbal, from "the social circumstances of their production."[86] The assumptions that underlie official history, then, are not politically neutral. Rather, they are vital to the construction and perpetuation of the Indian Department and similar bureaucratic orders.[87]

This approach to the historical state necessarily involves what Ann Laura Stoler describes as the "ethnographic" turn in the exploration of the official archive, from reading "against" to "along the grain" of the text. The ethnographic turn reveals that the "seemingly panoptic glare of [the] vacuous, stylized official gaze" is really a "frail conceit," its textual remains "condensed sites of… anxiety rather than [merely] skewed and biased sources."[88] Bureaucracies were "inhabited institutions" – to borrow a phrase from organizational studies – that housed "agentic, creative people who… neither purely rationalize their action nor seamlessly follow

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[85] Allan Greer and Ian Radforth, "Introduction," in *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1992), 10-11.
[86] Ben Kafka, "Paperwork: The State of the Discipline," *Book History* 12 (2009), 341; Bruno Latour and Steve Woolgar, *Laboratory Life: The Construction of Scientific Facts* (Princeton: Princeton University Press, 1986), 17, 21; and Gupta, "Blurred Boundaries," 376; see also Roma Chatterji, Rajni Palriwala, and Meenakshi Thapan, "Ethnographies of the State: Report of a Workshop," *Economic and Political Weekly* 40 (2005), 4312; for applications, see Oivind Fuglerud, "Constructing Exclusion: The Micro-Sociology of an Immigration Department," *Social Anthropology* 12, no. 1 (2004), 25-40; and Colin Hoag, "The Magic of the Populace: An Ethnography of Illegibility in the South African Immigration Bureaucracy," *PoLAR: Political and Legal Anthropology Review* 33, no. 2 (2010), 6-25.
[87] Kafka, "Paperwork: The State of the Discipline," 341.
[88] Stoler, *Along the Archival Grain*, 20, 23, and "Colonial Archives and the Arts of Governance," *Archival Science* 2 (2002), 90.

institutionalized scripts."[89] These insights are already echoed in the Canadian historiography – for instance, Renisa Mawani has built on Stoler's critique to explore the anxiety and uncertainty that she says characterized Indian status policy in British Columbia[90] – but have not yet formed the basis for a serious historical reading "along the grain" of historical bureaucratic culture, within the Indian Department or elsewhere in the federal government. Moving beyond the narrow confines of Canadian Indigenous-state relations history, it is also apparent that more is needed in order to understand "what lower-level officials actually d[id] in the name of the state":[91] in disciplinary terms, public administration scholarship is largely ahistorical, notwithstanding relatively crude efforts at *longue-durée* origin stories about bureaucracy[92] and occasional fretting about the state of the discipline,[93] while the subfield of administrative history, long near-defunct, is still some ways from a full-fledged resuscitation.[94] There have also

[89] Tim Hallett and Marc J. Ventresca, "Inhabited Institutions: Social Interactions and Organizational Forms in Gouldner's *Patterns of Industrial Bureaucracy*," *Theory and Society* 35 (2006), 213-236; and Amy Binder, "For Love and Money: Organizations' Creative Responses to Multiple Environmental Logics," *Theory and Society* 36 (2007), 549, 551.
[90] Mawani, *Colonial Proximities*.
[91] Kafka, "Paperwork," 341; see also Gupta, "Blurred Boundaries," 376; Michael J. Piore, "Beyond Markets: Sociology, Street-Level Bureaucracy, and the Management of the Public Sector," *Regulation & Governance* 5 (2011), 147.
[92] André Molitor, "The History of Administration," *International Review of Administrative Sciences* 49, no. 1 (1983), 1-3.
[93] Jos. C.N. Raadschelders, "Administrative History: Contents, Meaning and Usefulness," *International Review of Administrative Sciences* 60, no. 1 (1994), 119, and Michael Clark and Peter Rowlinson, "The Treatment of History in Organisation Studies: Toward an Historic Turn?" *Business History* 46, no. 3 (2004), 331-352; see also Tim Newton, "Knowledge and Practice: Organization Studies Within a Historical and Figurational Context," *Organization Studies* 31, nos. 9-10 (2010), pp. 1369-1395; Adams et al, "Bureaucracy, Corruption, and Accountability in Historical Perspective" (2011), 698.
[94] Promising developments in the last decade include a special issue of *International Journal of Public Administration* in 2011 and the slow growth of the new journal *Management & Organizational History*. I do not share the priorities of much of this field of research, which, while delving into colonial history to some extent, have been principally concerned with tracing historical business and management processes relevant to the contemporary studies of public administration and business management: see, for instance, Andrew Smith and Daniel Simeone, "Learning to Use the Past: The Development of a Rhetorical Strategy by the London Headquarters of the Hudson's Bay Company," *Management & Organizational History* 12, no. 4 (2017), pp. 334-356. Raadschelders, for instance, acknowledges that most inquiries have been shaped by the demands of praxis-oriented public and business administration schools: "much of our understanding of the present is collected on the rationale of how it can be turned into use for the future," and "several characteristics of government are timeless," so general lessons for contemporary managers can be distilled from the study of many places and times: Joseph Raadschelders, *Handbook of Administrative History* (New York: Routledge, 2017), ix and 10. Recently, however, there has been a critical turn

recently been new developments in Canadian political and diplomatic history, but generally these are concerned with popular politics and with explicit public policy formation, without penetrating far into the bureaucratic state.[95]

The ethnographic turn matters because, as Bruno Latour argues, the *processes* by which purportedly rational and objective knowledges are produced and manipulated by large groups of people – in a scientific laboratory, say, or a government agency – are likely, upon close inspection, to be less than obviously objective and rational. They are shaped by complex, culturally and historically specific norms and rituals.[96] "All too often," Josiah Heyman observes in his study of the American customs and immigration service, "the official self-presentation of bureaucracies… mystif[ies] the real application of organized power."[97] Knowledge is problematic, partial, and contested; documents, social performances rather than mere repositories of data; and offices, spaces through which people, texts, and authority flow without necessarily conforming to formal hierarchies or policy instructions. Consequently, if we want to understand how and why the Indian Department behaved as "it" did, we must attend to these complex internal processes, its "regimes and rituals of accountability."[98] This inquiry requires "an

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that brings part of this field, concerned with governmentality, more closely in line with my research. See for instance, Nelarine Cornelius, Olusanmi Amujo, and Eric Pezet, "British 'Colonial Governmentality': Slave, Forced and Waged Worker Policies in Colonial Nigeria, 1896-1930," *Management & Organizational History* 14, no. 1 (2019), 10-32, which attempts to trace in the archive "the everyday routines through which power acts and is experienced"; and Simon Mollan, "Imperialism and Coloniality in Management and Organization History," *Management & Organizational History* 14, no. 1 (2019), 1-9.

[95] For instance, with respect to diplomatic history, the work of Adam Chapnick, such as *The Middle Power Project: Canada and the Founding of the United Nations* (Vancouver: University of British Columbia Press, 2005); and with respect to the new political history, E.A. Heaman, *Tax, Order, and Good Government: A New Political History of Canada, 1867-1917* (Montreal and Kingston: McGill-Queen's University Press, 2017).

[96] Latour's most recent major development of this thesis came in *The Making of Law: An Ethnography of the Conseil d'Etat*, trans. Marina Brilman and Alain Pottage (Cambridge: Polity Press, 2010).

[97] Josiah McC. Heyman, "Putting Power in the Anthropology of Bureaucray," 261, and "Deepening the Anthropology of Bureaucracy," *Anthropological Quarterly* 85, no. 4 (2012), 1270.

[98] Patrick Sullivan, "Bureaucratic Process as Morris Dance: An Ethnographic Approach to the Culture of Bureaucracy in Australian Aboriginal Affairs Administration," *Critical Perspectives on International Business* 4, no. 2/3 (2008), 138-139.

anthropology of the policy process that looks at it as ritual and as production of meaning rather than production of effective policies *per se*."[99]

Latour's framework complicates but does not fundamentally overturn Weberian or Foucauldian perspectives on the state; indeed, it might appropriately be termed a *neo-Weberian* approach. The function of the "ideal… modern bureaucracy," he accepts, remains the efficient production of knowledge, which in turn facilitates the exercise of power by the state;[100] indeed, for Heyman, bureaucracy is a sort of knowledge factory, dedicated to "the production of thoughts."[101] To Patrick Sullivan, similarly, the Australian aboriginal affairs bureaucracy is characterized by a strictly hierarchical social order, "control… of information," and "regimes and rituals of accountability," which "is above all, according to Weber, a culture of practical rationality."[102] Although this is certainly an important aspect of the work of the state, I push beyond this framework in three important respects, by turning to a more nuanced and less stereotypically Weberian conceptualization of bureaucracy, expanding the vital historical dimension of a field previously dominated to date by ethnographic studies of contemporary cultures, and probing the frequently oversimplified relationships between central offices like the one visited by Latour and the field or "street-level" bureaucrats encountered by most ethnographers, including Heyman.

The historical Indian Department presents a useful instance in which *not* all members of a bureaucratic social group were more or less dedicated to the production of rationality and objectivity and to the implementation of one explicitly defined and broadly unified policy

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[99] Thomas Blom Hansen and Finn Stepputat, "Introduction," in *States of Imagination: Ethnographic Explorations of the Postcolonial State*, eds. Blom Hansen and Stepputat (Durham: Duke University Press, 2001), 17.
[100] Latour, *The Making of Law*, 212-213, 253.
[101] Heyman, "Putting Power in the Anthropology of Bureaucracy," 263. Heyman refers to this conception of bureaucracy as "post-Weberian."
[102] Sullivan, "Bureaucratic Culture as Morris Dance," 138-139.

agenda. "Weber's model," several scholars led by Randy Hodson recently complained, "assumes that bureaucratic behaviour largely follows agreed-upon rules." To the contrary, they argue, bureaucratic practice often manipulates formal rules as "façades to cover actual operations," the latter of which are driven by "divergent goals, patrimonialism, unwritten rules, and chaos" – in short, all phenomena that modern Weberian bureaucracy was supposed to have overcome. Bureaucracies are thus reconceptualized as "complex and multilayered environmental fields comprised of a diverse array of actors," who pursue incompatible agendas and work in "chronic states of contradiction and confusion… and in games of blame avoidance." Chaos and unofficial relations, rather than order and formally defined office hierarchies, characterize bureaucratic practice, so much so that a "critical theory of bureaucracy" should "include rule breaking as an inherent feature… – not an anomaly perpetrated by… rogue CEOs, but one that is a necessary consequence of elite domination and exercise of power."[103]

A close study of bureaucratic culture can thus reveal not only the ways in which its purportedly objective products – knowledge expressed on official paper – are socially constructed and culturally contingent, but also that actors in bureaucracies are embedded in a range of diverse and often conflicting individual and collective projects, each possessing varying degrees of elite sanction. Bureaucracies like the Indian Department were rife with internal factions pursuing alternative redistributive projects not found within – or even existing in direct contravention of – "official" policy texts, coalitions advancing rival claims to authority and power, and individuals in active disagreement over the content of the "official" agenda.[104] Gupta

[103] Randy Hodson, Andrew W. Martin, Stephen H. Lopez, and Vincent J. Roscigno, "Rules Don't Apply: Kafka's Insights on Bureaucracy," *Organization* 20, no. 2 (2012), 257, 264, 272. Alison Mountz's account of her negotiations to gain entry into Citizenship and Immigration Canada during the 1990s offer an excellent case example of such conflicts in practice, even in a public service seemingly *not* home to extensive corruption: "Embedded Geographies of the Nation-State: An Ethnography of Canada's Response to Human Smuggling" (PhD dissertation, University of British Columbia, 2003), chapter 4.
[104] Hodson, "Rules Don't Apply," 257, 272.

and Matthew Hull, whose studies of development services in India and Pakistan, respectively, have led the way in reinterpreting complex social relations in bureaucracies, call upon us to account for bureaucrats' evidently prodigious capacity to enact structural violence while also exploring the arbitrariness, unevenness, and even chaos that characterizes actual bureaucratic processes in practice.[105]

One obvious response to the observation that "state institutions are profoundly fractured, frequently reconfigured, and often in conflict" is to turn to the local and the microhistorical, locating and disentangling highly specific and contingent configurations of forces.[106] Adrea Lawrence reaches this conclusion in her self-described "historical ethnography" of Indian day schools in New Mexico.[107] Such an approach both parallels the well-established microhistorical turn in the historiography of rural areas and is a useful starting point for culturally embedded studies of specific Indigenous communities' encounters with the colonial state. Here, however, I do endeavour to tease out what common threads bound Indian Affairs people together across space (and, to some extent, time), in ways that can hopefully provide a context to assist with, rather than a challenge to, future microhistorical and Indigenous national histories.

Second, as an historical study based upon archival sources, this dissertation tests whether the new critical research of bureaucracy can move beyond its roots in participant-observation research to explore how bureaucratic societies operated in times other than our own. Ethnographers who study bureaucracy routinely assert that "there is no substitute for participant-observation" because civil servants (like anyone else) are unreliable witnesses to their own

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[105] Gupta, *Red Tape*, 14; and Matthew Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan* (Berkeley and Los Angeles: University of California Press, 2012), 245.
[106] Andrew S. Mathews, "State Making, Knowledge, and Ignorance: Translation and Concealment in Mexican Forestry Institutions," *American Anthropologist* 110, no. 4 (2008), 485-486.
[107] Adrea Lawrence, *Lessons from an Indian Day School: Negotiating Colonization in Northern New Mexico, 1902-1907* (Wichita: University Press of Kansas, 2011).

behaviour, and because the documents they produce are especially so.[108] As one angry Liberal MP astutely observed in Parliament shortly after the North-West Rebellion, "those who permitted the Indians… to be frozen to death and to be starved to death… are very unlikely… to disclose their own… criminality."[109] Latour describes the reduction of complex social life to official textual form as a process akin to "fax[ing] a pizza."[110] To extend this metaphor, I am endeavouring to reconstruct, from that fax, not just the pizza but the fax machine and the kitchen, as well.

I will certainly not dispute that archival research does not reproduce the same sorts of data generated through participant-observation; however, the problems of biased observers and selective sources are hardly new to historians. In recent years, several authors have engaged in the classically ethnohistorical task of bringing together documentary and human sources to study bureaucratic societies within the timespan primarily of living memory.[111] Only a few have turned exclusively to documentary sources to push the ethnographic study of bureaucracy beyond the interwar years, and none, as yet, in Canada.[112] The pre-Great War Indian Department is thus situated on an important research frontier in the ethnohistory of bureaucracy. In particular, historical studies offer opportunities to explore change and continuity in bureaucratic societies, which ethnographic scholarship has often struggled to provide. In any event, if Mark

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[108] For instance, Hodson *et al.*, "Rules Don't Apply," 273; Gupta, *Red Tape*, 204, and Marc Verlot, "Are Politicians Human? Problems and Challenges of Institutional Anthropology," *Social Anthropology* 9, no. 3 (2001), 351.
[109] LAC, RG 10, volume 3743, file 29,488-2, House of Commons Debates, April 15, 1886, p. 752.
[110] Latour, *The Making of Law*, 268.
[111] For instance, Ilana Feldman, *Governing Gaza: Bureaucracy, Authority, and the Work of Rule, 1917-1967* (Durham: Duke University Press, 2008); Ken Maclean, *The Government of Mistrust: Illegibility and Bureaucratic Power in Socialist Vietnam* (Madison: University of Wisconsin Press, 2013); and Verdery, *Secrets and Truths*, on the Romanian secret police.
[112] Stoler, *Along the Archival Grain*, is an important pioneer in this field. However, two American historians have recently produced important historical scholarship on the culture of the American Indian school teaching service: Cathleen D. Cahill, *Federal Fathers and Mothers: A Social History of the United States Indian Service, 1869-1933* (Chapel Hill: University of North Carolina Press, 2011); and Lawrence, *Lessons from an Indian Day School*.

Abley can converse with the ghost of Scott on the basis of limited textual sources,[113] I feel comfortable using them to undertake a close reading of Scott's Department's culture.

Archival research does offer one other important advantage: the opportunity to follow the traces of people and texts through institutions in ways that observers conducting human-source research would have difficulty replicating. In 1980, Michael Lipsky laid out a modified Weberian model of bureaucracy that emphasized tensions between central bureaucrats who formulate administrative policies and "street-level bureaucrats," or field workers, who must seek unstable equilibria between the needs and demands of their clients (even involuntary ones), the obligations imposed upon them by central-office policies, and the typically scarce resources they are given to carry out their work.[114] The street-level model has had a major influence on how historians perceive Canadian Indian agents,[115] and ethnographers of bureaucracy whose research sites are located in field offices can easily, if unwittingly, fall into replicating the predictions of the street-level model. An important consequence is that while many new insights are gained into the agency and experiences of field officers, the reification of the department as agent is refined and shifted to the *headquarters* of the department, a distant nexus of authority that field workers often resent (and potentially misrepresent) as much as their clients.[116] Once again, the early Indian Department offers a useful test case: the historian may have poorer vision than the ethnographer, but can move more easily and rapidly between many vantage points.

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[113] Abley, *Conversations with a Dead Man*, is a thought-provoking creative assessment of Scott's personality although slightly marred by errors about the composition of the Indian Department and about the Canadian Indigenous population during the early twentieth century.

[114] Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services* (New York: Russell Sage Foundation, 1980), xii, 54-55, 159. Hoag, for instance, observes that South African immigration officers "view… the public… [and] upper management as unpredictable, illegible, and therefore dangerous entities," and consequently have devised "a vernacular, unofficial code of conduct" which functions in lieu of official top-down policies: Hoag, "The Magic of the Populace," 7, 11-14.

[115] For instance, this model is implicit but readily apparent in Schreiber, "A Liberal and Paternal Spirit," and Kuhlberg, "Mr. Burk is Most Interested in Their Welfare."

[116] Lipsky, *Street-Level Bureaucracy*.

Moving away from potentially ahistorical and misleading conceptions of bureaucracy does, of course, raise the question of what *I* mean when I employ the term. Like "the state," "bureaucracy" is a concept sufficiently naturalized – at least within my particular social and cultural background – as to both defy and obviate further qualification: like obscenity, we know it when we see it. To the classical Weberian, modern bureaucracies are relatively easy to locate and classify: they are social groups with formal office-based hierarchies, supremely important files, and a population of career employees. Yet the meaning and importance of at least the first two are called into question by the ethnographic research I discussed above: authority is revealed as fragmented, inconsistent, and often informal, while actually existing "bureaucracies" often turn out to be partially or even primarily *oral* societies in which people sometimes create documents and, having done so, sometimes ascribe great importance to them. Crafting a new definition that is sufficiently rigorous and useful is therefore an important task, if only because that process forces us to consider the assumptions and preconceptions we bring to the search for and study of bureaucratic groups.

First, not all groups inside states are or were bureaucracies, and not all bureaucracies exist within states. This seeming truism is especially important for historians because it falls principally to us, and not the ethnographers, to explain why a particular group should be conceptualized and studied as a bureaucracy at some times but not others. Bureaucracies are not timeless, and "Indian Affairs," in the Canadian context, was not always a bureaucratic project. From the Seven Years' War to Confederation, very few people held Indian Affairs titles in British North America. The concept of an "official mind" is rather less problematic in situations where there really was only one mind (or, at least, just a few minds). Thus our use of language implies, in historical terms, that there must have been a period of time in which Indian Affairs

transitioned from what we would conceptualize as some other form of political project and became what we think of as a bureaucratic one. I am liberated from finally resolving this question by the relative size and complexity of the Indian Department by the mid-1890s – that is to say, by 1896, the Indian Department was clearly *some* sort of bureaucracy – but it is not an unimportant or trivial question. I offer these thoughts to explain what I have in mind when I use the term "bureaucracy," and not as either a prediction of what social orders should emerge within sufficiently complex groups due to processes of modernization, or as a classificatory scheme for pinpointing the precise "birth" of a bureaucratic organization. Christopher Eyre suggests that distinctly Weberian bureaucratic forms emerge only when a society grows large enough that intrastate relations become "depersonalized";[117] for the Indian Department, this criterion had arguably been met by the late 1890s, at least in the literal sense that senior officials no longer wrote most of the official pronouncements to which they affixed their signatures. Dating the "birth" of Canadian government bureaucracy is a task I do not undertake here.

Second, following Heyman, bureaucracies – admittedly, like many other social orders – exhibit very high levels of internal inequality, masked by regular and expensive rituals that celebrate collective unity and distinguish that unity from others outside. Typically, at least among recent Western bureaucracies, among the most important internal markers of difference are ceremonial names or titles, often called *offices*, referring both to the title itself and to the space allocated (typically) proportionate to the rank. The possession of these names distinguishes insiders from outsiders, and certain classes of insiders from others. They also naturalize the unequal control over and allocation of resources and privileges within the

[117] Christopher Eyre, "Patronage, Power, and Corruption in Pharaonic Egypt," *International Journal of Public Administration* 34, no. 11 (2011), 710, suggested that the "impersonal" dimension of a bureaucratic state emerges only once that state has grown large enough to render politics through personal relationships impossible for many.

bureaucratic group. The titles and the hierarchy matter especially in the production of officialness, or the reification of the bureaucracy as an agent. The resulting "agency" is fictive, and rituals of unity and resolve may be only partially successful. Nevertheless, they allow certain elite individuals to *speak as though they were the Department*, while offering their subordinates the more limited benefit of offloading responsibility and accountability for their actions onto the collective. In this way, one of the most important products of bureaucratic activity is bureaucracy itself.

The other core element of bureaucracies is a political economy centered upon the manufacture, reverence, and exchange (as well as, on occasion, the destruction) of documents.[118] "Files" are not authoritative or powerful by nature. Rather, they are made and accepted as such through specific social and political processes that merit historical and ethnographic study. Not all texts were created equal. For that matter, not all of the important information known to civil servants was normally placed on file, and not all the information placed on file was either important or accurate. In the Department of Indian Affairs, power was also exercised through the knowledge of what was *not* in the files, as well as through the capacity to produce what were effectively fictions or untruths in the files. It might be more apt to suggest that bureaucratic societies profess a deep reverence for the files and mobilize them to legitimate or undermine rival claims to truth and power. Bureaucracies have rules for determining how texts should be produced, utilized, and interpreted. Learning these rules was an essential step for newly initiated civil servants – as was learning how and when to break them.

Several implications for the analysis of historical bureaucratic projects follow from these premises. Most importantly, we should not expect that the regular ritual performances of unity

[118] Hull, *Government of Paper*, chapter 3, is the most incisive analysis of the materiality and "political economy of paper" in the ethnographic literature, and I have adapted his concept to frame my definition here.

and hierarchy in certain types of Indian Department paperwork necessarily reflected actual relations in and along the boundaries of the state. Such unity was not always achieved, and when it was, only through effort. In the Indian Department, as observed by ethnographers of contemporary bureaucracy, regular professions of the central authority of key texts like regulations and enabling acts were undermined by day-to-day practices in which such documents were selectively interpreted or of only peripheral relevance. There was a yawning gap between the organizational priorities and goals readily attributed to collective groups with those actually held by the persons who constituted the group. Civil servants were engaged in a number of distinct projects simultaneously, some of which had little relation to official policy. Most of them, as Scott's friend E.K. Brown once said of him, "seldom came early, and never stayed late."[119] We should not forget that the greatest beneficiaries of a bureaucracy, on a resources *per capita* basis, are very often the bureaucrats themselves.

What often results from these complex encounters and interactions is an environment in which policy is fluid, uncertain, and drifting, and its targets – clients, involuntary ones in the case of the Indian Department – appear distant and illegible not just despite but often *because* of civil servants' best efforts to grasp and manipulate them.[120] The failure of development and welfare bureaucracies, like the Indian Department, cannot be traced merely to incompetence or to the existence of a secret second set of objectives, and those objectives which exist should not, of course, reiterating Miller's observation, be confused with *functions* or *effects* (to perpetuate class and racial inequality, for instance).[121] When we do encounter seemingly consistent positions,

[119] Quoted by Titley, *A Narrow Vision*, 204.
[120] Matthew S. Hull, "The File: Agency, Authority, and Autography in an Islamabad Bureaucracy," *Language & Communication* 23 (2003), 290; Maclean, *The Government of Mistrust*, makes a similar argument about rural agricultural programs in Vietnam.
[121] Gupta, *Red Tape*, 47.

such as the Department's noted propensity for cost reduction, this should mark the beginning of an inquiry into how such outcomes could be produced with regularity through bureaucratic relations rather than the conclusion of a search for underlying bureaucratic objectives.

My analysis of the Canadian Department of Indian Affairs between 1896 and 1913 proceeds on three broad narrative and thematic fronts. First, except for Chapter 1, it is a thematic and roughly chronological account of a historically significant interregnum that began with the rise to power of the often-cited but surprisingly little-known Departmental Secretary, John Douglas McLean, and ended with him being eclipsed by the Department's far-better-known Accountant, Duncan Campbell Scott. On a strictly empirical basis, this interregnum is a period about which historians know little compared to the periods that preceded and followed – that is to say, the Macdonald years of the 1870s-1880s and the Scott years of the interwar period.

Second, the chapters are thematic, exploring a selection of Indian Department work that includes some of the most significant dimensions of bureaucratic society at the time (Chapters 1-3) as well as some of those that have most interested historians today (Chapters 4-5) – two categories that only sometimes overlap. This dissertation explores how civil servants and Cabinet ministers represented their work to themselves, to Indigenous people, and to the general public, and how they determined the competence or effectiveness of their colleagues – processes which, in the absence of many clear and formal policy statements, shed considerable light on what they considered to be the most important elements of Indian Affairs. I explore the bureaucratic seasonal round, rituals of initiation and banishment, the daily grind of paperwork, the role of fiscal colonialism in land dispossession, and the evolution of status policy and lands policy, in an attempt to rethink how we speak and write about state-sponsored colonialism in Canada.

Third, my analysis sheds light on how bureaucracy formed and operated at a particular time and place other than our own. I demonstrate that, notwithstanding the loss of some aspects of empirical and analytical depth resulting from the impossibility of participant-observation research, historical methods informed by anthropological theories permit serious interrogation of historical bureaucratic groups like the Indian Department. In doing so, my analysis counters any notion that bureaucracies are in some way natural, inevitable, timeless, or universal constructs, such that once Weberian bureaucracies (somehow) really got going, they worked more or less the way contemporary ones do. This front demonstrates the importance of reflecting on our popular and academic talk about bureaucracies and bureaucratic states more generally.

The first chapter is, first and foremost, an historical overview of the Department of Indian Affairs as it existed in the late nineteenth and early twentieth centuries. Rather than explore the intellectual foundations of Canadian racism and colonialism or provide a narrative history of Indian Affairs legislation and institutional evolution (both of which are already available elsewhere), I place the Indian Department within the broader context of the federal bureaucracy, viewed through the metaphor of Claude-Lévi Strauss's *house society*. The Indian Department was not just a straightforward production of colonial discourse or the will of settler society, but a social group shaped by a particular seasonal round, ritual year, and claim to the legitimate and exclusive occupation of a particular jurisdictional territory – namely, the lives of about one hundred thousand Indigenous people with the historical equivalent of what is now called Indian status.

The second chapter explores initiation into and banishment from Indian Affairs through the context of the anti-Conservative purge carried out across the civil service in the wake of the 1896 election. In the Indian Department, this purge extended from local Indian agents , who

became subject to official inquiries on the basis of nebulous accusations submitted to the minister by his colleagues, to the Inside Service in Ottawa, where a palace coup against Hayter Reed sparked the rise of Liberal land sales clerk John McLean, who became the effective head of the Indian Department upon Reed's dismissal. Although it will doubtless surprise few that partisan patronage played an important role in hiring decisions during the late nineteenth and early twentieth centuries, I explore in depth how patronage networks actually operated at the time and the implications for Indian policy of the Indian Department functioning, in effect, as a mechanism for redistributing resources to (in the case of this purge) Liberals.

The third chapter explores, in effect, a day in the life of the Indian Department. I chart the progress of two files through the Indian Department bureaucracy, one submitted at the, so to speak, ground floor by Indigenous people in New Brunswick seeking finances for a church furnace on their reserve, and the other submitted at the top, straight to the minister, by a politically well-connected settler merchant hoping to compel repayment of a deceased Indian woman's debts. In the process, I reconstruct the considerable routine work that went into allowing a few elite officials to appear ever-present in the archival record and to pronounce decisions while embodying and inscribing themselves as "the Department." However, I also explore the ways in which an Indian Department – constructed via the social networks described in Chapter 2 – functioned in practice, both to privilege the demands of certain groups within settler society as well as to contain and frustrate Indigenous agency, even in routine matters, by forcing the former to move through slow, carefully prescribed, well-worn official channels while simultaneously opening alternative and illicit paths through the bureaucracy for influential settlers.

The fourth and fifth chapters turn from the "nuts and bolts" of the Indian Department to two more readily recognizable issues of "Indian policy," albeit ones for which there does not yet exist a comprehensive history in the academic literature: Indian status and reserve surrenders. With respect to the first of these, I trace the history of efforts to define – constitutionally, through legislation, and eventually on the ground by Indian Affairs officials – "Indians," both as individuals (what is now colloquially called "Indian status") and as communities ("Indian bands" or First Nations). Contrary to some existing suggestions in the literature that racial boundaries were an intractable problem that preoccupied colonial governments, I suggest that in British Columbia, where the history of early "status" programs has not been well-written, field officials disregarded the *Indian Act* while crafting alternative, *ad hoc* arrangements initially intended to resolve other and more urgent issues, such as allotting reserves before land could be claimed by settlers and determining who should be entitled to payment when some of these hastily established reserves began to be surrendered and sold. Reserve surrenders, in contrast, were a subject of intense scrutiny by senior central officials, to the extent, I suggest, that the Indian Department functioned as a sort of colonial real estate agent – a firm in which the demonstrated ability to negotiate surrenders provided opportunities both for mid-ranking officials to seek prestige and promotion, and sometimes for senior officials, in particular, to profit personally through fraudulent land sales.

I have not included, within this dissertation, a chapter on residential schools. Schools remain one of the signature programs in the Canadian government's long history of colonialism and the work of the Truth and Reconciliation Commission was ongoing while I embarked on this research project, but I made the difficult choice for several reasons. First, the residential school system is already the subject of a number of very comprehensively researched and well-written

histories, notably those of J.R. Miller, John S. Milloy, and most recently the Commission itself.[122] I feel that a chapter-length treatment of the day and residential school systems here would come off as perfunctory while adding too little to the existing record. Moreover, my focus on inside bureaucratic politics, though a conscious decision, admittedly leaves less room for Indigenous voices outside of the state than is now common in Indigenous history, perhaps making it particularly ill-suited to a topic where personal experience remains so profound and painful for survivors and their children. Finally, my selection reflects the priorities of the day. Although education was, along with treaty annuities, one of the largest line items in the budget, the schools themselves were of curiously limited importance to the actual denizens of the Indian Department during my particular period of study relative to other files such as land sales. The residential schools had already been spun out of the federal bureaucracy to operate behind the nominal shield of church management, and the school system as a whole had not yet received the sustained attention that it would during the later tenure of Duncan Campbell Scott as deputy minister. The average daily attendance of the day and residential school systems together grew modestly from 9,714 students in 1896 to 11,190 students in 1911, before expanding by over fifty percent to 17,163 students in 1932, the year that Scott retired.[123] The comprehensive scholarly history of the day school system, in particular, has yet to be written, though there have been

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[122] J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996); John S. Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986* (Winnipeg: University of Manitoba Press, 1999); and Truth and Reconciliation Commission, *The Final Report of the Truth and Reconciliation Commission of Canada*, especially volume entitled *The History, Part 1: Origins to 1939* (Montreal and Kingston: McGill-Queen's University Press, 2015).

[123] *Annual Report of the Department of Indian Affairs for the Year Ended 30th June 1896* (Ottawa: S.E. Dawson, 1897), p. xxxvi; *Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1911* (Ottawa: C.H. Parmelee, 1911; PDF by Library and Archives Canada), p. 40; and *Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1932* (Ottawa: F.A. Acland, 1932; PDF by Library and Archives Canada), p. 11.

some encouraging recent forays[124] and that system is the subject of a recent legal settlement by the federal government.

Even setting aside the school system, many of these topics are politically sensitive and controversial, and I am not unsympathetic to concerns that the recent turn from settler to Indigenous sources to provide empirical, methodological, and theoretical bases for Indigenous history is a frail and vulnerable development still liable to settler backlash. This work should not be mistaken as an attempt to contribute to the field of Indigenous history or to undermine the importance of Indigenous voices, although there are many Indigenous people depicted here and my hope is that the internal history of the Indian Department may be of value to some readers who are also interested in Indigenous history. The work is, rather, a meditation on how colonial society has confronted its problems through the establishment of particular social and political formations that we think of as bureaucracies. The Indian Department is, paradoxically, the most thoroughly studied and most persistently misunderstood bureaucracy in Canada. If we wish to understand how colonialism operated and continues to operate in this country, let alone to envision a future shaped through restorative justice, we must be prepared to think critically about the history and meaning of bureaucracy. My aim is not to return the conventional "state" or its "Indian policy" to their former territory as the central actors in "Native" history, but rather to subject state bureaucracies to the sort of critical and ethnohistorical analysis once applied only to their Indigenous subjects.

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[124] For instance, Helen Raptis, *What We Learned: Two Generations Reflect on Tsimshian Education and the Day Schools* (Vancouver: University of British Columbia Press, 2016); Martha Walls, "'The Teacher That Cannot Understand Their Language Should Not be Allowed': Colonialism, Resistance, and Female Mi'kmaw Teachers in New Brunswick Day Schools, 1900-1923," *Journal of the Canadian Historical Association* 22, no. 1 (2011), pp. 35-67; and Alison Elizabeth Norman, "Race, Gender and Colonialism: Public Life Among the Six Nations of Grand River, 1899-1939" (PhD dissertation, University of Toronto, 2010).

1. The Seasonal Round of Indian Affairs: A Traditional Use and Occupancy Study

When we speak or write about "the Department of Indian Affairs," what do we mean? Is the term a pseudonym or *nom de plume* for one or more senior officials? Is it meant to capture, in collectivity, the "shared assumptions" and agendas of bureaucrats that in some way constituted an "official mind"?[1] As I noted in the Introduction, scholars have generally accepted the Indian Department more or less as its bureaucrats, on certain formal and ceremonial occasions, proclaimed it to be: a highly centralized institution of powerful central micromanagers, Indian agents in the field who mostly operated (and sometimes chafed) within narrow terms of reference, and school staff, the latter operating beneath the concealing shield of what might now be called public-private partnerships with churches).[2] That institutional Department combined an authoritarian strategy of cultural and economic assimilation with an obsessive drive to minimize costs – and perhaps was not entirely displeased when this disjointed approach both exacerbated as well as legitimized the dispossession and marginalization of Canada's First Nations.[3] It was also this organization which, deputy minister Duncan Campbell Scott notoriously vowed in 1920, would "continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian

[1] This term was coined by Ronald Robinson, John Gallagher, and Alice Denny, in *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan, 1961), but was first applied to Canadian Indian Affairs by Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal and Kingston: McGill-Queen's University Press, 1990), 51.
[2] The latter structure is described in J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996), 126-127.
[3] For instance, Carter, *Lost Harvests*, 23.

Department."[4] Happily for scholars, the Department's records branch faithfully maintained a documentary trove to substantiate such claims of unity and purpose, a collection that might be called the bureaucracy's true institutional memory, the keepers of which were devoutly certain that "future generations" would want to read an "unbroken chain… of what these men have done."[5] (Their conviction has been vindicated, though perhaps not for the reasons they hoped.) That record, Keith Smith has written, documents "the formidable DIA hierarchy" and "surveillance network" in action.[6]

In this chapter, by way of an introductory overview to the Department of Indian Affairs, I advance a somewhat different proposition: that formal documentary practices, especially the government's periodical *Annual Reports*,[7] were important occasions for bureaucrats to *represent* themselves as something approximating the "formidable… hierarchy" depicted by Smith and that might be animated by Scott's soaring (if also chilling) rhetoric about "the Indian question." Neither "Indians" nor "Indian Affairs" were uniform, clearly defined, or, in the latter case, all-seeing, centralized, and rationally goal-oriented in the way that the *Reports* at first seem to suggest. These assertions or performances of what might be called officialness – or, more specifically, *Indian Department-ness* – are revealing both in their successes and in their failures. Building primarily upon passages in the *Reports*, I employ the metaphor of Claude Lévi-

[4] Library and Archives Canada (LAC), Record Group 10 (RG 10), volume 6810, file 470-2-3, part 7, "Mr. Scott's Statement," 1920, p. N-3.
[5] LAC, RG 10, volume 8586, file 1/1-6-3, A.E. St. Louis to Harold McGill, August 3, 1937, quoted by Bill Russell, "The White Man's Paper Burden: Aspects of Records Keeping in the Department of Indian Affairs, 1860-1940," *Archivaria* 19 (1984-1985), 52.
[6] Keith D. Smith, *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada, 1877-1927* (Edmonton: Athabasca University Press, 2009), 17, 96, 116. Smith, like me, views the *Annual Report* as a useful vantage point for introducing the reader to the Indian Department; here, however, I choose to place greater emphasis on the extent to which the reports were flawed, imperfect vehicles (see Smith, p. 95-97, 117, also reflecting on the flaws of the reports).
[7] Department of Indian Affairs, *Annual Report of the Department of Indian Affairs for the Year Ended June 30, 1900* (Ottawa: S.E. Dawson, 1901).

Strauss's house society to read the Indian Department as a social group shaped by a particular kind of seasonal round and ritual year, an internal hierarchy linked to its status within the larger society of the federal civil service, and claims to the legitimate and exclusive occupation of a particular jurisdictional territory – namely, the lives of all Indigenous people bearing what is now called Indian status. In functional terms, the Indian Department – much like other bureaucracies – existed not so much to answer Scott's "Indian question" as to perpetuate its own existence. The unstated central purpose of the Indian Department, like other government departments, was to keep on being the Indian Department.

I draw the tongue-in-cheek chapter subtitle from a particular form of applied ethnohistory. The Traditional Use and Occupancy Study (TUOS) is an increasingly standardized documentary response to state and corporate demands that First Nations provide appropriately formatted, site-specific inventories of their traditional territories as a basis for resource development and treaty negotiations.[8] Government officials do not, of course, customarily

[8] The first self-identifying TUOS report can be said to be Milton Freeman Research, Ltd., *Inuit Occupancy Project*, 3 vols. (Ottawa: Department of Indian Affairs and Northern Development, 1976). In the wake of the *Delgamuukw* decision, however, public servants in the British Columbian and Albertan governments both developed and funded extensive series of TUOS projects within their respective territories. The TUOS framework has increasingly come under criticism as a reductionist paradigm that strips away genuine cultural meaning in order to present specific sites within a First Nation's territory in ways that are instead relevant to outside corporate and political interests: see, for instance, Beth Bedard, "Resistance, Traditional Knowledge and Environmental Assessment Among the Esketemc Canadian First Nation Community" (PhD dissertation, University of Durham, 2013); Marina La Salle, "'Capital-C' Consultation: Community, Capitalism and Colonialism," *New Proposals: Journal of Marxism and Interdisciplinary Inquiry* 6, nos. 1-2 (2013), 72-88; Nola M. Markey, "Data 'Gathering Dust': An Analysis of Traditional Use Studies Conducted Within Aboriginal Communities in British Columbia" (MA thesis, Simon Fraser University, 2001); Thomas McIlwraith and Raymond Cormier, "Making Place for Space: Land Use and Occupancy Studies, Counter-Mapping, and the Supreme Court of Canada's *Tsilhqot'in* Decision," *BC Studies* 188 (2015-2016), 35-53; and Brian Thom, "The Paradox of Boundaries in Coast Salish Territories," *Cultural Geographies* 16, no. 2 (2009), 179-205. This critique essentially parallels Paul Nadasdy's assessment of land claims negotiations in *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon* (Vancouver: University of British Columbia Press, 2003), chapter 6; and Annie Booth's and Norm W. Skelton's exploration of the environmental assessment process (in which TUOS work can feature prominently), in "'We Are Fighting for Ourselves': First Nations' Evaluation of British Columbia and Canadian Environmental Assessment Processes," *Journal of Environmental Assessment Policy and Management* 13, no. 3 (2011), 367-404. Some practitioners continue to hope that the framework can be successfully co-opted and transformed into authentic foundations for self-government efforts, especially Terry Tobias: see *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design and Data Collection* (Vancouver: Union of B.C. Indian Chiefs and Ecotrust

compile their own departments' territorial inventories using the same tools. It is, however, helpful to conceive of departments as houses within a larger state society, with political and economic traditions, social hierarchies, and territories (both physical and jurisdictional). In provincializing the state, I do not mean to argue in favour of the *legitimacy* of the Indian Department's use, occupation, or articulation of its territory – chiefly, the lives of Indigenous people with Indian status – as TUOS practitioners often do for their clients. To the contrary, as I suggest below, while civil servants perceived the links between house and territory to be culturally vital, they often lapsed into the same quirks and irregularities employed to cast doubt upon Indigenous claims made in TUOS reports. Territory was vaguely defined, its boundaries disputed and uncertain, its occupation fragmented and uneven. Some sites were used heavily for resource extraction and document production; others, scarcely visited in a generation, or perhaps never at all. Even so, we should not overlook the fundamental relationship of identity and dependency that exists between houses and territories in bureaucratic societies: without Indians, there could be no Indian Department.

The obfuscation of individual and collective agency may be ubiquitous in bureaucratic societies, but it took a specific and omnipresent form within the British Empire. Law and constitutional theory emphasize that the civil service existed to translate the will of a mysterious and distant figure – the Crown – into administrative reality. The Crown was simultaneously a person – in 1900, an elderly Englishwoman who had never visited Canada – and the essence of the state; indivisible, yet manifested simultaneously and distinctly in numerous governments around the world. Its essence was disseminated and trinitarian: in Canada the Crown was one essence in three persons, the Governor-General (another person-institution) or executive (*i.e.* the

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Canada, 2000), and *Living Proof: The Essential Data-Collection Guide for Indigenous Use-and-Occupancy Map Surveys* (Vancouver: Ecotrust Canada and Union of B.C. Indian Chiefs, 2009).

Crown-in-Council), the Crown-in-Parliament or legislature, and the Crown-on-the-Bench, or judiciary.[9] The Queen, wrote John George Bourinot, a House of Commons clerk and father to one of Duncan Campbell Scott's best friends, was that figure "vested [with] the executive authority; in whose name all commissions to office run; by whose authority parliament is called together and dissolved; and in whose name bills are assented to and removed."[10] The practical effect of what one Governor-General called these "spiritual" matters[11] was negligible, since the exceptional powers of the Crown have been tamed by constitutional law and convention to the point that its will is deemed by all concerned to be effectively synonymous with the "advice" provided to it by Parliament and the Cabinet. (However, courts also exist to mediate on those frequent occasions when the various expressions of the Crown's will contradict one another.) The Crown's will also, expressed as policy, was what Scott claimed "animated" the bureaucratic houses.[12]

Over time, groups of the Crown's civil servants have settled in communities around particularly resource-rich sites of policy intervention. The largest and stablest of these were the *departments*, which can be usefully understood through the metaphor of Claude-Lévi Strauss's *société à maison* – that is to say, they were "social group[s that were] corporate bodies,

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[9] Public Service Commission of Canada, *Public Service Impartiality: Taking Stock* (Ottawa: Public Service Commission of Canada, 2008), 18; for period commentary, see A.H.F. Lefroy, "The Federal Constitution," in *Canada and its Provinces: A History of the Canadian People and Their Institutions by One Hundred Associates*, edited by Adam Shortt and Arthur G. Doughty (Toronto: Glasgow, Brook & Co., 1914), VI:216-217; F.W. Maitland, "The Crown as Corporation," *Law Quarterly Review* 17 (1901), 131-146; and W. Harrison Moore, "The Crown as Corporation," *Law Quarterly Review* 20 (1904), 351-362; for a treatment of the Crown in modern history, see David E. Smith, *The Invisible Crown: The First Principle of Canadian Government* (Toronto: University of Toronto Press, 1995). These terms are more commonly rendered as King or Queen (as in Queen-on-the-Bench) depending upon the gender of the current monarch, but I have chosen the more non-specific term here.
[10] J.G. Bourinot, "The Federal Constitution of Canada," *Juridical Review* 2, no. 6 (1890), 136.
[11] Vincent Massey, *Confederation on the March: Views on Major Canadian Issues During the Sixties* (Toronto: Macmillan, 1965), 76. The right of one of Her Majesty's governments to sue another was not part of the British tradition, which confessed the indivisibility of the monarch, until the Judicial Committee on the Privy Council established this power in the *Liquidators of the Maritime Bank of Canada* decision in 1892: Hugo Cyr, *Canadian Federalism and Treaty Powers: Organic Constitutionalism at Work* (Brussels: P.I.E. Peter Lang, 2009), 111-112.
[12] Scott, "Indian Affairs, 1867-1912," 603.

sometimes quite large, organized by their shared residence, subsistence, means of production, origin, ritual actions or metaphysical essence, all of which entail a commitment to a corpus of house property, which in turn can be said to materialize the social group."[13] Each department asserted exclusive control over, and in various ways occupied, both a permanent "Inside" house in Ottawa and a jurisdictional "Outside" territory across the rest of the country, from which it drew its name.[14] Each also enjoyed certain privileges and obligations, including direct representation on what was in practice the most senior council of state (the Cabinet) as part of a minister's portfolio,[15] and, subject to an informal ranked order of precedence, was expected to Table an Annual Report in Parliament. House control of titles and territories formed a vital institutional fabric that undergirded the shifting and often nebulous realm of official policy.

Measuring the size and power of the bureaucratic houses was an inexact science, and civil servants sometimes resorted to what might seem to an outsider like cynical *non sequiturs*, such as the number of pages of documents per year produced by each department's Inside clerks.[16] By any meaningful metric, however, the Indian Department was not a large house. In

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[13] This definition is offered by Susan D. Gillespie in "Beyond Kinship: An Introduction," in *Beyond Kinship: Social and Material Reproduction in House Societies*, eds. Rosemary A. Joyce and Susan D. Gillespie (Philadelphia: University of Pennsylvania Press, 2000), 1-2. Lévi-Strauss himself defined the "société à maison" as a society made up of discrete, stratified, and "in principle, perpetual establishments, each bearing a descriptive name," each of which was a corporate "body holding an estate made up of both material and immaterial wealth, which perpetuates itself through the transmission of its name, its goods and its titles down a real or imaginary line": Claude Lévi-Strauss, *The Way of the Masks*, trans. Sylvia Modelski (Seattle: University of Washington Press, 1988), 172, 174. Lévi-Strauss was attempting to explain kinship and sociopolitical affiliation, but during the 1990s anthropologists attempted to broaden the concept to apply it as "a *structuring* principle present in many societies" beyond the scope of Lévi-Strauss's initial inquiry: Signe Howell, "The Lio House: Building, Category, Idea, Value," in *About the House: Lévi-Strauss and Beyond*, eds. Janet Carsten and Stephen Hugh-Jones (Cambridge: Cambridge University Press, 1995), 169.

[14] As I discuss later in the chapter, the distinction between "Inside" and "Outside" was used on formal occasions to differentiate Ottawa employees from non-Ottawa ones.

[15] Ceremonially, however, the senior-most body is the Privy Council, comprised not only of current Cabinet members but of a variety of other peers holding life appointments, including all living former Cabinet members, parliamentary speakers, chief justices, Governors-General, and others.

[16] The Indian Department did not publish this count in its *Annual Report* in 1900, as it had in some previous years, but the Department of Marine and Fisheries, for example, did: see *Twenty-Third Annual Report of the Department of Marine and Fisheries, 1900 (Marine)* (Ottawa: S.E. Dawson, 1901), 4. The chief problem with such counts, as deputy minister Lawrence Vankoughnet acknowledged, was that "there was… a very great deal more [work] of a

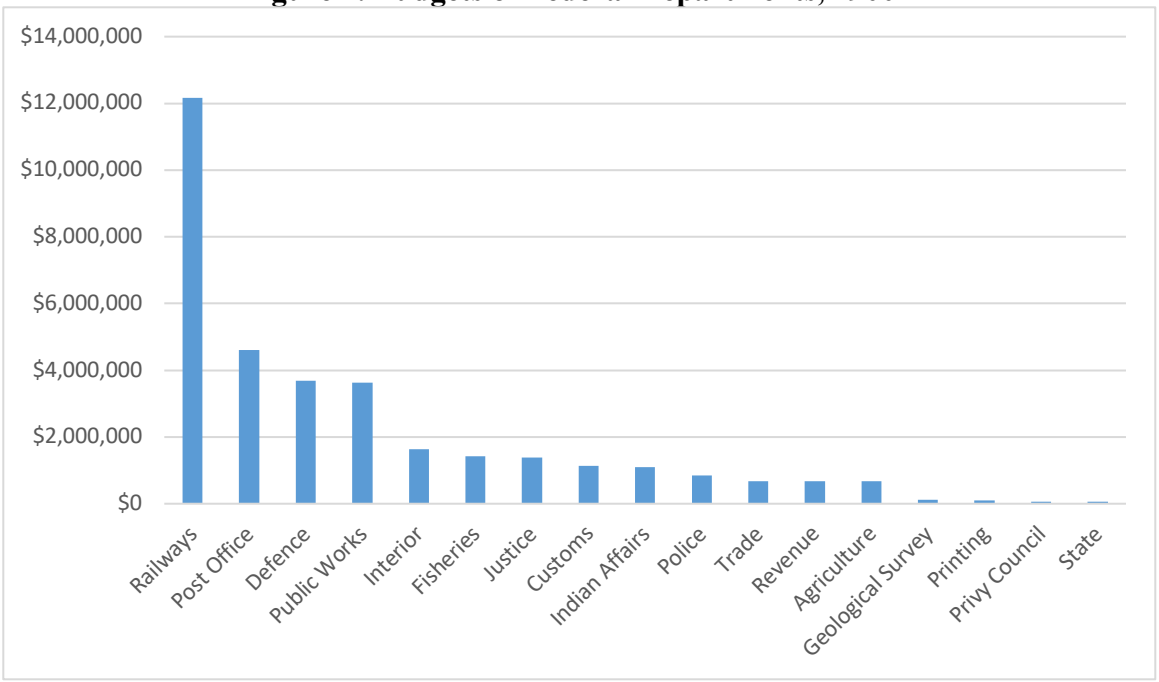
1900, it accounted for just over two percent of total federal expenditures of $52 million, and its annual Parliamentary revenue of just under $1.1 million ranked tenth out of twenty-one departments, ahead of Printing and Stationery ($100,000) and Trade and Commerce ($700,000), roughly on par with Customs ($1.13 million), and well behind important peers like Public Works ($3.6 million) and the Post Office ($4.6 million).[17] Its membership, according to the *Civil Service List* of 1900, ranked seventh-largest but still under four percent of the total population.[18]

miscellaneous character" not captured in counts of page production: Canada, *Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1890* (Ottawa: Brown Chamberlin, 1891), xxxvi.

[17] Auditor-General's Office, *Report of the Auditor General for the Year Ended June 30, 1900: Part I* (Ottawa: S.E. Dawson, 1901), C-6. The following table of departments by appropriation is based on this source; my total number of departments excludes the Governor-General's and Parliamentary appropriations, and the table also excludes Finance, the $22.5 million budget for which consisted primarily of transfers and debt payments. In 2016-17, in contrast, Indigenous and Northern Affairs Canada budgeted $3.8 billion for education and social development, $1.5 billion for economic development, and $1.7 billion for Aboriginal self-government and treaty negotiations: see Indigenous and Northern Affairs Canada, *Report on Plans and Priorities 2016-17* (Ottawa, 2016), 13. In practice, the Department's budget prior to 1913 was somewhat larger than this because civil servants drew about $250,000 per year from the Indian Trust Fund, partially to fund services for Ontario and Québec bands that were paid for out of general appropriations in other provinces. The general trend in size paralleled the rest of government: the federal budget was $57 million in 1900 and is over $250 billion today: Auditor-General's Office, *Report of the Auditor General for the Year Ended June 30, 1900: Part I*, p. C-6, compared with William Francis Morneau, *Growing the Middle Class* (Ottawa: Department of Finance Canada, 2016), 240. These figures do not account for inflation. For the total size of government in terms of number of agencies, compare Auditor-General's Office, *Report of the Auditor General for… 1900*, C-6, with Privy Council Office, *Glossary of Terms for Parliamentary Returns* (Ottawa, 2009), 6: there are still only about twenty major houses in the federal bureaucracy, but the number of nominally independent communities has ballooned to over three hundred.

[18] Canada, *The Civil Service List of Canada, 1900* (Ottawa: S.E. Dawson, 1900).

Figure 1. Budgets of Federal Departments, 1900[19]



There were, despite this diminutive status, important reasons for optimism within the Department of those years. Both economic and demographic statistics were steadily increasing. Contrary to what many historians have claimed, the Liberals did not slash the Department's budget after they came to power in 1896;[20] rather, they slowly *reversed* cuts imposed after 1893 by unpopular deputy minister Hayter Reed, such that annual expenditures rose in nominal terms to $1.6 million during their final year in office (and then to $2 million in 1913), while the office-holding population expanded from 333 in 1900 to 494 in 1911.[21] The first true post-

[19] Canada, *Report of the Auditor-General for the Year Ended June 30, 1900: Part I* (Ottawa: S.E. Dawson, 1901), C-6.

[20] See Introduction, footnote 6, for a partial list of scholars who have advanced this argument. Not all historians have been misled: for instance, D.J. Hall correctly noted that the budget increased, though more slowly than those of other departments: see "Clifford Sifton and Canadian Indian Administration, 1896-1905," in *As Long as the Sun Shines and the Water Flows: A Reader in Canadian Native Studies*, eds. Ian L. Getty and Antoine Lussier (Vancouver: University of British Columbia Press, 1983), 121.

[21] Auditor-General John Lorn McDougall printed an Indian Affairs budget of $1,225,583.25 *inclusive* of Trust Fund expenditures for 1896, and then $962,977.25 *exclusive* of Trust Fund spending for 1897, implying a sharp cut of about $260,000 (or one-fifth of the Department budget). In fact, Department officials spent $938,980.93 from Parliamentary appropriations in 1896, yielding a year-over-year *increase* of almost $24,000. See *Report of the*

Confederation generation, clerks who signed on in the 1870s – all men, such as Martin Benson, John McLean, Duncan Campbell Scott, and Samuel Stewart – were approaching the peak of their careers. Indians, these clerks frequently claimed in their *Annual Reports*, were also sharing in the unprecedented "prosperity and progress."[22] In addition to the "recuperative force" of an eagerly anticipated demographic recovery, the clerks estimated that Indian income doubled during the Liberal era.[23] The Indian Department's reputation as a parochial backwater – its nadir as "Colonel [H.M.] Jones' lost battalion"[24] – lay many years in its future.

Figure 2. Indian Affairs Appropriations Economy, 1894-1915[25]

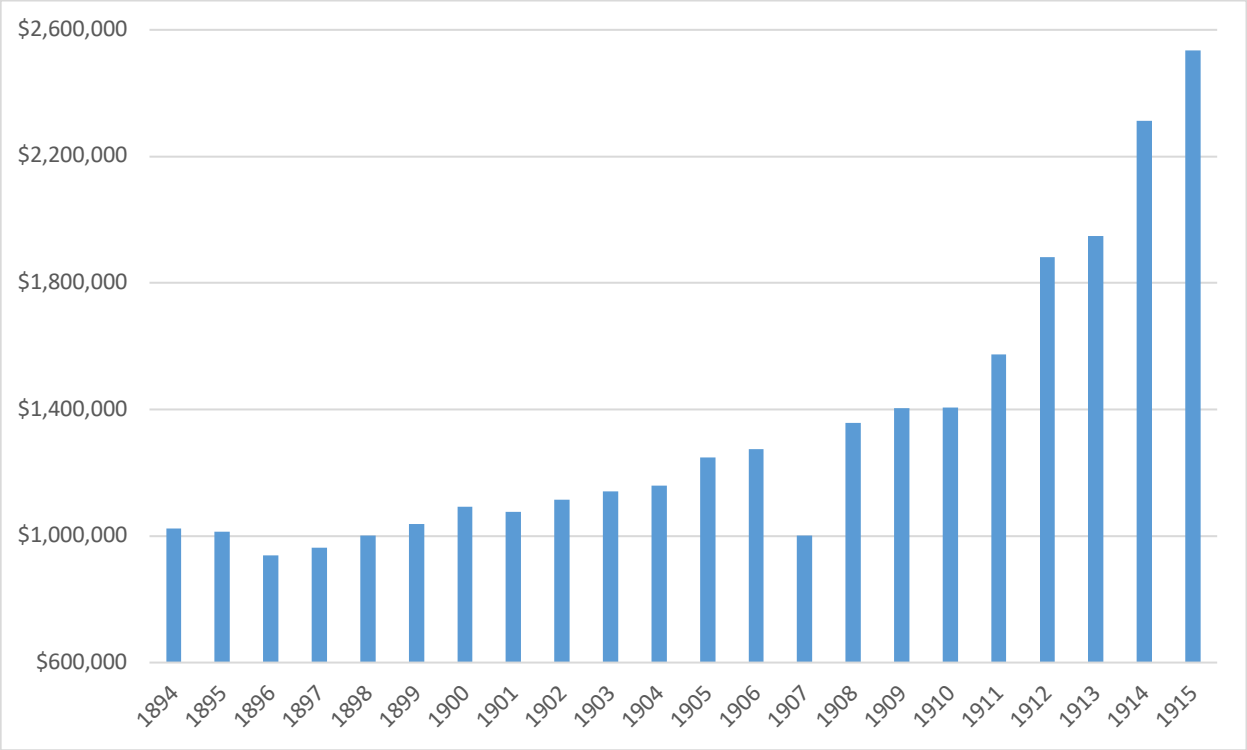
Auditor General for the Year Ended 30th June 1896 (Ottawa: S.E. Dawson, 1898), G-3, and *Report of the Auditor General for the Year Ended 30th June 1897* (Ottawa: S.E. Dawson, 1898), G-3. Overall employment figures are based on Vic Satzewich, "Patronage, Moral Regulation and the Recruitment of Indian Affairs Personnel, 1879-1900," *Canadian Review of Sociology and Anthropology* 33, no. 2 (1996), 218. Satzewich's table indicates that the final year of cuts was 1897 (in which the number of offices declined by seventeen), after which staffing levels increased in every consecutive year until 1916, the end year of his study.

[22] Canada, *Annual Report of the Department of Indian Affairs for… 1900*, xvii.

[23] Canada, *Annual Report of the Department of Indian Affairs for the Year Ended 30th June 1897* (Ottawa: S.E. Dawson, 1898), xxii-xxiii, reporting $2.2 million income from all sources; contrast with *Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1911* (Ottawa: C.H. Parmelee, 1911), xxv, reporting $5.6 million.

[24] Sally M. Weaver, *Making Canadian Indian Policy: The Hidden Agenda, 1968-70* (Toronto: University of Toronto Press), 46.

[25] Data in the following table was drawn from the Auditor-General's statements for each respective fiscal year. The apparent sharp cut in 1907 occurred because the truncated 1906-07 fiscal year ran from July to March. Beginning in 1898, these statements are appended to the Indian Affairs documents in LAC, Indian Affairs Annual Reports collection. For more about the rise and fall of Reed, see Chapter 2.



Even steadily growing houses, however, faced perpetually uncertain futures. Houses frequently rebranded, merged to form larger alliance groups, or fissured apart. The most successful departments held especially lucrative resource sites, or sprawled Habsburg-like across the breadth of the federal domain: for instance, the Agriculture Department asserted control over not only its namesake but also scientific research, the census, and certain immigration matters.[26] Smaller and more vulnerable houses struggled to police their territories. One recitation of the Justice Department's official history describes nearly a century of insurgencies it waged against the in-house legal services of other houses before a striking and decisive victory won it sweeping control over the legal domain in the 1960s.[27]

[26] Department of Agriculture, *Report of the Minister of Agriculture for the Dominion of Canada for the Year Ended October 31, 1900* (Ottawa: S.E. Dawson, 1901), vii, and in passing elsewhere.
[27] Melanie Brunet, *Out of the Shadows: The Civil Law Tradition in the Department of Justice Canada, 1868-2000* (Ottawa: Department of Justice Canada, 2000), 67.

The Indian Department rested closer to the Justice side of this spectrum, eking out an existence as a sort of novel cadet branch of the Interior Department that lacked the usual independent representation in Cabinet and even, for several anxious years after 1897, a true deputy minister. (It is striking to note that there was not, until 2019, a Cabinet minister tasked exclusively with Indigenous affairs, and the principal Indigenous policy portfolio remains paired with non-Indigenous northern affairs.) Indian Affairs had banded together with several other small cadres to form the Interior Department shortly after Confederation,[28] but then broke away in 1880. The estrangement lasted until 1936, when several of the old Interior houses reunited under the letterhead of the Department of Mines and Resources, but fifteen years later Indian Affairs departed again, this time as a vassal of the Department of Citizenship and Immigration. The persistent alliance of Indigenous and Northern Affairs has existed, notwithstanding periodic rebranding, since 1966.[29] Like Justice, Indian Affairs waged numerous, seldom successful campaigns to control its territory – especially status Indians away from reserves, as demonstrated, for instance, by Shelley Gavigan's recent analysis of Indigenous people in courts on the Prairies[30] and my own study of trapline registration in northern B.C.[31] Even the

[28] *Annual Report of the Department of the Interior for the Year Ended 30th June, 1874* (Ottawa: Maclean, Roger & Co., 1875), 6. Other civil servants periodically forgot to recognize the separation, prompting indignant assertions of independence by Indian Affairs officials. "The two Departments are quite distinct," deputy minister Lawrence Vankoughnet frostily informed a Public Works official who sent Indian Affairs correspondence to Interior: LAC, RG 10, volume 2390, file 79,979, L. Vankoughnet to G.F. Baillarge, September 27, 1887.
[29] This department has been known variously as the Department of Indian Affairs and Northern Development, Indian and Northern Affairs Canada, Aboriginal Affairs and Northern Development Canada, and Indigenous and Northern Affairs Canada (as of 2015, its most recent manifestation), the latter of which has been at least nominally split into two branches, Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada.
[30] Shelley M. Gavigan, *Hunger, Horses, and Government Men: Criminal Law on the Aboriginal Plains, 1870-1905* (Vancouver: University of British Columbia Press, 2012), chapter 4.
[31] David Vogt, "'Indians on White Lines': Bureaucracy, Race, and Power on Northern British Columbia Traplines, 1925-1950," *Journal of the Canadian Historical Association* 26, no. 1 (2015), pp. 163-190.

diminutive Geological Survey maintained a small outpost in Indian country, in the form of an ethnological research office.[32]

Civil servants more commonly experienced these conflicts as deeply personal, internecine, but almost unfailingly punctilious office politics than as grand strategy or open warfare. Departments with overlapping territories occasionally negotiated joint ventures: for instance, the Experimental Farms seconded a scientist to Indian Affairs to study reserve orchards in 1907, provincial inspectors sometimes visited Indian schools,[33] and in B.C. the Department clerks eventually grew dependent on provincial forestry inspectors to monitor logging on reserves.[34] Still, tensions and rifts were common, and extended not just from jurisdictional disputes outside Ottawa but to pitched battles over office space in the capital. Once the now-separate bureaucratic houses worked together in the Parliamentary Block, but these quarters soon grew too confining. After leaving the Interior ministry, Indian Affairs Inside clerks found new quarters in the dismal old Wellington Street railway building a block away – in which, as a young John McLean and William Orr eventually protested, the floors were "gradual[ly] sinking" and there was a steady "falling of plaster from the ceilings."[35] Their fortunes seemed to improve when they were allotted space on the second floor of the new Departmental Building across the

[32] Edward Sapir became head of the reorganized "Anthropological Division" of the Survey in 1900: Regna Darnell and Frederic W. Gleach, eds., *Celebrating a Century of the American Anthropological Association: Presidential Portraits* (American Anthropological Association, 2002), 82.
[33] Canada, *Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1913* (Ottawa: C.H. Parmelee, 1913), 288. This seconded official, Tom Wilson, carried out such tasks as crop studies, tent caterpillar control, and product marketing for Indigenous people in B.C. For provincial school inspection of an Indian school, see, for instance, Martha Walls, "'Part of That Whole System': Maritime Day and Residential Schooling and Federal Culpability," *Canadian Journal of Native Studies* 30, no. 2 (2010), 380 fn 36.
[34] This arrangement began at an unknown date, but was ended in the 1950s: LAC, RG 10, volume 7064, file 901/20-7, part 3, W.V. Hicks, Comptroller, to W.S. Arneil, July 29, 1958.
[35] LAC, RG 10, volume 2171, file 35,911, petition from H.C. Ross, J.D. McLean, Joseph Delisle, W.A. Orr, Thomas Coffey, A.E. Kemp, H.E. Moray, and L.A. Dorval, to Chief Clerk, February 14, 1887. Although we rely on different documentation, my interpretation of this episode in the Indian Department's history parallels that offered previously by Leighton ("The Development of Federal Indian Policy," pp. 518-519).

street from Parliament (now the Prime Minister's Office, long named the Langevin Block),[36] but a decade later, they were forcibly partitioned between part of their new Langevin tract and a set of offices back in their original home in the East Block of Parliament.[37]

These serial dispossessions were "manifestly unfair to this Department, kicked about as it has been," Secretary John McLean complained bitterly in 1897, even as he reluctantly bargained away three more offices in exchange for a vague promise of future telephone service. Moreover, he insisted, Indian Department clerks used space in ways which other departments failed to appreciate, leading to the mistaken impression that rooms were "not required" when in fact "there are cupboards and equipments in rooms which are absolutely necessary" albeit not used year-round; for these reasons, unlike other departments, he claimed that it was also unfair for outsiders to evaluate Indian Department justifications for their offices using the normal technique of "measuring the space it occupies."[38] The ironic parallels between McLean's enthusiastic defence of the Department and the reserve surrenders and relocations he had for years justified while serving as head of the Lands and Timber Branch possibly escaped him.

Notwithstanding his frequent defeats in the perennial conflicts over office territories, McLean's clerical class constituted an aristocratic minority within the bureaucracy. The internal composition of bureaucratic houses has varied considerably since Confederation, but during my study period, each department consisted broadly of three sociopolitical classes differentiated by the presence of Weberian ceremonial names or titles, called *offices*, representing both the rooms officials occupied, as well as the titles by which they were addressed on formal occasions and through which they were imbued with ranked forms of state authority: "the Secretary," "the

[36] Correspondence concerning this relocation is found in LAC, RG 10, volume 2390, file 79,979.
[37] LAC, RG 10, volume 1120, J.D. McLean to J.A. Smart, April 30, 1897.
[38] LAC, RG 10, volume 1120, J.D. McLean to J.A. Smart, April 30, 1897; for the phones-for-offices agreement, see also volume 1123, J.D. McLean to E.F.E. Roy, November 3, 1899.

Deputy Superintendent General," "the Indian Agent for the Temiskaming Agency," and so on. Weberian offices were non-hereditary but passed, on the ostensible basis of "merit," between civil servants: they endured, while human bodies continuously circled into, out of, and between them, so that the senior ranks of bureaucratic society may be viewed as a composite of formally defined relationships between ranked offices which happen to be held by persons.[39]

Not all people that contemporary researchers would probably consider to be employees of the Indian Department possessed such offices in 1900, either in the physical or titular sense. Indeed, most (numbering in the hundreds), including school teachers, tradespeople, labourers, many physicians, and some temporary clerks, did not.[40] This title-less majority existed outside of the formal boundaries of the civil service, boundaries across which select initiates crossed via a prescribed ritual path: the passage of an Order-in-Council in which the Crown dubbed him or her a member of the civil service and granted his or her first office, followed by the completion of a personnel information card and entry into the Department's Establishment Books, since nothing, person or paper, might enter the Department without being appropriately documented.[41]

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[39] According to Robert K. Merton, a "rational organization" consisted of "a series of offices, of hierarchized statuses, in which… authority… inheres in the office and not in the particular person who performs the official role": Robert K. Merton, "Bureaucratic Structure and Personality," *Social Forces* 18, no. 4 (1940), 560. Merton's explanation is strikingly similar to that of a Tsimshian informant of Christopher F. Roth, who stated that "people are nothing… it's the names that are really real": Christopher F. Roth, *Becoming Tsimshian: The Social Life of Names* (Seattle: University of Washington Press, 2008), 30. Franz Boas captured the Kwa'kwaka'wakw *numayma* by stating that the elite ranks of the house "consisted of a certain number of positions to each of which belongs a name, a 'seat'… that means rank, and privileges": quoted by Susan D. Gillespie, "Lévi-Strauss: Maison and Société à Maisons," in *Beyond Kinship: Social and Material Reproduction in House Societies*, eds. Rosemary A. Joyce and Susan D. Gillespie (Philadelphia: University of Pennsylvania Press, 2000), 26.

[40] Because they lacked offices, these individuals – numbering at least six hundred in 1900 – were not listed in the personnel rosters of the *Annual Reports*. Their wages or salaries were, however, sometimes listed in the Departmental Trust Fund records and the Auditor-General's financial statements for the Indian Department, and my estimate is based upon a review of those documents for 1900. The extent to which these individuals might be termed affiliates or common employees of the Indian Department varied: some day school teachers (often missionaries) were paid a per-pupil stipend and would have worked mostly or exclusively with Indigenous communities, but others, such as periodically contracted labourers and tradespeople, would presumably have had diverse employers.

[41] This list of all named offices and corresponding personnel was printed in the *Sessional Papers* annually: for the 1900 list, see Sessional Paper No. 30, "The Several Departments of the Civil Service of Canada," in *Sessional Papers: First Session of the Ninth Parliament of the Dominion of Canada: Session 1901*, volume 12. The

One very large batch of the cards came with a preprinted date – February 25, 1882 – and thus the information cards filled out in a number of subsequent years bear incorrect dates.[42]

The civil service proper was further subdivided into two basic classes: an older and generally less-experienced Outside Service,[43] the name denoting their postings outside of the national capital (and, in the Indian Department, including officials such as Indian agents and farming instructors),[44] and the career-centered clerical elect of the Inside Service, charged with the upkeep of the house's central headquarters and oversight of the vital paper trade that gave life to the Department. Initiation into the Inside Service was further marked by a requirement to sit formal examinations, although the latter was a token measure only, as one chairman of the exam board testified that his tests were "not nearly as severe as the entrance exams of High Schools" and that "any intelligent boy of 13 should be able to pass."[45] The titular heads of the Inside

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establishment books have been deposited in RG 10 but are restricted, ironically, because they contain personal information (LAC, RG 10, volumes 9178-9188). Many (but presumably not most) completed personnel cards survive in the open files in the Red and Black Series. It took many years to use up the initial stock of cards, all preprinted February 25, 1882. Consequently, many personnel files contain seemingly incorrectly dated documents. For an example of a completed personnel card, see LAC, RG 10, volume 1873, file 770, personnel record for J. Markle, October 15, 1886. The original "civil list" was, in the British fiscal tradition, the fund employed to cover the expenses of the Crown's household and the government ministry. In British North American responsible government, it came to be simply the list of those to whom the government paid salaries: see D.C. Harvey, "The Civil List and Responsible Government in Nova Scotia," *Canadian Historical Review* 28, no. 4 (1947), 365-367.

[42] See, for instance, personnel record of J. Kent, 23 February 1882, file 770, volume 1873, RG 10, LAC.

[43] Brownlie, "A Fatherly Eye," 33, found that there was no strong relationship between age and appointment to the Outside Service. Rather, the difference lies in the fact that recruitment to the Inside Service appears, from my review of appointments, generally to have been younger individuals who were expected either to progress into a lifelong career in the civil service, in the case of the men, or until marriage, in the case of the women.

[44] In the Outside Service, office names followed a two-part formula that created usually-unique markers for identification: a formal rank (such as Indian Agent or Medical Attendant) and a principal site of operations (typically an Indian Agency, such as the West Coast Agency or the Birtle Agency). According to Vic Satzewich, 276 of 333 Indian Department office-holders in 1900 worked in the Outside Service: see "Patronage, Moral Regulation and the Recruitment of Indian Affairs Personnel," 218.

[45] Canada, *Report of the Select Committee Appointed to Inquire into the Present Condition of the Civil Service* (Ottawa: Maclean, Roger & Co., 1877), 20. A brief summary of civil service legislation can be found in Public Service Commission of Canada, "The 100 Years of the Public Service Commission of Canada" (Ottawa, 2008), Internet: http://www.psc-cfp.gc.ca/abt-aps/tpsc-hcfp/hist-eng.pdf, accessed April 2014. In late twentieth-century France, Pierre Bourdieu argued, the link between certain elite universities and the French civil service was tight enough to facilitate a distinct clique, the "state nobility": Pierre Bourdieu, *The State Nobility: Elite Schools in the Field of Power*, trans. Lauretta C. Clough (Stanford: Stanford University Press, 1996). In the Canadian civil service of 1900, comparatively few civil servants had postsecondary (let alone postgraduate) educations, although those who did were invited to enter the civil service directly, without the formality of sitting the exams, suggesting that in

Services, and the effective heads of the departments, were the deputy ministers, including the Deputy Superintendent-General of Indian Affairs.[46] (Befitting its ancient origins, the Indian

some nascent form university credentials did function as symbolic state capital in the way envisioned by Bourdieu. I estimated crude demographic distinctions between the Inside and Outside Services – initiates of the former were generally younger, and could be women as well as men – by cross-referencing civil lists and personnel cards with census records. The distinctions reflect a distinction between clerical careers in Ottawa, complete with pensions and other benefits, and fixed posts with much less job security and fewer prospects of advancement outside the capital. The superannuation system employed in all federal departments in the late nineteenth and early twentieth centuries obliged all eligible officials to contribute to the Superannuation Fund, out of which they could draw a pension based upon their salaries and their years of service. However, the pension was not bestowed automatically upon all eligible officials. Beginning in 1891, applicants were required to furnish a medical certificate of health before being appointed to a position eligible for superannuation: LAC, RG 10, volume 2584, file 118,156, Certified Copy of a Report of a Committee of the Honorable the Privy Council (no. 1586), 21 July 1891. Most Outside Service officials, in contrast, were not eligible for superannuation. There was continuing uncertainty over the legality of permitting or requiring Outside Service officers to contribute to the Superannuation Fund during the 1880s and 1890s, and in 1905, Indian agents working on the Plains submitted a petition requesting that they be granted pensions in order "to make some provisions for the future support of ourselves and families": LAC, RG 10, volume 3718, file 22,556, Lawrence Vankoughnet to A.N. McNeill, June 12, 1882, J.L. McDougall to Lawrence Vankoughnet, October 12, 1882, Lawrence Vankoughnet to J.L. McDougall, October 18, 1882, and Hayter Reed to Lawrence Vankoughnet, March 14, 1890; and volume 3810, volume 54,220, petition to Laurier, undated, ca. 1905, and related correspondence. Although pension decisions could understandably have very high stakes for involved officials, they could also be treated surprisingly insensitively and brusquely by the responsible accountants. In 1893, for instance, Matthew Hill, the Indian agent for Tyendinaga, wrote a letter to Reed noting that he had recently retired and inquiring into when he would receive his pension. Whether an application for superannuation would have been approved cannot be determined now. What mattered at the time was that Hill had left office after submitting a letter stating he was *resigning*, not that he was *retiring*. Unfortunately, Duncan Campbell Scott reported, no superannuation application had been considered at the time of Hill's departure and "there would hardly be a possibility of the Treasury Board viewing his case favourably": LAC, RG 10, volume 2678, file 136,692, Matthew Hill to the Deputy Superintendent General, 26 May 1896, and D.C. Scott, draft memorandum, undated ca. June 1896. Normally, Ottawa clerks frequently awarded to retiring Outside Service officials who did not qualify for a pension, or to widows of personnel who died in office, a "gratuity" of two months' pay. See, for instance, LAC, RG 10, volume 2249, file 48,697, E.L. Newcombe to Frank Pedley, January 21, 1903.

[46] Prior to the mid-twentieth century, deputy ministers enjoyed far greater latitude than their counterparts in today's Cabinet minister-centered political system. The executive rank now forms a class unto themselves: one house's deputy minister is typically selected from among the managerial ranks of *another* house, on the principles that outside leadership keeps administrative blood fresh and that general managerial skills trump subject-specific knowledge. As of 2015, for instance, the Indian Department's deputy minister Colleen Swords and assistant deputy minister Hélène Laurendeau came from the Foreign Service and the Justice Department, respectively. In 2016, Laurendeau became deputy minister and a new associate deputy minister was brought in whose career began in the Finance Department: see Aboriginal Affairs and Northern Development Canada, "Deputy Heads," 2014, https://www.aadnc-aandc.gc.ca/eng/1100100016561/1100100016568; and same web page, 2016. An archived version of the old biographies of Swords and Laurendeau is available at https://web.archive.org/web/20151014094832/https://www.aadnc-aandc.gc.ca/eng/1100100016561/1100100016568. In 2018, Laurendeau moved to Canadian Heritage, and Daniel Watson, head of Parks Canada, moved to CIRNAC in her place: see Prime Minister's Office, "The Prime Minister Announces Changes in the Senior Ranks of the Public Service," September 21, 2018, Internet: <https://pm.gc.ca/en/news/news-releases/2018/09/21/prime-minister-announces-changes-senior-ranks-public-service>. Appointments in the early civil service were more of a mixed bag. J.L. Granatstein's study of the civil service "mandarins" focuses on the interwar era – *The Ottawa Men: The Civil Service Mandarins, 1935-1957* (Toronto: Oxford University Press, 1982) – but the pre-Great War officials sometimes enjoyed exceptionally long tenures as well as great political influence. The sixteen deputy ministers in 1900 were roughly evenly divided between outsiders and Inside veterans who came up through the ranks, and they held their positions for between five and thirty years: Canada, *The Civil Service List of Canada, 1900* (Ottawa: S.E.

Department retained several imperial naming conventions.) Hayter Reed's ascent from the Prairies to Ottawa in 1893 notwithstanding, there was very little social mobility between the Inside and Outside Services, at least in the Indian Department. Moreover, only members of an exclusively office-holding minority customarily signed their own names to documents, and, consequently, this literary elite also dominates the historiography on Indian Affairs.[47]

Dawson, 1901), vii. The following list gives the original professions or backgrounds and the years of service for the deputy minister cohort of 1900:

Agriculture – William Bain Scarth, former Conservative politician – 1895-1902
Customs – John McDougald, former Conservative politician – 1896-1919
Finance – John Mortimer Courtney, career civil servant – 1878-1906
Geological Survey – George Mercer Dawson, career civil servant – 1895-1901
Inland Revenue – Edward Miall, career civil servant – 1883-1901
Interior and Indian Affairs – James Smart, former Liberal politician – 1897-1902
Justice – Edmund Leslie Newcombe, lawyer – 1893-1924
Marine and Fisheries – François Frederic Gourbeau, unknown profession – 1896-1909
Militia and Defence – Louis Felix Pinault, former Liberal politician – 1898-1906
North-West Mounted Police – Frederick White, career civil servant – 1880-1913
Post Office – Robert Miller Coulter, physician – 1897-1923

For sources concerning professions of these individuals, refer to Zenon Gawron, "William Bain Scarth," *Dictionary of Canadian Biography*, volume 13 (Toronto and Québec City: University of Toronto/Université Laval, 1994); Library of Parliament, "Parlinfo: John McDougald" (Internet: <https://lop.parl.ca/sites/ParlInfo/default/en_CA/People/Profile?personId=10171>); John A. Turley-Ewart, "John Mortimer Courtney," *Dictionary of Canadian Biography*, volume 14 (Toronto and Québec City: University of Toronto/Université Laval, 1998); Suzanne Zeller and Gale Avrith-Wakeam, "George Mercer Dawson," *Dictionary of Canadian Biography*, volume 13 (Toronto and Québec City: University of Toronto/Université Laval, 1994); J.A. Gemmill, ed., *The Canadian Parliamentary Companion, 1887* (Ottawa: J. Durie & Son, 1887), 393; Philip Girard, "Edmund Leslie Newcombe," *Dictionary of Canadian Biography*, volume 16 (Toronto and Québec City: University of Toronto/Université Laval, 2015); Assemblée Nationale du Québec, "Louis-Felix Pinault," 2009 (Internet: <http://www.assnat.qc.ca/en/deputes/pinault-louis-felix-4897/biographie.html>); Stéphanie Ouellet, "Coulter, Gaboury, and Sullivan" (Gatineau: Canadian Museum of History), Internet: <https://www.historymuseum.ca/cmc/exhibitions/cpm/chrono/ch1897be.html>; and Graham Price, "Remote Justice: The Stipendiary Magistrate's Court of the Northwest Territories (1905-1955)" (MA thesis, University of Manitoba, 1986), 42-43.

Between 1893 and 1913, the Indian Department lacked experienced, long-tenured leaders. Outside Service official Hayter Reed (1893-1897) was followed by Liberal Party insiders James Smart (1897-1902) and Frank Pedley (1902-1913) before power returned to a civil service veteran, Duncan Campbell Scott, in 1913. During my period of study, therefore, the usually anonymous lower ranks exercised less obscure roles than in the pre-1893 Vankoughnet or post-1913 Scott eras.

[47] Dorothee Schreiber goes so far as to claim, incorrectly, that Indian agents made up "by far the majority" of the Departmental population: see "'A Liberal and Paternal Spirit': Indian Agents and Native Fisheries in Canada," *Ethnohistory* 55, no. 1 (2008), 91. It would be more accurate to say that Indian agents made up by far the majority of bureaucrats who both wrote and signed documents.

So far I have not said much about Indian policy or of the state's relations with Indigenous people. My focus reflects the traditions as well as the demographic makeup of the bureaucracy. As with other houses, there is scant evidence that the Indian Department's Inside ranks attracted primarily initiates to any of its classes who brought either a deep interest in or a keen awareness of its historical or purported policy agendas. Scott joined after his dream of medical school fell through,[48] while the first Liberal appointees to nominally head the Department, Clifford Sifton and James Smart, had no background in Indigenous issues.[49] To most – especially the small but growing cadres of women[50] and Indigenous people[51] – the civil service offered, as it continues to

[48] E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 24.

[49] With respect to Sifton, this assessment parallels that of D.J. Hall, "Clifford Sifton and Canadian Indian Administration, 1896-1905," in *As Long as the Sun Shines and the Water Flows: A Reader in Canadian Native Studies*, eds. Ian L. Getty and Antoine Lussier (Vancouver: University of British Columbia Press, 1983), 128.

[50] The Inside intake was roughly evenly divided between men and women at the turn of the century, and as third-class clerks they received equal pay. However, women were customarily denied promotions to the second class. Deputy minister Hayter Reed explained to Ida Wilson in 1896 "that few women should receive" promotions: LAC, RG 10, volume 1119, Hayter Reed, Memorandum for the Acting Superintendent General of Indian Affairs, October 26, 1896. Testifying to the Civil Service Commission in 1908, deputy minister Frank Pedley and clerk J.A.J. McKenna, who served variously as Sifton's private secretary and assistant Plains commissioner, fretted that women's presence "closed the avenues for young men," a position that the former conceded "may be a prejudice": Canada, *Civil Service Commission*, 249-253, 270. Commissioner J.M. Courtney accepted this clarification and, for his part, offered the further equivocations that "we have no prejudice against women as women, [and] it is only for the general efficiency of the service that we are asking these questions." The Outside Service, in contrast, was almost uniformly male following the mass dismissal of farming instructors' wives and the semi-privatization of residential schools in 1892. Until that year, farmers' wives were designated "instructresses" and paid a stipend in recognition of their own work with Indigenous people: see *Annual Report of the Department of Indian Affairs for the Year Ended 31st December 1892* (Ottawa: S.E. Dawson, 1893), Return A(2). One can infer, again on gendered grounds, that the mass dismissal occurred even while Ottawa clerks assumed that the women in question would probably, as wives of husbands who still held offices, continue to do much the same work on an unpaid basis. There has been little scholarship on women in the Canadian Indian Service but we may also speculate that their role in teaching domesticity paralleled that of married women at missions. For instance, Jane Sutherland, the unpaid spouse of the Crooked Lakes farming instructor, was said in 1896 to be "teaching the women in the various departments of useful as well as ornamental housework," organizing their production of "fancywork," and assisting their prize-winning entries to the Regina Exhibition: Department of Indian Affairs, *Annual Report of the Department of Indian Affairs for… 1896*, 224.

[51] Outside of Québec, where Antoine Bastien and Angus McBride served for years as Indian agents, few Indigenous people held formal postings in the Outside Service, although many worked as school teachers. Several Indigenous people held Inside Service positions at various times, including Joseph Delisle, Floretta Maracle, Thomas Green, and Charles Cooke. Like white women, they struggled to receive promotions; moreover, their Indian status marked them as distinct in the service. Maracle's personnel file, for instance, has as a subject heading the Tyendinaga Indian Agency – her birthplace – rather than Ottawa or the Inside Service: see LAC, RG 10, volume 2702, file 142,414-1A. Maracle's life is briefly described by Veronica Strong-Boag in *Paddling Her Own Canoe: The Times and Texts of Pauline E. Johnson* (Toronto: University of Toronto Press, 2000), 38.

offer, the prospect of a comparatively secure and adequate, if not generous, paycheque. Some appointees were amateur scholars of Indigeneity. For instance, B.C. reserve commissioner Gilbert Malcolm Sproat wrote an early ethnography of the Nuu-chah-nulth.[52] However, such expertise was neither required nor expected. Lawrence Vankoughnet's first list of qualifications for new Indian agents in B.C., drawn up in 1879, stated only that they had to speak Chinook, be "able to manage [their] riding and pack horse[s]... and cook for [themselves]."[53] To distinguish themselves, some Insiders kept private cheat sheets to jog their memories concerning the Department's far-flung holdings, such as a roughly alphabetically organized private notebook of band names, government policies, and geographical locations kept by Secretary McLean.[54]

Pervasive inexperience does not mean that initiates entered the Indian Department as political *tabulae rasae*: to the contrary, they brought with them ideas about race and progress from broader settler society, which were refined and sometimes challenged inside the Department.[55] New initiates – at least in the Outside Service – received very little guidance on the overarching policy objectives of the Indian Department or even about issues that have long

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[52] Gilbert Malcom Sproat, *The Nootka: Scenes and Studies of Savage Life* (Victoria: Sono Nis Press, 1987). In the early post-Confederation years, many western agents were former fur traders, like George Blenkinsop and Joseph McKay. As larger numbers of politically connected settlers arrived, the presence of fur traders in the bureaucracy gradually diminished.

[53] LAC, RG 10, vol. 3701, file 17,514-1, Vankoughnet to Powell, 30 December 1879.

[54] One of Secretary John McLean's personal "reference books," seemingly completed towards the end of his career, in 1923, survives in the official archive as LAC, RG 10, volume 11189, file 5.

[55] Jarvis Brownlie has already shown that the Indian Affairs system was flexible enough for a range of management styles and racial ideologies in the field, so long as they tended to affirm the legitimacy of bureaucratic control over Indigenous peoples: Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* (Toronto: University of Toronto Press, 2003). In broad terms, the surviving personnel information cards indicate that officials were largely reflective of English-Canadian society: most were born either in North America or the British Isles, and all professed to be Christian, though some were plainly more devoted than others. Some equivocated: Indian Agent John A. Markle identified himself as a Protestant "not allegiant to any particular Church" in 1886, while Mud and Rice Lakes agent Charles James Blomfield, in lieu of identifying his denomination, described himself as the son of a former Bishop of London: LAC, RG 10, volume 3746, file 29,628-1, personnel record for J. Markle, October 15, 1886, and LAC, RG 10, volume 2469, file 97,223, personnel record for C.J. Blomfield, March 22, 1984. Except in Québec, where several early agents were Indigenous, the Outside Service was almost uniformly white. A notable exception was the Black Indian Agent of the Kamloops agency, John Freemont Smith, between 1912 and 1923: P. Trefor Smith, "'A Very Respectable Man': John Freemont Smith and the Kamloops Agency, 1912-1923" (MA thesis, Simon Fraser University, 1993).

preoccupied historians. The standard letter of instruction issued to new agents in B.C. survived unchanged for at least thirty years, between 1880 and 1910. It called upon them to "protect" Indian lands, "prevail upon" Indians to abandon "potlaching" and subdivide their reserves, "advise" Indians on the conduct of a wide range of economic behaviour from farming to fishing, and "discourage… the promiscuous intercourse of the sexes."[56] One of Scott's first acts as deputy minister, in 1913, was to disseminate a new nationwide instructional booklet for Indian agents, which did provide a brief primer on some elements of the *Indian Act*, but still contained no echoes of his later rhetoric in Parliament about a final solution to "the Indian question": the booklet stated merely that the Indian Department's "first principle" was the promotion of "self-support," which "in most cases" should involve farming or least gardening.[57]

In this environment, Indian agents were largely left to construct Indian policy for themselves by sifting through the agency papers inherited from their predecessors, particularly their slowly growing file of official circulars.[58] In a glowing review published after a lengthy visit in 1915, American Indian Commissioner Frederick Abbott remarked that he could fit all of "Canada's laws, rules and regulations relating to Indian administration… in my coat pocket."[59] This claim was perhaps true with respect to the readily and publicly available legislative and regulatory apparatus, but only because the bulk of Departmental work was governed by an opaque thicket of internal rules, norms, and precedents, passed down orally amongst the Ottawa clerks and memorialized in texts scattered amongst the steadily growing correspondence files.

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[56] Superintendent I.W. Powell based the original instructions on a letter to him from headquarters in 1879: see LAC, RG 10, volume 3701, file 17,514-1, Lawrence Vankoughnet to I.W. Powell, December 30, 1879, compare with same file, Powell to H. Moffatt, July 3, 1880. The same language was used in 1903: LAC, RG 10, volume 1565, A.W. Vowell, "Instructions to Indian Agents," undated ca. 1903.
[57] Glenbow Archives, file item glen-263-iw-glen-471, Duncan Campbell Scott to Indian Agents, October 25, 1913.
[58] See, for instance, Library and Archives Canada, RG 10, volume 1350, for the file of circulars started by agent William Lomas in the Cowichan Agency.
[59] Frederick H. Abbott, *The Administration of Indian Affairs in Canada* (Washington, D.C.: Board of Indian Commissioners, 1915), 21.

As new initiates familiarized themselves with the nebulous body of laws, regulations, circulars, procedures, standardized forms, *ad hoc* decisions, and informal or unwritten rules that congealed to form "Indian policy," the Indian Department's seasonal round offered a more immediate, concrete, and reliable source of meaning and rhythm than long-term objectives or the questions that shape much contemporary research. The bureaucratic houses were united by a particular annual calendar cycle, the *fiscal year*. Although they relied on the same Gregorian calendar standard in the British Empire, the fiscal year turned, until 1906, on July 1 (Dominion Day).[60] In most years prior to the Great War, Parliamentarians convened in Ottawa during late winter and spring for a single, relatively brief annual session, in which they performed all the rituals and debates necessary to close the previous fiscal year and then to usher in the next one.[61] This spring session was a particularly busy period for civil servants, who faced an accelerated pace of both formal queries from, and less formal lobbying efforts by, Members of Parliament and Senators.[62] They also were the sites of infrequent debates over Indian policy and amendments to the *Indian Act*, but also, significantly, the dissemination of the departmental *Annual Reports* from the previous year, reports that have since become vital primary sources for historians.

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[60] In the late nineteenth century, reflecting the establishment of Confederation on Dominion Day (July 1), the Canadian fiscal year ran from July 1 to June 30. The fixing of dates for the fiscal year was essentially an arbitrary process, and in 1906, the fiscal year was changed to run from April 1 to March 31: *Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1907* (Ottawa: S.E. Dawson, 1907), xix. This latter cycle is still followed. Paradoxically, Parliament continues to approve annual budgets in the spring, even though the fiscal year was moved up three months. This sometimes means that a fiscal year begins before the departments have received full spending authority for the year from Parliament.

[61] In contrast, today the governing party convenes the twin houses of Parliament essentially whenever its leader wishes, and, except during prorogations, they routinely assemble throughout the year. Subject to the requirement in the *British North America Act, 1867*, section 20, that Parliament meet annually; this section has since been repealed and replaced by a similar provision, section 5 of the *Constitution Act, 1982*.

[62] Notwithstanding the accelerated pace of activity, from Confederation on, civil servants were permitted to take Saturdays off work while Parliament was in session: LAC, RG 10, volume 1975, file 5666, Copy of a Report of a Committee of the Honorable the Privy Council, October 23, 1868.

From First Reading of the budget to the Tabling of the *Annual Report*, the ritual cycle of a fiscal year stretched over nearly two calendar years. (Thus, somewhat confusingly, civil servants were normally embedded in two overlapping cycles simultaneously.) Consideration of the fiscal year of July 1, 1899 through June 30, 1900 began in the spring of 1899 with the budget debates for the forthcoming fiscal year and concluded with the Tabling of the *Annual Reports* of the previous fiscal year in the following spring of 1901. Although budget debates, which went through a ritual of a trinity of presentations or "readings" before Parliament, could be a forum for debate on the broad contours of government policies and programs, at least for Indian Affairs, such in-depth discussions were the exception rather than the norm. Inertia was the major determinant: Parliamentarians voted to approve an appropriation that differed only in minor ways from that of the previous year, and typically contented themselves largely with interrogating a few very specific developments, such as the status of individual officials in their local ridings. Debate on the Indian Affairs budget livened up considerably only when one MP launched into an extended and evidently impassioned critique of the international timber trade, provoking an exasperated Cabinet minister to plead with his colleagues to stay on topic.[63]

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[63] Dominion of Canada, *Official Report of the Debates: House of Commons of the Dominion of Canada: Fourth Session-Eighth Parliament: 62-63 Victoria, 1899: Vol. XLVIII, Comprising the Period from the Sixteenth Day of March to the Seventeenth Day of May Inclusive* (Ottawa: S.E. Dawson, 1899), 2026; Canada, *Official Report of the Debates: House of Commons of the Dominion of Canada: Fourth Session-Eighth Parliament: 62-63 Victoria, 1899: Vol. XLIX, Comprising the Period from the Eighteenth Day of May to the Sixth Day of July, Inclusive* (Ottawa: S.E. Dawson, 1899), 5669-5730. Parliamentary procedure has its own history and how the Commons functioned would merit study in its own right – something that I have not undertaken here. However, the subject is discussed at greater length in Robert Marleau and Camille Montpetit, eds, *House of Commons Procedure and Practice* (Ottawa: House of Commons, 2000), chapter 18. The procedures by which the main estimates were prepared were also not a main subject of my inquiry. It was, however, a lengthy process overall, in which senior civil servants submitted plans, which were in turn revised to greater or lesser extents by ministers and politicians, both prior to and during consideration in Parliament. In the 1870s and early 1880s, Indian Affairs clerks were asked to submit their own estimates, which were then received and revised by the minister and his colleagues before being submitted to Parliament for further consideration and possible amendment: see LAC, RG 10, volume 1941, file 4014, E.A. Meredith to Lawrence Vankoughnet, October 23, 1874, and volume 2131, file 25,896, Department of Indian Affairs, Estimate for 1881-82, March 4, 1881. More extensive correspondence on Departmental clerks' role in the preparation of the main and supplementary estimates was retained from the late 1920s onwards in subject files: see volume 3245, file 600,369, and volume 3233, file 600,170.

After Parliament rose from its seats at the end of its spring session, the bureaucratic houses dispersed to their jurisdictional territories over the summer to begin the fiscal year and spend their annual allocations of resources. Managing expenses so as to exhaust without exceeding the appropriation was an essential skill for accountants, including Duncan Campbell Scott, who was chief accountant of the Indian Department for much of my period of study. In contemporary public administration, this skill set has fueled a much-maligned phenomenon colloquially known to private contractors as "March madness": the unseemly pell-mell rush, as the end of the fiscal year draws near, to distribute whatever remains of the year's resources for fear that voluntary austerity today might lead to a withholding of vital resources and thus involuntary starvation tomorrow.[64] In contrast, the Indian Department did not reliably have a surplus left over during my study period. At least from their own perspective, Ottawa clerks' reluctance to dispense extra money to the regional offices was justified: they had little to give. Even in good years, unexpected developments often left the cupboard bare, forcing departments to beg for extra supplies in the form of special warrants and "supplementary estimate" budget bills.[65] In 1900, for instance, the Indian Department begged Parliament to grant an additional $55,000 to cover unanticipated welfare and medical costs, clerical work, and treaty annuities, all in excess of its initial or "main" estimates.[66]

Outside of Parliamentary season, the focal point of work in the Indian Department shifted to the outlying territories. Thanks to officials' penchant for statistics, we can demarcate that

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[64] Daniel Dickin, "March Madness Does Exist," *Policy Options* (July 2018).
[65] These terms refer to distinct financial instruments in Canadian governance: a special warrant is a device signed by the Governor-General to authorize emergency spending, and a Supplementary Estimate is an additional budget bill introduced either as *ex post facto* authorization for emergency spending, or as a midyear update to authorize entirely new spending. See Marleau and Montpetit, *House of Commons Procedure and Practice*, chapter 18.
[66] Canada, Sessional Paper 2A, "Supplementary Estimates for the Fiscal Year Ending June 30, 1900," in *Sessional Papers: Fifth Session of the Eighth Parliament of the Dominion of Canada – Session 1900*, volume 2 (Ottawa: S.E. Dawson, 1901), 1, 8-9.

territory with a considerable – although, as Smith has already noted, a misleading degree of specificity.[67] In 1900, the Indian Department administered the lives of 99,010 Indian people, among them 9,634 children attending 226 day and 71 residential schools, and to whom were allotted 1,431 reserves.[68] About one-third of the Department's budget went into the school system, and approximately equal parts of the rest to relief and development aid, treaty annuities, and civil servants' salaries. To these sums may be appended, with some caveats, up to several hundred thousand dollars that band governments expended annually out of the Trust Fund maintained on their behalf – or rather, in many instances, Indian Department clerks expended, nominally on band governments' behalf – a subject to which I return in the third and fifth chapters.[69]

At the same time that field agents began to receive the benefits of the new year's spending grant, the Ottawa clerks were laying the foundations for the next *Annual Report*. The preparation of a good *Report* could take six months or more. Approaching fiscal year's end, the clerks sent out circulars soliciting qualitative and quantitative data from field officers.[70] These invitations grew more detailed over time, until by 1913, Indian agents received specific instructions pertaining to paper size and thickness as well as a request to exclude any "suggestions as to policy or remarks that might give cause for criticism of the management of Indian affairs."[71] The agents' reports trickled back in over the course of several months, some as

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[67] Smith, *Liberalism, Surveillance, and Resistance*, 17.
[68] These figures were counted manually from the *Annual Report of the Department of Indian Affairs for… 1900*'s tables: "Summary of School Statement," "Schedule of Indian Reserves in the Dominion," "Census Return," "Agricultural and Industrial Statistics" (for list of Indian agencies).
[69] Canada, *Annual Report of the Department of Indian Affairs for… 1900*, 270-271.
[70] For instance, LAC, RG 10, volume 3871, file 89,250, April 11, 1892.
[71] In 1913, by which time the fiscal year had been changed to April-March, the circular was dispatched on February 17, with a request that the returns be submitted "as soon after the close of the fiscal year… as possible": LAC, RG 10, volume 2799, file 160,370, part 1, J.D. McLean, circular, February 17, 1913. The instruction to avoid policy commentary echoes an earlier instruction in the Reed era, quoted by Smith, *Liberalism, Surveillance, and Resistance*, 95.

late as October, after which the regional managers reviewed copies and submitted their own.[72] As they arrived, headquarters clerks diligently compiled and edited them, and amassed hundreds of pages of statistical tables for inclusion as appendices. These sections were rushed to the printer first, allowing a little extra time for the clerks (not the deputy minister himself, of course) to write the deputy minister's introductory essay – its magisterial scope being possible only in retrospect.[73]

Finally, the *Report* was Tabled[74] in the Commons, generally, in this period, with very little fanfare. Houses served the Crown, and therefore their *Reports* were addressed to the Governor-General rather than to Parliament. Paradoxically, however, the Governor General, the Crown's personification in Canada, could not be present in the Commons for Tablings.[75] Once the Tabling ceremonies were complete, civil servants retrieved the collected Reports from where they lay on the Table in the House to compile the multi-volume *Sessional Papers of Canada*, an enduring ink-and-paper manifestation of the Canadian state as it existed during each session.

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[72] Canada, *Annual Report of the Department of Indian Affairs for… 1900*, I:54, I.67, 222, 295, and 299. Arthur Wellesley Vowell submitted two annual reports because he held twin appointments, as Indian Superintendent and Indian Reserve Commissioner, both for British Columbia.

[73] LAC, RG 10, volume 1122, Secretary, Memorandum to Deputy Superintendent General, February 28, 1899. Whether this practice was specific to Smart or general is unknown. It seems reasonable to speculate that Duncan Campbell Scott wrote at least significant portions, if not all, of his deputy minister essays.

[74] The origins of the term are entirely literal: the printed reports were laid on the large table in the centre aisle for inspection: O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd edition (2009), chapter 10, Routine Proceedings. Since 1975, the "Tabling of Documents" has been a specially designated – and *the* first – segment of the larger Routine Proceedings ritual. Prior to that date, Cabinet ministers were permitted to table such documents at any time during the Routine Proceedings. The physical act of laying books on the Clerk's table is not required in order for documents to be deemed tabled in Parliament, and the present version of the official rules outlines multiple means of doing so.

[75] When the Governor General must visit Parliament, a special officer, the "Gentleman Usher of the Black Rod," is sent to knock three times on the door of the House of Commons to summon the members to hear the proclamation and a speech from the throne in the Senate, a more appropriately magisterial setting for a visit from the monarch's representative. Canada, *Annual Report of the Department of Indian Affairs for… 1900*, i; for a description of the summoning ritual, see Eugene A. Forsey, *How Canadians Govern Themselves*, 8th edition (Ottawa: Library of Parliament, 2012), 41. Since 1997, when Mary C. McLaren became the first woman to hold the position the title used in Canada has been the gender-neutral "Usher of the Black Rod." See Kady O'Malley, "The Black Rod Affair," *Maclean's*, May 4, 2008 (Internet: <https://www.macleans.ca/general/blast-from-the-past-the-black-rod-affair-or-how-i-learned-to-love-the-upper-house/>).

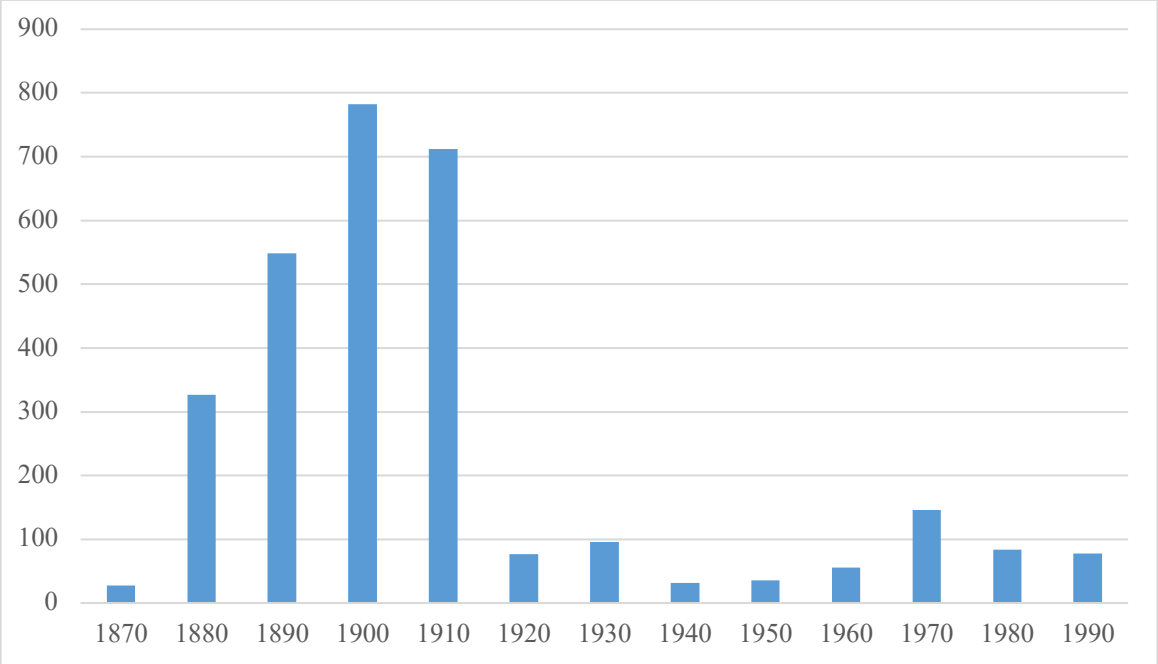
The *Sessional Papers* that included the annual reports for 1900 spanned over 16,000 pages in thirteen volumes. They roughly reflected the order of precedence of the bureaucratic houses: the Finance, Auditor-General's, and Trade reports came first, with the Indian Department relegated to the eleventh volume, alongside several other cadet branches of the Interior Department and just ahead of the Board of Civil Service Examiners, the government print shop, and the Parliamentary Library.[76]

Not all annual reports are alike. To the contrary, they are culturally and historically specific representations. Unlike either the perfunctory and air-brushed editions in vogue between the interwar era and the 1990s or the dry, numbing prose of the contemporary *Departmental Performance Reports*, pre-Great War *Annual Reports* – not just in the Indian Department but also in its fellow houses – were lengthy tomes rich in both qualitative and quantitative data. The Indian Department's reports were 28 pages from cover to cover in 1870, grew to 775 pages in 1900, but seldom exceeded 100 pages after the Great War. (Thus, the length of an annual report bears no relation to either the number of Indians or staff or the size of the budget.) The *Annual Report for 1900* is therefore an example of this kind of performance at the height of its influence and sophistication. On its pages, status Indians are rendered hypervisible against the backdrop of the general population; in so doing, the *Report* reveals much

[76] Prior to 1926, the *Sessional Papers* series were printed for distribution; not all reports tabled in Parliament were actually distributed (in which case they are listed in the Table of Contents with the notation "not printed"), but all of the departmental annual reports normally were. After that year, the departmental annual reports remained in print but not as a *Sessional Papers* series, although Parliament continues to use the term "sessional papers" to refer to all those documents Tabled in Parliament within a session. In 1901, the *Sessional Papers* spanned thirteen volumes and were published primarily by the major departments, but also by a few significant branches and offices: for instance, they included the *Annual Reports* of the Board of Civil Service Examiners, the Harbour Commission, and the national archives, all of which were branches of more important departments. The major houses' and their branches' reports spanned twelve volumes; the thirteenth consisted of miscellaneous other returns Tabled in Parliament, most of them not actually printed.

about how Department bureaucrats thought about both themselves and Indigenous people. The *Report* is, above all, a demonstration of what it meant to constitute an Indian Department.

Figure 3. Page Length of Indian Affairs Annual Reports, 1870-1990[77]



In centering and to some extent amplifying the ritual importance of the *Annual Reports*, I do not mean to suggest that many civil servants *enjoyed* completing them, at least any more than their counterparts in institutions practicing similar rituals – in universities, for instance – do today. To the contrary, flashes of excitement usually occurred only when something went dramatically wrong, such as when an advance copy of the Indian Department's *Report* leaked to the press in 1887,[78] or, in the case of the 1900 report, when the order of the Tablings in

[77] Page counts made by myself by reviewing the digitized scans of the annual reports made available online by Library and Archives Canada, Indian Affairs Annual Reports collection. This manual count confirms the assertion by Smith, *Liberalism, Surveillance, and Resistance*, 115, that the annual reports were lengthiest prior to the First World War and declined thereafter.

[78] LAC, RG 10, volume 2372, file 75,488, Lawrence Vankoughnet to John A. Macdonald, March 16, 1887.

Parliament violated the informal order of precedence. (The *Reports* of the Auditor-General and the Finance Department ought to have been Tabled first, leading the opposition to condemn the ruling party's "little theatrical display" for "flagrant[ly] violat[ing]" tradition.)[79] More often, bureaucrats probably viewed their respective contributions to these sagas as tedious, mundane chores, necessary exercises in democratic accountability from which they sometimes sought escape through conveniently timed sick leave.[80] Nevertheless, the *Reports* were the only occasion that brought together much of the Department's disparate and widely dispersed population, in paper form at any rate. This exceptional status makes them valuable primary sources, even if one must be skeptical about the Ottawa clerks' apparent belief that the general public avidly consumed each new edition.[81]

The *Annual Reports* were *seemingly*, first and foremost, "comprehensive and compendious" analyses of "all important matters relating to the Indians":[82] hundreds of pages of qualitative and quantitative data revealing, for whatever reason one wish might to know, the

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[79] Canada, *Official Report of the Debates of the House of Commons of the Dominion of Canada: First Session – Ninth Parliament, 1 Edward VII, 1901: Vol. LIV, Comprising the Period from the Sixth Day of February to the Twelfth Day of April, Inclusive* (Ottawa: S.E. Dawson, 1901), 50-51; and *Journals of the House of Commons of the Dominion of Canada, From the 6th of February to the 23rd of May, 1901, Both Days Inclusive* (Ottawa: S.E. Dawson, 1901), 20-21.

[80] For instance, Henry Ross, charged with updating the list of ceremonial titles and proofreading Indian agents' reports, estimated that his work took about three months each autumn, during which time he repeatedly suffered bouts of poor health requiring extended leave: LAC, RG 10, volume 2206, file 41,359, Henry C. Ross to Clifford Sifton, July 27, 1897, and volume 1123, J.D. McLean to William McMahon, February 16, 1900.

[81] For instance, the *Annual Report for 1872* claimed that "the dissemination through the annual reports of information concerning our Indians… ha[s] awakened an increasing interest in their behalf," while Scott once professed surprise that anyone could have mistaken impressions about the operations of the Trust Fund given that detailed accounts appeared in the *Sessional Papers* annually: *Annual Report of Indian Affairs for the Year Ending 30th June, 1872* (Ottawa: I.B. Taylor, 1873), 5; see also, similarly, LAC, RG 10, volume 2498, file 102,986, Duncan Campbell Scott, Memorandum to the Deputy Superintendent General of Indian Affairs, undated but stamped February 3, 1904, supposing that the public must be well aware of Indian financial policy because the details were printed in the annual reports. Although the general interest level in Indian Affairs reports is unknown, many Indigenous people did avidly collect government documents connected with Indian policy, and in cases where they were illiterate, have these documents read to them by settlers. In 1873, the Manitoba Indian agent, Molyneux St. John, complained of this phenomenon: *Annual Report of the Department of the Interior for the Year Ended 30th June, 1874* (Ottawa: Maclean, Roger & Co., 1875), 61.

[82] Canada, *Annual Report of the Department of the Interior for the Year Ended 30th June, 1875* (Ottawa: Maclean, Roger & Co., 1876), iii.

number of shotguns in Swan River, average daily school attendance at Kyuquot, and agricultural productivity at Eskasoni. Amassing such data was not a trivial or simple exercise: before statistics clerk John McGirr and his colleagues could complete the *Report* by painstakingly assembling hundreds of pages of statistical data, each Indian agent had to evaluate every band in his agency through ten qualitative categories, including education, religion, economy, health, and the vaguely titled "characteristics and progress," together with dozens of other quantitative measures.[83] Between the qualitative reports and the quantitative tables, "Indians" emerge not as individuals or communities but as composites molded from hundreds of variables and tens of thousands of data points, variables like sex, religious denomination, income, land cleared and sown, buildings erected, and so on. (This operationalization of social life could only render *some* features seemingly legible, hence the dearth of tables documenting the assault upon Indigenous cultures and political orders.) Having reduced people to facts and compiled facts into tables, the Indian Department could begin, in James C. Scott's formulation, to "see [and presumably act] like a state."[84]

All this data was not politically neutral: *someone* must have done this seeing and acting for the state. Read another way, the *Annual Report for 1900* is really about the bureaucrats who did so, not the Indigenous people upon which their gaze fixed. The *Reports* of the period presented a particular stylized and idealized mirror image of bureaucratic social order, one in which rank was demonstrated through the possession and dissemination of official knowledge – senior officials professed to know more, and about more Indians. (Similar links between rank

[83] See, for instance, the report of Indian Agent Charles McGibbon of Penetanguishene, Ontario, in *Annual Report of the Department of Indian Affairs for… 1900*, 1-2.
[84] See Scott, *Seeing Like a State*, 309-310, on the importance of "thin simplifications."

and privileged knowledge in secret police forces have led some ethnographers to model those groups as secret societies, in the anthropological sense of the term.)[85]

In 1901, the minister, Clifford Sifton, an ephemeral presence (as Minister of the Interior he left the operation of the Department to the Deputy Superintendent General, and the latter, in practice, left it to the Secretary), opens the report with a rhetorical flourish, announcing its completion and presenting it to the Governor-General.[86] Where Sifton merely presides, deputy James Smart reigns. His 31-page essay surveyed all purported matters of consequence across the Dominion, from demographic change and healthcare to agriculture and wage labour. The most remote goings-on in the bureaucratic empire did not escape his notice: no Blood family could move into substandard housing, no Six Nations man join the local Farmer's Institute, and perhaps even no sparrow fall to the ground on a reserve without him taking note.[87] Over one hundred local Indian agents, residential school principals, and regional managers then mimic, in their small individual fiefdoms, what Smart has accomplished on the more sweeping national scale. Finally, the *Report* closes with the lengthy statistical section: the Indian Department's collective judgement of Indian-ness as it (might have) existed in 1900. This Indian Department – the Department of the *Reports*, the one of Indian agents, residential schools, and the deputy minister – should be familiar to students of Canadian Indigenous-state relations history.[88]

What is the historian to make of this depiction of the Indian Department? To borrow a phrase from political scientist Robert Cox, every document is "for someone and for some

[85] Levon H. Abrahamian, "The Secret Police as Secret Society: Fear and Faith in the USSR," *Russian Social Science Review* 35, no. 3 (1994), 81-95, and, more recently, Katherine Verdery, *Secrets and Truths: Ethnography in the Archive of Romania's Secret Police* (Budapest: Central European University Press, 2013).
[86] Canada, *Annual Report of the Department of Indian Affairs for… 1900*, iii.
[87] Canada, *Annual Report of the Department of Indian Affairs for… 1900*, xvii-xxxvii.
[88] Canada, *Annual Report of the Department of Indian Affairs for… 1900*.

purpose."[89] Assumptions about the places and priorities of bureaucratic elites – Smith's "formidable hierarchy" – have led historians both to assume the *Annual Reports* attempted to deceive the public when they did not, such as the seeming cover-up of the Spanish flu pandemic in the 1918-1920 *Reports* (caused by coincidental cuts to the Department's census program),[90] but also that they were objectively reliable records in some instances that certainly *were* efforts at deception, such as audited financial statements that were carefully structured to falsely imply that the Liberals cut the Indian Affairs budget between 1896 and 1897.[91] At the very least, some numbers in the *Reports* clearly cannot be taken at face value: as Susan Neylan notes, "there were significant pressures on a Native person… to report to government agents that she or he was a Christian," but the category of "nominal Christian" did not truly say much about Indigenous religious beliefs or practices.[92]

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[89] Robert W. Cox, "Social Forces, States, and World Orders: Beyond International Relations," *Millennium: Journal of International Studies* 10, no. 2 (1981), 128.

[90] Mary-Ellen Kelm, "British Columbia First Nations and the Influenza Pandemic of 1918-19," *BC Studies* 122 (1999), 24, claims that the Indian Department misreported census data in 1918 and 1919, presumably so as to conceal the impact of the influenza pandemic. According to Kelm, "the reasons for this faulty reporting are unclear." In fact the *Report* does give an explanation: Department clerks decided well before the pandemic's arrival in Canada to move from an annual to a quinquennial census, and made up for the lack of new data by simply printing old census figures: Canada, *Annual Report of the Department of Indian Affairs for the Department of Indian Affairs for the Year Ended March 31, 1918* (Ottawa: J. de Labroquerie Taché, 1918), 9. The deputy minister's report was completed on September 3, 1918, before the date that Kelm claims widespread affliction began in B.C.; consequently, the decision to adjust the statistics must have been made long before civil servants were aware of the effects of the pandemic. Smith (*Liberalism, Surveillance, and Resistance*, 116) believes that other corrections to demographic data were also "purpose[ful] manipulat[ions]" intended to cover up demographic crises, but at least the ones I describe below in this chapter were more likely corrections to misleading or even myth-based statistics.

[91] Auditor-General John Lorn McDougall printed an Indian Affairs budget of $1,225,583.25 *inclusive* of Trust Fund expenditures for 1896, and then $962,977.25 *exclusive* of Trust Fund spending for 1897, implying a sharp cut of about $260,000 (or one-fifth of the Department budget). In fact, Department officials spent $938,980.93 from Parliamentary appropriations in 1896, yielding a year-over-year *increase* of almost $24,000. See *Report of the Auditor General for the Year Ended 30th June 1896* (Ottawa: S.E. Dawson, 1898), G-3, and *Report of the Auditor General for the Year Ended 30th June 1897* (Ottawa: S.E. Dawson, 1898), G-3. The discrepancy in the way in which the amounts were reported seems difficult to explain except as a means of leading the incautious reader into concluding that Indian Affairs expenditures had declined.

[92] Susan Neylan, *The Heavens are Changing: Nineteenth-Century Protestant Missions and Tsimshian Christianity* (Montreal and Kingston: McGill-Queen's University Press, 2002), 64.

The broader context of bureaucratic tradition and seasonal round can guide our interpretation of the *Reports*. We should read the *Reports* as performances or professions of "formidable hierarchy," and not as the actual expressions emanating from one, bearing in mind that one of the primary reasons bureaucrats produced such *Reports* was because, in their minds, the institutions within which they worked had always done so. Both the accuracies and the inaccuracies of the *Annual Reports* emerging from such social relations and processes can be informative, but are also easily misinterpreted.

One thing notably absent from the *Annual Report for 1900* is any meaningful indication of what ends or objectives the Department was endeavouring to achieve. There is, in Smart's optimistic synopsis of the Indian condition, no clear echo of Scott's later ruminations to Parliament about "the Indian question." Occasionally the ghostwriters of the deputy ministers' essays mustered a defence of the importance of residential schools or an exposition on the importance of economic independence, linked to a vague hope that Indians would "eventually assum[e] the responsibilities of citizenship."[93] More commonly, the *Reports* – not just those of the Indian Department, but of other houses as well, within their respective realms – substitute quantitative mass for clarity of purpose. "Prosperity and progress have been everywhere in the ascendant," Smart confidently proclaimed in his essay for 1900.[94] But were enfranchisement – the legal ritual by which an Indian man relinquished his status[95] – and cultural assimilation the

[93] LAC, Indian Affairs Annual Reports, *Annual Report for 1901*, 28; for similar statements, see *Annual Report for 1897*, 40; and *Annual Report for 1904*, 28.
[94] Department of Indian Affairs, *Annual Report of the Department of Indian Affairs for… 1900*, xvii.
[95] LAC, Indian Affairs Annual Reports, *Annual Report for 1905*, 28, noted that Indigenous people seemed "indifferen[t]" about the prospects of "enfranchisement" and that a new "workable plan for enfranchisement" was needed. Conceptions of enfranchisement were distinctly gendered; women lost Indian status without undergoing ritual enfranchisement by marrying men without status, and did so in greater numbers than men undergoing formal enfranchisement. In the 1917 report, Scott noted that enfranchisement "assumes greater importance each succeeding year owing to the fact that many of the Indian bands are approaching a point of development and progress which renders it undesirable that they should remain in their present status as wards of the government": *Annual Report for 1917*, 26.

ultimate objective, or the eventual phasing out of poor relief? Was an increase in the number of corn cribs, duly enumerated by each Indian agent in the North-West Territories, evidence of this "prosperity and progress"?[96] If so, had the former number of corn cribs been inadequate? How many corn cribs ought a band to possess? Presumably *any* increase in *any* statistic could be interpreted as evidence of "progress" – more corn cribs, more income, more schools, more buildings, more livestock, more *Indians* – but what numbers did bureaucrats consider optimal? The *Report* is silent on such questions.[97]

This ambiguity or slipperiness about connections between daily practice and official objectives was most obvious in the *Annual Reports*, but frequently appeared in other fora, as well. Testifying before a royal commission in 1908, deputy minister Frank Pedley – who held that his department aimed merely to help Indians achieve "a better state of living" – advanced the startlingly cynical theory that steadily rising budgets and personnel rosters were proof of Indian progress, because "as they become more civilized and adopt working habits," the costs of – not to mention the "voluminous correspondence" associated with – their proper "management" naturally grew ever larger, too.[98] Scott insisted in one 1914 essay that Canada's Indians were "advanced more than half-way" and even "within measurable distance of the desired goal," without offering any clear metrics with which to make those measurements.[99] Four years before that, dissembling about a poor report on Indian education several years earlier, he had momentarily abandoned enfranchisement altogether to claim "it was never the policy… to

[96] Department of Indian Affairs, *Annual Report for… 1900* (LAC Online version), p. 1160.
[97] I share, in other words, Smith's prior conclusion that the contents of the *Annual Reports* are not reliable: Smith, *Liberalism, Surveillance, and Resistance*, 115. Smith believes the numbers were massaged to show false evidence of "progress" in terms that likely would have been meaningless to Indigenous people themselves. This conclusion also seems merited, although my qualification here is that even the ideal of progress itself seems more implicit than articulated.
[98] Royal Commission on Civil Service, *Minutes of Evidence* (Ottawa: S.E. Dawson, 1908), I:251.
[99] Scott, "Indian Affairs, 1867-1912," 593-594, 601, 622-623.

transform the Indian into a white man," but rather "to fit the Indian for civilized life in his own environment."[100] Many years later, in 1946, secretary T.R.L. MacInnes claimed that the Indian Affairs Branch was simultaneously pursuing cultural assimilation and Indigenous segregation within their "own distinctive culture[s]," though he acknowledged that these were incompatible goals and therefore forecast, for the foreseeable future, "a continuing and perhaps expanding Indian problem… [and] administration."[101] Civil servants evidently had, and their institutional descendants perhaps still have, only a vague notion of where they were supposed to be going or, especially, of how their daily practices might get them there.

Superficially, at least, this ambivalence contrasts strikingly with the ubiquity of goal-setting exercises in the annual reports of the contemporary Indigenous and Northern Affairs Canada (INAC) departments. In their 2017 *Departmental Performance Report*,[102] INAC employees professed a "*raison d'être*," a "mission statement," five "strategic outcomes" (further divided into sixteen programs and thirty-nine subprograms), and five further "organizational priorities" (elaborated, in turn, into dozens of pages of statistical "targets").[103] They hope to

[100] J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996), 140.
[101] T.R.L. MacInnes, "History of Indian Administration in Canada," *Canadian Journal of Economics and Political Science* 12, no. 3 (1946), 393-394.
[102] The Annual Report ritual was finally abolished in the 1990s, after decades of decline and neglect, but the annual *Departmental Performance Report*, completed each autumn, serves a comparable function. The decline of the annual report ceremony was a long process, but the most important and enduring damage occurred during the Great War, when cost reductions imposed upon all of the houses by Parliament meant the elimination or "condensation" of much of the data: LAC, Indian Affairs Annual Reports, *Annual Report for 1917*, 9. Even in peacetime, the detailed reports never resumed. As part of the Improved Reporting to Parliament Project, the *Reports* were scrapped in the mid-1990s and replaced by two periodicals, a *Report on Plans and Priorities* released each spring that lays out planned spending for the coming fiscal year, and a *Departmental Performance Report* released in the autumn describing the results of the previous fiscal year: Treasury board of Canada Secretariat, *1997-98 Estimates: A Report on Plains and Priorities* (Ottawa: Minister of Supply and Services Canada, 1997), i. Both Reports are tabled in Parliament, but Parliament now meets at any time of year according to an arbitrary schedule set by the government in power; the springtime festival is no longer practiced.
[103] Indigenous and Northern Affairs Canada, *2016-17 Report on Plans and Priorities*, 5-7. This set of strategic outcomes was inherited from the Harper regime, which, in turn, adopted it from the Results Framework established for INAC by the Chrétien government in 2003: INAC, *2003-04 Departmental Performance Report*, Minister's Message, http://www.collectionscanada.gc.ca/webarchives/20060120073504/http://www.tbs-sct.gc.ca/rma/dpr/03-04/inac-ainc/inac-aincd3401_e.asp. Prior to the creation of the Results Framework, the Department possessed an

"improve [First Nations'] social well-being and economic prosperity," "develop healthier… communities," and help First Nations "participate more fully in Canada's political, social and economic development."[104] Schooled in the arts of postcolonial criticism, we may readily detect in these promises of health, prosperity, and citizenship an implication that there is a historically and culturally rooted *lack* or deficiency in such attributes intrinsic to the Indigenous condition, one necessitating ongoing bureaucratic intervention.[105] However, the *Report* does not explicitly describe such defectiveness: the surface reading, equally revealing in my opinion, is that *even if* First Nations proved to be indistinguishable from other Canadians, there would *still* be an important role for Indian Department bureaucrats yet to play. Inequality is finite and, at least in principle, rectifiable. *Improvement* is infinite.

How might we reconcile the ubiquity of target-setting language today with its virtual absence from the same forum a century ago? Notably, in both cases, Indian Department bureaucrats followed broader social conventions: allowing for differences in subject matter, their reports are broadly similar to those of Post Office clerks who managed mail, transport clerks who managed roads, and trade clerks who oversaw international commerce (dutifully enumerating everything from buggies and wool to "anatomical preparations and skeletons or parts thereof").[106] It is possible, of course, that Department bureaucrats possessed a common political

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overall objective ("improving quality of life built on a sustainable foundation of economic development, governance, human capital and infrastructure") operationalized through several "strategic priorities": INAC, *2002-03 Departmental Performance Report*, Reporting Framework, http://www.collectionscanada.gc.ca/webarchives/20060120100826/http://www.tbs-sct.gc.ca/rma/dpr/02-03/inac-ainc/inac-ainc03d01_e.asp#secI.

[104] Aboriginal Affairs and Northern Development Canada and Canadian Polar Commission, *2013-14 Departmental Performance Report* (Ottawa, 2014), 4, 6-8.

[105] Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton: Princeton University Press, 2000), 34-35. A variation of this argument has already been applied to the discourses employed by Canadian treaty negotiators by Stephanie Irlbacher-Fox, *Finding Dahshaa: Self-Government, Social Suffering, and Aboriginal Policy in Canada* (Vancouver: University of British Columbia Press, 2009).

[106] Department of Trade and Commerce, *Report of the Department of Trade and Commerce for the Fiscal Year Ended June 30, 1900* (S.E. Dawson, 1901), I:40-41, 154, 156.

agenda but concealed it from Parliament and the general public.[107] There may, however, be a more banal linkage between the disparate conventions: long-term, overarching goals of the sort espoused by Scott were not especially important either to institutional survival or to individual daily practice. The sprawling *Annual Reports* of the early twentieth century, with their emphasis on uncontextualized data and vague assertions of progress or growth, may in this way offer more accurate insights into the work and experiences of bureaucrats than isolated elite policy proclamations. Most bureaucratic houses, in any case, neither profess nor are widely expected to profess a core ambition that would lead to their own eventual dismantlement: a well-crafted and perfectly implemented tax policy is not intended to lead to the end of the revenue service, nor a visionary foreign policy to lead to the end of the foreign service.[108] The function of departments, at some level, is to "ensure their own continued existence."[109]

Viewed from this critical perspective, both the absence and the ubiquity of potentially risky objectives do make some sense. Indeed, viewed more closely, some of INAC's contemporary "targets" raise serious questions about whether federal houses can be said to produce annual reports to showcase their policies, or produce policies in order to have something to showcase in their reports. Each year since 2010, the Indian Department has set a goal of

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[107] Pamela Palmater, "Genocide, Indian Policy, and Legislated Elimination of Indians in Canada," *Aboriginal Policy Studies* 3, no. 3 (2014), 28-30, 37.

[108] The proposal, in the White Paper of 1969, to immediately abolish both Indian status and the Indian Department would seem to be strong evidence against my implication here. The Paper was, however, exceptional in many ways – not the least of which is that a carefully researched, step-by-step analysis of its formulation exists. In *Making Canadian Indian Policy*, Sally Weaver observes – much as my model here would predict – that the Indian Department positioned itself as the agency tasked with carrying out the policy and that the newer generation of "activist" policy promoters "thought the… five-year limit [set for the abolition of Indian status and the closure of the Department] was a calculated move by the department to destroy the policy by eliciting a negative reaction from Indians": Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda, 1968-70* (Toronto: University of Toronto Press, 1981), 131. If these suspicions about self-serving manipulation by members of the Department's "old guard" are correct, then it would seem that the latter group – to its credit? – accurately gauged First Nations's probable responses to the policy proposal.

[109] As previously observed by Carolina Lopez C., "Globalisation, State and G/Local Human Rights Actors," in *Politics in Malaysia: The Malay Dimension*, edited by Edmund Terence Gomez (London: Routledge, 2007), 50.

preventing more than thirty percent of First Nation governments from defaulting on their financial arrangements. However, the actual number considered to be in default was lower than thirty percent both in 2010 and in every year since, yet, for years, the Department has seemingly resisted setting more ambitious targets.[110] Perhaps such targets exist simply for the sake of having targets. In 1900, in contrast, there was no doubt about what to place in the annual report; to the contrary, there was a superabundance of data.

Regardless of whether policies are created to fill the reports or reports are created to showcase policies, the reports still perform an important political function. Both in reducing financial crises to bland statistical targets *and* in reducing Indigenous people to tabular statements documenting their possessions and fields, the *Reports* can be said to enact a form of structural violence that Akhil Gupta calls the normalization of inequality.[111] In the former case, for instance, they imply that public servants are, and the general public should be, broadly satisfied with a prevalence of municipal-equivalent fiscal default that would in any other Canadian jurisdiction be a state of profound political emergency. Perhaps, like their predecessors a century ago, bureaucrats fear any hint of "retrogression" or "backsliding" on otherwise promising reserves, but are broadly resigned to a state of permanent, racialized

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[110] Indian and Northern Affairs Canada and Canadian Polar Commission, *2010-2011 Estimates: Report on Plans and Priorities* (Ottawa, 2010), 21; Aboriginal Affairs and Northern Development Canada and Canadian Polar Commission, *2010-2011 Departmental Performance Report* (Ottawa, 2011), 32; *2011-12 Departmental Performance Report* (Ottawa, 2012), 29; *2012-13 Departmental Performance Report* (Ottawa, 2013), 33; *2013-14 Departmental Performance Report* (Ottawa, 2014), 23; and *2014-15 Departmental Performance Report* (Ottawa, 2015), 21. In 2015-16, the target was finally raised to 75%: Aboriginal Affairs and Northern Development Canada and Canadian Polar Commission, *2015-16 Report on Plans and Priorities* (Ottawa: Minister of Aboriginal Affairs and Northern Development, 2015), 19. However, in 2016 the figure seems to have been reduced again to 70%: Indigenous and Northern Affairs Canada, *2016-17 Report on Plans and Priorities* (Ottawa: Minister of Indigenous and Northern Affairs, 2016), 18. The precise meaning of these statistics is uncertain because the Department has also frequently revised the policy defining, at least for this particular purpose, the meaning of "default." The latest *Report on Plans and Priorities* refers to First Nation governments exhibiting poor performance "on the Governance section of the General Assessment."

[111] Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence, and Poverty in India* (Durham: Duke University Press, 2012), 15.

suffering.[112] (Indeed, Pedley advanced an even more flippant normalization of Indigenous poverty in his 1904 annual essay, in which he claimed that even "should the Indians fail to make it, the country has no little reason to congratulate itself upon a policy which has transformed the aboriginal population.")[113] Certainly, the capacity to set goals that are superficially impressive yet difficult to fail to achieve – indeed, ideally, have already *been* achieved – is an important bureaucratic skill.

If the *Reports* were slippery on *why* the Indian Department existed, how trustworthy are the seemingly more concrete products of clerks' efforts to make "Indians" and "the Indian Department" legible to the readers? Keith Smith has suggested, although without explaining precisely how or why, that clerks used the qualitative and quantitative assessments in the *Annual Reports* to present Indian-ness with an "*appearance* of precision," while "purposely manipulat[ing] the data" to cover up Indigenous demographic decline and economic marginalization.[114] Read in this fashion, the *Reports* were an instance of a well-documented complication of colonial racial politics readily anticipated by James Scott: efforts by a small corps of elite officials to control and govern populations at a distance eventually ran up against the inability of their simplistic classificatory and prescriptive mechanisms to adequately map complex social reality. In the concluding pages of this chapter, however, I explore how the "appearance of precision" in the *Reports* extended to their portrayal of the Indian Department itself. In the process, I question what sorts of obfuscations and falsifications actually appeared in the *Reports*, and to what ends. The *Annual Reports* reveal as much (or perhaps even more) about the official representation of *Indian Department-ness* as they do about *Indian-ness*.

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[112] LAC, Indian Affairs Annual Reports, *Annual Report for 1898*, 36.
[113] LAC, Indian Affairs Annual Reports, *Annual Report for 1904*, 28.
[114] Smith, *Liberalism, Surveillance, and Resistance*, 116.

The most important possession of a federal bureaucratic house was its core jurisdictional territory, which, in the case of the Department of Indian Affairs, was a select portion of people, mostly Indigenous people living in Indigenous communities, who were designated legally and usually racially as "Indians." In the three decades after 1851, Canadian officials gradually convinced themselves, on the basis of limited consultations with several Indigenous elites in southern Ontario and Québec, that their own Victorian conceptions of gendered subjecthood or citizenship echoed ancient (and generic) "Indian" customs for determining community membership. An Indian was considered, in the curiously circular formula of the *Indian Act*, to be any man "of Indian blood," his wife, and their children.[115] The gendered status formula was abolished in 1985 but continues to have important obligations today. During my period of study, status determinations were much more *ad hoc* and irregular than in the post-1951 era. Indeed, the concept of Indian status as a legal category distinct from band membership did not really exist yet, and Melanie Niemi-Bohun has conducted an important study of the arbitrary and uncertain division of Indian "stragglers" from non-Indian Métis.[116] Nevertheless, the *Annual Reports* were a proclamation of knowledge of, and thus control over, a jurisdictional territory

[115] *Indian Act*, assented to April 12, 1876, article 3. The first definitions of "Indian" were not exclusionary in this fashion, but the infamous gendered formula revoking the legal status of Indian women who married non-Indian men was fixed in law in 1868. The conventional historiographical interpretation is that the Canadian government imposed exclusionary Eurocentric gendered norms both as part of its broader agenda of assimilation and also because doing so would gradually reduce the Indian-status population, essentially as a form of legal extermination: see, for instance, Renisa Mawani, *Colonial Proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1821-1871* (Vancouver: University of British Columbia Press, 2009), chapter 5, and Martin Cannon, "The Regulation of First Nations Sexuality," *Canadian Journal of Native Studies* 18, no. 1 (1998), 9-13. Recently, however, Ted Binnema has demonstrated that government officials consulted with First Nations leaders prior to passing this legislation, gained the support of some of these leaders, and believed that their rules broadly reflected Indian custom: Ted Binnema, "Protecting Indian Lands by Defining *Indian*: 1850-76," *Journal of Canadian Studies* 48, no. 2 (2014), 5-39.

[116] Melanie Niemi-Bohun, "Colonial Categories and Familial Responses to Treaty and Metis Scrip Policy: The 'Edmonton and District Stragglers,' 1870-88," *Canadian Historical Review* 90, no. 1 (2009), 71-98.

that consisted of the lives, bodies, lands, and possessions of Indigenous people called "Indians."[117]

Policing the racial binary between "Indian" and "non-Indian" in places where band lists did not yet exist, such as British Columbia, has drawn considerable scholarly attention since the discursive turn of the 1990s. Indeed, as several authors have observed, the inherent difficulties of reorganizing populations along the binary lines of official race policies made even such seemingly simple operations as the decennial census fraught and inconsistent. For instance, due to discrepant definitions and to decisions made on the spot by their field agents, the Agriculture and Indian Affairs counts of "Indians" could vary by as many as several thousand individuals.[118] (The census was particularly helpful, the *Report* proclaimed in 1872, because it sometimes revealed the "existence of different parties of Indians, which were unknown to the… agents of the Department.")[119]

Nevertheless, the *Annual Reports* imply that the never-completed, uncompletable project of Indian Affairs was largely successful at least in classifying and containing the Indigenous population. "Indians" were people with what is now known as Indian status, living in Indian bands, supervised at least in most of Canada by Indian agents, varying on a number of officially tracked statistical measures, all of which *should* be trending in the same general "progressive" direction. In fact, bureaucrats faced a daunting task in maintaining an "Indian" population sufficiently large so as to (purportedly) necessitate ongoing intervention, without letting this territory expand beyond the capacity of their meagre fiscal resources to occupy and defend it.

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[117] Smith, *Liberalism, Surveillance, and Resistance*, 115.
[118] Benjamin Hoy, "Uncertain Counts: The Struggle to Enumerate First Nations in the United States and Canada, 1870-1911," *Ethnohistory* 62, no. 4 (2015), 729-750; Michelle A. Hamilton, "'Anyone Not on the List Might as Well be Dead': Aboriginal Peoples and the Censuses of Canada, 1851-1916," *Journal of the Canadian Historical Association* 18, no. 1 (2007), pp. 57-79; and Hubner, "This is the Whiteman's Law."
[119] Hoy, "Uncertain Counts," 734.

They eagerly searched for evidence of natural increase and, before the bitter conflict over traditional and democratic band governance in the early 1920s, held up the slowly growing Six Nations Band as an exemplar of Indian policy.[120] But they also feared the proliferation of undeserving and expensive relief recipients, going so far, during the Great Depression, as to argue that the Inuit were in some mysterious way racially distinct from Indians and consequently merited no place upon the federal welfare rolls. (The Supreme Court disagreed, but in 1951 the *Indian Act* was amended to clarify that Inuit were not Indians for statutory purposes, even if they might be for constitutional ones.)[121] In more densely settled regions, the same fears about whites masquerading as Indians that had fuelled some of the first legal codifications of Indian-ness in the 1850s continued to worry officials. As late as the 1930s and 1940s, shortly before assimilation was formally abandoned in favour of integration, officials still fretted that the integrity of the Department's budget was imperilled by so-called "legal Indians" with "red hair, blue eyes and a very fair complexion." (True to form, they projected that resolving this "legal versus biological mix-up… will take a long time.")[122] The Indian Department of my period had relatively little to do with such "legal Indians" unless they lived on reserves, or were, in the minds of Indian agents, *supposed* to live on reserves.

Although they were less readily apparent during my period of study than today, because virtually all aspects of the Canadian government were quantifiably *less* than they are today, it is worth noting the long-term ramifications of Indian Department bureaucrats' efforts to become

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[120] Department of Indian Affairs, *Annual Report for 1910*, pp. 34-35.
[121] In *Re Eskimos* (1939), the Supreme Court rejected this argument and held that "Eskimos" were, in fact, "Indians" for constitutional purposes. However, the *Indian Act* was subsequently amended to specifically exclude Inuit from its terms. In this case, the distinction was not necessarily unwanted: many Inuit continue to self-identify as separate from First Nations. The history of this distinction has not been adequately researched by historians beyond the particular legal history of *Re Eskimos*.
[122] MacInnes, "History of Indian Administration in Canada," 393-394; and LAC, Indian Affairs Annual Reports, *Annual Report for 1932-33*, 8.

exclusive providers of government services to Indians. Then and now, most government houses, both federally and provincially, delineate their territories on the basis of a functional area within which they monopolize state expertise: roads, fisheries, police, and so on. Indian Affairs did and does so explicitly by racialized heredity. Indians thus existed in a permanent, legislated "state of exception":[123] municipal and provincial transportation departments blazed roads and dug water and sewage systems, except for Indians; education ministries built public schools, except for Indians; land title offices registered surveys and real estate transactions, except for Indians; for a time, at least, public hospitals provided medical services, except for Indians. An institutional jack-of-all-trades, Indian Affairs laboured under the perpetual strain of planning and implementing small-scale customized variations on programs for which other, larger and specialized bureaucracies and professional bodies usually already existed in parallel: everything from healthcare, schools and roads in the late nineteenth century to building codes, housing aid, and water quality guidelines in the late twentieth. In recent decades, Indian Affairs has retreated, ceding important ground to other service bureaucracies under the mantle of "integration" and offloading many of its other burdens to First Nations under the rubric of "self-government," perhaps in the hope that what a single large national bureaucracy could not do effectively, hundreds of very small ones will.

What Indian Affairs clerks could at least *claim* to possess, however, was a uniquely detailed and comprehensive understanding of their territory, the "Indians" – a knowledge that they demonstrated in their *Annual Reports.* The *Reports* served an important social and political

[123] My language here may call to mind Giorgio Agamben, *State of Exception*, transcribed by Kevin Attell (Chicago: University of Chicago Press, 2005), but the applicability of his well-known critique of state power to the Canadian colonial context is uncertain. Here I simply mean the term literally: due to a combination of their legal status under the Constitution and settler racism, "Indians" and Indian lands have historically fallen under special, segregated federal management where specialized professional institutions developed in the provinces.

function insofar as they implied some degree of uniformity and consistency within the Indian Department, in terms of offices, the knowledge that their occupiers possessed about Indians, and, by implication, what they hoped to do with the Indians within their respective agencies. Before attempting to read into the *Reports* evidence of significant manipulation or deception by the holders of elite ranks, we should perhaps pause to appreciate the difficulties they encountered merely in obtaining and compiling legible data. The gap between the real substance of official knowledge and its more impressive representation in the *Reports* was especially apparent in the more remote agencies and in the northern areas somewhat misleadingly referred to as "outside Treaty limits."[124] Very few officials ever ventured beyond "Treaty limits" into the far reaches of Indian Affairs territory, and those who did not freely confessed that their statistical compilations for these regions were "little more than guess work."[125] Nevertheless, the *Reports* routinely inscribed fables about heavily romanticized, purportedly large, and (even better) self-reliant bands of nomadic hunters and fishermen lurking just beyond the administrative gaze, an El Dorado – or perhaps more appropriately, a Kingdom of Saguenay – populated by unclaimed but self-sufficient Indians residing somewhere beyond the administrative horizon.

For instance, in 1877, regional officers guessed wildly that the Indian population of mainland British Columbia (excepting the Tsimshian, Heiltsuk, and Haida), unmet by any government official and ostensibly fully self-sufficient, was 15,000.[126] As the Department's network of Indian agencies gradually spread northwards, the great oasis of uncontacted Indians receded ever farther inland and northward, before eventually dwindling away like the great inland lake that the first generation of fur traders had once vaguely mapped onto the same region.

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[124] For instance, LAC, Indian Affairs Annual Reports, *Annual Report for 1907*, 32. Areas of British Columbia and Québec not covered by any treaty were not considered to be beyond "Treaty limits" in this context.
[125] LAC, Indian Affairs Annual Reports, *Annual Report for 1907*, 32, and *Annual Report for 1902*, 31.
[126] LAC, Indian Affairs Annual Reports, *Annual Report for 1877*, 228-229.

Fraser Superintendent James Lenihan, a man visibly nervous in the presence of Indians who once printed a notice prohibiting more than one Indigenous man from entering his office at a time,[127] enumerated the populations of the lower Fraser and Okanagan in 1879 and then "estimated" an uncontacted population of 8522 in the central and northern interior. This rather specific estimate coincidentally brought the total for his Superintendency back up to an even 15,000.[128] A decade later, the location of the missing 8522 had been narrowed down to somewhere north of Quesnel – and the figure still appeared in the *Reports*, even though new and expanded census operations in the south meant it no longer brought the total count to a round number anymore.[129] When Indian Affairs finally despatched an Indian agent to Hazelton in 1889, chiefly to recover from the humiliation of having to beg for second- and thirdhand information about a possible famine amongst the Dakelh (Carrier),[130] the new official's explorations further narrowed the location of the 8522 to the zone northeast of Stuart Lake and west of the Rocky Mountains, *i.e.* Sekani territory, who were among the last to have a dedicated Indian agent.[131]

By 1900, few officials still professed belief in the 8522, and they had disappeared from the *Annual Reports*.[132] Still, the spacious and little-known north allowed official imaginations to run wild. The Hazelton agent wrote in that year's *Report* that "his" Indians were primeval savages, sharing in the "progress" ubiquitous to all Indian country but simultaneously shrouded in the noble mystique of antiquity: "devout in his faith and content with what nature provides, he yet remains absorbed by a fascination for the deep recesses of the forest and banks of lonely

[127] LAC, RG 10, volume 3625, file 7824, James Lenihan, Notice, January 19, 1877.
[128] LAC, Indian Affairs Annual Reports, *Annual Report for 1879*, 439.
[129] LAC, Indian Affairs Annual Reports, *Annual Report for 1889*, 544.
[130] See correspondence in LAC, RG 10, volume 3808, file 53556.
[131] LAC, Indian Affairs Annual Reports, *Annual Report for 1890*, 493.
[132] LAC, Indian Affairs Annual Reports, *Annual Report for 1894.* In 1894, Loring reduced and rounded the uncontacted population to just 2500.

lakes,… seldom disturbed except by the occasional plaintive note of the loon."[133] Sometimes the temptation to capitalize upon myths of northern superabundance for personal benefit proved irresistible: long-serving minister and regional manager David Laird's son, Harold, was convicted for padding his band rolls with non-existent Indians so that he could pocket their Treaty 8 annuities, obligingly sent out from Ottawa each summer.[134] Although I have no particular reason to believe that Ottawa clerks employed them for this reason intentionally or instrumentally, representations of distant Indigenous abundance and prosperity echoed older myths of the noble savage to rationalize the Department's failure to occupy and administer its more remote territories: negligible federal investments in money and personnel were appropriate because these distant Indians were in no need of help. Such groups were implicitly held to be, in Ken Coates's formulation of the Department's *laissez-faire* policy in the Yukon, "best left as Indians."[135]

The fact that some "Indians" were best left in their purported "state of nature" raises another issue: beyond narrow questions about the validity and reliability of specific statistical exercises, the *Reports* also served a broader unifying function by implying that across the Dominion officials were performing basically the same functions, from which basically the same types of data emerged, for basically the same reasons. As one year's *Report* proudly proclaimed, in Canada, "there is only one *Indian Act* and one Indian administration."[136] In reality, Indian Affairs territory was a confusing patchwork of differing traditions, institutions, and purported policies. In Ontario and Québec, most agents were businessmen, but occasionally band

[133] LAC, Indian Affairs Annual Reports, *Annual Report for 1900*, 398.
[134] Theresa A. Ferguson and Neil Reddekopp, "Methodological Issues in Paylist Analysis," conference paper at Centennial Conference on Treaty 8, 1999 (Internet: <https://lobstick.wordpress.com/methodological-issues-in-paylist-analysis/>); and John Goddard, *Last Stand of the Lubicon Cree* (Vancouver: Douglas & McIntyre, 1991), 15.
[135] Ken Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973* (Montreal and Kingston: McGill-Queen's University Press, 1991).
[136] LAC, Indian Affairs Annual Reports, *Annual Report for 1935-36*, 9.

members, paid either by commission or on a part-time basis to administer the affairs of a single band. Even less was expected of Maritime agents, typically doctors or clergy given a $20-$100 honorarium to handle problems as they arose. (There were no land surrender treaties in the Maritimes, and therefore no annuities to dispense.)[137] The Atlantic offices were sufficiently unimportant to the Ottawa clerics that weeks passed in 1898 before they realized that one of their agents there had quit without notice. (Although "there is not much for the agent to do," they sought a replacement because "we should have someone… occupying the position.")[138]

Different models evolved west of Ontario. In the west, most Indian agents worked on an essentially full-time basis; however, they could manage multi-person teams working on a few large, centrally clustered reserves on the Prairies, or be lone officers overseeing hundreds of reserves held by a dozen or more bands dispersed over tens of thousands of kilometres in B.C., some of which they visited only once every few years. For example, the Hazelton agent, Richard Loring, was originally delegated a territory running from the Lhtako Dené (Quesnel) in the south and the Gitxsan on the Skeena River in the west to the Rocky Mountains in the northeast – about half of the province, or close to half a million square kilometres of land.[139] Even in the much smaller Bella Coola Agency, as one of its agents noted wryly, a lone officer was expected to police a territory the size of Scotland.[140] All of these agents produced the same basic set of annual statistics, even, as was sometimes the case in B.C., for bands that they had not visited in years, if ever.

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[137] LAC, Indian Affairs Annual Reports, *Annual Report for 1900*, 1166-1186.
[138] LAC, MG 27 II-D-15, volume 246, Clifford Sifton to B. Russell, January 27, 1898; similarly, see RG 10, volume 2312, file 62,402, Dickey to Edgar Dewdney, September 16, 1889, regarding the departure of Cumberland County agent.
[139] Department of Indian Affairs, *Annual Report… 1892*, 257. Loring did not visit the Dakelh (Carrier) side of his agency for years after his appointment: Department of Indian Affairs, *Annual Report… for 1890*, 97; *Annual Report… 1891*, I.133; *Annual Report… 1892*, 257.
[140] LAC, RG 10, volume 11019, file 504A, Ivar Fougner to J.G.H. Bergeron, July 31, 1913.

These variations did not emerge as a sort of intentional experiment in Indian policy administration, or from a careful and proactive assessment of differing regional needs. Outside officials rarely transferred offices between regions. Indeed, they rarely transferred offices at all, except on the Prairies. As they were initiated into their particular regional branch of the Outside Service, they inherited a series of improvisations and compromises first laid down as each region entered Confederation. Canadian Indian policy proceeded on the basis of land surrender treaties in Ontario and on the Prairies, treaties but no land surrender in the Maritimes, and no treaties at all in Québec and most of B.C. Indian reserves were established by treaty and comparatively large in Ontario and the Prairies, inherited from primarily pre-Confederation colonial allotments in Québec and the Maritimes,[141] small and established largely through a convoluted post-Confederation federal-provincial process in B.C., and, even today, legally non-existent in much of the Yukon and Northwest Territories.[142] Some reserve systems were purportedly intended to protect traditional sites and activities; others, to serve as political incubators for the emergence of agriculture and Christianity. Residential schools were disproportionately a western phenomenon, although, as was true for most of the history of the Indian education system, during my period of study more students attended day than residential schools. (Despite its size, as I noted in the introduction, the day school system remains understudied by historians of Indigenous education.)[143]

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[141] Richard H. Bartlett, *Indian Reserves in the Atlantic Provinces of Canada* (Saskatoon: University of Saskatchewan Native Law Centre, 1986).
[142] Certain residential reserves in the Yukon exist as designated lands but have no legal standing as Indian reserves: Supreme Court of Canada, *Ross River Dena Council v. Canada*, 2002 SCC 54 (CanLII), [2002] 2 SCR 816.
[143] Some notable exceptions include Helen Raptis with members of the Tsimshian Nation, *What We Learned: Two Generations Reflect on Tsimshian Education and the Day Schools* (Vancouver: UBC Press, 2016); and Hope MacLean, "A Positive Experiment in Aboriginal Education: The Methodist Ojibwa Day Schools in Upper Canada, 1824-1833," *Canadian Journal of Native Studies* 22 (2002), pp. 23-63.

The *Annual Reports* were not the only occasion on which civil servants represented or performed the unity of the Indian Department, but they were the most elaborate as well as the most public. They help reveal the turn-of-the-century Department of Indian Affairs as a constituent house of the Canadian federal bureaucracy, adding historically and institutionally specific substance to this aspect of the broader project of colonialism and re-settlement. The Indian Department, like other bureaucratic agencies, was a social order with an internal hierarchy manifested through the passage of office names and official knowledges, a seasonal round that guided its acquisition and consumption of resources, and origin narratives that explained its creation, purpose, and destiny. Unlike today, the group was organized around the provision of services (albeit frequently involuntary ones) rather than grants: despite being an order of magnitude larger, the contemporary department has steadily conceded healthcare, education, and other operations to First Nation governments and to other federal and provincial bureaucracies, to which it writes cheques. A century ago, clerks advanced existential goals of cultural assimilation and economic self-reliance, but could find few obvious signposts or markers to guide their way. In the absence of such a clear program of action, they, like their counterparts in other department, asserted the legitimacy of their project through *knowledge*: of Indians, of their character and nature, ostensibly of "progress," painstakingly documented in the *Annual Reports*.

As I discuss in more detail in the rest of this dissertation, reorienting our conceptualization of the Department of Indian Affairs from something analogous to an historical agent, with intentions, goals, and actions, towards a complex society of moving parts with potentially disparate ambitions and priorities can help us clarify how we think about both the historical and contemporary roles of bureaucracies as elements or instruments of colonial society. Bureaucrats were not necessarily animated by a general agenda of assimilation or even

cost-cutting: they were socialized into systems in which such agendas could have very little daily relevance, in which many things were done because they were already being done. Moreover, the historical Indian Department suffered serious deficits in what its descendants describe, in their evaluations of Aboriginal self-government, as institutional capacity. New civil servants brought little knowledge of Indian affairs to their initiations and struggled to craft meaningful links between daily practices, knowledge of Indian-ness, and overarching policy objectives (when they could even clearly define the latter) in such important texts as the *Annual Reports*.

This chapter's representation of the Department of Indian Affairs as a bureaucratic society, with dynamic and historically specific rituals and a seasonal round understandable within the broader context of federal bureaucratic culture, of course represents only one narrow slice of the history of the Department. The hundreds of individuals who came together in the *Annual Reports* to express institutional unity, rank, and knowledge of and authority over Indian-ness also held multiple other personal and collective identities. As Keith Thor Carlson observes in his ethnohistory of the Stó:lõ people, individuals can move quite fluidly between such identities, which function as "mask[s that they]… put on or take off depending upon changing circumstances."[144] Civil servants asserted and defended Weberian order at certain times and places and not others, and neither First Nations people nor Indian policy – or even the Indian Department itself – were necessarily always of chief importance in how they conceived of their work. In the next chapter, I explore the intersection between this institutional vision of the Indian Department and the alternative form of social network to which many within the Department owed their loyalties (as well as from which they drew their influence): political partisanship.

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[144] Keith Thor Carlson, *The Power of Place, the Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism* (Toronto: University of Toronto Press, 2010), 30.

2. Initiation and Banishment: The Patronage List and the Great Purge of 1896-1898

Implicit in the Weberian ideal form of bureaucracy, and in the Indian Department's *Annual Reports*, is that bureaucrats are first and foremost agents of the state. However, the formal Indian Department that I outlined in the first chapter – the one enabled by legislation, ranked by office, embedded within the seasonal round of the fiscal year – was only one locus of loyalty, meaning, and collective identity for bureaucrats. Moreover, it was not always the most important one: the transfer of agency from person to office was never complete, nor did all civil servants wish it to be. Having explored the routine cyclical work of the fiscal year, I turn in this chapter to the frenetic activity of an unusual event: the great purge of 1896-1898, in which Liberal Party activists and politicians and Indian Department bureaucrats, fresh from an electoral victory that ended nearly eighteen years of Conservative domination of the House of Commons, carried out a partially successful removal of allegedly corrupt Tory officials from the Indian Department and from Indian band governments, coupled with their replacement by suitably faithful Liberal partisans.

In this chapter, I explore these themes through an inquiry conducted by Conservative Indian Affairs bureaucrat James Ansdell Macrae in late 1896 into the misconduct of fellow Tory and Indian agent John Crowe in Ojibwe territory on the Bruce Peninsula. Ultimately, both Macrae and some of his Ojibwe witnesses declined to substantiate charges of partisanship and corruption levelled against Crowe, although Crowe was eventually dismissed anyway. The participants in the Crowe inquiry – and in the great purge more generally – revealed much about

the interconnections between bureaucratic houses, partisan networks, and individual ambition through which Department workers and prospective initiates navigated. These complex connections reached to the very top in Ottawa, where mid-level clerks helped engineer a palace coup that toppled notorious deputy minister Hayter Reed in 1897 and replaced him with a now virtually forgotten figurehead, Manitoba Liberal politician James Smart, and an ever-present yet equally mysterious *de facto* leader, Secretary John McLean. Such seemingly peripheral human resources matters were, at the time, of overriding concern for members of the bureaucratic houses. For a time, at least, partisan loyalties shaped Indian Affairs more than either Indians or Indian policy.

Historians have generally understood that partisan political patronage was the primary consideration in the selection of new initiates to federal bureaucratic houses in late nineteenth-century Canada. In the progressive morality tale that characterizes the liberal historiography of civil service, this non-professionalized or pre-Weberian appointment process populated the bureaucracy largely with dubious sinecure-seekers that J.L. Granatstein has called "polished dullards."[1] The guiding principle of that system, as one such "dullard" remarked approvingly in 1896, was that "one of our people might as well be drawing $50.00 a month for doing nothing as one of our opponents."[2] Progressive modernizers – who eventually emerged largely victorious – denounced what they claimed was the institutional incapacity of traditional governance systems operated by corrupt party elites, viewing them as incompatible with and incapable of exercising modern governance.[3]

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[1] J.L. Granatstein, *The Ottawa Men: The Civil Service Mandarins, 1935-1957* (Toronto: Oxford University Press, 1982), 26. For a critique of the American version of this narrative, see Larry S. Luton, "History and American Public Administration," *Administration & Society* 31, no. 2 (1999), 205-221.
[2] LAC, MG27 II-D-15, volume 9, J.H. Ross to Clifford Sifton, 28 October 1896.
[3] Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, trans. Guenther Roth and Claus Wittich (New York: Bedminster Press, 1968), III.958-963; for instance, Granatstein, *The Ottawa Men*, chapters 1-2.

Historians of Indigenous-state relations have tended to accept the progressive modernization thesis,[4] notwithstanding several initiatives elsewhere – focused on politicians and party supporters, not the perspectives of civil servants – to reinterpret patronage as a complex and meaningful social phenomenon in its own right,[5] which is the approach I have adapted here. (Indeed, Stephen Rockwell has gone so far as to argue that American Indian Affairs decision-makers tolerated patronage and other forms of corruption *because* the ensuing inefficiency and negligence harmed Indigenous people and thus furthered their objective of marginalizing Indians.)[6] I am reluctant to present First Nations with what appears to be an unpalatable Sophie's choice between corrupt but forgettable James Smarts and efficient but authoritarian Duncan Campbell Scotts. Instead, this chapter explores the complex webs of negotiation and

[4] The importance of political patronage in appointment considerations should surprise few historians of Indigenous-state relations: in this particular historiography, there is a general sense that patronage was especially important prior to the Great War and that the consequence was a plethora of incompetent, negligent, and abusive officials, although this assumption is generally not explored in meaningful detail: see, for instance, Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* (Don Mills: Oxford University Press, 2003), 33-34; Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal and Kingston: McGill-Queen's University Press, 1990), 237-238; Maureen K. Lux, *Medicine That Walks: Disease, Medicine and Canadian Plains Native People, 1880-1940* (Toronto: University Toronto Press, 2001), 138 and 147; and E. Brian Titley in most of his work, but especially *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 17 and 39, and *The Indian Commissioners: Agents of the State and Indian Policy in Canada's Prairie West, 1873-1932* (Edmonton: University of Alberta Press, 2009), 128-132. Sociologist Vic Satzewich has advanced the contrary and counterintuitive thesis that political patronage was less important in the Indian Department than in other bureaucratic societies of the period because the overriding imperative of the moral regulation (assimilation) project meant that while patronage considerations were central to *hiring* decisions, once appointed, initiates had to demonstrate some degree of moral, professional, and physical competence or they were soon dismissed: Vic Satzewich, "Patronage, Moral Regulation and the Recruitment of Indian Affairs Personnel, 1879-1900," *Canadian Review of Sociology* 33, no. 2 (1996), 214. Satzewich's thesis is partially valid insofar as the moral regulation project opened employees to scrutiny and surveillance in ways, and to extents, that probably did not prevail in other government houses. In 1900, Department clerk (and Sifton's private secretary) J.A.J. McKenna commented of one particular case that it was "more than absurd" for an employee "to live in open adult[e]ry with a member of a band" while claiming to pursue "a policy for the uplifting of the Indians": LAC, RG10, volume 2908, file 185,723-7A, J.A.J. McKenna to James A. Smart, June 26, 1900.

[5] Especially Alan Gordon, "Patronage, Etiquette, and the Science of Connection: Edmund Bristol and Political Management, 1911-21," *Canadian Historical Review* 80, no. 1 (1999), 1-31; to a lesser extent, Brian P.N. Beaven's study of Ontario newspapers in "Partisanship, Patronage, and the Press in Ontario, 1880-1914: Myths and Realities," *Canadian Historical Review* 64, no. 3 (1983), 317-351.

[6] Stephen J. Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century* (Cambridge: Cambridge University Press, 2010), 173, 205.

obligation that made partisan patronage significant on its own historically specific terms. In the Department of Indian Affairs, patronage determined who earned initiation, who received supply contracts and options to purchase former Indian reserve lands, and who might be exiled from the Department through dismissal. Patronage considerations reliably attracted the attention of senior officials. Indian policy – indeed, *all* government policy – was at some level a rationale for redistributing resources to partisans, who in this instance were almost universally settlers.

Far from a simple instrument employed by political elites in response to intra-party demands for redistribution of wealth, patronage networks drew together civil servants and party members – including, at least for a time in the late nineteenth century, many Indigenous men in central and eastern Canada – in unpredictable ways that none could fully control, in which individuals and shifting coalitions called for redistribution of wealth along partisan lines and sought to redirect the minister's vision or even to directly undermine his policies. On one level of this story, a Liberal project to purge the Indian Department of purportedly corrupt Tories collided with Departmental rearguard actions to shelter officials from danger and preserve business as usual. D.J. Hall, Superintendent-General Clifford Sifton's biographer, argues that the partisan purge of 1896-1898 was a simple if tedious matter, in which "a letter from a Liberal member outlining" misconduct – usually active support for the Conservative Party – "was regarded by Sifton as sufficient cause for dismissal."[7] In fact, seemingly irrational volumes of ink and sweat were invested in what were probably intended to be little more than internal show

[7] D.J. Hall, *Clifford Sifton*, Volume I: *The Young Napoleon, 1861-1900* (Vancouver: University of British Columbia Press, 1981), 125. Hall's thesis may apply well to the Ministry of the Interior. It also captures adequately the treatment of more peripheral employees and contractors of the Indian Department, like physicians, who were seldom subjected to the formal inquiry process. For instance, Dr. John Newton, medical attendant at Deseronto, was dismissed on the basis of a brief written complaint by Jeremiah Hurley, Liberal MP for Hastings East, that he "acted the part of an offensive political partizan": LAC, RG10, volume 2908, file 185,723-7A, J.M. Hurley to Clifford Sifton, 10 December 1897, and J.D. McLean to John Newton, 10 December 1897.

trials of wayward agents like Crowe, but there were eventually tangible results: about one-quarter of Indian agents were dismissed, resigned, or retired during the purge.[8]

On a second level, however, the purge revealed an Indian Department riven by partisan and other political fault lines, in which central officials conflicted with one another and struggled, not always successfully, to investigate, understand, and discipline field officers. Evaluated as a policy, the purge was ultimately only partially successful: most civil servants retained their offices, most would-be Liberal occupiers went home empty-handed, and the cleansing enterprise eventually petered out in exhaustion and ambivalence. Except for the deputy minister, moreover, the purge was almost wholly confined to the Outside Service; Inside clerks were not subjected to the same scrutiny.

The purge revealed that, to its practitioners, hirings and firings were an important component of Indian policy. The taking up, laying down, and redistribution of offices was central to how politicians and bureaucrats thought about, and went about, the work of Indigenous-state relations; indeed, it was the first preoccupation of the new Cabinet ministers responsible for Indian affairs. Weberian offices were not just rungs in a formal hierarchy, but ceremonial titles conferring prestige and entitlement to resources. This made them highly sought-after, even in minor houses like Indian Affairs. To Indian Affairs personnel and Liberal activists, the great purge was about how best to marry paternalistic claims about the best interest of the Indians – served by ridding the reserves of corrupt Tories – with the provisions of socioeconomic mobility to themselves and their allies.

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[8] My consultation of the annual reports and RG 10 sources identified twenty-nine agents who departed in 1896-1898. LAC, RG 10, vol. 2877, file 177,479, "Return by the Department of Indian Affairs to an Order of the House of Commons of the 2nd September, 1896," September 9, 1896; vol. 2905, file 185,723-A, "Information Respecting Persons who have been Removed from Office by Dismissal, Superannuation, or Otherwise, Since the 13th July, 1896," "Superannuations Between 13th July 1896 and 1st February 1898," "Persons in the Department of Indian Affairs Discharged Between 30th July 1896 and 17th February 1898."

As he travelled to Chippewa Hill to play his minor role in the broader drama of the purge, Macrae must have had some sense of the complicated political terrain upon which he stood. He was after all, just as much a product of the patronage system as the agent he had been sent to investigate and, for that matter, the deputy minister in Ottawa, Hayter Reed, who had signed his marching orders. Indian Affairs offices had once been effectively hereditary: the office of Superintendent of Indian Affairs passed between members of the Johnson family for nearly a century, while long-serving deputy minister Lawrence Vankoughnet was initiated into the Indian Service by his brother, then-Chief Superintendent Philip.[9] By the late nineteenth-century, however, party had replaced blood as the most significant form of political kinship. A few employees still came from established Indian Affairs families,[10] and high-ranking fathers often called in favours to find work in the civil service for their children (for instance, secretary John McLean sent a rare personal letter on official letterhead asking the Geological Survey to hire "my boy").[11] Uncommonly, an Outside office was passed from father to son, but usually only in

[9] Lawrence's brother Philip Vankoughnet was Chief Superintendent from 1860 to 1862: for more information, see W.L. Morton, "VanKoughnet, Philip Michael Matthew Scott," *Dictionary of Canadian Biography*, vol. 9 (Toronto and Québec City: University of Toronto/Université Laval, 1976). The position of Superintendent of Indian Affairs was passed from Sir William Johnson to his son-in-law Guy, and from him to William's son John, during the eighteenth century: Julian Gwyn, "Johnson, Sir William," in *Dictionary of Canadian Biography*, volume 4 (Toronto and Québec City: University of Toronto Press and Université Laval, 2003), Internet: http://www.biographi.ca/en/bio/johnson_william_4E.html, accessed April 2014; Earle Thomas, "Johnson, Sir John," in *Dictionary of Canadian Biography*, volume 6 (Toronto and Québec City: University of Toronto Press and Université Laval, 2003), Internet: http://www.biographi.ca/en/bio/johnson_john_6E.html, accessed April 2014; and Jonathan G. Rossie, "Johnson, Guy," in *Dictionary of Canadian Biography*, volume 4, Internet: http://www.biographi.ca/en/bio/johnson_guy_4E.html, accessed April 2014.

[10] For instance, Manitowaning Agency clerk Alexander McGregor Ironside, who survived the purge of 1896, was the son of George Ironside, Jr., former Manitowaning superintendent, and grandson of George Ironside, Sr., the Indian Clerk and Superintendent of Amherstburg: Alan Knight and Janet E. Chute, "In the Shadow of the Thumping Drum: The Sault Métis – The People In-Between," in *Lines Drawn Upon the Water: First Nations and the Great Lakes Borders and Borderlands*, ed. Karl S. Hele (Waterloo: Wilfrid Laurier University Press, 2008), 282 fn 169; Douglas Leighton, "Ironside, George (d. 1863)," *Dictionary of Canadian Biography*, vol. 9 (Toronto and Québec City: University of Toronto/Université Laval, 1976); and Dennis Carter-Edwards, "Ironside, George (d. 1831)," *Dictionary of Canadian Biography*, vol. 6 (Toronto/Québec City: University of Toronto/Université Laval, 1987).

[11] LAC, MG 27 II-D-15, volume 166, J.D. McLean to Clifford Sifton, June 1, 1904. Vankoughnet also found work for his nephew and adopted son Arthur in the Regina field office: LAC, MG 27 II-D-15, volume 35, Lawrence Vankoughnet to Clifford Sifton, September 1, 1897, and RG 10, volume 1120, J.D. McLean to Clifford Sifton, June 7, 1897. Surveyor A.W. Ponton was Hayter Reed's brother-in-law, a relationship which attracted the scorn of the

recognition of a family's longstanding contributions to local party organizations.[12] For instance, Duncan McPhee inherited the Rama Agency in the 1880s because his father had been "one of our [the Conservative Party's] leading men" in the district and because he was expected by his fellow Tories to be "following in his [father's] footsteps."[13]

Whether viewed as a top-down strategy to cement power blocs or bottom-up demands for the redistribution of wealth through partisan channels, patronage practices revealed that much more was implicated in early Canadian electoral politics than mere policy platforms and legislative agendas. For party insiders, occupying or defending state terrain carried specific material consequences over and above the outcomes of policy debates that rose to such prominence during the 1896 campaign. Political parties possessed much less formalized and legally mandated institutional structures than they do in the present, but were still rich, fluid social networks, complete with their own stables of supportive newspaper editors and circles of wealthy private-sector patrons. The sectarian struggle for elected office was so intense, in part, because victory offered the opportunity to seize and redistribute civil service offices. Progressive and contemporary judgements about the inefficiency of traditional patronage systems rely upon normative models of statecraft that can overlook the extent to which these systems were comparatively *efficient* methods of distributing wealth to members of the

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Ottawa Free Press in 1896: see LAC, RG10, volume 1119, Hayter Reed, Memorandum for the Information of the Acting Superintendent General of Indian Affairs, September 3, 1896. Indian agents and inspectors did secure temporary positions for their children as annuities clerks: see, for instance, LAC, RG 10, volume 3898, file 98,713, H. Reed to E. McColl, May 2, 1896, J. Smart to J.D. McLean, May 15, 1901, J.D. McLean to Smart, May 17, 1901, J. Smart to J.D. McLean, May 20, 1901, R.S. MacKenzie to F. Pedley, June 8, 1907, and J.D. McLean, telegram to R.S MacKenzie, June 13, 1907.

[12] One occasion on which this occurred was the death of Gore Bay, succeeded by his son Robert. Even this transmission may have occurred simply because the Thorburn family were faithful Liberals; as his obituary noted in 1924, Robert, too, was "a Liberal in politics": Gore Bay *Recorder*, obituary for Robert Thorburn, January 10, 1924, http://wc.rootsweb.ancestry.com/cgi-bin/igm.cgi?op=GET&db=irishclark&id=I7873.

[13] There was, however, a brief succession dispute as Duncan and his brother W.D. contested the position: LAC, MG 26-A, volume 408, p. 196963, W.D. McPhee to John A. Macdonald, September 15, 1884, and volume 407, p. 196661, John Fisher to Col. Tyrwhitt, September 26, 1884. The Thorburn dynasty of Indian Agents at Gore Bay, Ontario is another uncommon example.

victorious party. As one Bruce Peninsula riding association chair explained in 1896, it was essential that office titles flow to "m[e]n of our own political faith."[14] There were, another applicant wrote, "thousands of liberals who are poor and in needy circumstances," so that newly initiated Cabinet ministers had a paternal duty of care to "the workers… who helped to storm the citadel."[15]

Notably, the rival Liberal and Conservative sects were not populated exclusively by whites or even settlers. When Macdonald's Conservatives had nationalized the voters' lists in 1885, they had also extended the franchise to a substantial number of Indian men in central and eastern Canada, commencing the first of several periods in which a minority of Indian men, somewhat confusingly, were enfranchised under electoral law despite never undergoing enfranchisement pursuant to the *Indian Act*.[16] This "Macdonald franchise" made no provision for female voters, Indigenous or otherwise, an omission that prompted formal protests from the Six Nations. (The petitions were formally received at Cabinet but "mislaid" for four years, then dismissed by clerks on the grounds that the extended passage of time rendered a response unnecessary.)[17] There has been relatively little scholarly interest in the Macdonald franchise to

[14] LAC, MG27 II-D-15, volume 7, D.R. McIvor to Clifford Sifton, undated but stamped received 30 December 1896.
[15] LAC, MG27 II-D-15, volume 33, Alexander Smith to Clifford Sifton, 12 June 1897. Smith was the secretary of the Ontario Liberal Association. Coincidentally he was also the individual who introduced Sifton to Frank Pedley, the up-and-coming Newfoundland-born lawyer who became first Sifton's Superintendent of Immigration and then Deputy Superintendent General of Indian Affairs from 1903 to 1913: see *ibid*., Alexander Smith to Clifford Sifton, 27 July 1897.
[16] Timothy Stanley, the important historian of race relations in B.C., has suggested that prime minister John A. Macdonald intended the *Electoral Franchise Act* as an ode to "Aryan purity," but amongst the groups to which it extended the franchise was Indian men occupying "separate and distinct tract[s]" of reserve land valued in excess of $150: Wendy Moss and Elaine Gardner-O'Toole, "Aboriginal People: History of Discriminatory Laws," Background Paper BP-175E (Ottawa: Library of Parliament, November 1987), Internet: <http://publications.gc.ca/Collection-R/LopBdP/BP/bp175-e.htm> (accessed January 2014); contrast with Timothy Stanley, *Contesting White Supremacy: School Segregation, Anti-Racism, and the Making of Chinese Canadians* (Vancouver: UBC Press, 2011), 83.
[17] LAC, RG 10, volume 2349, file 69,976, part 2, petition from the Chiefs, Warriors & Headmen of the Six Nations Indians to the Governor General of Canada, May 12, 1887.

date, and what exists has underemphasized the partisan political activities of Indian men, though a recent study by J.I. Little does much to rectify the shortcoming.[18] Perhaps understandably, many Indigenous men with voting rights supported the Conservative Party: for instance, some of the Ojibwa of Chippewa Hill, Ontario, at the centre of the Crowe inquiry discussed in this chapter, established a Tory riding association chapter.[19] There were also numerous Indian members of the Liberal Party, however, as evidenced by their own enthusiastic participation in the purge (to which I return shortly). Little's work illustrates well the need for further research into the intersections between Indigenous and partisan politics in the late nineteenth century. For now, I simply echo his argument about the importance of this issue in light of its implication in the purge.

The proximate cause of the great purge of 1896-1898 was, of course, the Liberal victory in the federal election held in June 1896. Despite the power vacuum left by John A. Macdonald's death in 1891, followed by several short-lived successors in rapid succession, an economic recession, and major controversies over minority religious education rights and other issues, Charles Tupper's Conservatives won the popular vote but lost the House of Commons.[20] Undeterred by defeat, Tupper pressed on with a series of new patronage appointments, until it became apparent that the Crown might reject his recommendations – a rare disruption of the

[18] Peter Schmalz argues (*The Ojibwa of Southern Ontario*, p. 206) that Indian men supported the Conservative Party at the ballot box because Macdonald had given them the ballot and the Liberals campaigned to strip it from them. The archival record suggests a need for clarification: Indigenous men not only voted for but also joined both the Liberal and the Conservative parties in considerable numbers. This was the position taken by Little with respect to the Grand River Reserve, and I concur with respect to the Saugeen Ojibway. See J.I. Little, "Courting the First Nations Vote: Ontario's Grand River Reserve and the *Electoral Franchise Act* of 1885," *Canadian Historical Review* 52, no. 2 (2018), 538-569; and, in more limited scope, Richard Gwyn, *Nation Maker: Sir John A. Macdonald: His Life, Our Times: Volume 2: 1867-1891* (Toronto: Vintage Canada, 2012), 419-20.

[19] LAC, RG10, volume 2908, file 185,723-7A, Investigation into Charges Against J. Crowe, Indian Agent, undated ca. November 1896, p. 4.

[20] Library of Parliament, "Electoral Results by Party" (2015), Internet: http://www.lop.parl.gc.ca/ParlInfo/compilations/electionsandridings/ResultsParty.aspx.

metaphysics of governance discussed in the previous chapter. Tupper resigned. That "despotic escapade" (as it was described by the Governor-General's wife, Lady Aberdeen) over,[21] the Liberals seized federal power for the first time since 1878. Laurier named an ambitious Manitoba politician and newspaper publisher, Clifford Sifton, as Superintendent-General of Indian Affairs, but Sifton did not arrive in Ottawa to take up his new post until autumn.[22] In the interim, Interior and Indian Affairs were handed on a temporary basis to a Conservative Senator, Richard William Scott. By the time Sifton occupied his office, the purge that later brought Macrae to Chippewa Hill was already well underway.

When they turned to the Indian Department, the initiators of the purge encountered a house already thoroughly molded by patronage relations. The civil service lacked formal mechanisms for recruiting and evaluating Outside Service applicants. Instead, these matters were customarily referred to the local Member of Parliament or defeated candidate, who was said to "hold the patronage" for that district.[23] Partisan affiliation consequently became the central consideration in hiring decisions, even in remote regions. A Norwegian immigrant teacher appointed by the Liberals as Indian Agent at Bella Coola in British Columbia, at a time when provincial party organizations were quite new,[24] showed no interest in Indian Affairs in his diary prior to his appointment. Iver Fougner did, however, avidly follow federal and provincial

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[21] John T. Saywell, "The Crown and the Politicians: The Canadian Succession Question, 1891-1896," *Canadian Historical Review* 38, no. 4 (1956), 335-336. Laurier selected Sifton as his first Superintendent-General of Indian Affairs and Minister of the Interior, but the post was held on an interim basis by Senator Richard William Scott until November 1896. Scott gave Sifton a substantial (if perhaps not complete) body of the correspondence he received during his acting role, and this material now resides in Sifton's personal correspondence files at LAC.

[22] D.J. Hall, *Clifford Sifton*, vol. 1: *The Young Napoleon, 1861-1900* (Vancouver: University of British Columbia Press, 1981), 121.

[23] Civil Service Commission, *Minutes of Evidence* (1908), I:256. For this language in practice, see, for instance, LAC, RG 10, volume 1122, J.D. McLean to Scott, September 6, 1898.

[24] British Columbia politics did not fully organize along federal partisan lines until after the 1903 provincial election: J.I. Little, "Advancing the Liberal Order in British Columbia: The Role Played by Lieutenant-Governor Sir Hector-Gustave Joly de Lotbinière, 1900-1906," *Journal of the Canadian Historical Association* 19, no. 1 (2008), 83-113.

politics from a distance, recording his profuse satisfaction at Liberal victories and bitter disappointment with Conservative ones.[25]

The pervasiveness of political patronage in the Outside Service is already well-known to scholars, and therefore need not be documented as such in much greater detail. It is, however, noteworthy that similar practices frequently prevailed in the ostensibly more professionalized Inside Service in Ottawa. The Department's influential secretary after 1897, John Douglas McLean (a Liberal), directed applicants to approach "the two local Members, [who] of course, have the patronage,"[26] and wrote euphemistically about the "interests" of "persons in the city" when passing on suitably endorsed applications.[27] After the Liberals occupied Parliament, they also bestowed many senior offices upon seasoned political activists, men like Manitoba politician James Smart (deputy minister of Indian Affairs), Toronto campaign organizer Frank Pedley (Superintendent of Immigration, and later Smart's successor at Indian Affairs), Winnipeg Liberal Club member W.W. Cory (later deputy minister of the interior),[28] and Regina Reform Club secretary Reginald Rimmer (as in-house legal counsel for Indian Affairs). Rimmer deserved a plum appointment, he himself claimed, because of the "considerable amount of work for the party" he had performed in Regina.[29] For deserving insiders, Liberal clerks made their best effort to find some appropriate office. "With 'a strong pull and a pull all together' something has to come," McLean wrote cheerfully to two MPs as he searched for a vacant clerkship for one of their nominees.[30]

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[25] Iver Fougner's diary, e.g. entry for 3 Dec. 1909, E/C/F82, BC Archives.
[26] LAC, RG 10, volume 1122, McLean to Scott, September 6, 1898.
[27] LAC, RG 10, volume 1122, McLean to Sifton, January 16, 1899. McLean reported that O'Connor had also solicited the support of the MP for Russell, Charles Murphy.
[28] LAC, MG 27 II D15, volume 2, p. 524, A. Dunlop, annual report of the Winnipeg Liberal Club, January 3, 1894.
[29] Rimmer initially hoped to become legal advisor to the Northwest Territories government, but this job was already filled: LAC, MG 27 II-D-15, volume 8, p. 4797, Rimmer to Sifton, November 7, 1896; and RG 10, volume 2497, file 199,630, Extract from a Report of the Committee of the Honourable the Privy Council, June 27, 1898.
[30] LAC, RG 10, volume 1123, J.D. McLean to William Hutchison and Napoléon Belcourt, May 10, 1900.

MPs could and often did justify their nominations with what they imagined to be useful qualifications for Indian Affairs work – although, as I noted in the previous chapter, Indian Department clerks could be of surprisingly little assistance in outlining what those assets might be. Recommendations frequently suggested that "the Indians" supported the nomination – assertions which might well be true, though Indian Affairs clerks seldom had either the resources or the will to verify them[31] – or that the nominee was already well known to them through business dealings.[32] There was no formal requirement to outline such qualifications, however, and consequently some MPs did not bother. When D'Alton McCarthy selected a new Indian Agent for the Christian Islands in 1887, for instance, he noted that the man neither lived there nor intended to relocate to take up the position, but that this need not matter since there was really "nothing for an agent to do at the Christian Islands." (McCarthy's dodge might seem cynical, but it was certainly no more so than an anonymous Department clerk's flippant response to a Parliamentary question about a vacant official residence, penned a decade later, that it was preferable for Indian agents to live away from the reserve, even leaving their official residences vacant, so that they could conduct valuable surveillance during their morning and afternoon commutes.)[33] There were, however, some limits to this tolerance, as Parry Sound Superintendent W.B. McLean discovered when he decided to move to Toronto and return only "occasionally… to transact business."[34]

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[31] LAC, MG 26-A, volume 494, p. 247382, David Almas to John A. Macdonald, February 2, 1891: "a majority of the Indians" supported his son as candidate for Indian Agent to the Six Nations Band.
[32] For instance, Yale-Cariboo MP Hewitt Bostock explained that his nominee for the Kamloops agency, B.R. Moroe, had "been in the country for some time and has had dealings with the Indians": LAC, MG 27 II D15, volume 3, Bostock to Scott, November 21, 1896.
[33] See LAC, RG10, volume 2194, file 39,125, Dalton McCarthy to Lawrence Vankoughnet, 18 September 1887, and *ibid*., volume 2081, file 11,971, part 2, Response to a Question by Casgrain, undated ca. 1900.
[34] LAC, RG10, volume 1122, J.D. McLean to J.A. Macrae, 23 February 1899.

Particularly up until the early 1890s, suspect wayward Indian agents – identified through complaints submitted by either Indigenous people or settlers, especially businessmen or clergymen – could be subjected to quasi-judicial tribunals at which visiting inspectors like Macrae sought evidence to refute or substantiate charges ranging from neglect to fraud to sexual abuse.[35] For instance, Alexander Dingman, Macrae's predecessor as inspector in Ontario, investigated the Georgina and Snake Islands agent for abusing the annuity pay-table to collect debts from Indians and selling Indians alcohol (from his licensed liquor store, no less),[36] and then, in 1889, came to the Bruce Peninsula to hear evidence that Cape Croker agent John Webb Jermyn had permitted his son and cousin to operate illegal stores and a bar on the reserve and, bizarrely, had stolen a pile of shingles from the churchyard.[37]

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[35] Allegations of abuse of office, incompetence, or – most commonly – simple neglect were common. The existing literature has touched upon some high-profile financial malfeasance cases – for instance, those of Joseph Brant Clench in the 1840s and Joseph Albert Norbert Provencher in the 1870s – and conveys a general sense that various types of corruption and malfeasance were endemic to the Indian Department, but there does not yet exist a systematic attempt to characterize either the forms or the extent of corruption or to historicize the ways in which corruption ought to be understood. For the Clench case, see Peter Schmalz, *The Ojibwa of Southern Ontario* (Toronto: University of Toronto Press, 1991), 170; and Donald B. Smith, *Sacred Feathers: The Reverend Peter Jones (Kahkewaquonaby) and the Mississauga Indians* (Toronto: University of Toronto Press, 1987), 225. Records pertaining to the Provencher inquiry are in LAC, RG10, volumes 995-996. The inquiry has been discussed in some detail by E. Brian Titley, "Unsteady Debut: J.A.N. Provencher and the Beginnings of Indian Administration in Manitoba," *Prairie Forum* 22, no. 1 (1997), 21-46. The existence of an extensive fraudulent land speculation ring operated by successive deputy ministers James Smart (1897-1902) and Frank Pedley (1903-1913) appears to be relatively common knowledge amongst Prairie historians, but aside from a brief discussion by Pierre Berton, serious analysis of the network has been confined to professional historians working on specific claims: see *The Promised Land: Settling the West, 1896-1914* (Toronto: McClelland and Stewart, 1984), 248.

[36] See contents of LAC, RG10, volume 2196, file 39,671. At the time of this investigation, Indian agents were still permitted to trade with Indians. This practice was outlawed in 1890, and thereafter permitted only under a special exemption that could be granted by the Minister: LAC, RG10, volume 1123, J.D. McLean, Memorandum for the Information of the Deputy Minister, 16 February 1900. Such exemptions were rare. The only explicit exemption that I have located was granted to W.T.A. Donohue, Otis's replacement at Pointe Bleue, on the basis of his claim that his was the only store at the reserve and that Indians who ventured into nearby Roberval on shopping trips invariably purchased liquor. Macrae audited Donohue's exemption in 1902 and revealed that there were actually multiple stores at the reserve, after which Donohue was dismissed: LAC, RG10, volume 2908, file 185,723-7A, W.T.A. Donohue to the Secretary, 20 December 1900, Ned Robertson and others, petition to the Superintendent General of Indian Affairs, 14 December 1900 (subsequently alleged by Macrae to be a forgery written by Donohue), J.D. McLean to W.T.A. Donohue, 22 March 1901, J.A. Macrae to the Secretary, 18 March 1902, and Extract from a Report of the Honorable the Privy Council, 23 April 1902.

[37] LAC, RG10, volume 2912, volume 38,793, part 3, A. Dingman, Notes in Respect to Charges Against Agent Jermyn of Cape Croker, 1889. The first charges of misconduct made against Jermyn dated to 1886, three years before: see contents of *ibid*., volume 2355, file 71,908.

These investigatory reports, which typically included written declarations and summary or verbatim records of testimony, contain valuable Indigenous critiques of Indian Affairs administration that have been largely overlooked by historians. Curiously, despite the regularity and the enthusiasm with which clerks commissioned them, politicians seldom acted upon them. The Georgina agent insisted that he had merely given Indians "cold water or lemonade,"[38] and the prime minister ultimately ruled that since he had already been a merchant at the time of his appointment, this status "should not be allowed to weight [sic] against him."[39] Vankoughnet submitted the damning Jermyn report to minister Edgar Dewdney, but it was then mysteriously lost in Dewdney's office.[40] Fraud against the Department and proven sexual misconduct were exceptions: for instance, clerk J.P. Wright was dismissed in 1886 for embezzling funds to gamble and pay personal debts. (In his melodramatic apology, Wright lamented that "I had just began to think I... could do a great deal of good both for the Department and Indians... when I was hunted down.")[41] In 1892, Vankoughnet decided to conduct no new investigations into Indian complaints unless the latter were endorsed by band councils, explicitly because inspectors frequently had trouble finding reliable Indian witnesses, but probably also implicitly because Cabinet ministers failed to act on the findings of the inquiries anyways.[42]

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[38] LAC, RG10, volume 2196, file 39,671, declaration of James R. Stevenson, 25 March 1885.
[39] LAC, RG10, volume 2196, file 39,671, Lawrence Vankoughnet to Superintendent General of Indian Affairs, 27 July 1885.
[40] LAC, RG10, volume 2192, file 38,793, part 3, Lawrence Vankoughnet to Edgar Dewdney, 2 February 1889.
[41] LAC, RG10, volume 3729, file 26,174, Ebenezer McColl to Lawrence Vankoughnet, 14 January 1886, and J.P. Wright to Ebenezer McColl, 20 January 1886. Other dismissals did occur periodically, and, again, typically involved either financial or sexual concerns. For instance, the Caughnawaga Mohawks (Kahnawake) successfully removed their Indian agent, Georges Cherrier, in 1884, after submitting a variety of charges that included alcoholism and sexual relationships with Indian women: see contents of LAC, RG 10, volume 2249, file 48,697. In 1910, Pedley successfully removed agent Neil McDougall for financial irregularities: see volume 2174, file 36,072-2, parts 1-2.
[42] LAC, RG 10, volume 1134, Lawrence Vankoughnet, Circular, December 28, 1892. Despite owing his position in the civil service to both modern partisan and traditional kinship ties, Vankoughnet was at best ambivalent about partisan social relations. In 1887, he attempted to restrict patronage considerations to initial hiring decisions only, and not promotions: LAC, RG 10, volume 2380, file 77,736, Lawrence Vankoughnet, Departmental Regulation, June 27, 1887.

Although politicians routinely denounced the ethical lapses of rival parties in staffing matters – the Indian service, Liberal MP Malcolm Cameron announced in the Commons shortly after the election, was "stuffed from beginning to end with the friends of the late Government" and needed someone to "vigorously apply the pruning knife"[43] – in private correspondence they frankly conceptualized government policy as a political conflict over office titles, not an opportunity for structural reform to the system of titles itself let alone deep reflections on broader Indian policy. One hopeful would-be Inspector of Swamp Lands in Manitoba – who happened also to be the father-in-law of a Liberal politician – commented that since 1878 many had "grown grey in the service of the party," toiling without justly deserved compensation while "the other party have had everything that was going."[44] There were "a host of applicants" for potential vacancies, one Ontario campaign manager commented, and "they seem to take it for granted that all officials were going to be bounced."[45] Even before Sifton could arrive in Ottawa, he was deluged with unsolicited job applications[46] and preposterously excessive praise of his accomplishments (one letter informed him that his "sagacity, wisdom and executive ability… have never been surpassed in the history of Canadian politics").[47] By September, Laurier and his

[43] *Toronto Globe*, 26 September 1896, p. 21.
[44] LAC, MG27 II-D-15, volume 3, M.B. Rombough to Clifford Sifton, 24 December 1896.
[45] LAC, MG27 II-D-15, volume 6, W.J. Hickey to Clifford Sifton, 8 December 1896.
[46] Applicants well-versed in the language and practice of patronage usually funneled their letters through their local MPs, but for the truly ambitious (or desperate), no connection was too tenuous: one man bumped into the Siftons (apparently) by chance at the Russell House – the Hy's of its day – and then, on the strength of this meeting, wrote to Sifton asking whether he might have an opening in his office for a private secretary: LAC, MG27 II-D-15, volume 8, H.H. Rowatt to Clifford Sifton, 24 August 1896. The importance of private clubs as a space for public business was recently highlighted by Marrisa Joseph in "Members Only: The Victorian Gentlemen's Club as a Space for Doing Business, 1843-1900," *Management & Organizational History* 14, no. 2 (2019), 123-147. The Russell House was a particularly important site of informal political business, as seen both by Sifton's correspondence and later timber surrender files, but uncovering informal political relations is inherently difficult. The Russell House was burned in the 1920s; it was located on the site of present-day Confederation Square and the National War Memorial.
[47] LAC, MG27 II-D-15, volume 3, C. Adams to Clifford Sifton, undated but received 23 December 1896.

colleagues were growing concerned that they had been "too cautious" over the summer and were not doing enough to assuage "our friends [who] are pressing us hard for dismissals."[48]

Demands for staffing changes came not only from settlers: Indigenous men with links to the Liberal partisan network also sought to activate them either for the benefit of themselves or of their communities. A former Mohawk band chief at Deseronto, Ontario, advised the Indian Department to appoint as a new Indian agent "one of the old stand bys [sic] of the Reform [Liberal] Party of East Hastings,"[49] while an Abenaki man at Bécancour, Québec urged the replacement of his current agent – "a Conservative of pronounced type" – with "a good Liberal."[50] The Maliseet at Kingsclear, New Brunswick, closed a petition for expanded healthcare services with an unsubtle reminder that "all the Indians on this Reserve at the last general election voted for the Liberal candidate and on that account they deserve better treatment,"[51] while several Mississaugas at Rice Lake, Ontario, tried to protect their purportedly popular doctor from retaliation by similarly citing "the support accorded by us to the Reform Party in the late election."[52] On the Bruce Peninsula, some of the Cake Croker men promised to "give us [the Liberals] a lift, which they did manfully," as a *quid pro quo* for the removal of their Indian agent, Jermyn, the shingle thief.[53]

The "manful" "lift" provided by some Liberal Indians, however, contrasted sharply in white Liberal eyes with the seeming preponderance of Conservative Indian agents and Indian

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[48] LAC, MG27 II-D-15, volume 6, Wilfrid Laurier to Clifford Sifton, 12 September 1896.
[49] LAC, RG10, volume 2678, file 136,692, J.B. Brant to J.D. McLean, 28 July 1897.
[50] LAC, MG27 II-D-15, volume 4, David Denis to Wilfrid Laurier, 26 December 1896, regarding Indian agent Desilets.
[51] LAC, RG10, volume 2908, file 185,723-7A, Chief Jack Solomon, Andrew Paul, and Newell Tomer to the Minister of Indian Affairs, 13 September 1898.
[52] LAC, RG 10, vol. 1119, Reed to Scott, September 15, 1896. The physician in question was not dismissed, although it is also not clear whether he was in danger prior to the Mississaugas' intervention.
[53] LAC, RG10, volume 7, John McIvor to the Minister of Interior, undated ca. 1896. McIvor, incidentally, was both Albemarle riding association president and then became the targeted official's successor as Indian agent.

voters elsewhere. Allegations of nefarious activity quickly proliferated. Indian Agent Duncan McPhee, at the Rama Agency in Ontario North,[54] was accused of "t[elling] the Indians that they would be removed from their reserve if they did not vote for" the Tory.[55] Another agent was said to be a "desperate partisan" who spent the campaign "cabaling during the night… to cause [the Montagnais] to vote against Mr. Laurier." (His accuser added blithely that he took full "responsability [sic] of this dismissal which is exacted in the interest of the party";[56] the allegation arrived just in time for the minister to dismiss the agent rather than approve his unfortunately worded request for superannuation so that he could "retire with the great party… which I served faithfully.")[57] Suspicions extended from Tory officials to Tory band chiefs and councilors: three Six Nations (Haudenosaunee) employees, two of them chiefs, were dismissed from office for their "offensely partizan" support of the local Conservative candidate. In the latter case, a protracted dispute followed over whether the Six Nations government had the

[54] I have been unable to locate the final report of the McPhee inquiry The McPhee investigation was delegated to Hugh O'Leary: LAC, RG10, volume 2905, file 185,723, R.W. Scott to Hugh O'Leary, 1 December 1896. The McPhee investigation was the tip of a very public iceberg, which included high-profile public allegations of ballot-box stuffing and ballot theft: *Toronto Globe*, 13 July 1896, p. 1, "Glaring Election Fraud in North Ontario: Ballot-Boxes Robbed," and *Globe*, 24 October 1896, p. 24, "North Ontario: Examinations in the Election Petition." The Liberals brought the matter to court, but McGillivray surrendered and agreed to a by-election, which his Liberal opponent of 1896 won, by just 17 votes. O'Leary was identified as a campaign manager in an 1891 court case in Victoria South: Law Society of Upper Canada, *Election Cases* (Toronto: Roswell & Hutchison, 1891), I:183.

[55] LAC, MG27 II-D-15, volume 3, John A. Barron to Clifford Sifton, 29 November 1896. Barron was a delegate of the Liberal Party's Victoria North riding association: see Liberal Party, *Official Report of the Liberal Convention Held in Response to the Call of Hon. Wilfrid Laurier* (Toronto: Budget Printing & Publishing, 1893), 152. McPhee owed his appointment to a joint nomination submitted by the Chippewas of Rama and then-Conservative MP Frank Madill: LAC, RG10, volume 1119, Hayter Reed to R.W. Scott, 13 August 1896.

[56] LAC, RG 10, vol. 2081, file 11,971, part 1, M. Savard to R.W. Scott, 6 October 1896. How much "cabaling" Otis conducted is unclear, but he had been recommended for the position by Conservative Senator David Edward Price: *ibid.*, volume 1879, file 1061, David E. Price to Joseph Howe, 3 December 1872. Intriguingly, according to Price, Otis was the descendant of an American Otis abducted and raised by "the Indians" (presumably, the Montagnais).

[57] LAC, RG10, volume 1119, Ludger Otis to Hayter Reed, 26 June 1896. Instead, Otis was dismissed without superannuation: LAC, RG 10, vol. 2081, file 11,971, part 1, Extract from a Report of the Committee of the Honourable the Privy Council, 13 October 1896. After the Conservatives returned to power in 1911, Otis's widow wrote to the Department requesting that his pension be restored and granted to her, claiming that he had been punitively dismissed because "we have an active Conservative son": *ibid.*, Mrs. Otis to W. Borden, 12 January 1914, and Duncan Campbell Scott to Otis, 13 January 1914.

authority to restore them to their offices on a "temporary" or unpaid basis.[58] Hunting for evidence of wrongdoing, Liberals and officials perused the old files, breathing new life into the old, long-buried internal investigations. Sifton's private secretary triumphantly sent back the report of the Jermyn inquiry to the Indian Department, from its previous resting place in the minister's office at the Interior Department, with instructions to "preserve" it "as carefully… as the frame of an extinct mammoth."[59]

It was in the context of such allegations that Liberal attention fell upon the Bruce Peninsula. Some ridings with Indian voters had been decided by razor-thin margins, including Ontario North (just a single vote), home to agent Duncan McPhee, and Bruce North (31 votes), home to agents John Jermyn and John Crowe.[60] Bruce Liberals alleged – retreading well-worn discursive terrain[61] – that if many Indians had voted for the Conservative Party, this must have been not due to their own political agency but to the nefarious machinations of white settlers. If Indians were too fickle to be trusted with alcohol or the right to sell their own land, what might some unscrupulous Indian agents compel them to do with their ballots? Indians with voting rights had, in this sense, to be protected from their own susceptibility to manipulation – just as settler society must also be protected from the potential consequences. Moreover, if such misconduct could be confirmed in a marginal riding like Bruce North or Ontario North, the

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[58] LAC, RG10, volume 2381, file 78,072, Williams to Scott, ca. 1896, Henry to Reed, 14 November 1896, "Synopsis of Papers Respecting Chief A.G. Smith," undated ca. November 1896, William Smith to Clifford, July 15, 1897, and Reed to Henry, 15 February 1897, Acting Secretary to E.D. Cameron, July 16, 1897, and volume 1119, Hayter Reed to Clifford Sifton, 26 December 1896.
[59] LAC, RG10, volume 2192, file 38,793, part 3, J.A.J. McKenna to Samuel Stewart, 29 September 1899.
[60] Parliament of Canada, "History of Federal Ridings Since 1867: Bruce North, Ontario (1867-1935)," Internet: <http://www.parl.gc.ca/about/parliament/federalridingshistory/hfer.asp?Language=E&Search=Det&Include=Y&rid=80>; Library of Parliament, "Parlinfo: Ontario North" (Internet: <https://lop.parl.ca/sites/ParlInfo/default/en_CA/ElectionsRidings/Ridings/Profile?OrganizationId=6192>) and "Parlinfo: Bruce North" (Internet: <https://lop.parl.ca/sites/ParlInfo/default/en_CA/ElectionsRidings/Ridings/Profile?OrganizationId=1271>).
[61] Michele-Rolphe Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995), 104.

Indian Department's inquisitors might do more than merely open a vacancy for a deserving Liberal: they might even force a Conservative MP to resign in disgrace and open a seat in Parliament to a byelection. As they reactivated the inquiry system to investigate purportedly wayward agents, the Liberals focused in particular upon vulnerable ridings like these two.

Even as it drew upon a tradition of official inquiry to probe the behavior of Tory operatives, partisan statecraft afforded little opportunity for an understanding of Indian communities as more than sites justifying the existence of bureaucratic offices or, as in Ontario in 1896, minor battlefields in the broader Whig-Tory sectarian conflict. There is little reason to suppose that Macrae, Reed, or any politician involved in the purge knew much about the Saugeen Ojibwe themselves. The band at Chippewa Hill, and another nearby across the peninsula at Cape Croker, had seized the region from the Haudenosaunee (Iroquois) in the late seventeenth century, together with a smaller number of Potawatomi and Odawa families who had arrived as refugees after the War of 1812, both from the United States and elsewhere in Upper and Lower Canada. These communities signed a contentious series of treaties and other land surrenders with the colonial state and ultimately settled in a pair of towns, Chippewa Hill on the west shore of the Bruce Peninsula and Cape Croker on the east shore.[62] (These settlements have in recent years become Saugeen First Nation and the Chippewas of Nawash Unceded First Nation, respectively.) By 1896, at least according to agent Crowe, the towns had become "industrious and quite law-abiding" agrarian communities, with two churches, three day schools, and "fine tract[s] of land under cultivation."[63]

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[62] The two bands were also granted a hunting tract farther north on the peninsula, and a number of offshore fishing islands; much of the latter were subsequently surrendered and sold. See Peter S. Schmalz's *The History of the Saugeen Indians* (Ottawa: Ontario Historical Society, 1977).

[63] *Annual Report of the Department of Indian Affairs for the Year Ended 30th June 1896* (Ottawa: S.E. Dawson, 1897), 9.

Indian Affairs had a troubled history on the Bruce Peninsula. The Indian Department had established three outposts on the peninsula: an Indian agency at each of the two reserve settlements, and a land office at Wiarton, roughly in between, to market real estate from the surrendered tracts. (The regional superintendent in Toronto opposed the creation of the land agency, perhaps because it took from him the lucrative sales commissions that came with the extra land sales work.)[64] The first Wiarton agent, Bruce Miller, was fired in 1879 for embezzling money from land sales,[65] and all three local agents were targeted during the Great Purge.

Hector Bonnar, the unsuccessful Liberal candidate in Bruce North, was particularly eager to revive allegations of Indian Affairs malfeasance in his riding. The allies of Tory Alexander McNeill, he announced, had manipulated the Indians and employed other nefarious means to secure their victory. The Indian Department's local offices were rife with corruption: "the forest Bailiffs have been receiving bribes,… the land agent has been bribed,… the agents of the reserves trade with and defraud the Indians, and… they were all violently and offensively partizan at the election." Both Crowe and Jermyn, claimed Bonnar, were implicated in improprieties.[66]

It was a tempting and unusual opportunity. In October, Senator R.W. Scott, acting as Superintendent-General of Indian Affairs while Sifton confirmed his seat in Parliament, took the unusual step of retaining private legal counsel, R.A. Grant, to make a preliminary review of charges that could be levelled against Crowe at Chippewa Hill and Jermyn at Cape Croker. "A

[64] Superintendent William Plummer argued that settlers who wished to purchase lands were usually immigrants passing through Toronto, in any event, and would be more likely to purchase lots sight unseen by inspecting maps in his office, although he also acknowledged that he was so busy with other duties that he had little time to attend to Bruce Peninsula affairs: LAC, RG 10, volume 1944, file 4214, William Plummer to the Minister of the Interior, February 2, 1875, and September 24, 1874.
[65] Contents of LAC, RG 10, volume 2079, file 11,611; volume 2090, file 14,021, Hiram Earl to William Plummer, undated but received March 23, 1879; and volume 2080, file 11,953, John Dale, letter, March 8, 1879.
[66] LAC, MG27 II-D-15, Hector Bonnar to Clifford Sifton, 3 December 1896; and LAC, RG10, volume 1119, Hayter Reed, Memorandum for the Acting Superintendent General of Indian Affairs, 11 September 1896.

considerable part of the evidence that we want will have to come from the Indians," Grant reported. Even without such evidence, Grant thought that there were, however, "ample grounds" for termination: Crowe had (allegedly) promised Indians a variety of exemptions from timber-cutting dues and regulations in exchange for casting their votes for McNeill. Moreover, Grant wrote, "the grounds [for dismissal] are no [sic] by any means political – at least, not altogether so."[67] R.W. Scott ordered a check of the files in the Department, and reported to Grant that Jermyn could be easily dispensed with on the basis of the findings of the prior, "lost" investigation into his misconduct in 1889. The Crowe case was more problematic, there not yet being specific allegations against him, but he suggested that Grant "give our friends in Bruce a suggestion how to proceed in making the charges."[68] Ultimately, Grant prepared the list of "formal charges" himself, and relayed them to R.W. Scott to be processed by the Indian Department.[69]

Crowe's wrongdoing, as conceived by Grant, was closely intertwined with Saugeen Ojibwe political economy. Many families on the reserve had been located on individual subdivided lots, upon which they were permitted to clear up to five acres of land for building and farming purposes and to sell the timber so harvested free of dues. The men made a small amount of income both cutting trees on the reserve and selling hemlock bark to a merchant in nearby Southampton. The bark harvesting season normally lasted roughly from May to August; consequently, the June election campaign had occurred at the peak of bark season. In theory, the Indian Department closely monitored the harvesting of timber from reserves, and band members – like anyone else working on surrendered but unpatented parcels – dutifully paid stumpage fees

[67] LAC, MG27 II-D-15, volume 5, R.A. Grant to R.W. Scott, 30 October 1896.
[68] LAC, MG27 II-D-15, volume 5, R.W. Scott to R.A. Grant, 31 October 1896.
[69] LAC, MG27 II-D-15, volume 5, R.A. Grant to R.W. Scott, undated ca. early November 1896.

of $1 per cord. In practice, Indian Affairs officials were certain that a thriving black market existed beyond their vision, one populated by "strange teamsters" and fraudulent Indian harvesters.[70] Grant amplified these latter fears. He suggested that during the election campaign Crowe had offered various men illicit exemptions from the stumpage fees in exchange for their promises to vote for McNeill. He had, allegedly, also arranged for McNeill to give stump speeches on the reserve and had introduced the MP to the Indians.[71]

These allegations placed deputy minister (and Conservative appointee) Hayter Reed – having risen from regional commissioner on the Prairies to replace Vankoughnet in Ottawa in the palace coup of 1893[72] – in a difficult position. In human resource matters, Reed reflected to two confidants, despite being the titular head of the department, he had only a "little voice"[73] compared with those of "supporters of the Government."[74] As officials around him scrambled to protect their positions,[75] Reed took a few cautious actions to shelter some compatriots from the purge. When the Sarcee agent near Calgary was found guilty by his inquisitor of a variety of

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[70] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae to the Deputy Superintendent General of Indian Affairs, 28 November 1896, pp. 7-8.
[71] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae to the Deputy Superintendent General of Indian Affairs, 28 November 1896, p. 7.
[72] Liberals were unsure what to make of Vankoughnet's sudden and unwanted superannuation in 1893. The *Toronto Globe* judged that he must have "been dismissed to make room for a favorite of the Minister's, and granted an annual allowance of between two and three thousand dollars to prevent his making a noise about it." However, defeated Liberal candidate and former MP Hermon Henry Cook disagreed, claiming that Vankoughnet had actually been "a partizan of the worst kind, and I was unable to do any ordinary business with the department without employing Tory lawyers, which made it very expensive." See *Toronto Globe*, 9 October 1893, p. 1, "Notes from the Capital," and H.H. Cook, "Mr. Vankoughnet's Dismissal," 2 November 1893, published in *Toronto Globe*, 6 November 1893, p. 4. For his own part, Vankoughnet believed that he had been unseated by a "traitor[ous]" conspiracy consisting at least of Duncan Campbell Scott, accountant Robert Sinclair, and clerk William McGirr, the latter of whom had recently transferred into the Ottawa headquarters from the Regina field office and consequently might have been an accomplice of Hayter Reed: Vankoughnet's remarks quoted in LAC, MG27 II-D-15, volume 7, J.D. McLean to Superintendent General of Indian Affairs, 15 July 1896.
[73] LAC, RG10, volume 1119, Hayter Reed to Bouchette, 9 November 1896.
[74] LAC, RG10, volume 1119, Hayter Reed to Amedée-Emanuel Forget, 23 October 1896.
[75] A young surveyor, John Holden Antliff, had his father, an influential Methodist minister, hand-deliver a pre-emptive package of supporting documents to the minister that included a letter of recommendation from his former dean at McGill University and a declaration, signed by several Montréal "friends and supporters of the [Liberal] government," that his appointment by the Conservatives had been "in no sense a political one": LAC, MG27 II-D-15, volume 3, J. Holden Antliff to E. Goff Penny, 19 September 1896, with enclosures.

financial irregularities, including withholding one-half of all moneys he recorded as dispensed to Indians to cover expenses, Reed argued that "without absolute proof" it would be the height of immorality, "after his long term of service and at his age, and with a wife and family… [to] turn him out penniless on the world." He therefore recommended merely transferring him to a new post and removing his rations allowance.[76] Reed also proposed the transfer of an agent in Manitoba accused of sexual assault – previously spared a similar inquiry because the allegations arrived in winter, when an inspector's trip to the agency would be difficult and expensive[77] – to a safe landing in the Winnipeg regional office, where "he would make a capital clerk."[78] Still a third agent accused of "advis[ing]… Indians to live in adultery" logically could not have done so, since he was himself a married man, Reed averred.[79] On other occasions, he more safely pleaded ignorance, advising the minister that he was "not in a position to throw any further light upon the charge."[80]

In Crowe's case, Reed sought to gently deflect the inquiry by noting that there were no records of timber exemptions in the Department's files.[81] This response gave R.W. Scott pause, and he sent a worried note to Grant asking whether he was "sure that evidence will be forthcoming."[82] The following week, Reed sent Macrae to the Bruce Peninsula with a letter notifying Crowe that he was suspended effective immediately pending an investigation, and

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[76] LAC, RG10, volume 1119, Hayter Reed, Memorandum for the Information of the Acting Superintendent General of Indian Affairs in re Charges Against Mr Agent Lucas of Sarcee Agency of Irregularity in Dealing with Money Earned by Indians, 28 August 1896.
[77] LAC, RG10, volume 3806, file 52,201, George Brewer to John A. Macdonald, 10 October 1888, and Hayter Reed to the Superintendent General of Indian Affairs, 7 November 1888. Reed recommended that the investigation be conducted the following spring, but the matter seems to have simply been laid to rest.
[78] LAC, RG10, volume 1119, Hayter Reed to A.E. Forget, 23 October 1896.
[79] LAC, RG10, volume 1119, Hayter Reed, Memorandum for the Acting Superintendent General of Indian Affairs, 17 November 1896.
[80] LAC, RG10, volume 1119, Hayter Reed to R.W. Scott, 9 October 1896.
[81] LAC, MG27 II-D-15, volume 5, Hayter Reed to R.W. Scott, 10 November 1896 (in two separate letters of the same date).
[82] LAC, MG27 II-D-15, volume 5, R.W. Scott to R.A. Grant, 11 November 1896.

enclosing Grant's list of charges.[83] Macrae's involvement as inspector was Reed's final fallback position: formal inquiries were the traditional means of dealing with misconduct allegations within the Department. His was one of numerous investigations opened between 1896 and 1898. For instance, the philandering Manitoba agent's sexual abuse case was reopened and a formal hearing finally conducted – a raucous affair at which the agent speculated that Indigenous women had been hypnotized by a local clergyman to give false testimony.[84] Also under suspicion fell Kahquewaquonaby (Peter Edmund Jones), one of the country's few Indigenous Indian Affairs employees, accused of negligence and intemperance by what he claimed were a "few Indians… opposed to me in politics."[85]

If the deputy minister's position was difficult, though, Macrae faced an even thornier dilemma. R.W. Scott and Grant plainly desired a show trial: a tribunal at which Crowe's guilt was assured from the outset and the forthcoming evidence could be used to humiliate the Conservatives. Leaving aside any partisan inclinations of his own, Reed was, at the very least, less enthusiastic to support an enterprise that would embarrass himself and the Department and doom a subordinate. Moreover, Macrae had his own position to consider: he was, like Reed, a Conservative appointee, hired in 1882. Ultimately Macrae survived the purge, but his job security could not have been certain at the time. Had he a duty to participate in the purge? Might he be its next victim? No written instructions to Macrae explaining the newfound need to

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[83] LAC, RG10, volume 2884, file 180,541, Memorandum, 19 November 1896, and Hayter Reed to John Crowe, 19 November 1896. The charge sheet is anonymous, but the Sifton correspondence files – cited above – make clear that it must have been authored by Grant. Any timber-cutting on the reserve required permission from the Indian agent, and the fees for 1896 were set at $1 per cord: *ibid.*, volume 2908, file 185,723-7A, Investigation into Charges Against J. Crowe, Indian Agent, undated ca. November 1896, p. 2.

[84] LAC, RG10, volume 1119, Report on Charges of Immorality Against Mr. Agent MacKay, of Berens River. MacKay's inquisitor, inspector Ebenezer McColl, concluded that it would "require an unlimited strength of imagination to conceive Mr. Mackay's deportment towards Indian women to have been exceptionally immaculate":

[85] Allan Sherwin, *Bridging Two Peoples: Chief Peter E. Jones, 1843-1909* (Waterloo: Wilfrid University Press, 2012), 239.

convict Crowe – or, alternatively, to obstruct a politically motivated inquiry – survive in the archives, but as a fourteen-year veteran of the service he could not have been ignorant of the political dimensions of his work. Liberal politicians already suspected that Department investigators had tended to "whitewash and support" accused agents under the *ancien régime*;[86] here was an opportunity for Macrae to prove his merit or, alternatively, to attract suspicion.

As an experienced inspector, Macrae would also have been particularly concerned that the charges against Crowe stemmed from or were complicated by an internal feud within the Liberal sect. Such bickering could easily derail an official inquiry. During the Georgina investigation into the Indian agent-liquor salesman, for instance, Dingman quickly realized he had unwittingly waded into a falling-out between the agent and his patron, the local Tory candidate and his former partner in an Interior Ministry fraud scheme, who had found themselves on opposing sides of a municipal election campaign.[87] MPs, candidates, and riding association board members who wished to have a hand in the exercise of patronage needed to carry on a close surveillance of both files and people, in case others tried to subvert the process by submitting unauthorized recommendations.[88]

Liberals did not set aside such feuds for the greater good of the purge: if anything, they were exacerbated by the sudden availability of offices. The related McPhee investigation perhaps ran aground on these rocks. In Ontario North, local Liberals had uneasily backed the

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[86] LAC, MG27 II-D-15, volume 7, John McDougall to Clifford Sifton, 24 December 1896.

[87] James Anderson, the candidate, freely testified that he had met Stevenson while running a scam to misuse his office as Crown Timber Agent to "grab all the Town lots along the C.P.R. that [we] could," and agreed to nominate Stevenson for Indian agent after Stevenson allowed himself to be used as a dummy purchaser. However, Anderson reconsidered his support for Stevenson after the latter decided to run against Anderson's preferred candidate for town reeve: LAC, RG10, volume 2196, file 39,671, declaration of James Anderson, 25 February 1885.

[88] This was not unique to the Indian Department. For instance, George Clavet, representing the executive committee of the Port Arthur riding association, warned Sifton that an initiative to oust the local immigration agent was being carried out without the "endorse[ment of] our Member and the Executive Committee of the Association," and that the targeted official was actually a confirmed *supporter* of "our worthy member": LAC, MG27 II-D-15, volume 3, George Clavet to Clifford Sifton, 17 November 1896.

short-lived Patrons of Industry party against the Tories, and future Indian Affairs deputy minister Frank Pedley – at the time a shadowy "Grit stumper" – was even spotted by the press passing papers to the Patron candidate.[89] The truce did not sit well with some of the local Liberal campaign team, one of whom wrote to Sifton to warn that whereas McPhee had nobly disobeyed orders to get out "the Indian vote" (forcing the Tories to dispatch "a man… from Ottawa to get the Indians in line"), the local Reform Association president angling to replace him was actually no "true Liberal" at all but a covert Patron of Industry![90] The veracity of the various allegations and counter-allegations is unclear, but they muddied the waters, and McPhee kept his position – despite developing a significant sideline as a travelling insurance salesman – until Sifton's successor, Frank Oliver, finally dismissed him in 1908.[91]

At first blush, Macrae found no such hazards awaiting him in Chippewa Hill. He first talked the matter over with Grant, who – safe from the permanence of the written record – may have impressed upon him the political significance of the investigation. Then he began gathering evidence the morning after his arrival. There was no standard form for an investigatory report in the Indian Department. Inspectors sometimes wrote summaries of Indigenous testimony or even attempted verbatim transcripts, but most commonly submitted sworn statements in the style of affidavits. In this case, Macrae took notes, in mixed summary and verbatim form, of evidence given in English or via an interpreter; the latter work was checked by a second interpreter.[92] As

[89] *Daily Mail and Empire*, 11 December 1895, p. 8, "North Ontario: Discomfiture of the Liberal and Patron Speakers."
[90] LAC, MG27 II-D-15, volume 6, W.J. Hickey to Clifford Sifton, 8 December 1896.
[91] LAC, MG27 II-D-15, volume 106, J.A.J. McKenna to Clifford Sifton, 16 February 1901, and RG10, volume 1128, Superintendent General of Indian Affairs to the Governor General in Council, 18 November 1908. This idea of furtive saboteurs lurking in the riding associations was a broader theme that could be activated whenever rivals needed to be discredited. After Kahquewaquonaby's dismissal, too, a self-described "leading Reformer" from Haldimand – this one unsuccessful in his lobbying – cautioned Sifton that the leading choice for the nomination was actually "a traitor to his party," not to mention "very unpopular with… Indians": LAC, MG27 II-D-15, volume 3, Thomas Beswetherick to Clifford Sifton, 24 December 1896.
[92] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae to the Deputy Superintendent General of Indian Affairs,

Grant and Scott had been unable to identify any specific Ojibwe men bribed by Crowe, Macrae called an assembly and asked those present – 69 men in total, he counted – to come forward and to testify if they "had been requested by Crowe to vote for Mr. McNeill."[93]

Seven did, of which five claimed to have been offered bribes in the form of timber license and fee exemptions, though it is not clear even these fives actually *accepted* the bribes.[94] Joseph Johns claimed that Crowe and Solomon told him "shortly before the election" that he could "cut ten or fifteen trees without paying dues" if he promised to vote for McNeill, but that he had paid the dues when he took his timber to Southampton.[95] James Johns acknowledged that he had voted for the first time after a conversation with Crowe in which they agreed that "McNeill was the proper person to vote for," and that he had "cut timber without paying dues," but notably did *not* draw any explicit connection between these three events.[96] On the first day of hearings, Macrae identified six more whom Crowe might have tried to induce to vote – Samuel Wahbezee, Willie Madwishmind, Joseph Johns, Thomas Kahgee, Andrew Stephens, and Robert Mandiwarp – but did not hear their testimony before adjourning until Monday.[97]

When the hearings resumed, Madwishmind refused to answer any questions.[98] Mandiwarp testified that he "never converse[d] in English" but "underst[oo]d a little," enough to know that Crowe "asked [him] to vote for McNeill" in a private conversation before the election and, in exchange, that the agent promised him eight trees tax-exempt.[99] Madwishmind recalled

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28 November 1896, p. 1.
[93] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae to the Deputy Superintendent General of Indian Affairs, 28 November 1896, p. 3.
[94] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae to the Deputy Superintendent General of Indian Affairs, 28 November 1896, p. 3.
[95] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, pp. 5-6.
[96] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 13.
[97] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 16.
[98] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 18.
[99] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 18.

that several days before the election Crowe and Porteous had confronted him across the street from the store and promised to pay him "from 25¢ to $2.00 to vote for him," but that he did not take the agent's money. (Madwishmind also acknowledged that he understood "very little English, but enough for ordinary use" and sufficient to understand Crowe's intended bribe.)[100] Joseph Kahgee acknowledged selling trees without paying dues and that he "had a conversation with Crowe about the election," but that Crowe did not endorse McNeill and did not offer him a tax exemption.[101] Andrew Stephens testified that he met McNeill on the road two weeks before the election and "promised to vote for McNeill" in exchange for fifteen trees' worth of tax-exempt bark sales.[102] Samuel Wahbezee similarly reported that he met Crowe on the road two weeks prior to the election, and that Crowe had "advised me to vote for Mr. McNeill," but without an offer of trees.[103] Thomas reported that Crowe "said I could take two loads of posts" and that "I should vote for Mr. McNeill."[104]

In rebuttal, Crowe testified at considerable length. He insisted that he had attended political meetings on a neutral basis only. He acknowledged that he had briefly lifted timber dues but insisted that the suspicious timing of these instructions to the merchant (first to cease collecting dues shortly before the election, and then to resume shortly afterward) was purely coincidental. He had, he claimed, issued the exemptions in a mistaken belief that there was no need to charge dues because the only Indians cutting hemlock that summer were doing so on their five-acre located lots.[105] In his defence, Crowe also pointed to several Ojibwe witnesses. Thomas Solomon, the band chief and a Conservative Party supporter, insisted that while he had

[100] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 19.
[101] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 20.
[102] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 24.
[103] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 24.
[104] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 24.
[105] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 5.

"talked politics" with both Crowe and other band members on many occasions, the Agent had never attempted to procure votes for McNeill by any means, at least not in his presence.[106] Madwishmind, Solomon insisted, had only made his claim because "Ralph Johnson told him that no one would know of the assertion [and] that it would only be used between Dr. Bonnar and the Government to injure McNeill."[107] Methodist missionary W.M. Bielby, a self-professed Liberal, testified in support of the agent, saying that he had comported himself during the campaign with such neutrality that "I could not have told to which party Mr. Crowe belonged" and that he seemed at worst to be "a very lukewarm Conservative."[108] As for Madwishmind, Bielby added patronizingly, he was "a very stupid man" who could not plausibly have undertaken any significant communication in English.[109]

Superficially, this back-and-forth was about the guilt of Crowe, but it is readily apparent that beneath the surface much more was implicated in the testimony than merely what Crowe had done. My intent is not, from this distance, to gauge whether Crowe was guilty as charged. Certainly, as part of their obligations to the Conservative partisan network, many Indian agents did campaign actively in 1896. One agent's electoral work grew so brazen as to prompt a warning letter from Reed that he "desist."[110] For the moment, what intrigues me about the tense multilogue between inspector, agent, and Indigenous men were their attempts to assert their own personal and political interests within an inquiry that none of those present had requested and the intended results of which the politically astute must have suspected were foreordained. Why might Macrae have encountered such difficulty in locating consistent Ojibwe testimony about

[106] During the campaign, Solomon had appeared on the platform to speak alongside McNeill and other Conservative politicians at party events: *The Globe*, 16 May 1896, p. 11, "Mr. Wallace at Wiarton." See also LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, pp. 14-15.
[107] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 21.
[108] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 23.
[109] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae, minutes of proceedings, November 1896, p. 21.
[110] LAC, RG 10, vol. 3855, file 79,632, Reed to Clink, May 26, 1896.

what his superiors in Ottawa were certain had been a scheme by Crowe to manipulate the election?

The nature of the inquiry put the Indigenous witnesses alleged to have been bribed or influenced into a number of potentially awkward binds commonly experienced by Indigenous people pressing charges against government agents (which, in this case, they were not). Should Indigenous plaintiffs seek to activate official sympathy by playing the good and innocent ward, or assert their social and political agency at the risk of unsettling and alienating those very same officials?[111] This dilemma was complicated by the relative rarity, outside of the purge, of actual disciplinary action: particularly for those in band government positions, allegations could easily open the accuser to retribution from an Indian agent who retained his position. As a Blood chief commented in 1907, "I am always afraid to say anything… for the Agent finds out about it and uses me badly."[112] It was also further complicated by political divisions in Chippewa Hill: given the presence of numerous Conservative men on the reserve, not least chief Solomon, we should not assume either that most of the men actually believed the agent to be guilty of misconduct meriting his dismissal or, for that matter, that they even needed such illicit persuasion to vote for McNeill in the first place.

In other contexts, persuading inspectors to scrutinize wayward agents involved a complex dialogue in which Indian complainants presented complaints they hoped would be taken seriously by bureaucrats – which might or might not be their actual reasons for desiring to remove an agent. Heather Lee Wilke, one of the few historians to date to undertake a close

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[111] Writing of the politics of contemporary land claims in Australia, Elizabeth Povinelli has commented that Indigenous speakers must be sufficiently canny to locate successful intersections between the colonizer's imagined traditional or primal indigeneity and the modern colonial present, but present themselves as sufficiently callow as to be unaware of the utility of such strategizing: Elizabeth Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham: Duke University Press, 2002).

[112] LAC, RG10, volume 4018, file 274,096, Crop-Eared Wolf to David Laird, 31 December 1907.

reading of an internal inquiry file, suggests that Salish complainants on Vancouver Island strategically employed middle-class discourses of morality and temperance in order to mobilize settler support against their Indian agent, William Henry Lomas, overturning the panoptic model of Indian Affairs administration by subjecting him to the disciplining gaze usually cast towards Indians.[113] The Wilke thesis goes some way towards explaining the frequency of complaints pertaining to alcohol abuse – even, as in the Georgina case, where the Indigenous plaintiffs included the alleged beneficiaries of the agent's deviant largesse.[114] Nor was temperance the only discourse to which Indigenous people might resort. Ignace Corinthe, a Mohawk chief at Oka, Québec, sued his Indian agent for libel in 1906. In his claim, he presented himself as a

[113] Wilke, "One Too Many," 72-73.

[114] For instance, Inspector T.P. Wadsworth also investigated a Cree complaint that Saddle Lake Indian Agent John Ross was an alcoholic who had supplied alcohol to Indians: LAC, RG10, volume 1119, Memorandum for the Information of the Superintendent General of Indian Affairs, in re Charges of Drunkenness against Mr. Agent Ross of Saddle Lake Agency, 21 August 1896. In another case, between 1894 and 1896, the Moravians of the Thames band protested that their medical attendant, Delaski Marr, had supplied them with alcohol during medical visits. Marr retained his position subject only to a formal reprimand "in the matter of allowing Indians to have intoxicants": LAC, RG10, volume 1119, Hayter Reed to R.W. Scott, 30 July 1896. Marr's case was somewhat different insofar as Stevenson was a liquor merchant and Marr a doctor. Clerks did permit physicians to prescribe alcohol to Indians when they deemed it medically necessary. This loophole also featured prominently in the investigation of Pierreville agent A.A. Mondou, around the same time, after the Abenakis of St. François accused him of selective prosecution of the prohibition law and of dispensing liquor to several Indigenous people who had no medical certificates permitting them to possess liquor: *ibid.*, Hayter Reed, Memorandum for the Information of the Acting Superintendent General of Indian Affairs in re Complaints Made by Some of the Chiefs of the Abenakis of St. Francois du Lac P.Q. Against Their Agent Mr. A.A. Mondou, 1 August 1896. For other investigations of allegedly alcoholic Indian agents, see LAC, RG10, volume 3900, file 99,079, James J. Campbell to the Indian Indian Commissioner, 31 January 1893, investigating Touchwood Hills agent Joseph Finlayson. Vankoughnet decided to let Finlayson off with a "severe reprimand": *ibid.*, Lawrence Vankoughnet to Finlayson, 27 February 1893. In 1894, several members of the Sweet Grass Band acknowledged that their farming instructor, W. Dunbar, had been purchasing goods for resale from them and paying them in kind out of the agency stores: LAC, RG10, volume 3946, file 123,247, P.J. Williams to Farmer Dunbar, 8 October 1894. The investigation could not confirm that Dunbar profited from selling government stores and Reed decided not to dismiss Dunbar so long as he ceased trading: *ibid*., Hayter Reed to A.E. Forget, 7 February 1895. In 1907, Thessalon agent Samuel Hagan was investigated for both consuming and selling alcohol, though Inspector H.A. Conroy accepted Hagan's explanation that the liquor had actually been sold by "some of Agent Hagan's people" in a restaurant standing adjacent to the agency office: LAC, RG10, volume 3088, file 280,620, H.A. Conroy to Campbell, 28 February 1907. In part, the relative infrequency of allegations of "tyrannical conduct" by Indian agents – to borrow a phrase from a Caughnawa (Kahnawake) petition of 1884 (LAC, RG10, volume 2249, file 48,697, Lawrence Vankoughnet to John A. Macdonald, 26 February 1884) – compared to those of simple neglect perhaps reflects an apparent disconnect between much of the scholarly literature and the historical experiences of Indigenous communities. However, Wilke's insight is that Indigenous plaintiffs probably advanced the arguments that they anticipated might receive a sympathetic welcome from the Department.

legitimate liberal gentleman and statesman who had suffered grievous injury to "his property, his honour, his reputation, his character and his sentiments."[115]

Moreover, testifying that the agent had manipulated them into voting for the Conservative Party meant presenting oneself as a victim of white manipulation rather than as an independent political agent. I have already speculated that many of the men in question had not needed last-minute inducements to support the Conservative Party. Witnesses like James Johns, who submitted an affidavit in support of Crowe, were already members of the party (and in his case, the secretary of the local riding association).[116] It is perhaps small wonder that most of the small minority of Chippewa Hill men voluntarily participating in the inquiry – and many more did not speak at all – gave ambiguous statements in which they acknowledged some important elements of the charges (they had talked with Crowe about the election, for instance, or sold timber without paying dues) while denying or omitting others (that Crowe had stumped for McNeill, for instance, or that their exemption from dues was explicitly linked to their voting intentions).

Under normal circumstances, such ambivalences and inconsistencies were the bread and butter of inquisitorial work for the Department's small corps of inspectors. If Indigenous plaintiffs used the inquiry process to invert the panoptic gaze of the Department, as Wilke suggests, it is also clear that the function of the inspector was not just to restore the clarity of official vision but to present Indigenous testimony in such a way as to co-opt it into legitimizing

[115] LAC, RG10, volume 3094, file 291,964, declaration signed by J.A.N. MacKay for the plaintiff in Québec, District of Terrebonne, Circuit Court, *Ignace Corinthe vs. Joseph Perillard*, 20 November 1905 (file contains both a copy of the original French document and an English translation prepared by an Indian Department clerk). Corinthe's suit was dismissed and the file devolves into a debate in the Ottawa headquarters over whether to cover the agent's legal bills, which several clerks felt they ought not to do: *ibid*., A.F. Mackenzie to F.H. Paget, 31 May 1906.

[116] Johns testified to this in a later affidavit submitted in support of Crowe: LAC, RG10, volume 2884, file 180,541, statement of James Jones [sic], 9 December 1896.

that vision. I have not located, and I do not believe there ever existed, something in the way of a standing order to rig inquiries in favour of accused agents. If senior officials wished to ensure that their subordinates were shielded from accusations of wrongdoing, there would have been cheaper and more efficient means of doing so than commissioning intensive but rigged tribunals.[117] On the other hand, though, there really was no need for such an order. The inspectors were neither independent nor impartial: they were colleagues of the agents, and their relations were generally – outside of the inquiry context – not adversarial. Moreover, they had their own carefully cultivated professional reputations to consider. In service bureaucracies that work with marginalized populations, whether those populations consist of immigrants or welfare recipients, anthropologists often observe ambitious officials distinguish themselves through a sort of display of cynical bravado, but this is normally directed against clients rather than colleagues: clients are, almost by definition, suspect cheats and liars, and so the competent official must expeditiously sort the wheat from the chaff. The professional and reputational costs – which do exist – of framing oneself as a suspicious hard charger may be less, in the long run, than the potential costs of appearing to one's superiors to be a naive advocate taken in by potentially deceitful clients.[118]

Such considerations would have placed Indigenous witnesses in, as I have suggested, a difficult bind. If witnesses' statements were vague or ambiguous, the inspector had sussed out a poorly implemented plan to put one over on the Indian Department. If they were particularly clear and perceptive, that was suspect for another reason: "I thought I could see the hand of an

[117] Notably, Vankoughnet did order in 1892 that no further inquiries be commissioned unless complaints were supported by a band council resolution and came with a list of supporting witnesses: LAC, RG10, volume 2667, file 133,464, Lawrence Vankoughnet, circular, 30 December 1892.
[118] For instance, Oivind Fuglerud, "Constructing Exclusion: The Micro-Sociology of an Immigration Department," *Social Anthropology* 12, no. 1 (2004), 32-33.

advisor back of their arguments," inspector J.A. Markle wrote in 1909 as he cast doubt on what he considered to be some excessively incisive Indigenous testimony against Stony agent T.J. Fleetham. Even when the testimony was clear and supported the charges, there was reason to suspend judgement. In the latter Fleetham case, for instance, Markle judged the "serious" allegations proven but advised his superiors not to act on these findings for the time being because the Stony people would be "liable to interpret it as an answer to their petition and… it would encourage them to be continually agitating.[119] Overall, then, Indigenous speech could be politically useful to the Department but it took a suitably skilled and skeptical manager to contain and direct those speaking it (or at least the written *representation* of their speech).

I have taken this long excursion into the encounter between inquisitor and witness because it sheds some light on what came next. In his final report, submitted several days after the conclusion of the hearings, Macrae elected not to supply the explicit guilty verdict that he must have known his superiors wanted. Despite the fact that the inquiry had not been sparked by Indigenous complaints, Macrae advanced the theory that Indigenous testimony against Crowe was unreliable. According to the few witnesses who had accused Crowe of soliciting votes or bribing them with tax exemptions (or both), he had – sensibly – tended to make these offers when they were alone. Yet, Macrae claimed, they had a poor grasp of English and preferred to communicate through interpreters.[120] Even if they were not outright inventing these stories, then, it was very possible that they had "gained misconceptions regarding what was said."[121] Perhaps aware that this was not the conclusion Scott was hoping for, Macrae eschewed a

[119] LAC, RG10, volume 2908, file 185,723-7A, J. Markle to the Secretary, 14 April 1909.
[120] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae to the Deputy Superintendent General of Indian Affairs, 28 November 1896, p. 6.
[121] LAC, RG10, volume 2908, file 185,723-7A, J.A. Macrae to the Deputy Superintendent General of Indian Affairs, 28 November 1896, p. 6.

recommendation for acquittal or termination in favour of a non-committal hope that "this is a sufficiently full statement of the facts… to enable you to arrive at the conclusion you may desire to reach." (A later scribe in Ottawa placed a question mark in the margin of the report next to this cryptic statement.)[122]

Macrae's report, then, was an impressive bureaucratic performance in its own right, simultaneously saying much and, in the end, nothing. He guarded himself against the possibility of being taken in by misleading Indian testimony and mitigated the risk that, in so doing, he might invite criticism. Instead, his conclusion explicitly transferred responsibility for the matter back up to Reed in Ottawa. Reed was growing increasingly vulnerable. In the meantime, Liberal newspaper editors discovered the story and rushed it into print. Crowe had been "clearly convicted... of actively interfering in the election," judged the *Globe*, though it also noted somberly that "he did no more than a score of other officials... who have been allowed to retain office."[123] But Macrae had left Reed at least one important hook: even if his analysis cast serious doubts upon the partisanship charges, the inspector's description of the bark black market and of Crowe's inadequately explained stumpage exemptions clearly established that the agent had not kept up an appropriate surveillance of the Saugeen Ojibwe economy. In his own report to the minister, Reed latched onto this lifeline and announced that it constituted an even graver charge, one of financial malfeasance: "it is impossible to come to a clear conclusion… how much was lost to the funds of the band through the Agent's irregular contact."[124] Here was, by internal tradition, something clearly worthy of censure.

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[122] LAC, RG10, volume 2884, file 180,541, J.A. Macrae to the Deputy Superintendent General of Indian Affairs, 28 November 1896, p. 12.
[123] *Toronto Globe*, 7 December 1896.
[124] LAC, RG10, volume 2884, file 180,541, Hayter Reed, report, 5 December 1896, p. 14.

Reed did not explicitly recommend Crowe's dismissal, and kept him on under suspension as long as he could. This period of limbo prompted a campaign by some of the Conservative Ojibwe to save their agent. Chief Solomon swore out an affidavit on December 9 alleging that his people had been stirred up against Crowe by an anti-government activist from Walpole Island.[125] Another Saugeen chief, writing several weeks later, blamed the unfortunate episode on the "evil movements" of "a few of my unworthy voters" and asked the Department to see past those who were merely "making trouble."[126] (Note that in these letters the Saugeen chiefs mimicked the arguments customarily deployed by state officials to deny Indigenous political agency.) These protests were ultimately to no avail. Sifton finally dismissed Crowe on February 9, 1897, months after R.W. Scott had ordered the inquiry and without the damning evidence of electoral fraud that had once seemed so vital.[127]

Reed's own position, however, had in the meantime grown bleak indeed. Wild rumours circulated in Liberal circles that Reed had employed "active, personal and political tools… running about the country and doing political work," and that his wife had become "a strong liberal immediately after the elections" in order to use her "social petticoat influences" to protect her husband.[128] The *Ottawa Free Press* alleged that Reed had taken advantage of R.W. Scott's caretaker period, prior to Sifton's swearing-in, to "fix all [his] friends," and specifically his brother-in-law A.W. Ponton (a surveyor), with permanent jobs in the Department.[129] Reed's decision to transfer targeted officials wherever possible, rather than dismiss them outright, also attracted scorn from the Liberal ranks. The Macleod Liberal Association despatched a bitter

[125] LAC, RG10, volume 2884, file 180,541, declaration by Thomas Solomon, 9 December 1896.
[126] LAC, MG27 II-D-15, Cephas Kahbege to the Indian Department, 25 December 1896.
[127] LAC, RG10, volume 2908, file 185,723-7A, Hayter Reed to John Crowe, 12 February 1897.
[128] LAC, MG27 II-D-15, volume 6, Jno. A Macdonell to Clifford Sifton, 28 November 1896.
[129] LAC, RG10, volume 1119, Hayter Reed, Memorandum for the Information of the Acting Superintendent General of Indian Affairs Relative to the Allegations Made in the Ottawa Daily Free Press of the 1st Sept. 1896, 3 September 1896.

resolution to Sifton in December accusing him of "setting aside the prestige of our member and ignoring the claims altogether of those who supported, worked and subscribed" in order to keep on "Employees… [who] supported the late Government."[130] Alberta MP Frank Oliver, Sifton's eventual successor as Indian Affairs minister, similarly complained that Reed was transferring officers to fill posts in his riding. Oliver had not been consulted and, moreover, one of the transferees "c[ame] from another constituency." For both of these reasons, he fumed, the transfer constituted "an infringement upon my supposed right of patronage."[131]

If these rumours placed Reed in greater danger, many of the clerks serving under him seemed ill-inclined to come to his rescue. Reed had never really fit in with the clerical class of Ottawa after he succeeded Vankoughnet in highly unusual circumstances in 1893. He was an Outsider at a time when few Outside Service officers entered the Inside houses except on temporary pilgrimages. His meteoric rise from Indian agent (1881-1883) to commissioner (1883-1893) to deputy minister was impressive to the outside eye, but it marked him as an interloper with convenient political connections. Reed was a simple Northwest Territories field officer who "knew nothing <u>whatever</u> about the Indians of the other Provinces," Vankoughnet wrote bitterly after the latter replaced him as deputy minister.[132] The fact that he implemented significant budget cuts and staff reductions – the work usually attributed by historians to his Liberal successors – perhaps failed to earn him many friends in junior ranks; indeed, these cuts inadvertently sparked one of the minor scandals that opponents used to legitimize the coup of 1897.

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[130] LAC, MG27 II-D-15, volume 8, copy of a resolution passed by the Macleod Liberal Association, 11 December 1896. Edmonton MP Frank Oliver, future Superintendent-General of Indian Affairs, passed on the resolution and "endorse[d it] very strongly": *ibid.*, Oliver to Minister of the Interior, 21 December 1896.
[131] LAC, MG27 II-D-15, volume 8, Frank Oliver to Minister of the Interior, 24 December 1896.
[132] LAC, MG27 II-D-15, volume 35, Lawrence Vankoughnet to Clifford Sifton, 2 July 1897.

The broader purge, coupled with Reed's particular vulnerability, created an unprecedented opportunity for a few Liberal clerks like John McLean in Ottawa and Amédée-Emanuel Forget on the Prairies, Liberals who had been initiated into the civil service under the Mackenzie government and had weathered the Tory era. By unhappy coincidence, one of the Department's highest-ranking clerks also died over Christmas, shortly after the ambiguous conclusion of the Crowe inquiry, provoking a brief, unseemly, but not atypical round of self-promoting letters to Sifton from mid-level clerks like Martin Benson (director of the Schools Branch) and Samuel Bray (chief surveyor).[133] The anti-Reed campaign absorbed and soon eclipsed the politicking surrounding the vacancy.

Of the ambitious careerists, the most successful at mobilizing both paternalistic and partisan discourses was Lands and Timber Branch director John McLean, who set his sights not just on Reed but also on his own chief rival in the informal line of succession, Duncan Campbell Scott. The grandson of former New Brunswick Liberal MP John Ferris,[134] McLean had been initiated into the Indian Affairs Branch (as it then was) by the Mackenzie Liberals in 1876. (This tenure gave McLean three years' seniority over the far-better-known Duncan Campbell Scott, and he also remained in the Department as long as Scott.) When a prized Chief Clerk vacancy had come up in 1892, Superintendent-General Edgar Dewdney had given it to the more junior but Conservative Scott, a slight for which McLean seemingly never forgave either man.[135] These appointments were not illegal by any means – no law or contract obliged ministers to consider

[133] LAC, MG27 II-D-15, volume 3, Martin Benson to Clifford Sifton, 30 December 1896, and Samuel Bray to Clifford Sifton, 30 December 1896.
[134] LAC, MG27 II-D-15, volume 7, David Mills to R.W. Scott, 23 July 1896.
[135] LAC, MG27 II-D-15, volume 7, J.D. McLean to the Superintendent General of Indian Affairs, 15 July 1896.

seniority when making Inside Service appointments – but, as McLean put it rather dramatically, "I felt it a duty I owed my own self respect and manhood to protest in the strongest manner."[136]

Immediately after the election, McLean commenced lobbying for restitution, asking Senator David Mills and Essex MP Mahlon Cowan to lay his case before ministers R.W. Scott and Sifton.[137] He also cemented his ties to the new government by travelling personally to the Bruce Peninsula to lead the investigation into embezzlement in the Wiarton real estate office.[138] In his own letter to the minister, McLean emphasized that "since my appointment in 1876 I have never shown the shadow of turning so far as my principles as a Liberal were concerned."[139] Believing that the outgoing Tories had set moves afoot to name Duncan Campbell Scott as Secretary, meaning he would direct all correspondence and occupy the second-most powerful office in the Department, McLean "applied" for that position, too.[140] In the absence of any formal order of precedence one can hardly label either Scott or McLean a prospective usurper in their applications, although the accountant customarily enjoyed the privilege of acting as Department head in the absence of the deputy minister. Scott, as accountant, would seem to have had a strong claim to an office that was to be designated second-in-charge of the Department.[141]

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[136] LAC, MG27 II-D-15, volume 7, J.D. McLean to the Superintendent General of Indian Affairs, 15 July 1896.
[137] LAC, MG27 II-D-15, volume 7, David Mills to R.W. Scott, 23 July 1896 (see also Mills to Sifton, 28 December 1896, repeating that McLean and several officials in the Ministry of the Interior had "met with unfair treatment because of their party preferences"), and *ibid*., volume 3, M.K. Cowan to Sifton, 5 December 1896.
[138] LAC, RG10, volume 2908, file 185,723-7A, J.D. McLean, Report, 10 March 1897. McLean concluded that the land sales agent and forest bailiffs at the Wiarton real estate office had pocketed timber licensing and trespass fees that ought to have been remitted to Ottawa and personally purchased land at under-valued rates. McLean also reported on the matter to Sifton separately: LAC, MG27 II-D-15, volume 7, 15 March 1897. The next year, McLean headed to Lorette in 1897 to conduct further investigations on that reserve: LAC, MG27 II-D-15, volume 264, Clifford Sifton to C. Fitzpatrick, 30 July 1897. These trips were not unprecedented or unique but they were unusual at a time when central clerks ventured out to the field offices only infrequently.
[139] LAC, MG27 II-D-15, volume 7, J.D. McLean to the Superintendent General of Indian Affairs, 15 July 1896.
[140] LAC, MG 27 II-D-15, volume 7, J.D. McLean to R.W. Scott, 15 July 1896, enclosing Memorandum.
[141] LAC, RG10, volume 1120, Duncan Campbell Scott to Clifford Sifton, 2 February 1897.

McLean's campaign against Reed and Duncan Campbell Scott benefited immensely from his position as head of the Lands and Timber Branch: he knew of many skeletons in the Department's closet, or at least *claimed* to know of many. Although he held Vankoughnet in high esteem, Reed, McLean complained, had "arriv[ed]" from the Prairies – with a pet clerk in tow – and commenced to run the headquarters along dangerously partisan (that is, Conservative) lines. Every time thereafter that McLean raised a "matter affecting… the request of some Tory politician," he now claimed, Reed "looked upon [it]… as obstruction on my part." Reed had responded by giving these problematic files to Scott "to deal with, and a sorry mess he has made of them."[142]

Now that a new minister might be in a position to dispense justice, McLean offered to tell what he knew, disclosing it morsel by morsel in a series of letters. Duncan Campbell Scott, he claimed, was "guilty of paying out large sums of money from Band funds without a scintilla of authority" from the respective band councils, and had even removed a document from a Manitoulin Island land sales file "to cover up his tracks."[143] Reed had rigged a timber sale on the Temiskaming Reserve, on the Ontario-Québec boundary north of Ottawa, to benefit a Conservative MP, and then, to add insult to injury, commissioned a boundary survey of the reserve that was paid out of the band's own trust fund instead of out of the separate Land Management Fund that Departmental accountants had erected for just that purpose. "Had the matter been referred to me," McLean thundered self-righteously with a passion an outsider might struggle to comprehend given the seemingly dry subject matter, "I should have said, Hold the Limit until Doomsday… The interests of the Indians should not be sacrificed."[144]

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[142] LAC, MG27 II-D-15, volume 7, J.D. McLean to the Superintendent General of Indian Affairs, 15 July 1896.
[143] LAC, MG27 II-D-15, volume 7, J.D. McLean to the Superintendent General of Indian Affairs, 15 July 1896.
[144] LAC, MG27 II-D-15, volume 7, J.D. McLean to Clifford Sifton, 28 January 1897.

In letter after letter, the litany went on: Scott had on one occasion taken his family to Aylmer for two days and left the Department without anyone authorized to sign cheques. Too, with Reed's sanction, he had "styled" himself acting Secretary of the Department for most of 1896 despite no regulation formally appointing him to this position, making him a great pretender in addition to being a thief of documents. In one December missive, McLean offered his best literary repertoire against his rival officers. "As for the other acts of Mr Reed and Mr Scott," he asked rhetorically, invoking the Biblical book of Chronicles, "are they not written in the chronicles or records of the Department?" He closed with Tennyson: "Ring out the old/Ring in the new,/Ring out the false/And ring in the true."[145] Scott should not be given unfair advantage, McLean pressed, merely because he "is a writer of poetry."[146]

As a Liberal taking on two Conservative superiors, McLean was well-positioned, but his allegations must have seemed more nitpicking than sensational to outsiders, including the recipient, the new minister. Perhaps McLean sensed this too, for he made other offers, alluding in one letter to a reorganization plan by which he could achieve a 25 percent staff and budget reduction in the headquarters by cutting away "the large duplication of work" and halving the number of branches (notably preserving the Secretary's Branch that he wished to head, the Lands Branch that he currently did head, and Scott's Accountant's Branch). No such reforms could ever occur, he insisted, "with men like Reed and Scott to advise the Minister."[147] Reed got wind of a plot against him in January and despatched a hurried, defensive note to Sifton, warning that as a result of his not-yet-complete plans to impose staff and budget cuts, "certain of the clerks…

[145] LAC, MG27 II-D-15, volume 7, J.D. McLean to Clifford Sifton, 31 December 1896. "Chronicles" is added in the margins, as though after writing his first draft McLean realized he had botched his Biblical reference.
[146] LAC, MG 27-D-15, C-452, J.D. McLean, June 8, 1892.
[147] LAC, MG27 II-D-15, volume 7, J.D. McLean to Clifford Sifton, 6 August 1896.

caballed against me, employed their leisure time, of which some have too much, in intriguing… [and] hunted the fyles in an effort to find something calculated to throw discredit on me."[148]

When and why Sifton decided to remove Reed is unclear,[149] and I cannot pretend to know that McLean's missives played more than a modest role. Perhaps he aspired to succeed Reed, but equally likely he was offering the minister ammunition against the deputy minister in implicit exchange for himself getting the nod over Scott as Secretary. In either case, just as it seemed his allusions to nefarious bureaucratic misdeeds might falter, a fellow Liberal-era initiate, statistics and supply clerk John McGirr, came to McLean's aid with an even more scandalous allegation. Reed had despatched a special order of blankets to the Rama Agency in northern Ontario just in time for McPhee – the insurance salesman-Indian agent – to distribute them and thus "influenc[e] the franchise of the Indians."[150] Probably not coincidentally, McGirr's information somehow reached the minister's desk while Reed was away on sick leave.[151] It consequently fell to Duncan Campbell Scott, acting as deputy minister in Reed's absence, to pen a breezy response that blanket gifts were a hallowed and apolitical tradition maintained by the Department "since time immemorial" – and moreover, Scott added cynically, by raiding the Trust Fund to pay for them, he had effectively reduced the effective cost to government from $1600 to just $400.[152]

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[148] LAC, MG27 II-D-15, volume 31, Hayter Reed to Clifford Sifton, 25 January 1897. In this memorandum, Reed referred to Macrae as part of the source of his troubles and advised Sifton to consult Forget before believing the evidence of another, unnamed official who had spent time out west; consequently, we should not presume that McLean was alone in the anti-Reed campaign. However, I have not yet located evidence of how these latter two figures were involved.

[149] However, unbeknownst to McLean and his co-conspirators, Sifton was clearly at least contemplating a change by December 30, 1896, when he ordered his former political and business associate in Manitoba, James Allan Smart, to make a preliminary "inspection" of some residential schools and land offices to familiarize himself with the work of both Departments: LAC, MG27 II-D-15, volume 33, James Smart to Clifford Sifton, 4 January 1897.

[150] LAC, MG27 II-D-15, volume 216, Clifford Sifton to Hayter Reed, 30 January 1897.

[151] LAC, MG27 II-D-15, volume 32, Duncan Campbell Scott to Clifford Sifton, 2 February 1897.

[152] LAC, RG10, volume 1120, Duncan Campbell Scott to Clifford Sifton, 3 February 1897.

Scott had inadvertently made a fatal error. While it certainly seems implausible that Reed attempted something so crude and desperate as bribing the Chippewas with extra blankets, the distribution *had* fallen afoul of Reed's new budget cuts regime (or perhaps of lax record-keeping in the Registry Branch). To minimize expenses, Reed had ordered the supply clerks to withhold all customary shipments of relief supplies like blankets until the receipt of explicit applications from Indian agents. McPhee had failed to send in the requisite form, yet Reed had ordered his agency's blankets shipped anyway.[153] This was pretty weak stuff on which to build a conspiracy theory, but it was enough. Discovering the lapse, Scott hastily disavowed his earlier memorandum, insisting that it "was prepared for me and I signed it when I was very busy."[154] Reed chimed in both that he never enforced such rules "too rigidly" and also that he had "a very distinct recollection of having been orally instructed by the Minister to send the blankets."[155]

Within a matter of weeks, Reed had been ousted – with a modest bonus to his pension plan to compensate him for his trouble[156] – in favour of a close friend of Sifton's from Manitoba, Liberal politican James Allan Smart, and McLean had been rewarded his own prize, the prestigious position of Secretary. Sifton appointed Smart joint Deputy Superintendent General of Indian Affairs and Deputy Minister of the Interior. This might have especially stung most of some of the clerks, who, under Vankoughnet, had spent the 1880s trying to persuade other houses in Ottawa that the secession of 1880 made Indian Affairs a truly independent department and not just a sort of nominally independent satellite of their sister house, the Ministry of the Interior.[157] To McLean personally, however, it was a great boon insofar as, with Smart's

[153] LAC, MG27 II-D-15, volume 216, Clifford Sifton to Duncan Campbell Scott, 5 February 1897.
[154] LAC, MG27 II-D-15, volume 32, Duncan Campbell Scott to Clifford Sifton, 9 March 1897.
[155] LAC, RG10, volume 1120, Hayter Reed to Clifford Sifton, 10 February 1897.
[156] LAC, MG27 II-D-15, volume 31, Hayter Reed to Clifford Sifton, 1 March 1897.
[157] In 1887, for example, the Deputy Minister of Public Works sent the Indian Department's notification pertaining to new office space in what is now the Langevin Block to the Interior Ministry. Vankoughnet testily responded that "you appear to be under the impression that a notification to the Dept of the Interior would be sufficient for this

attention at best divided, McLean's new office as the head of correspondence effectively became the most powerful in the Department.[158] Steadily, McLean appropriated for himself the appropriate accoutrements and symbols of high office, writing colleagues that he had seized Reed's desk, Vankoughnet's old office chair,[159] and, of course, first receipt of the Department's newspaper subscriptions, to be delivered to his Somerset Street doorstep each morning.[160] Duncan Campbell Scott, who had been absent on medical leave while many of these changes occurred,[161] was sidelined from promotion for years.

The show trials of 1896 and the palace coup of 1897 marked the high point of the purge. By the following year, enthusiasm for both investigations and dismissals was clearly waning again. Like most Department policy initiatives, the purge fell short of completion: in the end, most of the Conservative appointees in the Department kept their jobs, leaving many of those who had "stormed the citadel" unrewarded. Indian agent Alexander McGibbon, a friend of the former Tory minister, survived and even rose to the rank of Inspector,[162] while Cowichan agent

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Dept. I have, however, to inform you that the two Departments are quite distinct": LAC, RG10, volume 2390, file 79,979, Vankoughnet to C.F. Baillarge, 27 September 1887. Smart was part of a cadre of experienced Liberal operatives from Manitoba that Sifton installed in prominent positions in his two departments, including William Wallace Cory, member of the Winnipeg Liberal Club and future Deputy Minister of the Interior; Reginald Rimmer, the Indian Department's in-house legal advisor; and William James White, inspector of American immigration agencies. Sifton also found a place for the "Grit stumper" from Toronto, Frank Pedley, as Superintendent of Immigration; later, Pedley succeeded Smart as Deputy Superintendent General of Indian Affairs

[158] This status may be seen by McLean's monopolization of the deputy minister's "private" letterbooks – essentially a record of all high-level correspondence and orders actually written in person by the person in charge of the Department, rather than those written by others and merely passed to the superior officer for signature – after spring 1897. In May, he also helpfully lightened Sifton's and Smart's loads by agreeing to assume responsibility for "a great many matters that come to [the Department]," saving only "the important questions" for his two superiors: LAC, RG10, volume 1120, J.D. McLean to James Smart, 7 May 1897.

[159] LAC, RG10, volume 1120, J.D. McLean to J.A. Macrae, 27 April 1897.

[160] LAC, RG10, volume 1125, J.D. McLean to the Proprietor of the *Free Press*, 17 November 1902. Formerly, the subscription was delivered to Scott's house: *ibid*., McLean to the Proprietor, 14 May 1902.

[161] Scott was granted one month's leave on 17 April, which was extended a further three weeks in mid-May: LAC, RG10, volume 1120, J.D. McLean to J.A. Macrae, 27 April 1897, and Clifford Sifton to the Governor General in Council, 20 May 1897.

[162] E. Brian Titley, "McGibbon, Alexander," *Dictionary of Canadian Biography*, volume 13 (Toronto and Québec City: University of Toronto Press/Université Laval, 1994), and LAC, RG10, volume 3878, file 91,839-25, A. McNeill to the Indian Commissioner, 19 July 1897, and Extract from a Report of the Honourable the Privy Council, 10 August 1897.

William Henry Lomas weathered an investigation into his alcoholism – his second while in office – and was the subject of a *third* such investigation when he committed suicide in 1899.[163] There were occasional exceptions. For instance, Renfrew North MP Thomas Mackie gave the Golden Lake agent "a chance to see if he would… leave politics alone" after the 1896 election, but insisted upon his dismissal after the 1900 election. However, in general, partisanship investigations had ground to a halt by the end of the century.[164]

So too, again with some exceptions, had the clerks' enthusiasm for dismissing agents for other forms of misconduct even when they did carry out inquiries.[165] Alnwick, Ontario agent John Thackeray was actually *convicted*, in provincial court, of selling clothes to an Indian in contravention of the *Indian Act*, yet retained his office.[166] As before, fiscal and proven sexual improprieties remained occasional exceptions to the *laissez-faire* norm. J.H. Fairlie, principal of Rupert's Land Industrial School in Manitoba, was dismissed in 1899 after physically and sexually abusing pupils – though he had "not kissed any one [girl] in particular more than twelve times on an average," Fairlie testified, stunningly, in his own defence.[167] (The material Fairlie report itself challenged the Department's delicate economy of paperwork: regional manager David Laird had to pen an unusual handwritten letter about its contents to headquarters, where its completion was further complicated by the contents being felt to be much too alarming to "be

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[163] LAC, RG10, volume 1120, J.D. McLean, Memorandum, 9 April 1897; and Wilke, "One Too Many," 87.
[164] LAC, RG10, volume 2908, file 185,723-7A, Thomas Mackie to Clifford Sifton, 2 June 1902.
[165] For instance, William B. Goodfellow, the Liberal appointee who took over the Carlton Agency in 1898, was the following year found to have severely neglected his duties with regard to timely distribution of annuities and support for on-reserve agriculture, but survived: LAC, RG10, volume 3993, file 187,812, David Laird to W.B. Goodfellow, 26 September 1900, and David Laird to the Secretary, 7 February 1901. When evidence of the Kenora agent's objectionable "drinking habits" reached him in 1909, McLean simply advised him that "it is hoped that no further complaints will be received" – a classically bureaucratic not-quite-reprimand. LAC, RG10, volume 1128, J.D. McLean to R.S. McKenzie, 18 June 1909. However, the treatment of such officers was inconsistent and could escalate in cases of repeat offences. For instance, Stony interpreter Emile Smith was dismissed in 1911 for the same offence: LAC, RG10, volume 2908, file 185,723-7A, J.D. McLean to Emile Smith, 24 March 1911.
[166] LAC, RG10, volume 2986, file 213,900, copy of David Roberts, judgement against John Thackeray, 11 September 1899. Roberts fined Thackeray $37.
[167] LAC, RG10, volume 3558, file 64, part 39, fragment of report from David Laird, ca. April 1899.

given to a lady copyist.")[168] And in 1910, Pedley, having long since succeeded Smart and thus completed his ascent from "Grit stumper" in Ontario North to Deputy Superintendent General of Indian Affairs, dismissed the Department's physician at Norway House for impregnating a Cree woman – or, as his in-house ghostwriter put it in the stilted formal language of bureaucracy, "Dr. Ireland had sexual connections with an Indian girl…, and therefore his usefulness and influence with the Indians must be at an end."[169]

This is not to say that in the end the purge changed nothing, or that patronage considerations dwindled; rather, they receded from overtly public view. Redirecting the Department's resources and supply contracts from the Conservative clan to the Liberal one was a task that, for Smart and McLean, went far behind merely the occupation of offices.[170] The centrepiece of the new effort was, appropriately, a secret device called the Patronage List: a central clearinghouse, faithfully curated by McLean based upon submissions from Liberal politicians, of politically preferred merchants, service providers, and newspapers. McLean routinely ordered his subordinates to destroy outdated copies of the List,[171] but its contents may be partially reconstructed through the periodic updates that survive in his personal letterbooks.

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[168] LAC, RG10, volume 2905, file 185,723, Samuel Stewart to the Secretary, 12 May 1899, and MG27 II-D-15, volume 64, David Laird to Clifford Sifton, 15 March 1899.
[169] LAC, RG10, volume 1129, Frank Pedley to J. Turriff, 13 December 1911.
[170] As before, the recruitment process involved turning to local MPs and failed candidates to nominate successors, even to such lowly posts as junior clerkships in the Ottawa headquarters. Allegations of patronage in executive appointments persist today, but the process adopted *ca.* 1900 was direct, explicit, and documentary in a way that likely does not prevail in the present. For example, when Indigenous people in Northumberland County, New Brunswick, needed a new physician in 1897, for instance, Smart and McLean referred the matter to defeated Liberal candidate Peter Mitchell (who had, by then, received his own patronage appointment as Inspector of Fisheries): LAC, RG10, volume 1120, James Smart to Peter Mitchell, 7 September 1897. Similarly, when the medical officer at Tobique was found to be "continually in a state of intoxication," McLean instructed the Liberal MP for Victoria, John Costigan, to choose a replacement: LAC, RG10, volume 2908, file 185,723-7A, J.D. McLean to John Costigan, 3 November 1903. Note that political patronage is a term that must be carefully historically situated. The MP-directed appointments process of the late 1890s had given way in at least some districts, by the middle of the next decade, to party-managed elections supervised by riding associations. One such election is described in Hodgetts *et al.*, *The Biography of an Institution*, 9.
[171] LAC, RG10, volume 1123, J.D. McLean to David Laird, 23 December 1899, and volume 1124, McLean to Laird, 17 April 1901.

The List was national, but regional sublists were sent to all field officers. The Birtle Agency, Manitoba, patronage list of 1901, for instance, listed authorized suppliers in each of three towns for seven categories of procurement: medicine, general goods, hardware, machinery, meat, flour, and blacksmith work.[172] To indulge the MPs' particular interests, some agencies wound up with unusual specialists on their sublists. In Prince Albert, for example, there was an approved fire extinguisher salesman.[173]

The only apparent hard and fast rule was that MPs could not register their own businesses on the Patronage List. Saskatchewan MP Thomas Osborne Davis violated this rule in 1897. Unfortunately for staff, his misdeed was noticed only after Carlton agent John McKenzie submitted receipts from Davis's general store for reimbursement. Alarmed, McLean asked McKenzie to retract the expense claim, "as Mr. Davis' name cannot appear in our accounts," and eventually asked Davis to help with the cover-up by privately refunding the money to McKenzie.[174] (As a more effective workaround, MP and future Indian Affairs minister Frank Oliver re-incorporated his *Edmonton Bulletin* newspaper as a joint stock company so that it was

[172] LAC, RG10, volume 1124, J.D. McLean to David Laird, 22 March 1901. In contrast, the Victoria patronage list was more detailed and listed approved merchants of hardware, dry goods, clothing, shoes, groceries, farm implements, timber, carpentry, blacksmithing, furniture, and printing: *ibid*., volume 1122, J.D. McLean to James A. Smart, 24 December 1898. A third surviving patronage list is the Calgary list of December 1898: *ibid*., McLean to Laird, 23 December 1898. It is comparable to the Victoria list.

[173] I have not made a similarly rigorous examination of other departments' patronage files, but the Sifton Papers suggest that these arrangements were typical, or at least comparable to those in the Ministry of the Interior. For instance, Sifton was also called upon to consider such important matters as the fair distribution of the assignment of unidentified accidental deaths to Liberal undertakers in Winnipeg (LAC, MG27 II-D-15, volume 5, Gardiner & Conolly to Clifford Sifton, 9 July 1896), the redirection of typewriter procurement to "the only liberals… who handle typewriters in Montreal and Ottawa": *ibid.*, C.A. Geoffrion to Clifford Sifton, 18 November 1896, and a case of RCMP officials "annoying our friends" by staying at the wrong hotels in Medicine Hat: LAC, MG27 II-D-15, volume 265, J. Sutherland to Wilfred Laurier, 14 April 1900.

[174] LAC, RG10, volume 1121, J.D. McLean, Memorandum, 14 January 1898, and McLean to A.E. Forget, 18 January 1898. These instructions posed an obvious, albeit retroactive, catch-22 for McKenzie: had he purchased the goods from some other supplier not on the Patronage List, he could not have received reimbursement anyways. The unfairness of the situation may have been pointed out to Smart, who eventually decided to ask Davis to refund the money to McKenzie privately. It was "too bad that Mr. Davis should lose this money," one official who was aware of the transaction wrote regretfully, but still it was "the best way out of the difficulty": *ibid.*, White to Davis, 4 February 1898, and White to Forget, 15 February 1898.

no longer his private business and therefore could be placed on the List.)[175] In essence, the Patronage List institutionalized the reservation of preferential if not exclusive access to government and Indian resources for Liberal Party members, who read about upcoming sales and supply bids in Liberal newspapers and could lobby Department clerks via their Liberal MPs.[176]

Managing the Patronage List was a time-consuming but important task. McLean and the accounting staff carefully scrutinized expense claims from field officers to ensure that their scarce resources were not wasted upon unapproved merchants.[177] Even so, he and Smart soon found their largesse spread so thin as to invite a barrage of complaints: the Indian Department overtly lacked the institutional capacity to respond to all demands placed upon it by the Liberal patronage network. "There are so many now on the patronage list that what goes to each one amounts to very little," Smart wrote in frustration in 1898, to an equally exasperated Winnipeg pharmacist.[178] The Department would "treat fairly all… on the patronage list," he assured a similar aggrieved newspaper editor who had not received a desired advertisement placement.[179]

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[175] LAC, RG 10, vol. 1121, McLean to Forget, January 8, 1898, and vol. 1122, McLean to Forget, September 9, 1898.

[176] The Liberal Patronage List is comparatively easy to study because of the elements which survive in McLean's letterbooks in RG10 and Sifton's correspondence files in MG27. However, the basic approach taken by the Liberals after the 1896 was comparable to that of the Conservatives prior to 1896. Shortly before the election, Reed had been severely professionally embarrassed when he updated the newspaper list by replacing the *Stonewall News* of Manitoba, a Tory organ, with the *Stonewall Argus*, a Liberal one. The *Argus* was quickly removed from the list and Reed apologized for inadvertently listing a newspaper that was "opposed to the Govt" as eligible to receive government advertising: LAC, RG10, volume 1118, Hayter Reed to Thomas Daly, 10 and 18 April 1896. Newspaper editors made no pretense of what we might now call journalistic objectivity in applying for revenue via the Patronage List: the editor of a Hamilton paper, for instance, assured McLean in 1903 that his outlet "has always been a warm supporter of the present government": *ibid*., volume 6664, file 109A-9-3, O'Hane to J.D. McLean, 4 March 1903.

[177] For instance, in 1899, Qu'Appelle agent J.A. Mitchell was reprimanded for carrying on official business with the Regina Trading Company, which was not on the Patronage List: LAC, RG10, volume 1123, J.D. McLean to J.A. Mitchell, 1 December 1899.

[178] LAC, RG10, volume 1121, James A. Smart to Pulford, 17 May 1898; see also Smart to A.E. Forget, 17 May 1898, ordering him to see that some purchases be made at Pulford's pharmacy when the opportunity presented itself.

[179] LAC, RG10, volume 1121, James A. Smart to Saint John Globe Publishing Company, 10 November 1897. The *Globe*'s editor had complained that his paper had not been paid to publish advertisements for the upcoming sale of fishing rights off the Big Hole Reserve. Smart assured him that this shortfall would be "made up to you by other advertisements later on."

In 1900, McLean instructed John Milton Platt, warden of Kingston Penitentiary and former Liberal MP for Prince Edward, that he should desist from seeing new clothing supply contracts because his low bids – financed by convict labour – might "raise objections" from Liberal merchants.[180] Officials were aware that the Patronage List sometimes meant paying higher prices for poorer-quality goods – in cases where suppliers deliberately maintained "class[es] of inferior goods specially made for Indians," for instance – but considered themselves powerless to intervene except in cases where the quality was so poor that they could justify refusing delivery of the goods.[181]

In a certain structural sense, we could say that the Great Purge of 1896-98 was not particularly important: it was an administrative conflict that did not touch upon matters historians assume to be the central pillars of official Indian policy, it did not meaningfully alter the significance of political patronage (despite the claims of some participants), and it did not even result in the removal of more than a minority of potential targets (despite, again, the wishes of some participants). But such an interpretation would, I think, miss several salient points. Partisan and political interests were important during the late nineteenth and early twentieth centuries, and at times – during the purge, for instance – they were paramount. Although the self-serving character of much of the work conducted during the purge is obvious, Liberal activists, including those with Indian status, did remove Conservatives they believed guilty of wrongdoing. And while it is true that in a sense the purge was incomplete – it soon became

[180] LAC, RG10, volume 1123, J.D. McLean to John Milton Platt, 18 March 1900.
[181] LAC, RG10, volume 1141, Indian Agent, R.N. Wilson to Adams Bros., 26 September 1900. In this case the agent obtained samples of superior products from a rival outfitter and hoped to arrange a change in approved purchasers. In another instance, Wilson reported that the contracted cattle supplier had given him "the worst lot of cattle ever shipped into this part of the country," but that he had been able to compensate for this to an extent by negotiating a lower price on the spot: *ibid*., Wilson to the Indian Commissioner, 31 March 1901. In still another, he complained to his flour supplier that their shipments were "musty and make bread of bad taste and smell," and asked them to "send nothing but good flour" in the future": *ibid.*, Wilson to the Manager, Calgary Milling Company, 15 January 1901.

mired in inquiries, paperwork, and feuds, then eventually petered out – the way in which it did so reveals much about the people and processes of the Indian Department bureaucracy (and distinctly echoes one frequent evaluation of how bureaucratic policies fail in the present). Patronage was more than a systemic failure or institutional flaw that rendered the Indian Department less competent, effective, or helpful than it might have been: the term captures alternative frameworks of identity, obligation, and reciprocity that governed the redistribution of wealth and office titles within the state. At least in terms of administrative practice, if not declaratory policy, patronage was not simply something that detracted from the implementation of Indian Affairs: it *was* an integral component of Indian Affairs.

If the great purge of 1896-1898 revealed the limited importance of Indian policy to many practitioners of Indian Affairs, it also prompted important and rapid changes in the population of the Indian Department. The Outside Service was awash with a flood of new Liberal hires; in Ottawa, the new deputy minister possessed little more knowledge of Indians or of Indian policy than the other new initiates. Some important career officials had not only remained in position during the purge: using their own partisan and personal connections, officers like John McLean too had advanced their status and prestige and assumed control over new areas of practice. These mostly little-known officials faced the challenge of coming to understand daily practice within the Indian Department and refashioning for themselves – a never-ending process in the bureaucracy – the content and meaning of "Indian policy." It is to the daily practices of those others, the means by which officials acted together both orally and in writing to constitute and perform "the Indian Department," to which I turn in the next chapter.

3. A Day in the Life of Bureaucracy: Statecraft in the Paper Trade

The primary daily activity of bureaucrats in the Department of Indian Affairs headquarters in Ottawa was the production, circulation and safe disposal of documents bundled into *files*, a term which captures both the physical file itself and the narrative that the contents of that file tell about the history of bureaucratic decision-making with respect to a particular subject. Indian Affairs headquarters files, during my study period, were primarily episodic narratives consisting of a chronological sequence of documents to which civil servants occasionally made additions. Their skeletal structure was an *incoming* query or report, usually from outside (from either the Outside Service, or outside the Department entirely), and an *outgoing* document proclaiming "the Department's" official response, customarily signed by the secretary, deputy minister, minister, and sometimes even the Governor General.[1] These file narratives remain historians' dominant primary source material for Indian policy history, yet critiques of Indian policy have proceeded in the absence of a comprehensive understanding of how the files themselves were generated and of what those processes can tell us about how the Indian Affairs bureaucracy worked during my period of study.[2] In doing so, we have tended to

[1] Depending upon the complexity of the issue, a *file* could also contain internal memoranda and consultative documents or directives sent by other departments or the Cabinet, and it could sometimes consist of many of these stimulus-response sequences dealing with what some of the clerks believed was essentially the same subject matter.
[2] Brian Hubner, "'An Administered People': A Contextual Approach to the Study of Bureaucracy, Records-Keeping and Records in the Canadian Department of Indian Affairs, 1755-1950" (MA thesis, University of Manitoba, 2000); Sean Darcy, "The Evolution of the Department of Indian Affairs' Central Registry Record-Keeping Systems: 1872-1984," *Archivaria* 58 (2004), 161-171; and Bill Russell, "The White Man's Paper Burden: Aspects of Records Keeping in the Department of Indian Affairs, 1860-1914," *Archivaria* 19 (1984-1985), 50-72, and "Indian Department Headquarters Records, 1844-1861: A Case Study in Recordkeeping and Archival Custody," *Archivaria* 75 (2013), 187-223, are important archival science publications, but they do not and are not intended to link fully the format and provenance of the official archival record, which they explore in some detail, with the daily practice of

take at face value what the file narratives seem to tell us about the composition and the flows of bureaucratic power: that is, that it was a heavily centralized institution in which decisions were made and money, especially, was jealously guarded by a very small circle of elites in Ottawa, perhaps just two or three senior bureaucrats and their Cabinet minister. From the personnel rosters we know they were surrounded by a much larger number of subordinate clerks, despite their near-invisibility in the files – who must have busied themselves merely with "inconsequential and boring matters."[3]

Yet "the Indian Department" did not produce these files; rather, in important ways, the files have produced "the Department."[4] The files are unreliable narrators, not just of the

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Indian Affairs, which they do not. Moreover there are important ambiguities in their description of the registry and letterbook system in place between the 1870s and 1920s, which I resolve in this chapter. While my analysis of the file in the Indian Department runs closest to that offered by Matthew Hull in *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan* (Berkeley and Los Angeles: University of California Press, 2012), chapter 3, the files that Hull explored – those held by urban planners in Pakistan – consist of a section for official notes, a collection of incoming and outgoing paperwork, and a section for exhibits and graphical materials, a level of order not found in the more simplified narrative files of the Indian Department. In contrast, the letter registration system described by Hull as currently in practice in Pakistan (pp. 120-121) bears surprising resemblance to the central Red and Black registers in use in the Indian Department a century ago, though Hull calls the register an "office diary." Though the specific processes thus differ, Hull and I are in general agreement that this process of manufacturing and exchanging paper was and is central to the generation of the state bureaucracy as agent; what I seek to add by juxtaposing top-down and bottom-up processes in this chapter, however, is the observation that the "normal" flow of a file was in part determined by the political influence of the petitioner: privileged settlers could, in effect, reverse the flow of paper through the bureaucracy to achieve desired ends.

[3] Douglas C. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890" (PhD dissertation, University of Lancaster, 1978), 529, see also 208, 318, 359-361, 506. For a list of appointments to the Inside Service in 1901, see Department of Indian Affairs, *Annual Report of the Department of Indian Affairs for the Year Ended June 30, 1901* (Ottawa: S.E. Dawson, 1901), II.230.

[4] Civil servants were well aware of the power *files* thus possessed, both politically but also physically, so much so that their production and storage had to be carefully managed, and they have sometimes had to be destroyed through elaborate rituals or housed in specialized mausolea to protect the ongoing work of the civil service. Indeed, *files* have grown so powerful over time that some contemporary politicians reportedly shun them entirely, for fear that they should one day break loose from the safe confines of government offices and cause untold political harm. On several occasions journalists have tested for the existence of documents in the B.C. premier's office through strategic Freedom of Information requests. Although documents generated by the premier and her closest advisors would probably be too powerful to share with outsiders, in responding to such requests, government officials must disclose that such documents exist but are not being revealed. Somewhat surprisingly, these requests have repeatedly revealed that premier Christy Clark produced virtually no documents: see, for instance, Travis Lupick, "FOI Response Suggests B.C. Premier Christy Clark has Basically Stopped Sending Emails," *Georgia Straight* (December 16, 2015). The official non-existence of documents is, possibly, a combination of the limited creation of new documents and the illegal destruction of those few which are created. Officials and politicians in many countries are returning to oral communication and unauthorized written forms of communication to evade public

Indigenous people about whom bureaucrats often wrote (though, when they did, their work was often coloured by the discourses of racial and gendered difference about which historians have already had much to say), but about what bureaucrats within "the Department" itself were doing. Indeed, most of the Department's bureaucrats are all but invisible in the files of this period – the Red and Black Series, as they are now known to historians and archivists. We should not mistake the *appearance* of the Indian Department in sources such as the Red and Black Series for the actually existing bureaucracy with which Indigenous peoples and other marginalized groups had to contend. Scant traces of the unspoken cultural norms, peculiar traditions, and petty rivalries that enlivened the offices have crept into the files – the half-serious battles over old office chairs and new telephones, campaigns to eliminate indoor smoking (more, proponents claimed, out of concern for the safety of the files than of their own lungs),[5] a father trying to arrange government work experience for his son, a subordinate's private fretting that his superior officer was mentally ill,[6] "humorous reading[s]" of letters from Indigenous people presented at retirement parties by old Department hand and non-status Mohawk Charles Cooke.[7] These small exceptions aside, one of the effects of files was the construction of an artifice of common

disclosure. Hillary Clinton's unofficial email server, to name perhaps the most notorious example, played an important role in the American federal election of 2016.

[5] LAC, RG 10, volume 1122, J.D. McLean, Memorandum to James Smart, February 23, 1899.

[6] One field officer did denounce another in 1909 as a "low, creeping reptile… [with] corrupting fangs… [and] greedy green eyes" (LAC, RG 10, volume 2908, file 185,723-7A, Hugh Miller to T.J. Fleetham, March 31, 1909), but for the most part, terms of opprobrium, mockery, or even genuine concern were usually confined to less official sources like private diaries or reminiscences. For instance, B.C. officers suspected that regional manager Arthur Vowell was seriously mentally ill, but do not seem to have relayed these concerns to Ottawa. Newly appointed Bella Coola agent Iver Fougner recorded in his diary in 1910, after meeting Vowell for the first time, that "people say he is a crank," but on that occasion that he had been polite and had even presented the new agent with a cigar: BC Archives, E/C/F82, diary entry for February 15, 1910. Hazelton agent Richard Loring told anthropologist Marius Barbeau that during one awkward field trip to Kitwancool, Vowell "had, quite frequently, pillow fights with himself and, at the same time screaming at the top of his voice, when in reality he was quite alone in his tent, etc.": BC Archives, MS-2101, file B-F-202.52, R.E. Loring to C.M. Barbeau, April 12, 1921.

[7] *Ottawa Journal*, March 24, 1937, p. 13, "Gifts Presented to Six in C.S."

purpose, unity and devotion to duty, a mostly cohesive group led by elites who made, or at least signed their names to, virtually all significant decisions.

This chapter is a tale of two such files, in which I seek to interrogate both what the official files may tell us and also what they fail to tell us about what bureaucrats did, the sorts of decisions they made, and who made them. The first is what is known as a "Black" file narrative about the Indian Department's installation of a new $212 furnace in the Catholic church maintained by Maliseet people living on the Tobique reserve in New Brunswick. The second is a lost "Red" narrative – the file for which seemingly does not survive, though its contents can be partially reconstructed from alternative sources – about how the Indian Department retroactively classified an already deceased Indian woman, Elizabeth McDougall, as destitute so that it could cover up as a welfare payment the quiet repayment of her debt to Daniel Lynch, one of her politically well-connected creditors, a would-be benefactor of the Great Purge. Each, in its own ways, reveals important dimensions about how the Indian Department functioned on a day-to-day basis and about the way *files* circulated within it – the first through scrupulous observance of due process for the (ostensible) protection of an Indian band, the second the commandeering of that process to benefit a political ally.

In both cases, the Indian Department effectively solved problems that arose Outside free of cost to itself by drawing upon a special trust fund that it managed – ostensibly – in the interests of the Indians. In both cases, moreover, the files suggest that the same few elite officials, namely Secretary John McLean and his Cabinet minister, made the decisions personally and wrote *as* the Department in their documents; that is to say, their views and those attributed to "the Department" are synonymous in the documentary record. Apparently, "the Department [wa]s willing" to come to the aid of both the Tobique people and the creditor Lynch, and "the

Department" sent out money in both cases, although in the latter case the dubious matter of posthumous servicing of debt as a welfare payment led one official to remark a trifle nervously that "the Department has gone… as far as it would be justified."[8]

A straightforward, conventional interpretation can suggest *why* such seemingly minor, mundane files mattered in terms familiar to historians. The Tobique narrative may be read as a microcosm of Indian policy history, conventionally understood: the Indian Department wished to promote Christianity in Indigenous communities, but balked at the infrastructural (and other) costs implicit in assimilation policy. In the file, McLean deftly reconciled such potentially competing policy objectives as political and religious assimilation, land dispossession, and cost avoidance: the Department was quite happy to support the Tobique Maliseet's church improvement project, provided that they formed a highly gendered form of municipal government prescribed by the Indian Department, converted their already limited reserve land base into capital, and worked within standardized paperwork norms to access the resulting funds in the form of project grants. The McDougall-Lynch episode is, in contrast, a simpler episode – again, seemingly – of administrative hypocrisy in which McLean and his political superiors, faithful to the Indian Department's underlying project of systematically privileging white settlers (frequently in the form of legitimizing land and resource dispossession), contrived an official rationale to divert band funds raised through land sales to a well-connected settler.

However, such explanations do not really articulate *how* the events they purport to describe actually happened. Indeed, the ultimate outcome – white settlers enjoyed privileged access, while Indians did not – will probably be unremarkable to most readers. But my objective in this chapter is not limited to exposing the existence of racialized inequality. I explore how it

[8] LAC, RG 10, volume 1124, J.A. Smart to C.W. Colter, August 9, 1900.

really operated in practice: *how* the mechanisms of statecraft operated to open doors for privileged settlers while steering Indigenous people into what might today be called "proper channels," how the files seemingly documenting bureaucrats' decisions were generated. Here, I push beyond simplistic, "org chart"- and "official mind"-driven models of the Indian Department towards a more complex and empirically rigorous description of colonial bureaucracy, one which, in turn, complicates how we envision prospects for reform or reconciliation today.

Bureaucratic activity was not united by a shared belief in the rightness of Indian policy or a common body of knowledge about Indians but by a series of processes that I call, in this chapter, the bureaucratic *paper trade*. I mean the term in two senses: both the manufacture, exchange, and consumption of paperwork (the trade *in* paper), and the experience and expertise that were necessary to achieve success in that setting (the trade *of* paper or paperwork). Within the headquarters, comparatively safe from the back-and-forth partisan purges that moulded and ended careers Outside, clerks advanced by mastering the paper trade more so than by demonstrating their mastery at developing or implementing new government policies, or by becoming subject matter experts in Indian or other affairs. This trade created the appearance of decisive elite action – the Indian Department funded Tobique's church furnace, and paid McDougall's debts – but, ultimately, was about the careful management of files: their creation, their passage through different parts of the headquarters, their augmentation with new documents, the production of decisions, in most matters culminating with their ratification or sanctification by the bureaucratic and political elite, whose involvement was usually limited only to the final stages of production.

This had a number of important effects, two of which I particularly highlight in this chapter. First, from the perspective of decision-makers within the Indian Department – both the

ones actually making many decisions in practice and the ones signing their names to the outgoing correspondence that now survives in the files – the constant press of generating appropriate responses to mundane and minor issues while maintaining an artifice of centralization consumed much of the available time and resources. This left very little space to implement new policy reforms or to do more than react to serious problems with what, in contemporary bureaucratic parlance, is colloquially known as "fire fighting."[9] In the aftermath of a serious *actual* fire in 1897, federal bureaucrats even began to recognize this problem in environmental terms, expressing fears that the files with which they sought to control the world had grown so numerous as to now threaten the bureaucracy itself with physical conflagration.

Second, as these two files demonstrate, in the colonial context the paper trade *itself* could function as an instrument to exacerbate marginalization through the unequal means available to privileged and marginalized populations to engage with bureaucrats. The rigorous proceduralism of the documentary system was not just a method by which literate elite settlers imposed their will at great distances over frequently non- or less-literate Indigenous people. Rather, one of the key markers of privilege was informal *exemption* from the documentary system, as constituents frustrated with the normal administrative channels turned to personal lobbying by their MPs and to documentary routes that ran through the minister's office and elite bureaucrats' private files, outside of the official Red and Black Series. Just as non-elite officials cloaked their actions in the appearance of elite involvement in routine matters, elites could also sometimes rely upon the bureaucracy to mask their occasional interventions with a guise of official protocol and procedure.

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[9] The fire-fighting problem is widely recognized in the public administration literature on bureaucracies. For two early descriptions, see, for instance, Arnold J. Meltsner, *Policy Analysts in the Bureaucracy* (Berkeley and Los Angeles: University of California Press, 1976), 54, and Graham Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis*, 2nd edition (New York: Longman, [1971] 1999), chapter 5.

How did one attract attention and assistance from the central practitioners of Indian Affairs? The simplest way was, of course, to write a letter to the Indian Department, the arrival of which at the headquarters initiated the Red and Black file-generating process. Both Lynch and the men of the Tobique band council – as originally constituted under the *Indian Act*, such bodies were exclusively male – began their applications for Indian Department assistance by writing letters to the Indian Department, the first asking for assistance in getting Elizabeth McDougall's debt repaid and the second for assistance in procuring "a suitable and first-class furnace" for their church.[10] To access the funds needed to improve their church, the Tobique band council worked within the strictures of bureaucratic due process, initiating a documentary chain that ultimately stretched all the way through the bureaucracy to Rideau Hall. Faced with the rejection of their first petition, they submitted a second, dated July 16, 1901. This time, Farrell, their Indian agent, attached not only his certification of the council's decision but also a written estimate from a local tradesman. This second petition is written in Farrell's hand on their behalf and signed by 32 male band members, seven in their own hand, the remainder with Xs.[11] (It is worth noting, for the sake of fully characterizing the scope of official communications, that the Indian Department also received telegrams from Outside, and that a few field officials – but perhaps not Farrell and certainly not any band governments – frequently used commercial-grade

[10] Neither petition survives in the headquarters files. Lynch's letter is in the missing file, but the response is LAC, RG 10, volume 4919, J.D. McLean to Daniel J. Lynch, March 17, 1900. The first Tobique petition was sent back upon rejection, but was originally enclosed with the cover letter LAC, RG 10, volume 2391, file 79,990, part 1, James Farrell to J.D. McLean, June 10, 1901. The quoted language actually comes from the second petition, LAC, RG 10, volume 2391, file 79,990, part 1, resolution of the Tobique Band, July 16, 1901. McLean's denial is found in the same file, J.D. McLean to James Farrell, June 17, 1901.

[11] The first petition seemingly does not survive, but was originally enclosed with LAC, RG 10, volume 2391, file 79,990, part 1, James Farrell to J.D. McLean, June 10, 1901. The second is in the same file, petition of the Tobique Band council, including chief Frank Francis *et al*., July 16, 1901. "Touching the pen" and X-marks were common methods of recording the assent of non-literate Indian men in official proceedings at this time. These practices were, for instance, also used when the Indian Department approached Ontario First Nations like the Saugeen people discussed in the previous chapter.

book ciphers when utilizing this medium. However, the church furnace was not an urgent matter and so none of the communications on this subject were sent via telegram, let alone in code.)[12]

In contrast, bureaucratic insiders and privileged settlers did not need to be so formal and regimented in their written work. Where typewriters, stamped signatures, and Indian agent certifications imparted formality to incoming letters, those at the top of bureaucratic hierarchies trucked in what from outsiders would be evidence of unsophistication: handwritten notes, graffiti scrawled in the margins of others' letters – or even *verbal* discussion of the issue, eschewing paperwork entirely. Internally, such methods signalled a higher degree of personal interest and social capital than a mere typed letter, the latter signaling potentially that it was of *lesser* interest, drafted for them by a secretary. Outsiders with suitable political connections – which some unenfranchised Indians had enjoyed during the Purge, but of which they effectively had none following their mass removal from the electoral rolls after 1898 – similarly sought alternative decision-making channels outside of the official paperwork process by retaining their Members of Parliament to lobby ministers and senior bureaucrats directly. The importance of informal politics outside of elections to the exercise of the franchise in this period should not be underestimated: Indians lost not only the right to vote in 1898 (or never had it to begin with) but also, as a result, access to the informal networks that, through MPs, operated over and alongside

[12] Both government bureaucrats and political party officials made use of such ciphers during my study period. The essential basis of a standard book cipher was a dictionary-style codebook. Several were used in the Indian Department, including the Western Union Telegraph cable codebook and the Slater Code book. Each correspondent was given an assigned encryption number or "confidential number," and then messages could be encoded and decoded using the codebook. The result was a telegram composed, to the uninitiated eye, of seemingly random, nonsense words. For example, B.C. regional manager Arthur Vowell – the man whose subordinates suspected he had grown mentally ill – used the Western Union cipher book with an encryption number of five, meaning he composed messages by choosing words five entries down in the cipher book from the words of his plaintext message, and then an official in Ottawa reconstructed the intended message by reversing the process: LAC, RG 10, volume 1123, J.D. McLean to Arthur Wellesley Vowell, March 23, 1900. For other discussions of Indian Affairs codes, see volume 1121, J.D. McLean to Thomas Aspdin, March 3, 1898; volume 1123, J.D. McLean to J.A. Macrae, June 27, 1899; and volume 1126, Frank Pedley to James Wilson, May 20, 1903. Obviously, the manual work necessary to produce and read coded messages limited the book cipher's use to sensitive telegrams, not lengthier written reports.

normal bureaucratic channels. It was to these networks that Lynch turned when McLean and the Indian Department initially rejected his advances. The surviving records indicate he was able to activate at least three Liberal politicians to press his case both in writing and in person: Charles Heyd (the MP for Brant South), Andrew Thompson (Haldimand), and Charles Colter (formerly for Haldimand).[13]

I mention these seeming banalities because they illustrate the entry points into decision-making processes within the bureaucracy that sometimes crossed, but were obviously distinct in ways not easily discerned from the Red and Black files with their particular narrative conventions. One path, used by the Tobique Band, was a bottom-up process answered by an overt performance of centralized power, even though most of the important work of considering the petition was actually carried out by anonymous lower-ranking officials. The other, enjoyed by Lynch, was a top-down process in which political elites achieved, though not without difficulty, their desired ends while maintaining a façade of bureaucratic routine. The first path reveals the complexity of even seemingly simple bureaucratic decision-making. The second hints at murkier and more furtive political networks underlaying such decisions, in which operatives made use of in-person lobbying, telephone calls – though not, of course, until after McLean's campaign for telephones finally triumphed[14] – and, especially, "personal" and

[13] Although there was only one documented lobbying visit on Lynch's behalf, there are numerous official records of such visits in the archives, such as LAC, RG 10, volume 1128, J.D. McLean to J.G. Ramsden, September 14, 1910. Indians of course could and did visit the Department offices as well, but arranging trips to Ottawa was expensive, they had more difficulty (as non-voters) finding MPs willing to represent their interests, and even when they did appear before an official like McLean, they did so without the benefit of a political patron who could assure them fair hearing. A synopsis of one such meeting can be found in LAC, RG 10, volume 1123, transcript of meeting between J.D. McLean and members of the St. Regis Band (now Akwesasne), September 28, 1899. Indian Affairs officials do not seem to have been excited by prospects of in-person visits with Indians at the headquarters and, where possible, discouraged them. One Algonquian woman, who wished to present her family's land claims around Lake Temiskaming in the years after the First World War, for instance, was brusquely told not to come to the capital at all and should not expect to receive an audience if she defied this advice: see contents of LAC, RG 10, volume 3196, file 497,006 1/2.

[14] LAC, RG 10, volume 1128, J.D. McLean to F.F. Pardee, November 12, 1908.

"private" letters that did not always make it onto the official *files* or, as McLean and Smart regularly did with their old patronage lists in Chapter 2, were destroyed as a protective measure. Political elites could bridge the two worlds by trying to redirect the bureaucracy through policy reform, but – to continue an argument I advanced in Chapter 2 – during Sifton's tenure, in particular, many Liberals more concerned with redistributing Indian Affairs resources to the party faithful than with deep structural reforms to Indian policy.

The work of transforming incoming letters and lobbyists' requests into outgoing proclamations of decisions – whether a bottom-up initiative to prepare a decision for signature, or a top-down effort to rationalize a decision already taken elsewhere – was the province of the clerks of the Inside Service, who daily converged on the small cluster of departmental headquarters huddled around (and in some cases inside of) the Parliament Buildings in downtown Ottawa. Secretary McLean and accountant Scott did not have to travel far: Scott from his home a few blocks away on Lisgar Street, and McLean from just a little farther away on Somerset, where he had moved after the palace coup of 1897. He might have been joined on the walk to the office by two of his near neighbours who also worked in Indian Affairs, Samuel Stewart (promoted from records clerk to become McLean's deputy after the Purge) and Robert Dalton (who assisted with the Tobique file).[15] Symbolizing his elevated status, McLean carried with him the Department's subscription copies of the Liberal-leaning *Toronto Globe* and *Ottawa Free Press* as well as the Tory-leaning *Toronto Mail and Empire*, delivered to his home

[15] Scott's address has been previously published: see, for instance, Robert L. McDougall, "D.C. Scott: A Trace of Documents and a Touch of Life," in *The Duncan Campbell Scott Symposium*, ed. K.P. Tsitch (Ottawa: University of Ottawa Press, 1980), 128. McLean's address is given in internal correspondence in LAC, RG 10, volume 1125, J.D. McLean to the Proprietor of the *Ottawa Journal*, January 29, 1903. The Ottawa city directories indicate his earlier address, as well: see Might Directory Company of Toronto, *The Ottawa City Directory, 1896-97* (Ottawa, 1897), 59, 92, listing McLean at 38 Charles and Stewart at 356 MacLaren, and *The Ottawa City Directory, 1899*, 121, listing McLean at 315 Somerset and Stewart at 422 MacLaren. For Dalton's address, see same author, *The Ottawa City Directory, 1901*, 65.

address.[16] (He might, therefore, have already noticed the *Globe's* opinion, published the same day as the Tobique petition arrived in the Department, that Indian deaths from tuberculosis and alcoholism were part of an evolutionary "immunizing process" from which a constitutionally stronger remnant would one day emerge that could, like white people, "safely eat… food… no matter how many microbes" it contained.)[17]

Together with their junior colleagues, McLean and Scott entered Indian Affairs' cramped quarters in the East Block of Parliament, signed the attendance book, and set to work for the day. Indian affairs, like other branches of government, were carried on for up to six hours daily, from 9:30 a.m. to 4:30 p.m. with at least an hour for lunch.[18] (The midday break was a contentious matter: until 1900, Indian Affairs clerks took only a one-hour lunch while their Interior cousins took 90 minutes. When the former contingent protested this arrangement to their shared deputy minister, James Smart, he imposed what must have proved an unpopular compromise: clerks in both houses would receive 75 minutes.)[19] This modestly extended lunch break was still not enough for some of the clerks, who, their superiors complained, signed the attendance book,[20] turned straight around, and walked out to spend their mornings on the town.[21] Most days,

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[16] LAC, RG 10, volume 2583, file 117,890, Duncan Campbell Scott, Memorandum for the Deputy Superintendent General, January 13, 1903. Shortly after Scott sent this notice, McLean's personal newspapers were re-routed to the Department headquarters, for which Scott may have been to blame: same file, J.D. McLean to C.H. Thorburn, January 29, 1903.

[17] *Toronto Globe*, July 25, 1901, p. 4, "Immune to Bovine Tuberculosis."

[18] Some officials occasionally worked overtime, especially during the busy Parliamentary season, to cope with the added demands of formal questions and informal lobbying: LAC, RG 10, volume 1120, J.D. McLean to James A. Smart, July 2, 1897, and volume 1123, J.D. McLean to Sherwood, May 19, 1900. The precise hours fluctuated and often ended at 4:00 p.m., but in February 1900 McLean indicated that the workday was extended to 4:30 p.m.: LAC, RG 10, volume 1123, J.D. McLean, Memorandum, February 15, 1900.

[19] Royal Commission on Civil Service, *Minutes of Evidence* (Ottawa: S.E. Dawson, 1908), I:254, and LAC, RG 10, volume 2277, file 55,412-1, J.D. McLean, Memorandum to the Deputy Superintendent General, November 27, 1900, and James A. Smart, Memorandum to Mr. McLean, November 28, 1900.

[20] I located no surviving copies of the Indian Affairs attendance books, but by descriptions in other files they were unremarkable. Officials signed in upon arrival. At 9:35 a.m., a clerk drew a line in the book to distinguish any latecomers. Later, McLean initialled the page for the day. See, for instance, description in LAC, RG 10, volume 1128, Frank Pedley to George O'Halloran, February 3, 1908.

[21] This practice eventually earned a rebuke: LAC, RG 10, volume 2277, file 55,412-1, James Smart, Memorandum to Mr. McLean, February 14, 1900.

Deputy Minister Smart and Minister Sifton could be found in the minister's office across the street in the Langevin Block,[22] leaving McLean, with his newspapers and the privileges he had negotiated during the Purge, as the highest-ranking official effectively present on a daily basis. In this capacity, McLean – and, in his occasional absence, his deputy, Samuel Stewart – signed the vast majority of outgoing correspondence and thus seemingly made most decisions within the Department (and referred those they did not make to the deputy minister or minister). It was most often these four men who, in the file narratives, imparted to their audiences the will of "the Department." But how, on dozens of letters sent every day on topics as diverse as the Tobique heater or Elizabeth's estate, was the will of "the Department" arrived at?

First, a new issue had to somehow be recognized, made official, and accepted as appropriate material for the Department to consider. In 1901 the routine, bottom-up process of forming "the Department's" view of a particular question began when a letter addressed to the department arrived on the floor above McLean's office, on the top floor of the East Block in an understaffed unit known as the registry or records office.[23] The registrars were, essentially, the curators of the Indian Department's institutional memory: they created new file narratives when they deemed necessary, interpreted new correspondence for the benefit of their colleagues in other department branches (houses) by linking it to existing historical file narratives, and retrieved old file narratives when their colleagues sought additional precedents on how to proceed, out of stores that included tens of thousands of modern numbered files as well as older, less well-organized, the oldest of which predated the Seven Years' War.[24] During the Purge, the

[22] In addition to the minister, his Indian Affairs private secretary, J.A.J. McKenna, also had an office in the Langevin Block: LAC, RG 10, volume 1123, J.D. McLean to J.E. MacPherson, March 1, 1900.
[23] This office possessed independent branch-level status, as the Registry Branch, prior to McLean's coup of 1897 and after the re-establishment of most of the independent branches later in the decade. LAC, RG 10, volume 1120, J.D. McLean, Memorandum, April 6, 1897, described the new Secretary's Branch as comprising the former correspondence clerks plus those dealing with supply and statistics, records, and schools.
[24] LAC, RG 10, volume 8586, file 1/1-6-3, A.E. St. Louis to the Director, August 3, 1937.

head of the registry was McLean's near neighbour, Stewart; however, after the newly promoted Secretary's palace coup, Stewart moved up to become McLean's deputy, leaving a power vacuum in the records office. Eventually it was filled by George Matheson, who remained as its director for decades and authored an extensive, unpublished series of historical commentaries and synopses known to archivists as "Matheson's Blue Books."[25]

There was a second pathway to initiate a response from the department. Party insiders' private letters to Sifton or even to McLean, for instance, often were not filed unless and until it was necessary to spur action from subordinates. For instance, Colter's "private" letter advocating for the debtor Lynch reached McLean directly – who also responded to him directly – and was not logged in by the records clerks.[26] In quantitative terms, however, almost certainly the bulk of Indian Affairs letters moved through official channels. The second attempt by Tobique Band members to fund their furnace accordingly arrived in the register room on July 25, 1901, ten days after Farrell had written it for them. Seventy-four other letters arrived at the office the same day, on topics ranging from road construction to residential schools.[27] The breadth of the Department's totalizing assimilation policy was thus reflected in the diversity of its documentation. July 25 was in fact a slow day – in total, the registry clerks logged 28,292

[25] LAC, RG 10, volumes 10017-10031. Matheson's predecessor, Stewart, also write a less important compendium of Indian policy history from 1713 (the Treaty of Utrecht) to the present, which one of his colleagues hailed as "a standard for all engaged in Indian work": LAC, RG 10, volume 3016, file 218,410, part 1, Samuel Stewart, "A History of the Indian Department in Canada and the Imperial Government," 1907, and J.A.M. (probably James Ansdell Macrae) to Samuel Stewart, October 10, 1907.

[26] I have not found the original letter, but McLean alluded to it in his – also private – letter of March 20, 1900, in LAC, RG 10, volume 1123, J.D. McLean to C.W. Colter, March 20, 1900. There is no corresponding entry in the Red Series register, indicating that – at least at that time – the Secretary did not share Colter's letter with the records branch. Private filing, or non-filing, of correspondence was not restricted to partisan matters alone. Sifton received reports from his private secretary, J.A.J. McKenna, on the negotiations for Treaty Eight, for instance, which he shared with Indian Department officials, but he also asked that they be returned so he could retain them in his own files: LAC, MG 27 II-D-15, microfilm reel C-490, Clifford Sifton to J.D. McLean, August 24, 1899.

[27] On the change of leadership, see LAC, RG 10, volume 1123, J.D. McLean, Memorandum to the Deputy Superintendent General, December 1, 1899. The incoming mail statistics are a sum of the entries in LAC, RG 10, volume 4155, Black Series Register, entries for July 25, 1901 (numbers 216134-216163), and, entries for July 25, 1901 (numbers 236622-236666).

new incoming letters in 1901, or an average of in excess of one hundred per workday. The annual consumption of incoming letters rose to 47,964 in 1913, the year Scott took power.[28]

Properly intaking a mere letter and integrating it into a file narrative was a complicated process that could require work by several officials.[29] First, Matheson or another official present opened the letter and stamped it with the date of receipt (July 25, 1901).[30] Another clerk then summarized its contents in one of two hefty tomes called "correspondence registers" – one with a red cover for the central provinces (Ontario and Québec), another black for the periphery (everywhere else) – and stamped it by number according to its entry in the book. The Tobique petition thus became Black letter number 216,160.[31] Next, sometimes with the assistance of a second clerk called the "indexer," the registrar searched for an old file narrative on a related topic to which the new letter could be appended. If the search failed to produce results, he or she could open a new file by getting an empty file cover, stamping it with the same number as the letter (which thus became the file number, as well),[32] and sometimes jotting a few notes on the

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[28] This figure was arrived at arithmetically with reference to the Black and Red Series correspondence registers, since the *Annual Reports* did not always disclose total paperwork production figures during the Laurier years. The figures suggest a gradual increase over time, since those *Reports* indicate receipt of 63,000 letters and production of 24,000 outgoing ones in 1920-1921, up from 4682 received in 1867-1868: Library and Archives Canada, *Indian Affairs Annual Reports*, *Annual Report for 1868*, p. 5, and *Annual Report for 1920-1921*, p. 20.

[29] No description of the registry labour process in place in 1900-1901 survives, but extensive descriptions do exist both before and after those years: LAC, RG 10, volume 8586, file 1/1-6-4, K.J. Henry to A.M. Burgess, March 15, 1884, and G.M. Matheson, Memorandum: Records Branch, March 8, 1912. There were nine staff in the registry office after Stewart transferred to McLean's office in 1898: same file, memorandum to the Deputy Superintendent General of Indian Affairs, February 3, 1905. The descriptions of work in the Registry Branch do not differ except in that the growing number of personnel permitted greater subdivision of labour, especially after the creation of the subject registers in the 1880s. In addition to processing new letters, which probably did not severely strain any records clerks except for the subject indexers, personnel in this office also were responsible for curating and maintaining old files and maintaining a steady flow of already existing files to and from the other branches, where other clerks needed to refer to them.

[30] Until 1898, registered mail was sent unopened to the accountant's office, instead of being opened by the registrar. In that year, however, Smart directed that all mail be opened by a single official: LAC, RG 10, volume 2277, file 55,412-1, James A. Smart, Memorandum to Mr. McLean, September 13, 1898.

[31] These volumes now survive in RG 10 as volumes 3252-3406 and 4096-4246. The Tobique letter is registered in LAC, RG 10, volume 4155, Black Series register, entry 216160, July 15, 1901.

[32] This practice explains why any file list for the Red and Black Series seems to imply so many large gaps in the collection: it is actually the letters, and not the associated *files*, that are numbered sequentially. The volume numbers

cover. In the Tobique affair, however, the search succeeded: the Tobique petition was added to Black file 79,990, a sequence of documents on the band's church renovation projects dating back to another letter registered in 1891. In this way the registry clerks bound letters to the Department's history and, in so doing, prepared them for consideration by colleagues in other branches, who could now interpret the new letters in the context of how they had previously handled the same issue.

Generating and maintaining files in this fashion was the defining activity of a bureaucracy organized around a numeric documentation system like the Red and Black Series. Indian Affairs clerks opened the Red Series on April 2, 1872 with letter number 1, a clergyman's "refutation of charges against him." They faithfully kept it and a second series, the Black Series, opened a decade later, up until 1923, by which time they had logged about one million letters.[33] The advent of the series transformed recordkeeping that had, since the 1840s, relied upon a cruder system in which the correspondence clerks folded incoming letters, wrote abstracts on the back of them, secreted these "dockets" away in pigeonholes with no systematic means of retrieving old material or chaining it together to form narratives, and then recorded their outgoing responses separately in a letterbook.[34] Provided the registry clerks could reliably recall and retrieve the relevant Red and Black chains, they could potentially extend the narratives over many years of activity: the Tobique church file, for instance, extends from 1891 into the 1950s.[35]

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also subsequently imposed at the national archives bear no relation to the original basis of the series: there is one Black Series and one Red Series, within which each letter and file number is unique.

[33] LAC, RG 10, volume 3252, Red Series register, entry 1, April 2, 1872. Clerks then opened the Black Series in 1884 and divided correspondence from the outlying provinces (Black) from that arriving from Ontario and Québec (Red). For this reason, the Tobique file is a Black narrative, number 79,990, while the missing McDouall one is a Red narrative.

[34] The origins of the preceding documentary system of dockets and letterbooks was recently described in some detail by Bill Russell in "Indian Department Headquarters Records, 1844-1861," *Archivaria* 75 (2013), 187-223; and summarized further in Hubner, "An Administered People," 63-64; and Cook, "Paper Trails," 15.

[35] LAC, RG 10, volume 2391, file 79,990, part 1, superseded by volume 7569, file 4066-2, parts 1 (1905-1919) and part 2 (1919-1933), and those in turn by volume 8284, file 271/73-1-16-20 R.C.

The registry clerks were not always so successful, however, and so the Red and Black Series are replete with failed, abandoned, or simply unclear narrative fragments that can easily trip up or evade the historian: missing files like McDougall-Lynch's, unnecessary new files when they overlooked an existing one (there were, for instance, two files for Tobique building work that they kept open in parallel, with seemingly overlapping subject matter, plus a third, earlier and abandoned file relating to the church's initial construction), and other documents linked together or separated according to some scheme seemingly obvious only to the late registrars.[36]

Notwithstanding such occasional shortcomings, the capacity to store, recall, and retrieve historical narratives on subjects ranging from church renovations at Tobique to, say, firefighting equipment at Kahnawake[37] required considerable skill on the part of the registry clerks in a system where true subject files were as yet, effectively, not in use.[38] This skilled labour

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[36] LAC, RG 10, volume 1971, file 5411, and volume 2293, file 58,545. The earliest letter now in this file is actually letter number 59,278, and pertains to the erection of a community hall. The 79,990 file jacket has written upon it references to file 58,545 and also to file 105,834, which does not survive. In other cases, although a general file already existed, clerks sometimes seemingly forgot about it and created new ones instead. For instance, although there was a common file for Departmental Orders internal policy statements; LAC, RG 10, volume 2277, file 55,412 and 55,412-1), there are also numerous orders stored individually in their own files. In such instances it is now unclear whether they were filed separately because in the registrars' minds there were clear distinctions, or whether they were filed separately because the registrar clerk could not locate the main order file on that particular day.

[37] LAC, RG 10, volume 2710, file 143,393.

[38] Terry Cook, "Legacy in Limbo: An Introduction to the Records of the Department of the Interior," *Archivaria* 25 (1987-1988), 73-83. The absence of subject files may seem extraordinarily counterintuitive and inefficient from a contemporary perspective, but was not unusual in late nineteenth-century offices, and the episodic Red and Black Series – together with similar filing systems used in other departments – may be seen as an intermediate moment between pigeonhole-based systems and classical twentieth-century subject files. There were material as well as intellectual obstacles to the development of new subject databases. Thomas Dewey introduced the decimal system-based vertical file catalogue – through which a user could quickly thumb to locate a desired item – in 1876, four years after the opening of the Red Series, and vertical filing cabinets – into which tabbed folders could be deposited to serve a similar purpose – were developed only in the 1890s, though they evidently were in widespread use by the Great War: JoAnne Yates, "From Press Book and Pigeonhole to Vertical Filing: Revolution in Storage and Access Systems for Correspondence," *International Journal of Business Communication* 19, no. 3 (1982), 16.

Still, the above statement requires three important qualifications. First, beginning in the 1880s, registry clerks maintained written subject indices of varying degrees of formality and completeness outside of the official correspondence registers, which served them as necessary memory aids while the Department's collection of *file* narratives gradually expanded into the tens of thousands. Indexing was time-consuming work and seems to have perennially lagged behind the arrival of new material. In the mid-1880s, Duncan Campbell Scott even arranged part-time work for his father, a retired missionary, to come in and organize some of the old files: LAC, RG 10, volume 2294, file 58,688. The difficulties caused by overwork are discussed in greater detail by Russell, "The White Man's Paper Burden," 59-61. In general, the index volumes are signed by the chief registry clerk (during my

facilitated, in turn, expanded roles for other trappings of seemingly impersonal, centralized bureaucratic administration. The Red and Black Series depicts a reactive department and, while the empirical evidence does suggest most bureaucrats spent most of their time working reactively or putting out fires, we should not lose sight of the effects of the implicitly reactive narrative structure itself. Properly constructed files from the registry office marshalled Departmental history in a way that allowed officials in other branches to assume the formal, impersonal guise necessary to speak authoritatively and – seemingly – knowledgeably on behalf of "the Department." The editorial work of creating a file was as much about parsimony as education:

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time, Matheson and Stewart) and consist of agency and topic entries together with associated Red and Black *file* numbers. Surviving indices include LAC, RG 10, volume 11190, files 3 and 4; volume 11191, file 1, "Mr. Stewart's Old Index Book"; file 2, alphabetical and nominal register, 1881-1905; file 3, "Key for Finding the Old Indian Records Both in the Department of Indian Affairs and in the Archives," 1723-1922; volume 11397, G.M. Matheson, "Index of Indian Reserves," September 21, 1907; volume 11398, files 2-5, school indices; file 6, "Notes on Policy and Rulings"; file 9, Black Series surrendered lands index; and file 10, appointments index. (The latter volume opens with a pasted quotation from Dickens: "let us be among the few who do their duty.") These volumes appear to be what Darcy refers to ("The Evolution," p. 165) as the "Subject Extension Registers," but he does not cite the volumes he has in mind.

Second, as noted by Darcy in "The Evolution," p. 166, the registry clerks *did* commandeer several *file* numbers in the Red Series to create a genuine subject-based filing system in 1902, and then did the same in the Black Series, probably some time between 1902 and 1913. In the case of the Red Series, they did so by designating numbers 254,000-254,022 to subjects rather than incoming letters (LAC, RG 10, volume 3327, Red Series register for 1902). Topics in the register included land and timber sales (seven file numbers were allocated for this subject), other financial issues (three numbers), band government elections, funeral expenses, "immorality," alcohol, office rent, postage, welfare, salaries, "sanitary measures," seed and grain distribution, stationery requisition, and travelling expenses. The Black Series houses a similar subject series starting at 427,000, but its creation cannot be as described by Darcy, since the dates he provides do not correspond with the letter number ranges that he claims. Once the new "sub[ject] number" system was in place, according to Darcy, Matheson prepared a conversion table cross-referencing subjects in the 254,000 block of the Red Series with those in the 427,000 block of the Black Series. Notwithstanding the creation of these blocks, the registry clerks continued to create other file narratives and add letters to unrelated narratives outside of these blocks for the duration of the Red and Black Series; thus, the subject-file transition was only a partial one, though an important one.

Third and finally, outside of the 254 and 427 initiatives, the registry clerks also did effectively turn some file numbers into subject-based repositories over time: for instance, a large number of Indian debt issues were appended to Red *file* 133,239 (originally created to house a legal opinion from the Justice Department), Parliamentary returns went into file 185,723 (which ultimately grew to span 11 volumes at the archives, and was large enough to warrant its own special subject index): LAC, RG 10, volumes 2663-2665, file 133,239-1, parts 1-4; and volumes 2905-2915, file 185,723, various subsections, with its index located in volume 11191, file 5, "Index of Returns to the House and Answers to Questions of the Senate and House of Commons Since 1897," 1897-1939. For complex land sales, the clerks sometimes used the original correspondence file as the subject number and then added files with suffix numbers: for instance, the surrender of the Blackfoot Reserve – to which I return in Chapter 5 – is recounted primarily in Black file narrative 406,557, to which is appended various supplementary sales files numbered 406,557-1, 406,557-2, and so on.

the next official to open it likely would not know, and implicitly did not need to know (though she or he could always request more information from the registry) more about the person or band involved than the contents of the file at hand, say, for instance, how the Tobique band's Trust Fund account was replenished by sales of its surrendered reserve lands or that its reserve possessed an unusually well-regarded (at least by bureaucrats) day school that was theoretically educating local men to the point that they could read and sign the application for the funds.[39]

I recognize that the arcane details of basic file preparation may seem superficially of little interest to many readers. However, it is important to appreciate the implications before dismissing the work of a large portion of the Inside clerks as being dry and unimportant administrative routine. In addition, I have organized the description in the form of a narrative here because the dry layout of archival finding aids – which do exist – similarly conceal the significance.[40] What was underway here was the disciplining of information, knowledge, itself. Amongst its other functions, the Indian Department headquarters was a living *database*, a far more labour-intensive analogue of the contemporary software equivalent, which the senior ranks could "query" by subject using the Registry Branch's unofficial subject indices, by date using its incoming correspondence registers and the Correspondence Branch's outgoing letterbooks, and by name using the periodically updated indices to the latter. At the heart of this database lay the file narrative, the Red and Black files that stitched together incoming and outgoing material as well as internal memoranda.

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[39] Indeed, the Tobique schoolteacher was sufficiently well-regarded that her domestic science curriculum was eventually adopted as a curriculum for Indian day schools across the province: see contents of LAC, RG 10, volume 2758, file 150,000-16.

[40] Lori Podolsky Nordland, "The Concept of 'Secondary Provenance': Reinterpreting Ac ko mok ki's Map as Evolving Text," *Archivaria* 58 (2004), 150, 159, cited by Anna Shumilak, "A System of Their Own: Records Creation and Record-Keeping in Canada's Department of External Affairs in the 1920s," *Archivaria* 75 (2013), 99.

The Red and Black system for constructing a database may seem clunky and unoriginal – certainly clunkier than a purpose-built subject-based filing system could be – but was, for its time, very modern. Many departments continued to rely on conventional dockets and letterbooks, in which incoming correspondence was numbered sequentially and filed, outgoing correspondence was copied into letterbooks, but there was no attempt to link the two via file narratives. In such a system, subject-based queries would presumably have been impossible except through tiresome forensic reconstruction of correspondence chains, leaping back and forth between the incoming registers and the outgoing copy books. (Having periodically used this method both for this dissertation and in land claims research, I can attest to the inherent tedium and frustration.)[41] The Interior Department, however, used the correspondence register-based system, and consequently so did its cadet branches, like Indian Affairs. Terry Cook has speculated that its branches' early adoption of a modern database system facilitated the more expansive power they could wield over their respective territories.[42] The Department of Public Works adopted the new system in 1879 and may have adopted a more effective subject-based addition than Indian Affairs managed.[43] In contrast, when the Interior Department acquired the Immigration Branch from the Agriculture Department in 1893, the latter still used dockets and letterbooks, and so the Immigration clerks were required to upgrade at that time.[44] The Department of External Affairs imposed a hybrid annual subject system from its inception in

[41] Cook, "Paper Trails," 15.
[42] Terry Cook, "Legacy in Limbo: An Introduction to the Records of the Department of the Interior," *Archivaria* 25 (1987-1988), 73-83.
[43] Cook, "Paper Trails," 15. Public Works seems to have employed a more rigorous subject file register system alongside its conventional letter registry system, much more sophisticated than the Black and Red series, consisting of thirty-six numbered subjects, each with its own special registry volume. See LAC, RG11, finding aid in database for series B-2-b(i), subject registers, 1879-1910, and series B-2-b-ii, registers of papers filed.
[44] Terry Cook, "Legacy in Limbo: An Introduction to the Records of the Department of the Interior," *Archivaria* 25 (1987-1988), 78.

1909, and did not move to a true subject-based filing system until 1940,[45] nearly twenty years after the Indian Department progressed from the central registry system to its first subject series. The B.C. Lands Department used dockets and letterbooks from Confederation until 1918, and switched to a numeric central registry system, roughly analogous to the Red and Black Series, which remained in use until the 1980s.[46]

The symbolic as well as practical importance of file narratives was not lost on the registry clerks, who regarded them as specifically their property and jealously guarded their privileged role in shaping the Department's history. From the records office, new files could be delivered by messenger either next door to the accountant's office or downstairs to one of the other officials in the Department. Some useful but difficult-to-sift-through routine paperwork from the other branches does survive, such as accounting ledgers from Scott's office and outgoing letterbooks from McLean's, but the registry clerks evidently felt no compunction to help maintain alternative, potentially rival historical traditions. Their disdain certainly extended to the records from the Outside Service: until the late 1940s, there were no efforts to impose systematic ordering systems on field offices like the Tobique Agency, or to retrieve and archive their old records in Ottawa.[47] When the Manitoba and Victoria regional offices closed in 1910, much of

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[45] J.W. O'Brien, Review of *Canada's Department of External Affairs, Volume 1* (Montreal and Kingston: McGill-Queen's University Press, 1990), *Archivaria* 31, 204; and Anna Shumilak, "A System of Their Own: Records Creation and Record-Keeping in Canada's Department of External Affairs in the 1920s," *Archivaria* 75 (2013), 110-111. Shumilak explains that the numbering scheme in the External Affairs hybrid model was subject-based but reset annually: thus, the first topic for which a file was opened in 1910 became "1-1910," the second, "2-1910," and so on, but the file numbers then reset at New Year, with "1-1911" being a subject file that might bear no relation to "1-1910." As with the Interior central registry model, there were correspondence registers and indices to enable querying.

[46] B.C. Lands Department records are held at the BC Archives in Victoria. The docket and letterbook sequence to 1918 is found in GR-440 (outgoing) and GR-1440 (incoming) BC Archives, and the combined post-1918 series is found in GR-1441. B.C. Lands used the latter system until at least the 1980s, and much like Indian Affairs did with the Red and Black Series, it maintained an *ad hoc* subject index to enable it to retrieve old files (now BC Archives, GR-993).

[47] Notwithstanding this lack of central control, a considerable body of Indian agency material from the period does survive in RG 10, but the coverage is spotty and haphazard. Some agencies have a mixture of incoming and

their material was shipped to Ottawa but then deemed redundant, irrelevant, and a potential cause of "congestion" in the cramped offices.[48] There were occasional rumours that other branches were building unauthorized hoards of files, which in turn prompted reprisal raids by the registry clerks to restore what was later known as "file discipline."[49] It was this practice of hoarding which may have led to the loss of the Red file on McDougall, numbered 104,826: the register book indicates it was given to "L.C." (the law clerk, Reginald Rimmer) in 1899.[50] Upon his resignation in 1903, Rimmer absconded with a trove of documents, an index to which he then artlessly offered to sell back to the Department.[51] A number of Indian Affairs records now reside amongst Rimmer's papers at the Saskatchewan Archives Board, though my search did not uncover the full McDougall file there; its whereabouts remains unknown.

The next step in the construction of a file lay in other branches of the headquarters – chiefly, at various points and depending upon subject matter, the accountant's and secretary's offices. There, the paths followed by the McDougall and Tobique files crossed: the latter on its way up the chain for an uneventful ratification via the mid-level clerks, the former on its way

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outgoing letter files and even diaries; for others, material does not survive. For instance, there is no agency collection for the Tobique Agency.

[48] LAC, RG 10, volume 8586, file 1/1-6-3, Frank Oliver to the Governor General-in-Council, January 21, 1911. Consequently, in both cases, only partial records survive. A number of surviving Plains commissioner files were at an unknown time located and stored with the Black Series, which is where they now reside at LAC, even though they are not true Black files and their file numbers are unrelated to the Black sequence: see, for instance, Black Series file 82, multiple parts, which consists of the Commissioner's land and timber records for various agencies.

[49] For instance, as described in LAC, RG 10, volume 2277, file 55,412-1, J.D. McLean to Samuel Stewart, June 19, 1897. The problem of files being held informally for extended periods of time outside of the registry was probably endemic to the overworked office, and there were admonishments against the practice at least as late as 1920: LAC, RG 10, volume 2277, file 55,412-1, Duncan Campbell Scott, Memorandum, November 23, 1920. For the later rules of file discipline, see LAC, RG 10, volume 8586, file 1/1-6-2, part 2, H.M. Jones, circular, October 22, 1957.

[50] LAC, RG 10, volume 3285, Red Series register, entry 104,286, March 10, 1890. This was not the only occasion on which files signed out by Rimmer went missing. For instance, also in 1899, McLean reported that the *file* on Six Nations Reserve sanitary conditions had been given to Rimmer and now could not be located: LAC, RG 10, volume 1123, J.D. McLean to J.A. Macrae, September 13, 1899.

[51] LAC, RG 10, volume 1126, J.D. McLean to Reginald Rimmer, December 31, 1904. Whether Rimmer possessed any actual Black or Red files is uncertain. Probably reflecting his partisan political influence, one of the conditions of his appointment was that he be permitted to keep his memoranda rather than submitting them to the registry for permanent storage, but McLean, at least, had expected that Rimmer would return all of the papers upon his resignation. I am grateful to Jesse Lohner for her assistance with the Saskatchewan Archives research.

down from the highest political offices in hopes the clerks could rationalize a decision already made by elites. Files ventured around the East Block by means of messengers in 1900-1901. When they first moved in, Indian Affairs had an office with a hoist linking its main downstairs offices – including McLean's – with Scott's and the registrars' offices upstairs, but this elevator was in one of the rooms annexed by other departments in 1899, resulting in longer trips for the messengers and "an awful waste of time" for the clerks. Once work was completed, the same messengers returned the files to storage in the registry room and took outgoing mail to post.[52]

Outside of the more generalist accounting, correspondence, and registry units, line branches in the Indian Department headquarters followed the supply and demand curves of the paper trade rather than the directives of official policy: that is to say, staffs accreted in accordance with the demands of processing paperwork more so than to achieve specific policy ends. Thus there were at various times branch offices for surveys, schools, land and timber sales, and procurement, but never for Christianization, enfranchisement, agricultural development, or the abolition of Indigenous traditional cultural practices.[53] One clerk presided over band government elections on a part-time basis – Henry Ross, the one also known for his chronic absenteeism during *Annual Report* season. Another, the little-known Martin Benson, managed the school system on a full-time basis.[54] (Given the importance now attached to the residential portion of the school system, in particular, and the recent public shaming of such peripheral figures as Public Works minister Hector-Louis Langevin, the evasion of justice achieved by

[52] LAC, RG 10, volume 1123, J.D. McLean to the Deputy Superintendent General, November 24, 1899.
[53] These offices were sometimes independent branches and sometimes not. After the coup of 1897, McLean rolled most of the other line branch work into his Correspondence Branch or Scott's Accounting Branch, but for the most part, the same officials kept doing the same work until their separate branches were eventually re-established. LAC, RG 10, volume 2277, file 55,412-1, Samuel Stewart, Memorandum, July 9, 1903, lists extant branches at that time.
[54] LAC, RG 10, vol. 1122, McLean, Memorandum to Smart, February 17, 1899, and Memorandum to the Assistant Secretary, March 1, 1899.

nearly-anonymous officials like Benson is noteworthy.)[55] There were no regional work specializations except, again, where the press of paperwork demanded it. Most letters inbound from Québec were routed to Ross because he was bilingual,[56] and in the Lands Branch the work of managing land sales was roughly divided, for the sake of convenience, between a western desk and an eastern desk. (But the latter, presumably due to administrative inertia, also handled lot sales from the first three large reserves surrendered in the west).[57]

Both the Tobique church furnace file and the McDougall debt file raised, in some way, a question of money. Consequently, each file must have been spent at least some time in the Accounting Branch. However, there is no way to be certain of the path followed by the latter, since it is missing, and what does survive makes clear that the chief intervenor was not an accountant but rather the legal advisor and Sifton's private secretary. The church furnace was, on the whole, the simpler of the two and raised no unusual political or legal questions. Consequently, it was passed to the Accounting Branch via messenger, a transfer denoted by "acct" scrawled across the letter from Tobique – although the accountants also possessed and sometimes used their own stamp to mark letters, in addition to the registrar's stamp.[58] At this latest destination, the letter was taken up and reviewed by McLean's near-neighbour, Robert

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[55] Douglas Quan, "Calls to Rename Ottawa's Langevin Block Over Namesake's Connection to Residential Schools," *National Post*, January 25, 2017 (Internet: <http://news.nationalpost.com/news/canada/canadian-politics/calls-to-rename-ottawas-langevin-block-over-namesakes-connection-to-residential-schools>); and Canadian Broadcasting Corporation, "Push to Rename Calgary's Langevin Bridge, Named After 'Social Architect' of Residential Schools," June 16, 2015 (Internet: <http://www.cbc.ca/radio/asithappens/as-it-happens-tuesday-edition-1.3115584/push-to-rename-calgary-s-langevin-bridge-named-after-social-architect-of-residential-schools-1.3115818>).

[56] LAC, RG 10, volume 1122, J.D. McLean, Memorandum to the Assistant Secretary, March 1, 1899.

[57] LAC, RG 10, volume 6813, file 481-1-27, part 1, William Orr, Memorandum to the Deputy Minister, May 10, 1912 and July 31, 1912. Although some policy differences between western and eastern sales processes did evolve (and I discuss these in Chapter 5), there is no evidence that Lands Branch clerks were selected for their knowledge of particular outlying regions or visited those regions in the course of their work.

[58] LAC, RG 10, volume 2391, file 79,990, part 1, James Farrell to J.D. McLean, July 22, 1901. Contrast with James Farrell to J.D. McLean, April 11, 1900, same file, which is the band's initial, rejected furnace application, and which is stamped indicating its receipt in the Accountant's Branch on April 17.

Dalton, a first-class clerk working under the supervision of the chief accountant, Scott. (Dalton's office name indicates he had achieved the highest non-management rank possible for a career clerk, after progressing through the third and second ranks, and was not a comment, *per se*, on his professional competence.)

To weigh the merits of the Tobique application, Dalton could rely upon the file narrative prepared for him by his colleagues in the registry, together with the Accounting Branch's own in-house tool, the Trust Fund ledger, which tracked all expenditures made in the fiscal year.[59] (That the Tobique petition specified a grant from the Trust Fund rather than the general Department budget was crucial for reasons I will elucidate shortly, though superficially the process was similar: a request arrived from outside, was processed and approved, and the Department mailed out payment to the Indian agent for disbursement.) I found no evidence that grants out of the Trust Fund were processed by means of standardized forms as some problems were by 1901, as band membership registrations and reserve surrenders were. Nevertheless, other tools of the paper trade – the accounting ledger and the file narrative – routinized the management of the Tobique application to the extent that Dalton, as an individual clerk, was in some ways interchangeable with his equally anonymous fellow clerks and needed to know little specifically about either the Tobique people or about church furnaces. Could money be found for the Tobique church furnace, and if so, was it a justifiable investment? The ledger and the file allowed Dalton to answer these questions with a minimum of personal input or imagination. Although clerks could appeal upwards for a ruling or refer to the corpus of accepted policy guidelines to make their decisions, a subject to which I return in the next chapter, even these

[59] The annual Trust Fund statements were then published in the annual reports: for the relevant year, see *Auditor-General's Report, 1901-1902* (LAC Online version), Part J, pp. 251-252, ledger for Account 68 – "Tobique Indians, N.B."

were ultimately embedded in the file narratives rather than being a separate body of overarching guidelines against which new problems were evaluated and solved: outside of a crude operation of raw power by a senior officer faced with an unusual problem, the final authority on how to handle the files were the files themselves. What passed for a compendium of Indian Department policies in the records branch was an alphabetical index, by 1914 kept up by registry clerk Matheson, of policy questions (e.g. "Agents - holding other offices, B.C." and "Churches - 2 on one Reserve") with references to Red and Black file narratives in which such matters had previously arisen and been decided.[60]

Although the Indian Department's surviving records do not contain detailed instructions or descriptions of how to make a decision based upon a file, we can speculate based upon the records available and the ways in which decisions were memorialized through additions to the file. (Indeed, the clerks working at Dalton's level did not even sign correspondence, but they can often be identified because of their initials in the margins of drafts of outgoing letters, a standard marker indicating their participation in and approval of the decision proclaimed therein.)[61] The principal documentary production of the accounting clerks, like Dalton, were the Trust Fund Ledgers, volumes that devoted up to several pages in sequence to each numbered band account – the Tobique Band's trust account was Account 68 – and were usually filled over the course of

[60] LAC, RG 10, volume 11398, file 6, G.M. Matheson, "Notes on Policy and Rulings," May 27, 1914. This index must have been circulated throughout the headquarters, since two marginal notes indicate six copies of the 1914 edition were made in 1918 and then six more in 1919.

[61] From mid-level clerks up to the top of the department, marginal initials were employed to indicate participation in authorship of a letter, if it was outbound or upward-moving, or acknowledgement of an instruction, if it was a circular or other instruction moving downward. See, for instance, LAC, RG 10, volume 2277, file 55,412-2, Duncan Campbell Scott, Memorandum, April 3, 1914, reminding clerks of the convention, and volume 1124, J.D. McLean, Memorandum to Mr. Orr, November 16, 1900, in which McLean specifically exempted the head of the lands branch from that convention with respect to reports from the chief surveyor, Samuel Bray, "on purely technical matters." The process of drafting letters, passing files up the clerical chain, and marking the ascent with marginal initials was a British convention also described in Royal Commission Appointed to Inquire into the Civil Establishment of the Different Offices of State at Home and Abroad, *Second Report* (London: Eyre and Spottiswoode, 1888), 214.

one to two fiscal years. The 1900-1901 ledger for Account 68 covers *fiscal* years 1900-1901, and therefore calendar months July 1900 through June 1902. It informed Dalton that the Tobique Band held $15,171.73 to their credit in summer 1901, upon which they were earning fixed interest of three percent.[62] Dalton would presumably not have entered the new request into the ledger at this time, since it was not yet an approved expenditure, but the ledger confirmed that money was available.

There was no policy or law requiring Dalton to either accept or reject proposals such as the Tobique church furnace grant. However, the file confirmed to him that such payments had become commonplace for Tobique, with other amounts disbursed for various church renovations yearly since at least 1891. This obviated the need for certain investigatory steps which Ottawa clerks such as he could take when they were unsure of how to proceed, the most important of which was to suggest to the Secretary that he ask the Indian agent for an evaluation of the request. Dalton could see that his colleagues had already approved similar requests in previous years; moreover, the marginal initials served as a reminder to him that he had handled this *file himself* already, two years before. At that time, he had followed protocol and queried the Indian agent on whether the church had any non-Indian parishioners who could be prevailed upon to bear a portion of the costs of renovation.[63] This time around, all Dalton needed to do was ensure that the application seemed to be in proper form given the level of band government in operation at Tobique: that is to say, that it was a record of a general council of the adult men of the band, attended and certified by the Indian agent. He then approached his superior, Scott, with his recommendation to approve the grant, and then either handwrote a memorandum to McLean and

[62] LAC, RG 10, volume 5932, Trust Fund Ledge, account 68 (Tobique Band).
[63] LAC, RG 10, volume 2391, file 79,990, part 1, J.D. McLean to James Farrell, June 30, 1899.

the Correspondence Branch advising approval of the grant, or headed downstairs to brief them verbally on his review of the file.[64]

Although Dalton's intervention in 1901 was cursory and survives in the file only in the form of his initials in the margins, his intervention was the critical moment in terms of bureaucratic decision-making: the anonymous Dalton served as the fulcrum between the Tobique people and their Indian agent in the field and more senior officials who would ratify Dalton's decision and transform it into final authority to install the furnace. Dalton's routine handling of the Tobique application was not politically neutral or insignificant: like the registrar's maintenance of the Red and Black Series, this largely unexplored intersection of ledgers, files, and budgetary decision-making requires some further commentary in order to properly unpack the practices of Indian affairs. Historians do have a general sense that the Indian Department desired to minimize costs wherever possible, but they have yet to explore the administrative context in which clerks endeavoured to achieve such cuts. Moreover, they have not addressed the obvious contradiction between this purported impulse to eliminate expenditures and the Department's deeper interest in maintaining a sufficient flow of funds to justify its own existence. How, then, did the Indian Department minimize some expenditures while approving others?

In concrete terms, accounting clerks like Dalton drew from two broad funding envelopes. The first and larger was the Department's annual Parliamentary grant, which I discussed in

[64] As with lobbying by external agents, it is not possible to clearly identify when officials inside the Department conducted their business verbally except when they later wrote a minute of it, but we may safely assume that both within and between branches, conversations often touched upon work-related matters well beyond the scope of solely what survives on paper. Moreover, while some inter-branch memoranda were typed and filed, it is certainly the case that much informal written correspondence between officials was never attached to files. In 1899, Dalton handwrote an informal, unsigned memorandum recommending the preparation of a letter approving Tobique's annual church grant: LAC, RG 10, volume 2391, file 79,990, part 1, R.G. Dalton for Accountant, note, July 12, 1899, on which McLean wrote in the margin, "Affirmed."

Chapter 1. The accountants guarded this grant particularly jealously, perhaps especially as the fiscal year drew to a close and their remaining resources grew lean.[65] However, their hands were also tied to some extent by the conditions of the Parliamentary vote: although a perusal of RG 10 files engenders an impression that penny-pinching bureaucrats were routinely withholding funds from Indigenous communities, surely from the clerks' perspective, Parliament was also withholding from *them* the funds for such projects as church furnaces. Under the Indian Department's accounting system, funds were allocated to New Brunswick only for Indian agent salaries, poor relief, agricultural assistance, healthcare, and schools, not for religious promotion or building infrastructure.[66] The clerks theoretically could, through their minister, have petitioned Parliament for a supplementary grant specifically to cover projects like the Tobique church. However, in this case, they also had a more reliable source of funding ready to hand, one upon which they also drew, for other reasons, in the McDougall-Lynch case: the Indian Trust Fund. Unlike the so-called Consolidated Fund – the in-house term for the Parliamentary grants – the Trust Fund was an internal accounting vehicle set up to house the proceeds from reserve-related transactions across the country, chiefly land and timber sales but sometimes also rent and lease payments, liquor fines, and so on. The "Trust Fund," singular, actually consisted of many trust fund accounts, one for each band (as noted above, Tobique's was Account 68).

The paternalism built into the structure of this financial arrangement is obvious. In theory, Indian Affairs accountants would oversee the proceeds and subsequent expenses of

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[65] Notably, I found no evidence in the Indian Department records of the phenomenon now known as "March madness," in which departments rush to spend their remaining funds before the end of the fiscal year. To the contrary, it was not uncommon for departments to run into serious financial problems before the end of year and then go on their version of relief, the Supplementary Estimates, to make it through. To prevent such circumstances, senior officials instead strategized ways to shift purchases into future fiscal years where, they hoped, more money could be made available. For instance, near the close of fiscal year 1896, then-deputy minister Hayter Reed requested that one subordinate delay a purchase of new filing cabinets until after the passage of the next Main Estimates: LAC, RG 10, volume 11119, Hayter Reed to A.E. Forget, November 24, 1896.

[66] Department of Indian Affairs, *Annual Report for… 1901*, II.242.

Indian bands whose members, implicitly, either would not or could do so responsibly on their own. In practice, the thriftiness with which these clerks safeguarded their Parliamentary grant did not apply in the same way to their use of the Trust Fund, over which neither Parliament nor anyone else exercised practical oversight. Indeed, the government itself posed the most serious threat to the solvency of the Fund, which at times was both expended liberally and invested questionably. Beginning in the 1830s, when the bulk of the Trust Fund consisted of proceeds from land sales by the Six Nations in Ontario, it was invested heavily into a speculative private canal venture at Grand River, near Brantford, which collapsed, taking with it the collected savings of the Upper Canada Indians and necessitating a government bailout.[67] As ostensible checks against further mismanagement, withdrawals for projects like church furnaces required consent from both Cabinet and the band government (although, as I will suggest shortly, neither of these additional steps normally proved serious stumbling blocks, and indeed, the Tobique application was initiated by the band council).

Functionally, the significance of the Trust Fund in promoting Indian Department-supervised forms of limited self-government also seems apparent. Here was a source of funds less limited and guarded than the Department's main budget, provided that bands were willing first to surrender and sell the assets necessary to fill their account and then to form a municipal-style, superficially democratic, government of a form acceptable to the Indian Department and pass resolutions requesting funds from the account. Band governments reflected a Eurocentric conception of governance as a practice exclusively of adult men (whether as an elected council

[67] Deputy minister Frank Pedley (1902-1913), himself no stranger to land fraud as I document in chapter 6, admitted in 1908 that "the interests of the Indians were not in any way conserved and… their funds seem to have been considered as a convenient source for a large and useless expenditure": LAC, RG 10, volume 2179, file 36,539-3, part 2, Frank Pedley to Frank Oliver, May 9, 1908. The bailout – or, more accurately, resumption of the Trust Fund's assets and obligations as part of the government's general accounts is discussed in LAC, RG 10, volume 2498, file 102,986-1, A.T. Galt and John A. Macdonald to His Excellency, August 25, 1859.

or, as in the case of the less-organized Tobique Band, participating in an open general meeting) and a remit constrained by the powers delegated by the *Indian Act* and closely scrutinized by Indian Affairs officials. Here in nascent form, then, is the process of bureaucratic assimilation articulated by Paul Nadasdy:[68] without insisting upon outright enfranchisement and largely decoupled from separate, ongoing efforts to eliminate traditional cultural practices, Indian Affairs bureaucrats offered Indigenous communities a limited form of ostensible self-government and access to necessary funds provided, always, that they conformed to the Department's expectations of properly subordinated municipal government and worked within the formal channels of application and receipt laid out by Department bureaucrats in Ottawa.

One thing this process decidedly did *not* generate, though, was the centralization of all decisions in the hands of the few senior officials and politicians already well-known to historians. To the contrary, the decision to install the Tobique church furnace was probably made by Dalton, a mid-level accountant, and not on the basis of reference to high-level legislation or policy texts, except insofar as they were mediated through existing bureaucratic practice and the precedents of past decisions, made visible through the Tobique church file narrative. Most decisions in the Indian Department were made in this fashion: mid-level clerks, usually working anonymously or identifying themselves only by their initials in the margins, considering grants for infrastructure, the creation and disposition of reserves, funding and attendance at schools, fulfillment of supply contracts, and so on. Indeed, I have not yet mentioned *policies* as guiding action because the policies themselves, during this period, resided within and were derived from the file narratives of the Red and Black Series. (I will return to and focus on the question of what made policy and when it mattered in the next two chapters.)

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[68] Paul Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon* (Vancouver: University of British Columbia Press, 2003).

Contrary to an imagined bureaucracy in which senior officials made decisions while their junior counterparts merely shuffled paper around, in the Indian Department, most decisions were made by the junior officers while their senior colleagues ratified these decisions on paper and fielded questions that the mid-level officials felt were too sensitive or too original to be handled routinely.

So much for what can be inferred from the marginal initials scribbled by Dalton. Let us return to a surface reading of the file narrative. The next several documents portray a steady escalation of the ratification of the church furnace approval first to the Secretary, McLean, and from him to the very highest echelons of the federal government, all of whom – and not Dalton – were the ones formally seen to be making decisions to approve the furnace grant to Tobique. Several months before, "McLean" had rejected the first furnace grant application due to its improper signatures and absent certification;[69] this time, "he" approved the grant. Because the *Indian Act* gave Cabinet oversight over the Trust Fund – as I have already speculated, likely an institutional check imposed in reaction to abuses by previous generations of Indian Affairs officials – McLean could not issue this decision unilaterally. Instead, he passed his minister, Clifford Sifton, the draft of a Cabinet order authorizing the expenditure on July 31, 1901, which was duly considered and passed by the members of the cabinet to the Governor General, who finally signed it, eleven days later.[70] "McLean" then announced to the band on August 19, via Farrell, that "the Governor-in-Council has authorized the expenditure."[71] (Three copies of this letter would have been prepared: one for the file narrative in the Red Series; a second for the

[69] LAC, RG 10, volume 2391, file 79,990, part 1, J.D. McLean to James Farrell, June 17, 1901.
[70] LAC, RG 10, volume 2391, file 79,990, part 1, Clifford Sifton to the Governor General in Council, July 31, 1901, and Privy Council order 1598, August 10, 1901. The draft order was also initialled by McLean and duplicated in McLean's personal letterbook, indicating he played a personal role in preparing and submitting it, as was true of most if not all Cabinet orders emanating from the Indian Department: LAC, RG 10, volume 1125, Clifford Sifton to the Governor General in Council, July 13, 1901.
[71] LAC, RG 10, volume 2391, file 79,990, part 1, J.D. McLean to James Farrell, August 19, 1901.

Correspondence Branch's letterbook of all of its outgoing correspondence, a set of 750-page volumes, almost all of the contents signed by McLean and filled at the rate of about 50 pages per day in 1901;[72] and (presumably) a third, this one on proper letterhead and with a signature rather than a stamp of McLean's name, to actually be posted, which consequently does not survive.

In this way, it came to pass that a Scottish noble, Gilbert John Elliot-Murray-Kynynmound, the Fourth Earl of Minto and Governor General of Canada, played his part in the installation of the Tobique church's furnace,[73] and then "the Department" determined how best to carry out the earl's expressed wishes. Had the decision to fund the furnace been left to "McLean" alone (or to Smart or Sifton), "he" still probably would not have used the first person. Instead, he would have opted for the passive voice characteristic of bureaucratic writing of the period ("it is felt," or "it has been decided"), or he would have indicated that "the Department approves of" a request or recommendation, as indeed McLean's deputy, "Samuel Stewart," did two weeks later when indicating "his" approval of Farrell's selection of a contractor for the work.[74]

In this respect, the Tobique church file is typical of the formal depictions of Indian Department decision-making found in both the historiography and in the Red and Black Series. Throughout both series, McLean signed the bulk of outgoing correspondence between 1897 and 1913. He consequently seems to have had a hand in most of the Department's decisions, from which typewriter brand was best suited for office work to whether to negotiate a reserve surrender. Historians who have written of McLean to date have described him as an influential

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[72] For instance, LAC, RG 10, volumes 4976 and 4977.
[73] LAC, RG 10, volume 2391, file 79,990, part 1, Clifford Sifton to the Governor General in Council, July 31, 1901, and Privy Council order 1598, August 10, 1901. The draft order was also initialled by McLean and duplicated in McLean's personal letterbook, indicating he played a personal role in preparing and submitting it, as was true of most if not all Cabinet orders emanating from the Indian Department: LAC, RG 10, volume 1125, Clifford Sifton to the Governor General in Council, July 13, 1901.
[74] LAC, RG 10, volume 2391, file 79,990, part 1, Samuel Stewart to James Farrell, September 4, 1901.

but petty, antisocial micromanager, "concerned with picayune detail in day-to-day matters, and very impressed with his own importance," who somehow as late as the 1920s "carried on the lion's share of the correspondence" and "was involved in minor daily decisions."[75] Certainly, at first glance, the archive supports this assessment. As I indicated at the close of the previous chapter, McLean was the preeminent power in the Indian Department. Absentee deputy minister Smart's instructions to other officials in 1899 were "to observe the authority of Mr. McLean… on all official matters."[76] McLean's power was not absolute. The minister and deputy minister could intervene, as I will discuss shortly, and for such circumstances McLean had even arranged a code phrase to signal to at least one close ally in the Outside Service that he was writing a letter under duress.[77] He nevertheless controlled day-to-day affairs within the headquarters[78] and acted as deputy minister in Smart's absence.[79] That he could speak in print *as* "the Department" was only the most obvious outward manifestation of this authority. However, to what extent was this signing authority actually representative of the close involvement in minor decision-making that it appears to signify? That is to say, how closely did the *appearance* of micromanagement actually describe the reality of Indian Department practice? My analysis of accountant Dalton

[75] Brownlie, *A Fatherly Eye*, 31; and Hall, "Clifford Sifton and Canadian Indian Administration," 146 fn 7.
[76] LAC, RG 10, volume 1122, J.D. McLean to Reginald Rimmer, March 2, 1899.
[77] On November 29, 1897, McLean wrote to the Plains commissioner, Amédée Emmanuel Forget (LAC, RG 10, volume 1121), to warn him that a recently despatched letter "was written expressly by the Deputy Minister's instructions" and that in future, "in any letters where the words 'I am directed' occur, I hope you will not hold me responsible for the same, although my position as Secretary requires that I should sign them." From other personal letters McLean seems to have been on particularly friendly terms with Forget, and I found no evidence that he explicitly notified other Outside officials of this practice.
[78] LAC, RG 10, volume 2277, file 55,412-1, J.D. McLean, Memorandum to Officials of Department, December 6, 1897.
[79] McLean's status as default acting deputy minister survived into the tenure of Smart's successor, Pedley; see, for instance, LAC, RG 10, volume 1127, J.D. McLean to [first name unreadable] Shore, August 7, 1906. This was a privilege enjoyed by Duncan Campbell Scott prior to Reed's ouster in 1897, but by 1901 Scott had been effectively sidelined in the Accounting Branch. When McLean was absent from the office, signing authority defaulted not to Scott, who remained the next most senior branch head, but to McLean's deputy in the Correspondence Branch, initially A.N. McNeill (LAC, RG 10, volume 1121, A.N. McNeill to J.A.J. McKenna, October 5, 1897) and later Samuel Stewart.

above anticipates my answer to these questions: only in limited circumstances, and to a limited extent.

Although historians are sometimes tempted to attach great importance to Cabinet orders in shaping policy,[80] with respect to routine matters, this performance of authority is in some ways the easiest of the three – Governor-General, minister, and Secretary – to deconstruct. The Red and Black Series itself implies that Cabinet approval was, far from genuine review by a higher decision-maker, a practically perfunctory escalation by officials like McLean. Drafts emanated upwards via the minister, and signed Orders-in-Council came back a few weeks or months later, usually without protest or alteration. Although the lack of available and surviving Cabinet minutes for my period seriously impedes study of this question, there is no reason to suppose that its members gave serious thought to the approval of the furnace.[81] Only four ministers are required to constitute a meeting and issue recommendations to the Governor-General; at least today, it is not unheard of for members of the prime minister's staff to draft an Order-in-Council and then have it "walked around" to the requisite number of ministers for their signatures.[82] In 1901, Cabinet ministers signed at least around 100 orders relating to Indian affairs, which included specific personnel changes, approvals of land surrenders, changes to band governments, and treaty adhesions,[83] but only one general regulatory reform, barring the export

[80] For example, the centrepiece of Sarah Carter's important analysis of Plains marriage policy is an 1887 Order-in-Council which she claims laid out – though it does not actually say so explicitly – a program of promoting marriage and prohibiting divorce amongst First Nations: *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: Athabasca University Press, 2008), 160, 167.
[81] Library and Archives Canada, "Cabinet Conclusions," Internet: <http://www.bac-lac.gc.ca/eng/discover/politics-government/cabinet-conclusions/Pages/cabinet-conclusions.aspx>: no such minutes survive prior to 1944.
[82] For one use of the "walked around" phrase, see Graham White, *Cabinets and First Ministers* (Vancouver: University of British Columbia Press, 2005), 75. This process was very recently described in the context of the Harper government period by Elizabeth Thompson, "Officials in Harper's PMO Orchestrated Future Appointments: Raitt," iPolitics.ca (December 8, 2015).
[83] LAC's historic Orders-in-Council database lists 98 orders relating to "Indian*" in 1901, but personal experience has shown that – presumably as a result of missing keyword text or encoding errors – the LAC service normally fails to locate existing orders. The true number for 1901 is unknown.

of raw logs from Indian reserves in Ontario to American mills (related to the issue which had also sidetracked discussion of Indian affairs in Parliament the previous spring).[84]

None of this is to suggest that Orders-in-Council relating to Indian affairs *never* arose from serious and thoughtful deliberations, but that should not be our default assumption. On August 8, 1901, the Cabinet considered fifteen other orders in addition to the furnace grant authorization, ranging from an application by some Freemasons to carry firearms across the U.S.-Canada border to the granting of a $570,000 subsidy to the Canadian Northern Railway for construction of a branch line.[85] When the Governor-General signed the Tobique order two days later, he also signed fourteen other orders.[86] It seems unlikely either that the Freemason pilgrimage or the Tobique furnace would have held a significant place on the Cabinet agenda that day.

Much the same may be said of its consideration by minister Clifford Sifton, whom one biographer, D.J. Hall, has already noted possessed no more than "the casual interest in Indian affairs" upon his appointment as Superintendent-General.[87] I have already indicated that his personal letterbooks suggest both his and his correspondents' principal interest in the immediate wake of the 1896 election was to complete the Liberal purge of the civil service rather than to enact major policy reforms. Although the frenzy of the purge had of course subsided in the intervening five years, his surviving letterbooks for 1900-1901 again suggest that he remained preoccupied with minor details involving personnel and ongoing land and timber sales rather than the broad contours of Indian policy.[88] (Most of the correspondence in Sifton's private

[84] LAC, RG 2 A-1-d, volume 2797, Privy Council order 799, April 19, 1901.
[85] LAC, RG 2, Privy Council orders 1901-1571, 1901-1596 through 1901-1613, and 1901-1620.
[86] LAC, RG 2, Privy Council orders 1901-1571, 1901-1596 through 1906-1599, 1901-1602 through 1901-1604, 1901-1606, 1901-1609 through 1901-1613, and 1901-1620.
[87] Hall, "Clifford Sifton," 128.
[88] LAC, MG 27 II-D-15, volume 265, is Sifton's Indian Affairs letterbook for 1900-1901. Only two of Sifton's Indian Affairs letterbooks survive.

Indian Affairs letterbook is actually signed by his private secretary, J.A.J. McKenna, who used that position as a springboard to become one of the Department's foremost bureaucratic firefighters prior to the Great War, serving as a treaty commissioner and high-level federal-provincial negotiator.)[89] McLean regarded Deputy Minister Smart, who like Sifton had to divide his time and loyalties between the Interior and Indian Affairs houses, as similarly ignorant of administrative minutiae.[90]

As for McLean himself, although he was certainly well-situated to exercise considerable influence, his omnipresent signature belies a more fleeting touch on most matters under his purview. Quite simply, the reason most correspondence seemingly authored by McLean seems impersonal, rule- and detail-oriented, and prone to invoking "the Department's" views rather than his own is because these letters were actually drafted by other people on his behalf. By his own count, he reviewed 75 to 100 letters per day, "the drafts of [which]… have to be carefully scrutinized, initialed and then signed. This, of course, involves considerable work, and… I am left with no time at all to report upon important matters."[91] The branch employees who authored these letters were responsible for ensuring that they arrived on McLean's desk for signature in time for them to be signed, sealed in envelopes, and posted before the 5:00 p.m. mail deadline.[92] Although he did keep cheat sheets with basic facts about various bands and residential schools to

[89] In this capacity, McKenna worked on the negotiation of Treaty Eight, jurisdictional disputes with Ontario and British Columbia, Métis scrip, and the Royal Commission on Indian Affairs in British Columbia. For a brief biography, see E. Brian Titley, "McKenna, James Andrew Joseph," in *Dictionary of Canadian Biography*, volume 14 (Toronto and Québec City: University of Toronto/Université Laval, 1998).
[90] LAC, RG 10, volume 1124, J.D. McLean, Memorandum to the Accountant, June 18, 1900.
[91] LAC, RG 10, volume 1122, J.D. McLean to the Deputy Minister, December 1, 1898.
[92] LAC, RG 10, volume 1120, J.D. McLean to Miss Taylor, April 20, 1897. Wary of having his own strategy for effective control turned against him, McLean also issued strict instructions that the branch clerks send him "draft letters… in small batches" rather than bombarding him with "large accumulation[s]": *ibid.*, J.D. McLean, Memorandum to All Branches, May 7, 1897.

refresh his memory,[93] on the basis of simple arithmetic, meetings with politicians and review of outgoing correspondence drafts cannot have left McLean much time for more serious research or deliberation over the span of a six-hour workday. Essentially, it must have been really *Dalton* who decided to reject the first Tobique application for a church furnace and to grant the second request, just as it was another mid-level clerk, J.W. Shore, who really authored assistant secretary Stewart's subsequent approval of a furnace contractor.[94] (Stewart signed correspondence when McLean was absent.) Special rules were necessary to ensure that numerous clerks wrote in a uniform tone when drafting letters. McLean urged them "not to write Agents in a curt or brusque manner" and to "be as considerate as possible consistent with the requirements of the Department."[95]

Who, then, was the real "McLean," and on what topics did he take a personal interest? Indian Department record-keeping allows us to hazard a guess. In addition to the Departmental letterbooks into which copies of every outgoing letter were *supposed* to be deposited, the deputy minister customarily kept a second set of "private" letterbooks containing his own correspondence, some of which was copied into the file narratives and some of which was not. During Smart's tenure, between 1897 and 1902, McLean controlled these books. An independent letterbook was an important privilege in a department where the format of paperwork emphasized collectivity and elite control. Indeed, one of McLean's first measures after taking over in 1897 was to shut down the previously independent letterbook series operated

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[93] A handwritten "reference book" from the latter portion of his career, in the 1920s, survives in LAC, RG 10, volume 11189, file 5. Because they were not official *files*, however, personal aids like McLean's notebooks were not retained in the official records as a matter of course. He may, however, have maintained such books beginning at a much earlier point in his career. For example, in February 1901, he asked the schools office to supply historical summaries and land information about all of the day and residential schools: LAC, RG 10, volume 1124, J.D. McLean to Martin Benson, February 28, 1901.

[94] LAC, RG 10, volume 2391, file 79,990, part 1, Samuel Stewart to James Farrell, September 4, 1901. The marginal initials on this letter are, in addition to Stewart's, those of Shore and Scott.

[95] LAC, RG 10, volume 1123, J.D. McLean, Memorandum to Branches, October 21, 1899.

by the schools clerk, Martin Benson.[96] In these letters, the ones which he had a more direct hand in preparing, the secretary's personal concerns, priorities, and eccentricities are more apparent. He wrote more consistently in the first person, and pursued personal concerns. The secret code phrase, the job search for "my boy," his announcement to a subordinate that he had appropriated Hayter Reed's chair, his exhortations to MPs making patronage appointments to "pull all together," and the other personal comments from Secretary McLean that I have provided in this and the previous chapter all come from these private letterbooks.

What is perhaps striking about the contents of the private letterbooks, however, is that while a more human and well-rounded depiction of McLean emerges from their pages, his policy interests were still extremely narrow. Like most of his fellow Ottawa bureaucrats, it is clear from the contents of the private letterbooks, and the regularity with which he kept them up, that McLean seldom ventured Outside on official business, especially to meet Indigenous people. Coincidentally, however, he did make one of these rare trips in mid-August, just days after Cabinet approved the Tobique furnace – a fairly disastrous expedition to negotiate a surrender of timber on the Dokis Reserve that, according to the account copied into his private letterbook, featured the Secretary first offering to bribe the Dokis chief with 20% of the take from the timber auction, then bluffing that he would have Parliament amend the *Indian Act* to take the timber without consent when the chief declined, and finally telling the chief he should come to Ottawa to conduct the negotiations, before departing in a huff to warn his colleagues that the chief could not be swayed by offers of money.[97]

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[96] LAC, RG 10, volume 2277, file 55,412-1, J.D. McLean to Samuel Stewart, July 24, 1897. In this letter, McLean explained to Stewart, whom he expected to actually carry out the work of shutting down Benson's independent records system, that there should be "only one set of letter books kept for the Department – with the exception of the private letter books."

[97] LAC, RG 10, volume 1125, J.D. McLean to Superintendent General, August 13, 1901. Other senior Ottawa bureaucrats also made occasional excursions: for example, Scott and McLean's deputy, Stewart, were among the negotiating party for Treaty 9 in 1905-1906: see John Long, *Treaty No. 9: Making the Agreement to Share the Land*

Most often, though, McLean's letterbook features politically sensitive correspondence – letters to the deputy minister, minister, or Members of Parliament – that he did not entrust to others or that were not being placed in the official files, such as the maintenance of the patronage list I described in Chapter 2.[98] Subjects on which he was moved to actively campaign and shepherd files to resolution tended to be administrative problems, like the perennial battle with other departments for office space, which I have already discussed; an anti-indoor smoking drive in 1898-1899, ostensibly for the good of vulnerable files;[99] warning notices to clerks who were habitually late or had accrued a high number of absences;[100] and whether it would be more cost-effective to issue clerks with new typewriters or refurbished used ones.[101] On such matters, McLean's personal intervention could prove decisive, but it is clear from his own frustrated admission, noted above, that the hard work of researching background and preparing options for decision was more often done by other officials, who must have briefed McLean either verbally or by informal memos and then left him to sign or amend the outgoing letters.

None of this should be interpreted as an attempt to excuse senior bureaucrats and politicians from responsibility for Canada's Indian policy or its consequences on the grounds that they were simply too busy or too absorbed in administrative details to notice the consequences of Indian policy. Indeed, there was just time enough for them to take an occasional personal interest in a problem – as McLean did when he ventured to Dokis in the summer of 1901, or

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in Far Northern Ontario in 1905 (Montreal and Kingston: McGill-Queen's University Press, 2010), part 2: documents.

[98] For instance, LAC, RG 10, volume 1123, J.D. McLean to L.G. McCarthy, May 9, 1900, explaining the Indian land regulations to an MP interested in investing in surrendered timber.

[99] LAC, RG 10, volume 1122, J.D. McLean, Memorandum to James Smart, September 6, 1898; McLean, Memorandum to Smart, February 28, 1899, and McLean to Reginald Rimmer, March 2, 1899.

[100] For instance, LAC, RG 10, volume 1120, J.D. McLean to Louis Dorval, June 12, 1897, and again in volume 1121 to Dorval, November 25, 1897. Dorval enjoyed the singular distinction of "the most irregular [attendance record] of any official" in 1897.

[101] The typewriter sourcing debate drew in Smart as well: LAC, RG 10, volume 1123, J.D. McLean to James Smart, May 17, 1900.

when he attempted to organize a sting operation against intoxicated Six Nations and Mississauga berry pickers in 1903,[102] or as Smart did for a range of land and timber sales, which I discuss in Chapter 5. However, the normal bureaucratic channels that produced written decisions signed by elite figures, both in process terms and due to sheer volume, effectively exaggerated their practical oversight and involvement while concealing the activities of a multitude of other officials. The mere baseline maintenance of "the Indian Department" as a going concern required an immense amount of time and effort from officials at all levels, so that when "McLean" pronounced "the Department's" view on something, the word choice was meaningful. Consequently, we must appreciate moments where officials, especially senior ones, thoughtfully and deeply explore an issue, for whatever aims, to be exceptional rather than normal.

What is also significant about the occasions on which elites chose to intervene more substantively in the bureaucratic decision-making process is that they revealed alternative paths through the bureaucracy not so readily visible in the official Red and Black File Series. As Paul Nadasdy has observed,[103] groups like the Tobique men were able to benefit from the band government and financial trust system to the extent that they could conform to that system's norms of conduct. One of the chief advantages of the politically privileged, in contrast, was that they could evade such proper channels when they failed to yield the desired results. Even though the McDougall file was eventually lost during processing, that correspondence which survives makes clear that, unlike the Tobique church furnace, the decision to compensate Lynch was made by political elites and then passed to more junior bureaucrats, at least one of whom was also a Liberal, to conjure an acceptable rationalization for the decision. Even here, the

[102] LAC, RG 10, volume 1126, J.D. McLean to E.D. Cameron, July 2, 1903.
[103] Paul Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon* (Vancouver: University of British Columbia Press, 2003).

bureaucracy did not function as a smooth machine for implementing elite decisions. The record suggests that Lynch's political intermediaries had to make several attempts over the course of a year before finally arriving at a suitable contrived explanation and getting his payment approved.

In terms of its origins and significance to Indian policy, the McDougall crisis was as marginal as the Tobique furnace – indeed, even more so, since the furnace application at least seems to have originated with a recognized band council. The origins of Lynch's problem lay deep in a years-old Indian Department intervention into a bitter Mississauga inheritance dispute between the three sons of Nicholas McDougall, an Indigenous man in possession of a 100-acre farm on the New Credit Reserve south of Brantford, Ontario, who died in 1873, leaving a white widow (who, under the *Indian Act*, was deemed to be a Mississauga Indian by virtue of her marriage to Nicholas).[104] Possession of the family farm was disputed by two of the sons, each of whom had in the past been struck from the band's membership list for living too long off-reserve and then been readmitted "on probation." After a series of deaths and disputes, including a lengthy investigation by Conservative Party loyalist and Indian agent Dr. Peter Edmund Jones – one of the few Indigenous people to hold an Outside *office* in the Indian Department – the result was that Nicholas's deceased son John's widow Elizabeth McDougall, also by chance a white Indian woman, possessed 150 acres of land on the reserve, one-third of which she assigned to her also-widowed daughter-in-law.[105] (For reasons I discuss in Chapter 4, the racially blurred

[104] Elizabeth McDougall's blurred status as a white Indian merits further comment, but for the moment I leave the apparent paradox unresolved, reflecting its treatment in the surviving correspondence, in which officials at several points mentioned her whiteness as a sort of novelty or oddity, but never used it as justification to move Lynch's claim in any particular direction. I return squarely to the question of race and status in Chapter 4, below.

[105] For a synopsis of the history of the lot, see LAC, RG 10, volume 2300, file 60,045, P.E. Jones to Lawrence Vankoughnet, November 19, 1888, which also covers the probationary status of Nicholas, the unsuccessful plaintiff. The successful applicant, John McDougall, was struck from the rolls after leaving the reserve with his family in 1872 and renting his own plot, elsewhere on the reserve, to white tenants: LAC, RG 10, volume 1870, file 632, J.T. Gilkison to the Superintendent General of Indian Affairs, August 15, 1872, minute of the council, October 27, 1871, and petition of Elizabeth McDougall, July 29, 1872. Elizabeth McDougall described the disposition of the lot in *ibid*., Elizabeth McDougall to the Superintendent-General of Indian Affairs, July 24, 1890.

notion of a white woman with legally recognized Indian status was not unthinkable in 1900; ironically, however, the fear that white *men* could, by inheriting Indigenous wives' property, come into possession of reserve lands was precisely what motivated the gendered status formula in the *Indian Act*.)

Despite receiving a modest annual sum from renting her deceased husband's lands, Elizabeth was, by the time of her own death in May 1899, reportedly penniless, and had accumulated $800 in debts, including nursing and medical bills, the wages of "a poor woman for washing done," and an account for $186.57 with Daniel J. Lynch, a merchant.[106] McDougall's death, and Lynch's protests, exposed the shortcomings of another dimension of fiscal colonialism that existed alongside the Trust Fund I explored in the Tobique case: efforts to manage and ostensibly protect the finances and creditworthiness of *individual* Indians. Almost certainly, nobody in the Indian Affairs headquarters could have recalled from memory the details of the McDougall land compromises of the 1880s when Elizabeth died in 1899. More broadly, just as outsiders (or even Outsiders) saw only "through a glass, darkly" how the headquarters machinery produced decisions, the Ottawa clerks had only a partial, obstructed view of the complexity of actually existing Indigenous financial struggles, especially in central and eastern Canada, where the social and economic lines between Indian reserve and settler society were often the thinnest.

Indian Affairs bureaucrats' approach to debt was more complex than to church furnaces. Reflecting the important paternalistic and protectionist strand in early Indian policy, the *Indian*

[106] Exactly how much debt Elizabeth accumulated is unknown, but LAC, MG 27 II-D-15, volume 265, James A. Sutherland to C.B. Heyd, April 9, 1900, reports that the Indian Department received $800 in claims against her estate from creditors; *ibid*., J.A.J. McKenna, Memorandum for the Minister: Claim of D.J. Lynch Against the late Mrs. McDougall, January 30, 1901, noted Lynch's account specifically, and *ibid*., James Sutherland to C.W. Colter, April 20, 1900.

Act effectively barred most seizures of on-reserve assets by white creditors.[107] Nevertheless, Indian debt remained widespread in Canada and evidently Indigenous people were able to obtain credit despite the *Indian Act*, albeit often through a variety of less formal and probably more expensive means, from merchants and others who may have genuinely believed or at least hoped they would be repaid, expected the Indian Department to serve as the ultimate guarantor of the debt, or were ignorant of the terms of the *Act*. (Lynch obviously fell into the second category, although as a white woman, it is possible that McDougall was able to obtain credit more easily than many other Indians.) Bureaucratic perspectives on the value and morality of debt varied widely, especially between headquarters and field officers and particularly in Ontario and Québec, where a substantial number of the part-time Indian agents were also businessmen who extended credit to their Indigenous customers.[108] Unlike the Tobique Band, which spent its interest on its church and community hall, some bands elected to distribute the interest to band members as cash. By the late nineteenth century, it was therefore common for Indigenous people to use this fixed income as collateral, a process known to headquarters bureaucrats as the "order system."[109] The so-called order system was practiced by McDougall's people, the Mississaugas of the Credit, by at least 1879, when they devised a (legally unenforceable) written form promising that a specified advanced amount would be made good from future interest

[107] *Indian Act*, chap. 18, 1876.
[108] In theory, an amendment to the *Indian Act* in 1890 prohibited Indian agent-businessmen from conducting business with Indians, but a further amendment in 1894 allowed them to apply for a ministerial exemption. Only agent Antoine Bastien in Québec, another of the Department's few Indian Indian agents, was granted an exemption: LAC, RG 10, volume 1123, J.D. McLean, Memorandum for the Information of the Deputy Minister, February 16, 1900. However, the Ontario agent investigation files I explored in Chapter 2 suggest numerous other agents illegally traded with Indians after 1890.
[109] Abbott, *Administration of Indian Affairs in Canada*, 87; and LAC, RG 10, volume 2592, file 119,726, J.A. Macrae to J.D. McLean, April 5, 1901, and Samuel Stewart, Memorandum for the Secretary, July 9, 1902.

payments.[110] As her case illustrates, at least some Indian agents also commonly used personal guarantees to underwrite additional Indian credit within their agencies.

Headquarters bureaucrats disapproved of Indian credit in general and opposed the order system in particular, probably because it drew the Indian Department into local financial relationships over which they were poorly equipped to exercise any control or oversight.[111] Matheson's internal list of policy guidelines includes two entries for debts: one noting the Department's efforts to abolish the order system, and another specifying that Indian agents were not to serve as collection agents.[112] There were intermittent public affairs campaigns to warn merchants that Indian Affairs money would not be used to cover Indian debts since at least 1839.[113] The responses to such campaigns during the 1890s and early 1900s suggest that Indian agents generally regarded the abolition of the order system and related agent guarantees as completely unworkable, and thus, in effect, that many of them found ways to circumvent the guidelines.[114]

Such campaigns, however, were essentially moot in McDougall's case since after her death she was no longer in receipt of interest payments that could be confiscated. And beyond

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[110] LAC, RG 10, volume 2082, file 12,105, Adam Brown to John A. Macdonald, March 12, 1879.

[111] Gettler, "Colonialism's Currency," also finds that consumer credit was widespread in Québec, although he does not study a band where annuities or interest payments were used as collateral and consequently may overestimate the extent to which the *Indian Act* separated Indians from debt relations.

[112] LAC, RG 10, volume 3398, part 6, George Matheson, "Notes on Policy and Rulings," entries under Debt linking to Black *files* 379,856 and 381,250.

[113] LAC, RG 10, volume 2592, file 119,726, extract of a minute of the Executive Council of Upper Canada, June 27, 1839. Attempts during the range of my study period included LAC, RG 10, volume 2696, file 140,739, Lawrence Vankoughnet to E.D. Cameron, August 18, 1893; and volume 4054, file 379,856, Hayter Reed, circular to all Indian agents, February 9, 1897. Indian debt remained sufficiently widespread into the 20th century that subject number blocks were assigned for it in the subject file systems adopted in Indian Affairs in the 1920s and 1940s (40 files and 18-10 files, respectively, usually relate to Indian debts).

[114] LAC, RG 10, volume 4919, J.D. McLean to W. Sibbald, March 22, 1900; LAC, RG 10, volume 2592, file 119,726, Edgar Dewdney to Lawrence Vankoughnet, November 4, 1891, and responses in same file, such as Hilton Keith to the Indian Commissioner, November 14, 1891. In response to an admonition in 1911 that he not allow creditors into the annuity room, one agent successfully protested that he did not permit them to do so, merely to wait just outside the door and accost Indians as they left with their cash: LAC, RG 10, volume 4054, file 379,856, J.D. McLean, circular to agents, January 30, 1911, Gordon Smith to the Secretary, February 6, 1911, and J.D. McLean to Gordon Smith, February 13, 1911.

such campaigns, headquarters clerks generally took little decisive action. Although the *Indian Act*'s protectionist provisions could have provided the authorization for a more proactive campaign against the financial exploitation of Indigenous people, which was presumably the intent behind the prohibition on debt collection, no staff and no funds were allotted specifically to the debt problem. In the absence of an office to oversee such policies, the default position to which headquarters bureaucrats usually retreated in practice was one of nonintervention. On a more narrow reading, the *Act* merely prevented the execution of a court order to remove property from an Indian reserve without permission other than the specific items sold on credit by the merchant. Consequently, on the one hand, when Indians got into debt, "McLean" usually advised them to obtain their own legal counsel and attend to their financial problems personally,[115] while, on the other, creditors who approached the Indian Department for assistance were usually informed cursorily that the Department did not assist merchants in collecting debts and that it would not "be proper to especially favour one creditor in this respect, and refuse others similarly situated."[116] Nonintervention or neutrality can therefore be considered to be the policy of the Indian Department, although only in the sense that this was the common, consistent practice of the bureaucrats over time.

As I have already stated above, Lynch first turned to the Indian Department headquarters for assistance in October 1899, several months after McDougall died, and was initially rebuffed and told to litigate his grievance privately,[117] in keeping with the practice of nonintervention. Others of McDougall's creditors who wrote the Indian Department received equivalent

[115] For instance, LAC, RG 10, volume 2966, file 207,521, J.D. McLean to William Nisbet, November 12, 1909.
[116] LAC, RG 10, volume 2975, file 210,425, J.D. McLean to James Portt, June 6, 1899.
[117] Because the relevant file is missing, Lynch's letter has not been located. However, McLean's letter to Lynch is LAC, RG 10, volume 4919, J.D. McLean to Daniel J. Lynch, March 17, 1900, and LAC, RG 10, volume 4917, J.D. McLean to H. Stewart, February 7, 1900, states Lynch initially made his application to the Indian agent in October.

treatment.[118] There is no copy of Lynch's rejection letter in McLean's private letterbook, suggesting that his application was initially processed as a routine matter by a subordinate clerk.[119] Lynch was not, however, an ordinary creditor. He was an active member of the Liberal Party in Hagersville, Ontario (near McDougall's New Credit and also the Six Nations reserves) and had even hoped to become an Indian agent for one of those reserves during the Great Purge. At the time, his application had been sabotaged by a rival who warned that the "true men" of Hagersville had "no confidence in… Lynch's politics,"[120] and the appointment at New Credit went instead to another partisan beneficiary, Hugh Stewart. Lynch redeemed himself by campaigning for the victorious Liberal candidate in Haldimand County during the 1900 election.[121] Accordingly, faced with rejection from the normal bureaucratic process, Lynch resorted to his party's internal network of obligation and reciprocity for assistance.

What follows, in Sifton's and McLean's files and letterbooks, illustrates the alternative paths through the bureaucracy open to the privileged. My word choice is intentional: even in the early 1900s, when the partisan system of wealth redistribution was far more entrenched and influential than it is today, bureaucrats did not automatically defer to guidance from government MPs relayed to them via the minister. Since the partisan networks were more informal and the hierarchies within them less clear, there were more opportunities to push back, to probe for strong and weak links, to identify what obligations and liabilities could arise from each individual intervention. Especially where a request was obviously contrary to Department

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[118] LAC, MG 27 II-D-15, James Sutherland to J.W. McDougall, May 3, 1900.
[119] McLean's surviving personal correspondence for March 1900 is found in LAC, RG 10, volume 1123. It is possible that the matter was so sensitive that McLean did not even copy it in his personal letterbooks, although it is more likely that nobody in the Department realized he had political connections and consequently did not consider the rejection to be an important or sensitive development.
[120] LAC, MG 27 II-D-15, volume 3, Thomas Besthewerick to Clifford Sifton, December 24, 1896.
[121] LAC, MG 27 II-D-15, volume 114, Andrew Thompson to Clifford Sifton, January 22, 1901. Indeed, shortly after the events described here, Stewart left office and Lynch was for a brief time the Indian agent at New Credit.

practice and exposed the Department to potentially serious blowback in the future, some degree of resistance could be expected. Lynch was eventually repaid in full, but officials' reticence to accommodate him, and not merely the normal delays incurred in a busy office environment, clearly played a factor in the lengthy, winding path that led to his compensation.

Lynch's first intermediary was Charles Colter, the former Liberal MP for Haldimand and possibly an uninspired choice, since he had not sat in Parliament since 1890 nor stood for election since 1891.[122] He remained, nevertheless, sufficiently well-versed in Ottawa bureaucratic politics that he knew to send a private letter to McLean lobbying on Lynch's behalf, a letter that McLean elected not to pass to the registry office for proper intaking,[123] and also a letter to the minister advising him of the existence and sensitivity of the first letter, just in case McLean were to ignore or overlook it. "On grounds of justice as well as on political grounds," Colter informed the minister, Lynch's claim merited "favorable consideration."[124]

Colter's intervention arrived at an inopportune moment for Lynch: Clifford Sifton had departed for an extended tour of Europe, both escaping his obligation to attend the annual Parliamentary session and to receive treatment from a specialist for his progressive deafness.[125] In his absence, the Interior and Indian Affairs ministries were passed on an acting basis to one of Laurier's ministers without portfolio, James Sutherland.[126] Although he had served for several

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[122] Parliament of Canada, "Parlinfo: Charles Wesley Colter" (Internet: <https://lop.parl.ca/sites/ParlInfo/default/en_CA/People/Profile?personId=4363>).
[123] LAC, RG 10, volume 1123, J.D. McLean to C.W. Colter, March 20, 1900. There is no entry for this letter in the appropriate volume of the Red Series register (LAC, RG 10, volume 3319).
[124] LAC, MG 27 II-D-15, volume 78, C.W. Colter to James Sutherland, March 16, 1900.
[125] The trip is briefly described by D.J. Hall, *Clifford Sifton*, I: *The Young Napoleon, 1861-1900* (Vancouver: University of British Columbia Press, 1981), 292. All of Lynch's intermediaries were at least sufficiently well-connected to guarantee him an audience; in contrast, some correspondents had their letters set aside amongst "Mr. Sifton's private papers" to await his eventual return: LAC, MG 27 II-D-15, volume 236, H.P. Collier to Emily Cumming, March 10, 1900.
[126] LAC, MG 27 II-D-15, microfilm reel C-505, J.A.J. McKenna, Memorandum to the Acting Superintendent General, April 9, 1900; and Parliament of Canada, "Parlinfo: James Sutherland" (Internet: <https://lop.parl.ca/sites/ParlInfo/default/en_CA/People/Profile?personId=13607>).

years as party whip and was evidently well-connected within the party's national patronage network,[127] Sutherland had no previous Indian Affairs experience, so as he settled into office (his private secretary did not begin to brief him on Indian Affairs questions until early April),[128] McLean was effectively left to his own devices in crafting the Department's response to Colter. McLean did consult the in-house lawyer, Reginald Rimmer – not an easy task, since the two men, although both Liberals, despised one another and only communicated, with difficulty, via messenger.[129] Rimmer had already examined Elizabeth's case in 1899, but McLean's resulting brief letter to Colter laid out the bureaucrats' customary position on Indian debt, already communicated previously by routine letter. All of McDougall's roughly $185 in debt to Lynch was unsecured, the Secretary wrote, except for $11.81 that had been approved under the order system by Indian agent Stewart. Consequently there was "no necessity for this Department to interfere." Creditors were expected to seek resolution of Indian debts outside of the auspices of the Indian Department, and "I do not see… that the Department can make any exception in Mr. Lynch's favor."[130]

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[127] David Massell, *Amassing Power: J.B. Duke and the Saguenay River, 1897-1927* (Montreal and Kingston: McGill-Queen's University Press, 2000), 21-22.

[128] For instance, on April 9, McKenna notified Sutherland that Sifton had left unresolved an appointments question: LAC, MG 27 II-D-15, J.A.J. McKenna, Memorandum to the Acting Superintendent General, April 9, 1900.

[129] Nominally, Rimmer was McLean's subordinate, but in practice he was as far from McLean's sphere of influence as one could get within the Indian Department: he was a political appointee, not a career civil servant, and as lawyer was more of a technical specialist than a traditional clerk. Over his several years in the Indian Department, he and McLean antagonized one another on multiple occasions. Rimmer did not bother signing the attendance book and took habitually over-long lunches (LAC, RG 10, volume 1122, J.D. McLean, Memorandum to the Deputy Minister, December 1, 1898). He outright refused to agree to McLean's proposed smoking ban, sending back a messenger with the curt response that he was "no clerk under McLean" (*ibid*., J.D. McLean to James Smart, February 23, 1899, and McLean to Smart, February 28, 1899). At one point, he stopped addressing his memoranda to McLean when responding to the Secretary, effectively making them memoranda to file which McLean then had to chase down (*ibid*., J.D. McLean, Memorandum to James Smart, December 15, 1898).

[130] LAC, RG 10, volume 1123, J.D. McLean to C.W. Colter, March 20, 1900.

Undeterred by McLean's rejection, Lynch tried again, this time through Charles Heyd, the new MP for Brant South.[131] Heyd spoke to Sutherland personally in Ottawa in early April, "made strong representations in favor of Mr. Lynch," and handed the minister a personal letter. Although Sutherland (or perhaps McKenna) passed many of the letters he received in Sifton's absence to the minister upon his return to Canada, Heyd's letter is not among Sifton's surviving papers. In his response, though, Sutherland indicated that he had ensured the question was returned to Rimmer, the law clerk, to take into account the "special representations" made on behalf of Lynch.[132] Rimmer's memorandum in reply survives in his pilfered papers in Saskatchewan and shows that he was emphatic: "there was not one cent in the possession of the Department applicable to the payment of Mrs. McDougall's efforts."[133] Rimmer was correct: like church furnaces, there were no funds allotted in the Indian Department's Parliamentary budget for the repayment of debts incurred by Indians. Sutherland allowed that "the Department" might "be morally bound" to pay the $11.81 authorized by the Indian agent under the order system, despite the lack of a legal mandate for that system, but added that such a paltry payment would probably "only accentuate Mr. Lynch's dissatisfaction." He closed by repeating McLean's position that "we could not recognize his whole claim without recognizing all the claims filed against Mrs. McDougall," which was "absolutely out of the question."[134]

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[131] Hagersville was in the Haldimond and Monck riding, but the MP for the district was a Conservative, Walter Humphries Montague: Parliament of Canada, "Parlinfo: Walter Humphreys Montague" (Internet: <https://lop.parl.ca/sites/ParlInfo/default/en_CA/People/Profile?personId=9651>). Heyd may have been the geographically closest MP with which Lynch had some relationship.

[132] LAC, MG 27 II-D-15, volume 265, James Sutherland to C.B. Heyd, April 9, 1900. Incidentally, Sutherland sent a similar letter to Colter the same day, suggesting that Colter may well have been correct to fear that McLean would stall in notifying the acting minister of Lynch's case. Incensed at being brushed off, Colter sent an "explicit" reply, only to receive a second noncommittal explanation of the Department's customary position from Sutherland (*ibid*., volume 265, James Sutherland to C.W. Colter, April 20, 1900).

[133] Rimmer, Memorandum, 6 April 1900, in Saskatchewan Archives Board, Rimmer fonds, 4, c, p. 174.

[134] LAC, MG 27 II-D-15, volume 265, James Sutherland to C.B. Heyd, April 9 and 20, 1900.

At some point in the course of drafting Sutherland's responses to Colter and Heyd in April 1900, Sifton's private secretary J.A.J. McKenna took a personal interest in the file. McKenna's intervention was not automatic and the reasons for it are unclear. Possibly, in Sifton's absence, he became involved on his own initiative, or Sutherland finally turned to him for assistance. A Maritimer like McLean, McKenna was in fact a Conservative hire, first appointed in 1882, but had distinguished himself as a bureaucratic troubleshooter and was picked by Sifton to be his private secretary for Indian Affairs in 1896.[135] His remit was extremely broad, from handling minor correspondence matters for Sifton to serving as a commissioner for both Treaty Eight and Treaty Ten. Thus, while he was not normally the coordinator of political patronage within the Indian Department and his role as private secretary was outside the formal chain of command running from Sifton through McLean to the rest of the Department, his position in the minister's office did give him considerable power, particularly in Sifton's absence. Without exaggerating the unusual character of McKenna's involvement – Sifton's Indian Affairs letterbooks indicate that McKenna, like McLean, signed a wide variety of mundane correspondence on behalf of his minister, and it is not entirely surprising that he should step forward to resolve a confusing issue for an acting minister – we may pause to appreciate that first the Department's lawyer and then the minister's principal advisor had been, in effect, recruited into a partisan campaign to advise *against* the financial interests of at least the Department and possibly the Mississaugas.

The solution arrived at by McKenna was clever, if highly dubious. The nub of the problem, he announced, was that Elizabeth McDougall had plainly been "destitute" if she had

[135] In the British civil service tradition, a private secretary is a civil servant posted to the minister's office to provide advice and organizational assistance. There is no longer an equivalent position in the conventional Canadian political hierarchy. The function is broadly similar to the American and contemporary Canadian position of chief of staff, but Canadian ministerial chiefs of staff are political appointees rather than civil servants.

fallen so deeply into debt, and therefore she should have been on relief prior to her death. Her account with Lynch could therefore be interpreted as an advance made against future relief payments rather than as true debts. All that was necessary was to retroactively – not to mention posthumously – declare her to be living in poverty, and then the Department could bail out Lynch. Best of all, it would not cost the Department very much, because it would be a joint bailout: the Indian Department could supply the $11.81 guaranteed by Stewart (an unusual measure given the ongoing campaign to abolish the order system, but at least the amount in question was not large), but the Mississaugas of the Credit was already paying relief to its members out of its Trust Fund account, so they could be prevailed upon to supply the remainder.[136] McKenna did not bother to explain why Lynch alone, among McDougall's creditors, deserved this exceptional treatment from the Department, or how his extraordinary reassessment of Elizabeth's life circumstances squared with the Department's general moral judgement on the value of debt and its far more rigorous customs for determining who, while living, actually merited relief.

McLean at least had misgivings about these potential shortcomings of McKenna's solution, which he put to Smart in a cautiously worded memorandum, warning that the bailout to Lynch was "not consistent" with established precedents in the files and that the most the Department should be prepared to concede was the amount advanced under the order system.[137] Nevertheless, the headquarters clerks, himself included, moved forward. Instructions were sent to agent Stewart to put the question of this use of the Trust Fund to the band council,[138] which

[136] LAC, MG 27 II-D-15, volume 265, J.A.J. McKenna to Clifford Sifton, January 30, 1901. Although McKenna took credit for this approach in his letter to Sifton, it is possible it was arrived at jointly with Rimmer, since McLean alluded to the idea of using the Trust Fund to pay Lynch originated with the law clerk, who feared that going forward with it would expose the Department to demands from the other creditors that they be treated in like manner (LAC, RG 10, volume 1124, J.D. McLean, Memorandum to the Deputy Minister, August 4, 1900).
[137] LAC, RG 10, volume 1124, J.D. McLean, Memorandum to the Deputy Minister, August 4, 1900.
[138] LAC, RG 10, volume 4921, J.D. McLean to H. Stewart, April 21, 1900.

may have been required under the *Indian Act* but certainly gave Sutherland and McKenna a degree of political cover, insofar as they would be able to truthfully respond to future questions that they were merely carrying out the wishes of the band council.[139]

Stewart's account of the council meetings dealing with McDougall's estate does not survive, though it must have been acrimonious, particularly since the agent himself believed that "when Mr. Lynch credited Mrs. McDougall he knew well he was taking a risk as to payment."[140] On May 16, the band councillors met and passed a resolution agreeing that McDougall had been "destitute" but with no mention of the Trust Fund as a source of repayment, a shortcoming which earned Stewart a rebuke from headquarters.[141] Finally a compromise was reached at the next meeting on June 5. More than a year had elapsed since McDougall's death, observed the band councillors; consequently, the Indian Department must have received but not disbursed the most recent $125 annual rental payment for her farm. The Mississaugas of the Credit would therefore pay her remaining debt to Lynch less the $125 already in the hands of the Department and the $11.81 to be paid by the Indian Department itself. This compromise figure equated to $49.76, to be drawn from the Trust Fund.[142]

The matter was, seemingly, closed, but one problem remained. "McLean" was aware, as McKenna possibly was not (since he did not have an accounting clerk near to hand to guide his decisions), that there was in fact no $125 in rent payments to give to Lynch. Upon her death, McDougall's farm had been inherited by her children, and the rent payments were now accruing

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[139] Section 74 of the *Indian Act* authorized the minister to withdraw money from the Trust Fund "for the relief" of "sick or disabled, or aged or destitute Indians [who] are not provided for by the band of which they are members": Canada, *The Revised Statutes of Canada*, volume 1 (Ottawa: Brown Chamberlin, 1887), 74.
[140] LAC, RG 10, volume 1124, James Smart to C.W. Colter, August 9, 1900.
[141] LAC, RG 10, volume 4925, J.D. McLean to H. Stewart, May 28, 1900.
[142] LAC, RG 10, volume 1124, James Smart to C.W. Colter, August 9, 1900. It is not clear who came up with the idea of using the rent payments to repay Lynch, although it may have been agent Stewart, who was told by McLean that there were no such moneys to disburse: LAC, RG 10, volume 4921, J.D. McLean to H. Stewart, April 12, 1900.

to them instead. At this point, McLean washed his hands of the matter and had the decision approved by the deputy minister *in absentia*, James Smart. Smart approved the issuing of a cheque for $49.76 to Lynch from the Trust Fund and signed a letter to Colter explaining that since Elizabeth had been destitute, "the Department" would pay the $11.81 guaranteed by Stewart, the band had paid $49.76 from its Trust Fund account, and that Lynch would have to write off the remaining $125. "The Department," "Smart" proclaimed, "would not feel justified without the Band's consent in paying his full claim in preference to other claims and especially those for care and nursing. I think that in further considering the matter you will agree with me that the Department has gone in this matter as far as it would be justified."[143]

Colter might have agreed – he seems to have stopped representing Lynch after securing the partial payment – but Lynch obviously did not. Several months of silence followed, as Lynch searched for a new lobbyist. Laurier called an election for November 1900, and Lynch attached himself to the campaign of Andrew Thompson, the Liberal candidate for Haldimand and Monck, who seized the riding from the Conservatives by a narrow margin. After being sworn in, Thompson fulfilled his obligations by dutifully writing Sifton to ask for the rest of the money. Lest Sifton have any doubts, he put the case in explicitly partisan terms: "Mr. Lynch rendered me very valuable assistance in my recent contest with Dr. Montague, and I am very desirous that he should no longer be kept out of what is without doubt fairly his." "McKenna," Sifton scrawled in the margins of the letter before passing it to his private secretary, "Let me know what this is?"[144]

McKenna was caught in a difficult position. His scheme had only been partially successful, and "the Department," via Smart, had already proclaimed itself at the end of its

[143] LAC, RG 10, volume 1124, James Smart to C.W. Colter, August 1900.
[144] LAC, MG 27 II-D-15, volume 114 Andrew T. Thompson to Clifford Sifton, January 22, 1901.

tether. But, working creatively, he devised one last workaround. On January 30, he handed Sifton a memorandum explaining the entire affair, crediting himself with coming up with the original solution and accusing the other clerks of misreading the Mississaugas' council resolution. The councillors had, he explained, obviously arrived at the figure of $49.76 for Lynch by deducting the $125 "supposed to be standing at her credit in the Department," but "there being no amount to her credit, the Resolution should be taken as having been a consent to paying the whole amount out of their fund." Perhaps "the Department" should have originally "refuse[d] to take any action… and le[ft] Mr. Lynch [to] stand as an ordinary creditor," he acknowledged, but since it had already sent its own $11.81 share to Lynch and thereby established that he was an *extraordinary* creditor, "it seems to me that there is nothing left now but to pay the balance."[145] The entire line of argument seems remarkably specious, and notably McKenna did not propose referring the matter *back* to the band council for clarification, but Sifton promptly signed a letter to Thompson – perhaps drafted by McKenna and handed to the minister at the same time as his background memorandum, since a copy survives in Sifton's personal papers – approving a third payment of $125 to Lynch, this one again drawn from the Trust Fund.[146]

Thus ended "the Indian Department's" decision-making process on McDougall's debts. It is worth pausing to note the multiple, contradictory positions that officials proclaimed that "the Department" was taking, over the course of nearly a year of correspondence: McLean's Department refused to grant any special treatment or compensation to Lynch on the grounds that he was an ordinary creditor, Smart's Department agreed to give Lynch partial payment to the extent authorized by the band council, and finally McKenna's and Sifton's Department

[145] LAC, MG 27 II-D-15, volume 265, J.A.J. McKenna to Clifford Sifton, January 30, 1901.
[146] LAC, MG 27 II-D-15, volume 265, Clifford Sifton to Andrew T. Thompson, January 30, 1901.

determined that the only responsible course of action was to pay Lynch in full. It would be overly simplistic to infer merely that the views of "the Department" were whatever a particular elite speaker wished them, at that time, to be. Particularly in the case of "McLean," forming "the Department's" views really was a complex process requiring coordination of officials across the ranks of the headquarters hierarchy. Through a combination of political uncertainty, miscalculations, and bureaucratic resistance, the patronage network eventually succeeded in compensating Lynch. Politicians could steer the Department towards outcomes not achievable through the normal bureaucratic process, but even so, the resulting negotiations could prove far more complex than elite figures giving orders to deviate from standard practice and then subordinates loyally implementing such directives.

Whatever McLean's misgivings on the McDougall file, and his and other senior officials' vague understanding of their actions on the Tobique church furnace file, both orders could be implemented fairly routinely once the formal decisions had been made or ratified. Dalton and McLean entrusted agent Farrell to solicit tenders for the furnace installation, the common practice for small contracts and sales.[147] Spotting one additional opportunity to throw a bone to the patronage system, McLean asked the local MP to identify a suitable fire insurance provider. (This letter was written by McLean personally and he did not want it added to the furnace file, but it ended up there after the MP, in lieu of typing a response, scrawled his choice in the margin of McLean's letter and sent the original back to the Department, where it was picked up by the registry office.)[148] The Lynch cheque could also be processed relatively routinely, though only after the order to produce the cheque was mysteriously sent to the wrong branch, buried beneath

[147] LAC, RG 10, volume 2391, file 79,990, part 1, J.D. McLean to James Farrell, August 19, 1901.
[148] LAC, RG 10, volume 1125, J.D. McLean to John Costigan, October 24, 1901, outgoing private letter, and LAC, RG 10, volume 2391, file 79,990, part 1, J.D. McLean to John Costigan, October 24, 1901, incoming letter with marginal comment by Costigan.

what the clerks there insisted was "an accumulation of" more urgent paperwork, and lost for a month (probably by genuine accident, though perhaps as some frustrated civil servant's last act of sabotage), necessitating another lobbying intervention by Lynch's MP and a "search" ordered by Sifton to locate the missing file.[149] Interestingly, two years after the church furnace installation, Duncan Campbell Scott, reviewing the ledgers, noticed that the costs of religious maintenance at Tobique were the highest of any band in New Brunswick and suggested that if the Tobique people were so wealthy, then perhaps they should be required to pay the costs of their own relief program.[150]

The specifics of the power structure described here existed only for a brief period of time, between McLean's successful removal of deputy minister James Smart from the day-to-day operations of the Department shortly after his appointment in 1897 and his replacement by another faithful Liberal partisan appointee, Frank Pedley, in November 1902.[151] After campaigning for the Liberal Party in 1896 and helping to set in motion the events of the Great Purge I discussed in the previous chapter, Pedley had accepted his own patronage appointment as Superintendent of Immigration, in which position he honed his knowledge of potential purchasers of Prairie reserve lands and created, with Smart and another immigration officer, a fraudulent consortium to purchase Indian reserve lands and flip them to settlers. (I will return to this dimension of Pedley's role in Chapter 5.) Initially, it seemed that the appointment of a full-time deputy minister might clip McLean's wings. Two months into Pedley's tenure, he even lost his home delivery of the Department's newspaper subscriptions;[152] and two months after that,

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[149] LAC, MG 27 II-D-15, volume 265, Clifford Sifton to Andrew Thompson, March 1, 1901.
[150] LAC, RG 10, volume 2293, file 58,545, Frank Pedley (initialled by Scott) to James Farrell, October 7, 1903, and Pedley to Farrell, October 16, 1903.
[151] LAC, RG 10, volume 3059, file 253,792, Extract from a Report of the Honourable the Privy Council, 21 November 1902.
[152] LAC, RG 10, volume 1125, J.D. McLean, January 29, 1903.

Pedley commandeered the prized deputy minister's private letterbooks, bringing the useful era of McLean's less-filtered personal correspondence to an end.[153] Pedley's letterbooks are more circumspect, full of official correspondence likely drafted for him by the Correspondence Branch.

In the long term, though, Pedley had little background in Indian affairs and, aside from the loss of the valuable private letterbooks, the difference in decision-making seems to have been one of degree only. McLean almost immediately commenced the same game that he had with Smart, sending Pedley all inward and outward correspondence for perusal.[154] In December 1903, the new deputy minister surrendered, allowing McLean to sign most of the correspondence and contenting himself with interventions on matters McLean judged to be non-routine and oral briefings summarizing everything else.[155] This amended McLean-centric system seems to have been practiced in some form until at least 1914, when Scott, his longtime rival, became deputy minister and devolved some of McLean's letter-signing authority to the heads of the accounting and lands branches.[156]

The paper trade built on the Red and Black Series, moreover, also underwent important transformations in subsequent decades. It was not inevitable that file narratives, once constructed, should be frozen in form and preserved for posterity in the archives, especially on

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[153] Pedley became the regular signer of correspondence in these books after LAC, RG 10, volume 1126, Frank Pedley to John Cowan, March 2, 1903. By the following year, following Pedley's surrender of authority back to McLean in December 1903, the Secretary was again the preeminent signer in the letterbooks, but on the whole they never regained the personal touch of McLean evident prior to 1903.
[154] LAC, RG 10, volume 2277, file 55,412-1, J.D. McLean, Memo to branches, November 25, 1902.
[155] LAC, RG 10, volume 2277, file 55,412-1, Frank Pedley, Memorandum to Mr. McLean, December 18, 1903.
[156] LAC, RG 10, volume 2277, file 55,412-2, Duncan C. Scott, Memorandum, July 9, 1914. Despite the ordered devolution, McLean seems to have retained considerable power, since, for example, he sent a letter to all branches in 1918 reminding them to send him letters with enough time to initial them before they were placed in the outbound mail: *ibid*., J.D. McLean, Memorandum to Branches, July 18, 1918. By 1924, signing authority for telegrams had changed again and was shared jointly by Scott and McLean: *ibid*., Duncan Campbell Scott, Memorandum, May 29, 1924.

the seemingly mundane and routine subjects that have been central to my research project. In 1923, the registry clerks abandoned the traditional narrative-based filing system for five genuine subject-based series in which correspondence was sorted based on originating geographical location and subject.[157] These series were replaced, in turn, in the late 1940s by a much more comprehensive subject-based system that was also, for the first time, imposed upon field offices to create a universal filing standard for Indian Affairs.[158] The once-crucial narrative management dimension of the paper trade had been effectively deskilled. Migration between filing traditions was quite haphazard: some useful Red and Black files were still kept up after the

[157] Darcy, "The Evolution," 165-166. Somewhat confusingly, these new series – the First, Thousand, Land Sales, School Files, and Engineering and Construction Series – each had their own independent ordering scheme: in the school and land sales series (serving the needs of those respective headquarters branches), a hyphenated file number was constructed from a school or reserve number followed by a subject: for instance, any file beginning in 576 pertained to the Brandon Residential School, any file ending in -10 was an admissions and discharges file, and therefore file 576-10 was the Brandon Residential School admissions and discharges file. Most matters other than land sales, schools, and infrastructure were deposited in the First or Thousand Series, in which, somewhat confusingly, *file* numbers were constructed in the opposite direction: for example, 8 was the subject code for enfranchisements, 151 for the Babine Indian Agency, and therefore 8151 referred to enfranchisements in the Babine Agency. Darcy claims that the registry clerks began introducing the location-subject code system to school files between 1902 and 1913 by the usual practice of reserving a Red or Black *file* number as an informal subject number; for the most part, however, all of these files were transitioned to the School Files Series.

[158] Darcy, "The Evolution," 166-168. The 1940s change anticipated the more systematic and comprehensive governance of individual Indians that was facilitated by postwar programs such as Indian status, family allowances, and veterans' support: Department of Citizenship and Immigration, *Report of Indian Affairs Branch for the Fiscal Year Ended March 31, 1950* (Ottawa: Edmond Cloutier, 1951), 55. Amusingly, the director of the then-Indian Affairs Branch was first introduced to the proposed new system in 1946 in a memorandum that assured him that it was "a simple, almost automatic filing system adapted to the particular needs of our Indian Agents," although, of course, "the outline… cannot very well be given in this memorandum without over-burdening you with unnecessary details": LAC, RG 10, volume 8585, file 1/1-1-6-2, part 1, A.E. St. Louis, Memorandum to the Director, January 22, 1946. Interpreting which papers belonged in which file necessitated frequent consultations with the file experts in Ottawa, and there were protracted struggles to persuade field officers to properly organize their files according to the booklet-length list of approved subjects (and to no other subjects). See contents of LAC, RG 10, volumes 8585-8586. Inspectors who fanned out across the country to monitor the transition even found fault with those agents they believed had implemented the new documentary regime too assiduously: the Winnipeg agent, for example, was censured for dutifully setting aside a blank file for every sub-subject in the booklet and thus taking up "valuable space in the file cabinets": LAC, RG 10, volume 8586, file 1/1-6-2, part 2, memo to G.E.A., Office Inspection Report, W.J. McGuire, April 14, 1953. The Queen Charlottes agent, in contrast, attracted attention for taking the opposite tack and taking over some of the numbers in the unneeded Eskimo section of the guide to sort some papers of local interest: *ibid*., J.A. Findlay to H.T. Vergette, January 25, 1950. Agents often sought advice on where to file papers: for example, the Eskasoni, Nova Scotia supervisor noted in 1950 that he saw no file number for Indian women living in reformatories, although the records office manager responded that this fell under the heading of "maintenance of Indians in white institutions": *ibid.*, F.B. McKinnon to H.T. Vergette, February 28, 1950, and Vergette to McKinnon, March 4, 1950.

new subject file systems came online, and there were even a few new such files created, the so-called "High Red" files.[159] However, the original Tobique narrative remained numbered 79,990, while all of the church correspondence after 1905 was eventually, retroactively, placed first on file number 4066-2 in the 1920s and then 271/7-3-16-20 in the 1940s.[160]

The more serious threat to the survival of files, at least prior to the advent of comprehensive national archiving in the 1930s and 1940s, was environmental reform within the civil service. By the 1890s, the sheer mass of paperwork was becoming a troubling pollution problem in the minds of many civil servants and politicians. The products of the paper trade, intended to help bureaucrats control the Outside world, gradually came to surround them instead, taking up their office space and, if improperly stored, posing a potentially serious fire hazard. There was seldom enough safe vault space to accommodate all of the departmental houses, meaning boxes of Indian Affairs files were left stacked along the sides of the East Block corridors (hence McLean's call for a smoking ban).[161] By 1916, the Indian Department's files were so voluminous that it proved necessary for Scott to rent dedicated file storage accommodations on Wellington Street, a few blocks from the headquarters.[162] As late as 1924, a decade after Scott led the headquarters out of the East Block to a new dwelling on Sparks Street

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[159] "High" refers to the high sequence numbers of the *files*, not to a physical or hierarchical characteristic of the *files*: Darcy, "The Evolution," 168.

[160] LAC, RG 10, volume 7569, file 4066-2, covering the period 1905-1919, and file 4066-2 part 2, covering 1920-1933; LAC, RG 10, volume 8284, file 271/7-3-16-20. These figures represent areas, general subjects, and sub-subjects: for instance, file 119/31-2-2 meant a file pertaining, in order, to the Stony/Sarcee Indian Agency, rights of way, railway rights of way, and the Stony Reserve. A few files, but none relating to Tobique, actually migrated through all three systems. For example, Red *file* 108,176, concerning the destruction of official documents, had become known as file 1/1-6-3 (LAC, RG 10, volume 8586) by the time it was finally closed in 1959.

[161] LAC, RG 10, volume 1120, J.D. McLean to J.A. Smart, June 4, 1897.

[162] LAC, RG 10, volume 2656, file 132,504-Y, part 1, Superintendent of Dominion Buildings (signature unclear) to Duncan Campbell Scott, May 19, 1916. *Ibid*., J.D. McLean to R.C. Wright, May 27, 1918, indicated that the Wellington storage annex was unstaffed and contained those records "which are necessary for frequent examination, but not in every day use," in addition to a small "space used for storage purpose." A Records Branch officer transferred files to the Sparks Street headquarters from the storage space as needed.

several blocks away, old boxes of Indian Affairs materials were still turning up in out-of-the-way corners of Parliament where they had been stashed over the years.[163]

Outside the Indian Department, the growing pollution associated with the paper trade sparked a reform movement that called for the systematic destruction of unimportant old files and the archiving of significant ones. In February 1897, a fire raced through the top floor of the West Block of Parliament, both fed by and consuming a large number of files belonging to the railways and public works departments and to the Northwest Mounted Police.[164] A commission of inquiry established to investigate the blaze commented that in most departments, files more than a few years old were well-nigh inaccessible, stacked in the back of crowded storage rooms "rather as lumber to be got rid of than as records to be preserved," unprotected and highly vulnerable to fire.[165] The commissioners anticipated a gloomy future in which the civil service was "engulfed by rubbish," one in which – perhaps within a decade – "most of the rooms now required for administrative purposes would be needed for storage."[166] Not only that, but such a proliferation of "the most inflammable stuff imaginable" would "only add to the danger" of another fire. (This was not an absurd hypothetical: the British Houses of Parliament were set alight during an effort to dispose of old taxation tally sticks, and the Canadian Parliament fire of 1916 first spread amongst papers in the MPs' reading room.)[167] The commissioners urged the houses of the civil service to "weed out" unneeded documents as expeditiously as possible.[168]

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[163] LAC, RG 10, volume 8586, file 1/1-6-3, G.M. Matheson, Memorandum, March 4, 1924.
[164] Jay Atherton, "The Origins of the Public Archives Records Centre," *Archivaria* 8 (1979), 39-40.
[165] Commissioners Appointed to Inquire into the State of Public Records, *Report* (Ottawa: S.E. Dawson, 1898), 7. A commission struck in 1914 repeated this language verbatim, suggesting that the commissioners believed little of note had changed: Royal Commission on the Records of the Public Departments, Joseph Pope, *Report* (1914), 16, 22.
[166] Royal Commission on the Records of the Public Departments, Joseph Pope, *Report* (1914), 16, 20, 22.
[167] Mark Bourne, *Canada's Parliament Buildings* (Toronto: Hounslow Press, 1996), 37. The tally sticks episode is common knowledge; the Canadian parallel, perhaps less so.
[168] *Ottawa Citizen*, February 12, 1897, quoted by Atherton, "The Origins of the Public Archives Records Centre," 39; and Commissioners Appointed to Inquire into the State of Public Records, *Report* (Ottawa: S.E. Dawson, 1898),

As one records official later intoned solemnly, "the destruction of official documents, even under proper authority, is always a serious matter."[169] Safe disposal of an official file could only be carried out under the authority of a Cabinet order.[170] Consequently, clearing out the old records rooms and making room for civil servants – or at least new documents – was an uneven process, moving in fits and starts, pursued in some departments more eagerly than others. As the long-abandoned Red and Black Series files grew ever more irrelevant to the Indian Affairs Branch's daily operations during the late 1930s and 1940s, tranches of files were finally, gradually, "weeded out" and sent to the newly established civil service archive, constructed in Department of Agriculture territory on the Experimental Farm.[171] Although Indian Affairs clerks thus did eventually contribute to the archiving project, on the whole they were comparative shirkers in the civil service's drive for environmental cleanup. While the registry clerks were all too happy to destroy large quantities of field files, such as many of the commissioner's office files once housed in Winnipeg and Victoria, they were much more hostile to the prospect of destroying headquarters files, even when a "waste paper" drive was launched during World War II, conscripting files to join the war effort at mills hampered by paper shortages.[172]

Instead, they consistently advanced what Bill Russell has cleverly termed the "white man's paper burden" thesis: the notion that Indian Affairs records were uniquely deserving of

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9. In addition to destruction, the commissioners recommended more systematic archiving. By 1897, there were two outfits that could claim to be long-term archives, though they were based in rival bureaucratic houses and neither possessed wide-ranging authority over the rest of the civil service: the Archives Branch created in the catch-all Department of Agriculture in 1872, and the office of the Keeper of Records in the Department of the Secretary of State, established in 1873.

[169] LAC, RG 10, volume 8586, file 1/1-6-3, A.E. St. Louis to the Director, August 3, 1937.

[170] LAC, RG 10, volume 8586, file 1/1-6-3, D.C. Scott to Thomas Mulvey, November 20, 1931, and Public Records Committee, Circular to all Departments and Agencies, ca. 1953, describing historical authority issued by the Treasury Board laying out retention periods and destruction procedures for official documents.

[171] LAC, RG 10, volume 8586, file 1/1-6-3, A.E. St. Louis to the Director, August 3, 1937.

[172] LAC, RG 10, volume 8586, file 1/1-6-3, L.R. La Fleche to T.A. Crerar, January 13, 1944, and A.E. St. Louis to Dr. McGill, January 19, 1944, noting that the 1770 pounds of paper donated to the United War Services comprised all the records he could afford to part with.

preservation, whatever the risks and costs incurred, because of the department's unique mission to civilize the Indian peoples.[173] This thesis originated at least as early as 1890,[174] and in 1895, Scott and Hayter Reed prepared a memorandum insisting it was "impossible safely to destroy any of the correspondence,"[175] but it was perfected in the excited rhetoric of Matheson's successor, A.E. St. Louis. To St. Louis, he and his predecessors had documented "an unbroken chain of chronological events relating to our Aborigines commencing with the original Minutes of the Six Nations Council at Albany in 1715," none of which "can be classified as Indian legends or myths, but all of which bar the characteristics of historical monuments… They contain an almost continuous record of our Indian wards [sic] progress," together with clear documentation of "the unwritten concordate between Church and the State… towards the Indian race." (Given the contemporary legal and political context to which analysis of this documentary record regularly contributes, one of the surprising implications of Russell's thesis is that the registry clerks were so dedicated to keeping their record intact because they genuinely believed their narratives would portray them in a positive light; as St. Louis put it, "it is incumbent on the Department to preserve from decay the remembrance of what these men have done for its wards and these records should be kept intact for historical purposes as an example to future generations. These reports are being retained indefinitely for these reasons.")[176]

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[173] Bill Russell, "The White Man's Paper Burden: Aspects of Records Keeping in the Department of Indian Affairs, 1860-1914," *Archivaria* 19 (1984-1985), 50-72.

[174] LAC, RG 10, volume 8586, file 1/1-6-3, Superintendent General of Indian Affairs to the Governor General in Council, October 1890.

[175] LAC, RG 10, volume 8586, file 1/1-6-3, memorandum initialed DCS (Duncan Campbell Scott) and HR (Hayter Reed), April 4, 1895. Since they could not be destroyed, they wrote, the "least used" records were being put in boxes in old storage rooms to save shelf space. Given the general comments made by the commissions of inquiry, it would seem that Indian Affairs bureaucrats were in this respect following common practice within the civil service at the time.

[176] LAC, RG 10, volume 8586, file 1/1-6-3, A.E. St. Louis to the Director, August 3, 1937. Presciently, when the Indian Affairs Branch did destroy old documents it believed to be unimportant historically in the late 1940s, director D.M. MacKay advised preservation of "papers of general historical value" such as might be required to respond to "claims or supposed claims, having their origins at a very remote date": LAC, RG 10, volume 8585, file 1/1-1-6-2, part 1, D.M. MacKay, memorandum, November 10, 1949. During the rollout of the new universal filing system,

The Tobique and Macdougall files reveal in different ways – one a decision made by mid-level clerks and then ratified by senior politicians, the other a decision made by the politicians and then eventually ratified by the clerks – how the paper trade that constituted daily life within the Department of Indian Affairs, how decisions were made within the Department and by its political overseers, and how such decisions were recorded for posterity on paper. The Red and Black Series-based file narratives that remain the largest and most influential record of Indian policy in this period must be interpreted as unreliable narrators of bureaucratic events. The small, highly centralized administrative hierarchy they depict is not an accurate reflection of the mundane, day-to-day decision-making process at work in the Indian Department, the alternative political tracks to which sufficiently well-connected settlers could turn when the former process disappointed them, or of the less influential but nevertheless important local arrangements negotiated between some Indian agents and bands. The complexity of the official, precedent-driven decision-making processes and the existence of alternative routes through the Department could conspire, as I suggest in subsequent chapters, to limit the capacity of elite policy-makers to pursue more than incremental policy reforms with uncertain and even unpredictable outcomes.

In one sense, although this perspective on bureaucracy stands at odds with common depictions of the Indian Department as a highly centralized, micromanagerial institution, it is also already so deeply ingrained in contemporary Western culture that it seemingly needs little further justification: paper submissions vanish into an opaque administrative network at one location and then emerge somewhere else bearing few traces of what happened in between,

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similar advice was given to the field offices. In 1947, the Clandeboye agent learned he could burn records so long as they did not relate to treaties, interest payments, "Indian membership" (that is, status), and land surrenders: *ibid.*, file 1/1-6-3, D.J. Allan to the Executive Assistant, December 3, 1947, drafting a response to B.E. Olson to the Director, November 27, 1947.

except perhaps to the extent that those requests dispatched by elites seem to end up in favourable dispositions more often than those of marginalized people. This reorientation in perspective is, nevertheless, essential to how we conceptualize the colonial state in Canada. The shuffling of paper by junior officers was not mundane, apolitical, or irrelevant; to the contrary, it was extremely important both to the actual practice of colonialism and to the production and perpetuation of the documentary record that informs contemporary scholarship and public understanding. When senior officials did take a personal interest and intervene, it was not always to set overarching policy guidelines but also for petty partisan reasons, making dubious arrangements for their allies and colleagues to extract wealth from the Department and from Indigenous people. Singling out a handful of elites to be held in particular opprobrium for the broad scope of Indian policy – McLean, Smart, and Pedley have notably evaded this fate, but certainly not their successor Duncan Campbell Scott, and in recent years there have been efforts to condemn politicians with an even more tangential involvement in Indian affairs, like Hector-Louis Langevin – may hold important symbolic value politically, but risks perpetuating a serious distortion of how colonial statecraft really operated.

Obviously, neither church furnaces nor estate administration rank high on the list of priorities for contemporary historians, although both represent the tangible daily problems through which bureaucrats approached those topics that *are* of interest today, like religious promotion and welfare at the policy level and assimilation and paternalism at the level of broader political discourse. Understanding how "the Indian Department" produced decisions, how and when senior bureaucrats and politicians participated in those processes, and the ways in which the documentary record on which we rely to understand those processes was constructed and has survived to the present are therefore important precursors to understanding the history of colonial

statecraft and Indigenous-state relations. Of course, elite interventions into the bureaucracy were not always for secretive and petty reasons. In the next chapter I consider the role of more public elite efforts to direct bureaucratic action – various proclamations known as "policies" – and, in particular, the history of policies and practices relating to what is now known as Indian status.

4. Territory: Finding or Making Indians?

In December 1911, a well-connected Liberal arrived at Fort George (present-day Prince George), British Columbia to make Indians of the Dakelh (Carrier) people living there. Chief Inspector Joseph George Ramsden, by background a Toronto municipal politician, was surprised to encounter two brothers of mixed ancestry, Frank and William Seymour, one of whom asserted himself to be a white man but the other to be an Indian. Ramsden had grave suspicions about the merits of both claims – as he saw it, through very typically racially-tinted lenses, Frank wanted welfare money and William wanted to keep frequenting the local bars – but he ultimately accepted both claims, pronouncing one of the brothers and his descendants to be Indians, and the other brother and his descendants to be whites. The Seymour extended family thus came to straddle the racial boundary gradually staked out by the Indian Department through Dakelh (Carrier) territory beginning in the 1890s, a boundary cemented into place in 1951 through the policy regime colloquially known as "Indian status."

Their experience also provides a fulcrum on which to pivot my analysis to topics, such as the status regime, that fall more squarely into what scholars usually mean when they talk about the history of "Indian policy." Who and what did Indian Department bureaucrats mean when they wrote about "Indians"? How, and to what extent, did they make use of legislation concerning "Indian bands" and "Indian status" both to reorganize Indigenous societies and to mark the twin boundaries between Indigenous and settler, and between Indian Affairs

jurisdiction and the outside world? What can a more granular, ethnographically inclined reading of life in the Indian Department add to our understanding of the history of "Indian policy"?

In Canada, Indians are "made," not merely found, by the state.[1] Best known for the "involuntary enfranchisement" provision that stripped Indigenous women of Indian status upon their marriage to a non-Indian man between 1951 and 1985 (and granted it to non-status women who married Indian men),[2] Canada's historical Indian status regimes – tests for determining the Indian-ness of bodies and communities – are historically specific manifestations of a common colonial phenomenon. Across Europe's empires, the postcolonial literature suggests, bureaucrats struggled to draw clear racial lines between Indigenous and settler populations. They experienced obsessions, fear, exasperation, and anxiety – to use terms employed by both Ann-Laura Stoler in the Dutch East Indies and Renisa Mawani in British Columbia, among others[3] – as the true location of this boundary proved ever-elusive. At the same time, the Canadian

[1] The idea that Indians (as opposed to Indigenous peoples), as a category, are *made* through colonial discourse rather than merely discovered or *found* in some preexisting state of nature is a staple feature of the postcolonial literature in general and hardly an original observation here, but it is notable that, at least by the twenty-first century, Indian Department employees themselves also understand the implications of the status regime and refer to it as a process of "making Indians": see Evie Plaice, "'Making Indians': Debating Indigeneity in Canada and South Africa," in *Culture Wars: Context, Models and Anthropologists' Accounts*, edited by Deborah James, Evie Plaice, and Christina Toren (New York: Berghahn Books, 2010), 43. See also J.R. Miller, *Lethal Legacy: Current Native Controversies in Canada* (Toronto: McClelland and Stewart, 2004), chapter 1, on "making" Indians.

[2] See, for instance, Martin Cannon, "Revisiting Histories of Legal Assimilation, Racialized Injustice, and the Future of Indian Status in Canada," *Aboriginal Policy Research Consortium International* (2007), pp. 39-41. The relevant provision of the *Indian Act, 1951* (S.C. 1951, c. 29) is 108(2), although section 12(b) also barred "a woman who is married to a person who is not an Indian." The academic literature is imprecise on the distinction between enfranchisement and striking from the register, but government publications state that the Indian Department suspended involuntary enfranchisement in 1975: Royal Commission on Aboriginal Peoples, *Looking Forward, Looking Back* (Ottawa, 1996), pp. 278, 303, citing Kathleen Jamieson, *Indian Women and the Law in Canada: Citizens Minus* (Ottawa: Supply and Services, 1978), pp. 63-65. In truth, prior to 1951, the *Act* did not speak of "involuntary enfranchisement" with respect to women marrying out, but simply to their ceasing to be Indians under the *Act*. In precise legal terms, involuntary enfranchisement, or compelling Indigenous people to undergo enfranchisement, applied to several specific points in the history of the legislation, and to several specific groups: men between 1876-1880, 1920-22, and 1933-1951: Miller, *Lethal Legacy*, 36-37.

[3] Ann-Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2010); and Renisa Mawani, *Colonial Proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1871-1921* (Vancouver: University of British Columbia Press, 2010).

paradigm for Indian racial status appears unique in the former British Empire[4] and, as it became exclusively hereditary in 1951 and then blood quantum-based in 1985, has even grown significantly *more* overtly hereditary, racialist, and binary over time. Canada's Indian status regimes therefore merit study both as the local manifestations of an international phenomenon and as the unique consequences of specific historical factors. In *Lethal Legacy*, J.R. Miller has already drawn attention to the arbitrariness of how Indians were both "made" and "unmade" by historical status regimes, especially along their margins.[5] I wish to take up this angle of inquiry where Miller left off, probing precisely how such arbitrariness functioned in the construction of Indian status.

There is not yet a comprehensive historical study of Indian status regimes in Canada,[6] but the topic has been frequently addressed in the literature. Much of that literature, especially that produced by non-historians, suggests that official efforts to define Indianness were not just necessary administrative functions or the product of official anxiety over blurred lines between colonizer and colonized, but also that status functioned as an *instrument* of a larger Indian policy: perhaps a scheme to reorganize membership in Indigenous societies along comfortably

[4] This observation applies not only to the gendered exclusionary formula but also more broadly: status as an individual entitlement in place of American tribal sovereignty, and a hereditary blood quantum test in place of *any* Maori ancestry in New Zealand, or more flexible sociopolitical interpretations of race enacted in Apartheid South Africa. See Rose Cuison Villazore, "Blood Quantum Land Laws," *California Law Review* 96, no. 3 (2008), 801-837; Natalie Coates, "Who Are the Indigenous Peoples of Canada and New Zealand?" *Journal of South Pacific Law* 12, no. 1 (2008), 49-50; Tahu Kukutai, "The Problem of Defining an Ethnic Group for Public Policy," *Social Policy Journal of New Zealand* 23 (2004), 91; and Deborah Posel, "Race as Common Sense," *African Studies Review* 44, no. 2 (2001), 87-113.

[5] J.R. Miller, *Lethal Legacy: Current Native Controversies in Canada* (Toronto: McClelland and Stewart, 2004), chapter 1, "Designer Labels."

[6] There are two excellent non-scholarly legal histories of the *Indian Act*, which both describe the history of status but only within the context of the legislation: Treaties and Research Centre, *The Historical Development of the Indian Act*, 2nd edition (1978); and John Giokas, *The Indian Act: Evolution, Overview and Options for Amendment and Transition* (Ottawa, 1995). Miller's chapter on the history of Indigeneity in *Lethal Legacy* is in contrast a more thorough assessment of the history of status as practiced by the Indian Department.

patriarchal and agrarian Euro-Canadian lines;[7] or worse, a cynical project to reduce or altogether exterminate the Indigenous population eligible for treatment as Indians – along with the federal government's financial and legal obligations to such peoples – by throwing up ever more obstacles to the inheritance or retention of status.[8] Other scholars, such as Ted Binnema, have instead suggested that the government hoped the status rules (even the notorious gendered exclusion formula) would *protect* Indigenous people from having their lands and assets unjustly seized by settlers.[9] These may be loosely termed the assimilation, extinction, and protection theses of status, respectively (and are not necessarily mutually exclusive). In 1914, deputy minister Duncan Campbell Scott seemingly nodded to the second thesis when he praised "the great forces of intermarriage and education"[10] – but how trustworthy is Scott's assessment? When and where did officials decide it was necessary to demarcate Indian from settler, and what role did such theorized motives play in these demarcations?

This chapter advances three broad lines of argument about both the history of Indian status in particular and about Indian Affairs statecraft more generally. First, it makes a plea for historical specificity. Few Canadian historical documents are simultaneously as infamous and as

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[7] Martin Cannon, "The Regulation of First Nations Sexuality," *Canadian Journal of Native Studies* 18, no. 1 (1998), 9-11; Angela Wanhalla, "Women 'Living Across the Line': Intermarriage on the Canadian Prairies and in Southern New Zealand, 1870-1900," *Ethnohistory* 55, 1 (2008), 29-49; Lynn Gehl, "The Queen and I: Discrimination Against Women," *Canadian Woman Studies* 20, no. 2 (2000), 64-69, and Nellie Carlson and Kathleen Steinhauer, *Disinherited Generations: Our Struggle to Reclaim Treaty Rights for First Nations Women and Their Descendants* (Edmonton: University of Alberta Press, 2013).

[8] Renisa Mawani, *Colonial Proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1871-1921* (Vancouver: University of British Columbia Press, 2009); Palmater, "Genocide, Indian Policy, and Legislated Elimination of Indians in Canada," *Aboriginal Policy Studies* 3, no. 3 (2014), 27-54, and Cannon, "Revisiting Histories of Legal Assimilation, Racialized Injustice, and the Future of Indian Status in Canada," in *Aboriginal Policy Research Series, 5: Moving Forward, Making a Difference* (Toronto: Thompson Educational Publishing, 2013).

[9] Ted Binnema, "Protecting Indian Lands by Defining Indian: 1850-76," *Journal of Canadian Studies* 48, no. 2 (2014): 5-39; and Melanie Niemi-Bohun, "Contesting the Colonial Order on the Canadian Prairies: Government Policy, Indigenous Resistance and the Administration of Treaty 6" (PhD dissertation, University of Alberta, 2016), esp. p. 103.

[10] Scott, "Indian Affairs, 1867-1912," 211.

commonly misinterpreted as the *Indian Act* of 1876. The 1876 formula did not involve mandatory registration and did not feature binary, individual, exclusively hereditary *registration* based on blood quantum as has existed in some form since 1951 (and in the latter instance, 1985). Rather, the *Act* of 1876 envisioned a hierarchy of types of "Indians," hereditary *eligibility* for which was determined by a combination of "Indian blood," membership in an Indian band, and perceived entitlement to or need for government assistance. Furthermore, since Indian bands were also created by the Canadian state simultaneously during the late nineteenth century, the under-studied creation of community Indian status (i.e. bands) and of much-discussed individual Indian status must be read as interrelated state projects.[11] The different ways in which "bands" were created in different regions of the country had important implications for the ways in which individual "status" was laid down in those regions.

Second, just as they should be historically specific in defining the nature of Indian status regimes in Canada, I suggest here that scholars should be explicit about their levels of analysis, or the sites within the state at which they analyze discourses about Indianness. Returning to J.R. Miller's warning not to treat "policy intent and effect as similar,"[12] I want to suggest here that the regime of "Indian status" as constructed in the field by Indian Affairs bureaucrats was not the same as that found in the *Indian Act* of 1876. The Canadian state did not speak with a single

[11] Paralleling the status literature, there is a widespread sense that band governments are a problematic and arbitrary creation of the colonial state that, through either neglect or active malice, have had intensely disruptive impacts upon Indigenous societies. However, the mechanism by which this purportedly was accomplished varies. Keith Thor Carlson suggests that the production of Indian reserves and band lists served "overt governmental objectives to atomize Aboriginal collective political consciousness," fragmenting the Stó:lö of British Columbia into numerous band governments forced to spend as much time contending each another's overlapping claims as the Canadian state's: Carlson, *The Power of Place*, 175, 177, 271. In contrast, Daniel Paul claims the opposite: that the government wanted to unify all of Nova Scotia's Mi'kmaq into a single artificial band so as to more easily shatter their traditional governance and administer them as a single subjugated population. See Daniel Paul, *We Were Not the Savages: A Mi'kmaq Perspective on the Collision Between European and Native American Civilizations*, 21st century edition (Halifax: Fernwood Publishing, 2000), 267.

[12] J.R. Miller, "Owen Glendower, Hotspur, and Canadian Indian Policy," *Ethnohistory* 37, no. 4 (1990), 390.

voice or common purpose. Indeed, with respect to Indian status during the late nineteenth and early twentieth centuries, only some officials, and then only some of the time, evinced the anxiety or obsession over racial boundaries described in the literature. Indian status was largely a policy vacuum, filled at different times and in different contexts in reaction to pressing needs. Consequently, no single thesis about motives or purposes is sufficient. The extinction thesis adequately characterizes the apparent will of the Crown-in-Council, expressed in inter-government negotiations and in court hearings, which has consistently been to limit the population of fully-fledged "Indians" to whom the government owes financial and legal obligations to the descendants of those Indigenous people already accepted as "Indians" by colonial regimes at the moment of Confederation, together with those with whom the Canadian government has since signed treaties. Until 1951, however, the statutory definition of Indian-ness enacted by the Crown-in-Parliament is more aptly characterized by the protection thesis. Finally, especially in moments such as Ramsden's meeting with the Seymours at Fort George, bureaucrats actually charged with implementing the status regime – in effect, with creating Indians – for reasons quite apart from a broad drive to segregate colonized from colonizer, opted for novel, individualistic, and sometimes very accommodative interpretations of Indian-ness. Competition between the Crown-in-Council, the Crown-on-the-Bench, the Crown-in-Parliament, the provincial essences of the Crown, and the bureaucracy over the power to define Indians has resulted in a complex patchwork of status regimes, sometimes congealing momentarily into a constitutional principle or a legislative regime, but just as often fragmenting into overlapping and contradictory formulae and frameworks, increasingly belying Official History's contention that the government presided over "one Indian law."

Third, in the absence of clear policy directives emanating from Ottawa, the officials charged with creating Indians – the officials of the Outside Service, operating, in the intriguingly territory-centric terminology of the contemporary public service, "on the ground" and "in the field"[13] – frequently opted for accommodation and expediency over rigid enforcement or application of the status regime. There was no central office specifically tasked with administering the status regime to which they had to answer, no clear instructions concerning the purpose of that regime, and until the late 1940s, no broad initiative to proactively identify or register all "Indians."[14] The "Fort George Band" itself had ostensibly been created twenty years before Ramsden's visit by two other officials who visited the region only for a day and made no attempt to produce a membership list. Ramsden populated this band with Indians drawn from among the Dakelh at Fort George for reasons of expediency: it was necessary to determine the membership of that band, and only that band, because its reserve had just been surrendered to a railway company and the Indian Department needed to determine to whom to pay the considerable proceeds of the sale. Strikingly few if any field agents made systematic efforts to solidify Indian status among their charges by means of membership lists until the need to do so was forced upon them coincidentally by some problem being processed within the paper trade, at

[13] These terms are ubiquitous in the management of large organizations with field services, but see, for instance, their use in the same sentence by João Biehl, *Will to Live: AIDS Therapies and the Politics of Survival* (Princeton: Princeton University Press, 2007), 93.

[14] Library and Archives Canada holds, for each band and agency in British Columbia, a status file from the late 1940s that documents Indian Branch efforts to produce the final band lists that made possible the creation of Indian status in 1951, such as LAC, RG 10, volume 13359, file 976/3-3, and volumes 11582 and 11583 for the Nicola Agency, and volume 7115, file 988/3-3 for the West Coast Agency. As a professional researcher for First Nations, I have had the opportunity to request access to these files. However, because of the extensive quantity of personal information these files contain, they remain restricted. Both out of respect for these First Nations, as well as to comply with privacy requirements, I do not provide a full analysis of that material here, even in anonymized form. What can be said in general terms, however, is that the universal existence of these files is implicit evidence of the effort, in the years leading up to the passage of the *Indian Act* of 1951, to finally and decisively map the boundary between "Indian" and settler.

which point they did so hastily and arbitrarily, rather than being plagued by the epistemic "anxiety" alleged by Mawani.[15]

At Fort George, Ramsden was not obviously guided either by the definition of Indian-ness in the *Indian Act* or by a desire to minimize the number of people to whom status was granted. He was, rather, guided by the need to fulfill his obligations in the paper trade – the completion of a standardized form – as expeditiously as possible, and in so doing, opted for the simple route of granting status to any self-identified persons of Indian descent whom he regarded as being of legitimate birth (the latter criterion also being dropped when it proved controversial and thus time-consuming). Later, once band lists were complete, there could have been opportunities for officials to distinguish themselves by purging band-lists to save money and police racial purity, but at least in British Columbia, that phase had not yet begun during my period of study. These local improvisations of Indian bands and Indian status, rather than legislation passed in Ottawa, seem to be the original formulation of what is now the legislated regime of Indian status unconnected to band membership. Ramsden did not face a philosophical problem over the principles that should guide the status regime: he faced the practical problem, perhaps unavoidable for field officials, that if the government could provide services or, in this case, money to Indians, it must first determine who were Indians.

If we seek to describe the history of Indian policy, we should have in mind some conscious idea of what we mean by *policy* in the first place. Embedded in a contemporary perspective informed by Weberian theory and public administration scholarship, we might imagine that policy emerged, as a set of clear objectives and methods of achieving them, from an iterative, top-down cycle of agenda-setting, evaluation of alternatives, conscious articulation of

[15] Renisa Mawani, "'Half-Breeds, Racial Opacity, and Geographies of Crime: Law's Search for the 'Original' Indian," *Cultural Geographies* 17, no. 4 (2010), pp. 487-506.

some specific program of action (the policy text itself), and then, after its implementation, an evaluation of the outcomes, which fueled the next round of agenda-setting and consideration of alternatives.[16] In contrast to this regular, rationalized approach – what we could term *policy as architecture*[17] – a more commonplace and reactive approach is *policy as firefighting*,[18] already defined previously as the hasty and improvisational process of patching together solutions to crises only after they emerge. However, there are also alternative types of policy formation, like *policy as revisionist history*, the sort of retrospective attempt to assemble order from indecision that John McLean's colleague, in-house historian Samuel Stewart, offered to Clifford Sifton in 1897 on topics ranging from residential schools to Indian fisheries.[19] The more characteristically bottom-up counterpart to these implicitly more top-down, central approaches can be termed – building upon my analysis of the Indian Department in the previous chapter – *policy as paper trade,* in which policy accretes from the tools of the paper trade and sometimes even in solution to problems caused by that trade rather than merely a struggle between inside bureaucrats and outside problems.[20] Viewed abstractly, "Indian status" was the process by which the Canadian

[16] This "policy cycle" is standard introductory fare in the scholarship of public administration, as I discovered during my first week in a professional graduate program at Carleton University in 2006. See, for instance, Werner Jann and Kai Wegrich, "Theories of the Policy Cycle," in *Handbook of Public Policy Analysis: Theory, Politics, and Methods*, edited by Frank Fischer, Gerald J. Miller, and Mara S. Sidney (Boca Raton: CRC Press, 2007). The conscious – though messy – process of intentional policy creation has been traced ethnographically by Tessa Lea in *Bureaucrats and Bleeding Hearts: Indigenous Health in Northern Australia* (Sydney: University of New South Wales Press, 2008) and by Sally Weaver in *The Making of Canadian Indian Policy: The Hidden Agenda, 1968-70* (Toronto: University of Toronto Press, 1981).

[17] Denis Stairs, "Architects or Engineers? The Conservatives and Foreign Policy," in *Diplomatic Departures: The Conservative Era in Canadian Foreign Policy, 1989-93*, edited by Nelson Michaud and Kim Richard Nossal (Vancouver: University of British Columbia Press, 2001).

[18] Arnold J. Meltsner, *Policy Analysts in the Bureaucracy* (Berkeley and Los Angeles: University of California Press, 1976), 54, and Graham Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis*, 2nd edition (New York: Longman, [1971] 1999), chapter 5.

[19] See, for instance, Samuel Stewart's memoranda in LAC, RG 10, volume 2936, file 196,479.

[20] Although my focus here remains a close reading of Indian Department bureaucracy, the sense that policy accretes from practice is not dependent upon an ethnographic reading and is not unique to the Indian Department. For instance, Bain Attwood recently advanced the argument that British policy on Native title emerged bottom-up from contingent interactions in specific colonies rather than from overarching metropolitan principles or priorities: see *Empire and the Making of Native Title: Sovereignty, Property, and Indigenous Title* (Cambridge: Cambridge University Press, 2020), 3.

state arrogated to itself the power to determine who was an Indigenous person and to what, if any, Indigenous community they belonged. Viewed through a microhistorical lens, this process was not carried out systematically in implementation of an explicit policy, or even in accordance with the strict terms of the *Indian Act*; rather, racial lines seem to have been marked out by bureaucrats only once it became necessary for some administrative function, usually to do with payment of money. This distinction is obvious when one compares a region like British Columbia, where the initial creation of bands was not freighted with immediate financial or other administrative implications, with that on the Prairies, where band lists were created immediately to facilitate rights-based treaty payments.[21]

My purpose in documenting the creation of Indians at Fort George is not to cast any judgement or aspersion upon the choices of either of the Seymour brothers, or those of the other aspiring members of the newly enumerated band. Outside of Ramsden's account, which of course is coloured by the inspector's own biased and lightly-informed perception of the situation it Fort George, no account survives to explain the brothers' choices. Rather, I wish to illustrate a critical moment in which racial demarcations in Dakelh territory were suddenly in flux, and how officials attempted to navigate this uncertain terrain. Had pay-lists been prepared from the beginning of Indian policy administration in B.C., as they were on the Prairies for treaty annuity payments and as the *Indian Act*'s authors seem to have assumed they would be, both brothers might have been granted status – or both might have been involuntarily stripped of that status because their father was Métis, or alternatively, on the Prairies, they might have self-identified as

[21] Smith, *Liberalism, Surveillance, and Resistance*, undertook a comparative history of Indian policy in southern British Columbia and Alberta, and this led him also to observe that on the Prairies, "annuity payment time and ration distribution days provided opportunities for census taking and list-making of various sorts that were unknown in British Columbia" (p. 117). My aim here is to push that observation forward to its conclusion: that functionally, to the bureaucracy, the creation of official membership lists was crucial to the making of individual status in the pre-1951 era.

Métis in order to claim scrip. The Indian Register at the core of today's status regime, seemingly objectively derived from individual heredity, is in fact the descendant of band lists drawn up under the philosophically different status regime of the *Indian Act* of 1876, by officials on the ground like Ramsden who then deviated from that *Act* in the service of expediency, accommodation, and other individual imperatives. Today, the descendants of Indigenous women whose Indian status was revoked upon their marriage to non-Indian men may reclaim Indian status, but I am aware of no legal provision or bureaucratic program for people descended from those whose racial designations were abruptly and arbitrarily made by the Indian Department to change their status – either for an Indigenous person to gain Indian status that their ancestors did not wish to have or, for that matter, for a person to renounce an Indian status claimed by their ancestors that they now do not wish to hold.[22] At a time when, in the wake of the *Daniels* decision, the legal rights and entitlements of so-called "non-status Indians" is again under active debate and consideration,[23] the murky origins of status itself merit special consideration.

Before examining how status worked at the micro level in British Columbia, it is helpful to proceed through several levels of analysis to understand how the different theses explaining status are helpful, or not helpful, in particular instances. The highest and most abstract level of statecraft was, and remains, the interpretation of Canada's constitution. In 1867, the *British North America Act* designated "Indians" as a people apart, falling uniquely under exclusively

[22] Recently, for instance, two Beausoleil men – descendants of the Christian Island band who were posted an absentee Indian agent in chapter 2 – requested revocation of their Indian registration on the grounds that they no longer wished recognition as Indians under the *Indian Act*. Their applications were denied on the grounds that the *Act* made no provision for deregistration: Indian Country Today, "Anishinaabe Men Blocked from Renouncing Status Under Apartheid *Indian Act*," 8 October 2012, Internet: <https://indiancountrytoday.com/archive/anishinaabe-men-blocked-from-renouncing-status-under-apartheid-indian-act-X6H6URLEzkiFrDWiRYbcXA>.

[23] Supreme Court of Canada, *Daniels v. Canada*, 2016 SCC 12.

federal jurisdiction.[24] Conversely, the *Constitution Act* of 1982 safeguarded the rights of "aboriginal people," a category which it subdivided into the Indian, Inuit, and Métis peoples.[25] Neither text, passed by the Crown-in-Parliament in Britain, offered any further clarifying definition of Indians, leaving the Crown's different essences in Canada to put forward their own dueling interpretations. Somewhat confusingly, the Supreme Court of Canada had already begun the process of defining Indians decades before: in 1939, its justices ruled unanimously that Eskimos were Indians under the *British North America Act*.[26] Consequently, by the time the 1982 Constitution clarified that Inuit were Aboriginal People alongside Indians, the courts had already determined that the Inuit were actually Indians, too, under the 1867 Constitution.

The precise meaning of the statement that Indians fell under federal jurisdiction, moreover, has been litigated and negotiated repeatedly over time as the Canadian state expanded. At this abstract level of statecraft, where one encounters notably few actual embodied Indigenous people, opportunities for policy as architecture have possibly been greatest, and certainly the extinction thesis has been most applicable in explaining the actions of the Crown-in-Council.

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[24] *British North America Act*, 1867, section 91(24). Prior to 1867, the royal proclamation signed by King George III on October 7, 1763 reserved beyond the colonies of Canada a belt of lands belonging to an unspecified "several Nations or Tribes of Indians with whom we are connected," and then, reflecting a longstanding tradition still manifested in Canadian Indian legislation that the central government's legitimacy in this sphere derives from its determination to protect vulnerable Indigenous people from rapacious settlers, asserted that only the Crown could rightfully acquire land title from these "Nations or Tribes": King George III, "By the King, A Proclamation," October 7, 1763, Internet: <http://avalon.law.yale.edu/18th_century/proc1763.asp> (accessed October 2014). There was no further important discussion of "Indians" in the *Quebec Act* of 1774, the *Constitutional Act* of 1791, or the *Union Act* of 1840, but the *British North America Act* of 1867 designated "Indians, and lands for the Indians" as an area of exclusive federal jurisdiction. Ted Binnema, "The Significance of Federation for Indigenous Peoples in Canada, Australia, and the United States" (annual meeting of the Canadian Historical Association, 2017), 9, reports that no records survive from the Confederation negotiations confirming why Indians fell within federal jurisdiction. A reasonable inference is, however, advanced by Marcel Martel, Colin M. Coates, Martin Pâquet, and Maxime Gothier. They note that Indian policy had only recently been devolved formally from Britain to the Province of Canada, hence its relatively late adoption in the Confederation negotiations, but likely would have been seen as an intrinsic component of national and imperial policy, hence its definition under Section 91. See "Quebec and Confederation: Gains and Compromise," in *Reconsidering Confederation: Canada's Founding Debates, 1864-1999*, edited by Daniel Heidt (Calgary: University of Calgary Press, 2018).

[25] *Constitution Act, 1982*, schedule B to the *Canada Act, 1982*, c. 11 (U.K.), sections 25 and 35; quoted passages are from section 35.

[26] Supreme Court of Canada, *Reference Re Eskimos*, 1939 CanLII 22, 1939 SCR 104.

That thesis, to recapitulate, is what Miller accurately describes as the "effort of the Canadian government to minimize the number of 'Indians' that existed."[27] The Crown-in-Council has considered the nature of the constitutional Indian many times since 1867, first as it expanded to claim new territories – and thus new Indigenous populations – and then as it consolidated its administration of the country. In so doing, it has consistently advanced cynically narrow interpretations that were clearly intended to minimize its own obligations through a sort of regulatory annihilation of Indigeneity. Indigenous people were an afterthought in the acquisition of Rupert's Land, not mentioned in the draft terms of union prepared for Newfoundland in 1869 and Prince Edward Island in 1873,[28] and discussed only in the final days of negotiations with British Columbia.[29] Once the topic arose, however, federal negotiators and lawyers have, on a variety of imaginative grounds, asserted that notwithstanding the plain language in the Constitution, Indians should be a federally administered but jointly funded people in northwestern Ontario (on the grounds that Ontario benefited from Treaty Three and therefore should subsidize the cost of Indian administration in Treaty Three territory),[30] a jointly administered but federally funded people in British Columbia (on the grounds that B.C. should supply lands for Indian reserves free of charge),[31] and a wholly provincially funded and

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[27] Miller, *Lethal Legacy*, 38.
[28] United Kingdom, "Order of Her Majesty Admitting Prince Edward Island into the Union," 26 June 1873; and "Minutes of Conference," 1869, Internet: <https://www.heritage.nf.ca/articles/politics/draft-terms-of-union-1869.php>.
[29] J.S. Helmcken, "Diary of the Confederation Negotiations, 1870," *British Columbia Historical Quarterly* 4, no. 2 (1940), p. 127.
[30] *St. Catharine's Milling* (1888) left open the possibility that, as Ontario was the beneficiary of the land surrender clause of Treaty Three, the provincial government ought to compensate the Indian Department for the cost of Indian policy administration in northwestern Ontario. However, in 1910, the Judicial Committee of the Privy Council concluded that while the Ontario government might compensate the Dominion "as a matter of fair play," it could not be compelled to do so: LAC, RG 10, volume 2545, file 111,834, part 3, reasons for decision in *The Dominion of Canada vs. the Province of Ontario*, July 29, 1910.
[31] United Kingdom, Order of Her Majesty in Council Admitting British Columbia into the Union, May 16, 1871, article 13. There is a well-established historiographical tradition that article 13 was a plot by the colony's negotiators to exploit the ignorance of their federal counterparts: see, for instance, Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890*, 2nd edition (Vancouver: University of British

administered people in the case of the Inuit of Québec, all First Nations in Newfoundland,[32] and all Métis and non-status Indians (on various pretexts, but all in aid of a complete disavowal of special federal responsibilities to these peoples). These positions, taken seemingly without regard for overall consistency, each served either to wholly release the federal government from obligations by denying Indian-ness outright, or at least to limit those obligations by averring that some special technical circumstances existed that obliged provinces to share the burden.

The Crown-on-the-Bench has historically been skeptical of most of these arguments and, in 2016, capped that legacy by ruling that when the British Crown-in-Parliament referred to Indians in 1867, it also meant to refer to Métis and to "non-status" Indians, *i.e.* Indigenous people who identify as First Nations but lack Indian status under the *Indian Act*.[33] Thus a deceptively simple declaration of federal jurisdiction has spawned what are now at least four legally distinct Indigenous populations, each with its own legally defined test of entitlement or eligibility, each with its own blurred boundaries with one another and with unambiguously self-identified settlers. What we might call Indian Indian Indians, Indigenous people who are captured by both constitutions plus the *Indian Act*, are currently entitled to Indian registration based on individual heredity and blood quantum, and are the principal subject of discussion for the rest of this chapter. Inuit Indians, or Indigenous people who have been designated as Indians under the 1867 constitution but Aboriginal people under the 1982 constitution, qualify for

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Columbia Press, 1992), 177. The commitments made under article 13 were in fact tremendously beneficial for the Dominion as, without this admittedly poorly written guarantee, the provincial government presumably could have simply refused to provide additional lands for reserves unless the Dominion government purchased them.

[32] David Mackenzie, "The Indian Act and the Aboriginal Peoples of Newfoundland at the Time of Confederation," *Newfoundland and Labrador Studies* 25, no. 2 (2010), 161-181. Since then, the Conne River band (Miawpukek First Nation) received government recognition in the 1980s, and members of the Qalipu Mi'kmaq First Nation are involved in a process that should lead to their recognition, although federal officials ran into difficulties when an astonishing 103,000 people, approximately one-fifth of the population of the province asserted membership in the band: CBC, "Qalipu Mi'kmaq Membership Process Being Questioned," November 14, 2013.

[33] Supreme Court of Canada, *Daniels v. Canada (Indian Affairs and Northern Development)* 2016 SCC 12.

benefits if they are members of an Inuit land claims organization.[34] Métis Indians are Indigenous people with an equivalent constitutional position to the Inuit, but presently a third set of eligibility criteria, called the *Powley* test after its legal precedent: self-identification plus ties to a contemporary and historical Métis community.[35] Finally, non-status Indians are Indians under both constitutions but not under the *Indian Act.* While the courts have accepted non-status Indians on the basis of the *Powley* test, the future of both Métis and non-status Indian recognition policy in Canada remains uncertain.[36] The tests are not consistent or synonymous: the status Indian population, for instance, would look quite different if it was determined by the *Powley* test or solely by band membership, just as the Métis and Inuit populations would be quite different if determined by the *Indian Act* tests.[37] So far all of these categories reflect fragmentation arising from abstract arguments over legal obligations: we have not begun to consider the additional messiness resulting from attempts by bureaucrats to apply the tests to real, living people and communities. For the rest of this chapter I am concerned only with the historical category of "Indian Indian Indians," *i.e.* Indigenous people that the state has not sought

[34] Health Canada, "Who is Eligible for the Non-Insured Health Benefits Program," Internet. This formula most closely resembles the American system of tribal recognition. Between the 1940s and 1970s, there was another status regime – the Eskimo number or "E-number" – but this was contrived for the administrative convenience of officials unused to dealing with people who lacked surnames, not for testing eligibility: Sarah Bonesteel, *Canada's Relationship with Inuit: A History of Policy and Program Development* (Ottawa: Indian and Northern Affairs Canada, June 2006), pp. 37-39.
[35] Supreme Court of Canada, *R. v. Powley* 2003 SCC 43.
[36] Supreme Court of Canada, *Daniels v. Canada (Indian Affairs and Northern Development)* 2016 SCC 12.
[37] At least in legal theory, the size of the Inuit Indian and Indian Indian Indian populations can be ascertained via membership and registration statistics, and Métis organizations are in the process of producing membership lists following the *Daniels* decision: for instance, B.C. Métis Federation, "Membership," Internet: <http://bcmetis.com/membership/>. In contrast, the size of the non-status Indian population is unknown, as it is based on a combination of self-identification and capacity to pass the *Powley* test, and the number of people who would pass that test is unknown. One can also contemplate the existence of a fifth (and final?) group of Indigenous people in Canada: individuals who genuinely self-identify as Indigenous on the basis of some hereditary or cultural affiliation relevant to themselves, but who lack Indian status, have no membership in an Aboriginal organization, and would fail the *Powley* test.

to designate separately as Métis or as Inuit, and who were historically claimed as the territory of the Department of Indian Affairs.

It is helpful to transition from abstract constitutional to living statutory Indians – that is, to the question of Indian status – by briefly reviewing the tenets of the post-1951 status regime, since, although this is the regime with which most contemporary scholars are most personally familiar, there are several crucial points of differentiation with the pre-1951 regime, and I want to begin by clearing away possible ahistorical misunderstandings. In passing the *Indian Act* of 1951, the Crown-in-Parliament enacted universal registration, for the first time (seemingly) drawing a clear legal binary between Indian and non-Indian. Since 1951, Indian status has been a strictly hereditary entitlement: people are only status Indians if they are registered as such (the *Act* refers to registration rather than "status," though the latter term is both the vernacular and the scholarly term), and can only be registered if at least one of their parents was also registered. The 1951 *Act* inherited and simplified two of the old regime's limitations: women who married non-Indians and any who requested it could be stripped of their status via "enfranchisement."[38] These were replaced in 1985 with a gender-blind blood quantum rule.[39] Today, however, the racial clarity seemingly promised by this regime is again clearly splintering, along at least two axes. First, the status population has been bifurcated into those whose status will automatically

[38] Canada, *Indian Act*, SC 1951, 15 George VI, chapter 29. It also maintained a third, the so-called double-mother rule, under which status could be denied to individuals whose mother and grandmother lacked status at birth, but I have chosen not to develop discussion of that rule because I am unaware that it was ever enforced. Giokas, citing Kathleen Jamieson, *Indian Women and the Law in Canada: Citizens Minus* (Ottawa: Supply and Services, 1978), p. 60, asserts this law was not enforced: John Giokas, *The Indian Act: Evolution, Overview and Options for Amendment and Transition* (Ottawa, 1995), p. 64.

[39] Canada, *An Act to Amend the Indian Act*, SC 1985 (33-34 Elizabeth II), chapter 27. A Section 6(1) Indian whose parents were both status Indians and Section 6(2) Indians, only one of whose parents had status. Section 6(1) Indians automatically transmit their status to their children, but it takes two Section 6(2) Indians to make another status Indian. The blood quantum rule in effect transfers responsibility for the purity of Indian blood from women to all Indians. I use the term "gender-blind" rather than "gender-neutral" consciously as there are several scenarios in which gender is very much implicated in status questions; see the next footnote, for instance.

be inherited by their children (those with two "status" parents) and those for whom it may not (those with one "status" parent).[40] Second, the difference between the band membership-based regime of 1876 and the heredity-based one of 1951 was initially papered over by grandfathering existing band lists, but decisions to delegate membership lists to First Nation control under Aboriginal self-government initiatives and to restore Indian status but not band membership to most people stripped of it for gendered reasons have thrown that difference back into stark relief. There now exist both First Nation members who lack Indian status and status Indians who belong to no First Nation.[41] Nevertheless, apart from the gendered language, the fundamental premises of the 1951 regime remain unchanged: Indian status is a hereditary, exclusively individual entitlement subject to registration.

The *Indian Act* of 1876 offered a fundamentally different status regime to the 1951 one sketched out above. First, rather than the registration-based régime of 1951, the *Act* of 1876 set out definitions for several categories of "Indian," to be used in determining which individuals could claim the rights listed in the *Act* (and upon whom its obligations and restrictions could be imposed). Consequently, while I follow the historical literature and the vernacular in discussing "status" here, the term is not only not found in the *Indian Act* but in this case is ahistorical. Between 1876 and 1951, people never held "status" in the sense that they were registered Indians under the *Indian Act*. Rather, at least in legislative terms, people were entitled to (or required to submit to) treatment as "Indians" under the *Indian Act* if they met certain criteria. Moreover, prior to 1951, legal Indian-ness was not a binary status, since the *Act* laid out several different

[40] Moreover, it has had the effect of rendering Section 6(2) women's children status-less if their mothers are either unwilling or unable to identify their fathers, even if those fathers have status: Aboriginal Affairs and Northern Development Canada, "Unstated Paternity on Birth Certificate: Quick Facts on Documentation Required."
[41] S.J. Clatworthy, *Population Implications of the 1985 Amendments to the Indian Act* (Ottawa: Assembly of First Nations, 1992).

categories of Indian. Finally, it was also not a strictly individual hereditary status, insofar as band membership was required in addition to "Indian blood," thus implicating the Department's related practices concerning the creation and management of "bands."

Although no primary study of the drafting of the 1951 or 1985 legislation appears to exist analogous to Sally Weaver's history of the 1969 White Paper,[42] it is difficult to conceive of the status regime enacted in either version of the *Indian Act* – the gendered exclusionary registration scheme of 1951, or the gender-blind amendment of 1985 – except in accordance with the extinction thesis. That is to say, the *Act* preserved a gendered exclusionary formula for status that no longer had any parallel in Canadian nationality law.[43] In contrast, according to separate research by Miller and Binnema, the early post-Confederation Indian legislation fused together two schools of thought from pre-Confederation legislation, one that created the first form of legal Indian status in order to protect Indigenous people in the possession of their reserves, first established via a pair of laws applying in Lower Canada in 1850 and 1851; and the other intended to progressively extinguish Indians as a separate people as individuals attained what the state considered to be an adequate level of personal development, via a process called "enfranchisement," first enshrined in the *Gradual Civilization Act* of 1857. To this Parliament added both a blood quantum requirement and the first version of the exclusionary gendered status formula in 1869, tying married women's Indian-ness to that of their husbands such that non-Indian women who married Indian men became Indians themselves, while Indian women who married non-Indian men ceased to be Indians.[44] Notwithstanding what appears at first blush

[42] Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda, 1968-70* (Toronto: University of Toronto Press, 1981).
[43] In contrast, the formula as passed in 1869 and 1876 mirrored the nationality law passed in the 1880s: compare with Philip Girard, "'If Two Ride a Horse, One Must Ride in Front': Married Women's Nationality and the Law in Canada, 1880-1950," *Canadian Historical Review* 94, no. 1 (2013), 28-54.
[44] Miller, *Lethal Legacy*, 21-22; Binnema, "Protecting Indian Lands," 5-38; see also Treaties and Historical Research Centre, *Historical Development of The Indian Act*, 2nd edition, 54.

to be a clear extension of the extinction policy, documentary evidence suggests that new exclusionary language was initially conceived of as a method of protecting First Nations by barring non-Indigenous men and their implicitly white descendants from seizing Indian reserve land through their marriages to Indigenous women.[45] In seeking this solution, the government imposed what officials doubtless considered a commonsense moral solution to a political problem posed entirely by men, with women relegated to a role as, if not exactly non-persons, at least non-agents. Curiously, this meant that women such as Elizabeth McDougall, as a white inheritor of reserve land, despite doing *precisely* what bureaucrats and politicians worried white men might do, was never, at least in my reading of the surviving documentation, ever perceived by Indian Affairs bureaucrats as a threat to order on her reserve.

In any event, the *Indian Act* of 1876 brought together these early attempts at definitions of Indian-ness, together with other regulations, in an omnibus law that introduced the most complex definitions of Indian status in Canadian history. In 1875, Liberal minister David Laird savaged the existing legislation as "inconveniently numerous,… vague and indefinite." He promised "a careful revision of the Indian Acts" – and, the following year, he delivered.[46] The

[45] Two cases reached Spragge's desk in 1868-1869 prior to the passage of the new formula. The first test case involved an African-Canadian man named Mike who had married a Mississauga woman. Spragge argued that a reform was necessary to protect the Mississaugas, as "it would be very unfortunate were the dissolute conduct of an Indian Woman to result in depriving the Mississaugas of Farming lands": LAC, RG 10, volume 722, pp. 444-445, W. Spragge, Report on the Application of Members of the Mike Family to be Allowed the Privilege of Indians, July 30, 1868. The issue arose again in January 1869 when several children of Catharine Russell, granddaughter of a Mohawk chief and daughter of a British surveyor, took up residence on the Six Nations reserve and were entered onto the band pay-list. LAC, RG 10, volume 723, pp. 62-63, W. Spragge, Memo: Additional Report from Indian Office on Claims of the Family of Mrs. Catharine Russell to be on the Six Nation Pay List, 25 January 1869, noted his frustration that Russell's daughters qualified as Indians, that their husbands did not, but that the husbands' children would qualify. Tellingly if somewhat remarkably, when the legislation was introduced into Parliament in April, questioning focused on how the bill would punish white men who had married Indigenous women by forcing them to leave their homes, and the minister assured the opposition that they would not be forced off reserves unless they misbehaved: "It was the wish of the Government to apply the rule… only to the case of such white man as misbehaved by selling liquor, or robbing the Indians of their timber… As regards those who were married to Indian women, and there was nothing alleged against their conduct, they received a license to remain": Canada, *House of Commons Debates: Second Session – First Parliament* (Ottawa: Information Canada, 1975), pp. II:84-85.

[46] Canada, *Annual Report of the Department of the Interior* (Ottawa: Maclean, Roger & Co., 1876), p. xii. Here I do not attempt to consider the possible authorship of specific sections of the new *Act*. Given that Laird was the

Indian Act tabled by Laird in Parliament defined a climbing ladder of categories of Indian-ness, the central rung of which – "Indians," without qualification – has been commonly taken as synonymous with post-1951 Indian "status." "Indians" were defined by a combination of individual heredity ("Indian blood"), membership in an Indian "band," and implicitly, merit or need (in the sense that, as will be explained shortly, it was implicit in the rest of the law that an "Indian" was or should be someone residing on a reserve, in a band community, under government tutelage). Indian "bands," in turn, came into existence when a formerly unrecognized group of Indians was granted a reserve, received an account in the Trust Fund (as the Tobique and the Credit River Mississaugas did), or signed a treaty with the Crown. In short, unlike since 1951, Laird's *Act* defined individual heredity as a necessary but not sufficient condition to attain legal Indian-ness. Under this definition, women's Indian status was explicitly derivative, in that an Indian was a male person who met the above characteristics, any children of such a person, and any wife of such a person, but upon marriage, said children would assume both the band membership and the Indian status – or lack of such – of their husbands.[47]

So much for the core definition of Indian "status" in the *Indian Act* of 1876 that has been of interest to scholars, but to focus on the exclusionary language in isolation is to miss the true theory of Indian-ness laid out in the legislation, which is much more expansive and intricate, in its assimilation- and extinction-oriented bent, than the crudely hereditary rule imposed in 1951. In the beginning, in what might be called their state of nature, Indigenous people were said to exist as "non-Treaty Indians" living in "irregular bands." An "irregular band" was a group with

principal ministerial author of the *Indian Act* of 1876, it is somewhat surprising to discover that his monument on the side of the highway in Cavendish, Prince Edward Island still stands unaltered even while other politicians who were much more peripheral to Indian policy, such as Langevin, have had their buildings renamed and statues removed in recent years.

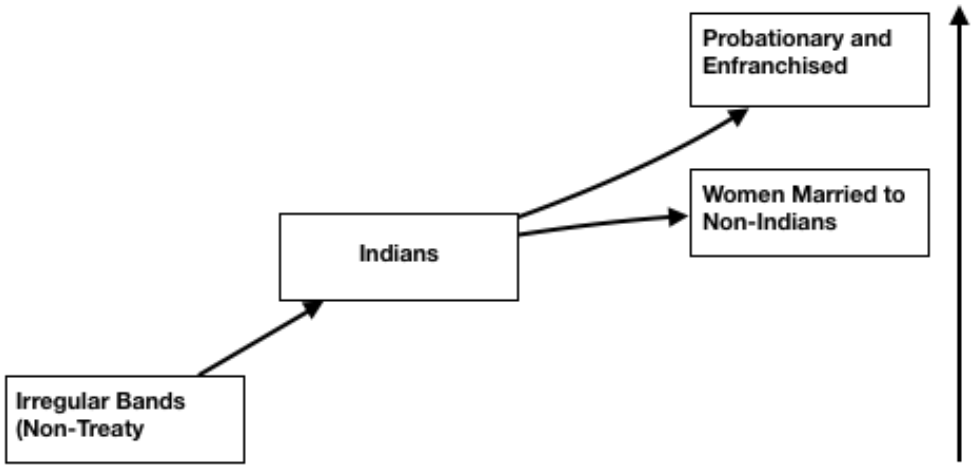
[47] *Indian Act* 1876, sections 1-3.

no reserves, no Trust Fund account, and no treaty with the Crown. (The language is thus already slippery, perhaps reflecting the influence of drafters accustomed to the prevalence of treaties in Upper Canada: throughout Québec and parts of southwestern British Columbia, for instance, there existed Indigenous people who were living on reserves and thus had ceased to be "non-Treaty Indians" despite having never signed a treaty.) Notably, the *Indian Act* made no attempt to police the membership of "irregular bands" by means of the gendered exclusionary formula: "non-Treaty Indians" remained non-Treaty Indians, regardless of whom they married.[48]

This "irregular" state of nature was, the name implied, anomalous, to be regularized by coming into administration by the Indian Department, if not via treaty, then at least via reserve creation. That transition transformed "non-Treaty Indians" in "irregular bands" into regular "Indians" in regular "bands," and these "Indians," in turn, were expected to progress through probationary status to eventually become "enfranchised Indians." Plain, unvarnished "Indians" were the people to be administered by the Indian Department, and consequently, the vast majority of the *Indian Act* is concerned with their rights and obligations and the manner in which they were expected to live. Notably, the writers clearly did not contemplate that such Indians would live in anything other than rural agrarian communities, populated by households holding subdivided lots broadly akin to a settler farming township, and thus made no provision in the *Act* for communities organized in any other way.[49]

Figure 4. Idealized Narrative of Progress Implied by *Indian Act*

[48] *Indian Act* 1876, section 3.
[49] To that end, much of the rest of the *Indian Act* is concerned with laying out basic rules for an agrarian community with respect to public works (e.g. roads), agriculturally oriented land subdivision, and so on.



But the purported benefits of the formal relationship with the Crown – the reserve lands, the treaty annuities, and the project grants issued from the Trust Fund – did not come without conditions. The *Act* laid out a series of paths by which Indigenous people might pass, voluntarily or otherwise, out of the category of "Indian." Two of these truly were terminal and most analogous to the removal of registration and "status" under the 1951 regime: a person could be removed from the band membership rolls, and in that sense cease to be an Indian in any legal sense, if they lived more than five years abroad, or if they were a child of illegitimate birth and had received less than two years of annuity payments.[50] One more was terminal only in the sense that children could not inherit status: an Indian could apply for "enfranchisement" and, after a period as a "probationary Indian," be "enfranchised," *i.e.* released from most of the obligations of the *Indian Act*, and granted a portion from his former reserve to hold in fee simple. A fourth end state, that reserved for Indian women who married non-Indian men, falls somewhat outside of the organizing scheme insofar as I have already suggested that the scheme already cast

[50] *Indian Act* 1876, section 3. The original *Act* required the consent of the band and provided an exemption for travel made by a tradesman or professional for work purposes. However, in 1880, the *Act* was amended to give the Minister – that is, the Department – full authority in such matters and to remove the professional exemption: Canada, *Indian Act*, SC 1880, section 11. These systems for removal of band membership and Indian status are also reviewed in considerable detail by Miller in *Lethal Legacy*, chapter 1.

women as passive or non-agents, their status wholly derived from the men in their lives. Nevertheless, in contrast to the commonplace assertion in the literature that such women lost "status," neither "enfranchised Indians" nor married women ceased to be "Indians" in all senses. Both women who married out and men who sought enfranchisement remained Indians in some conceptual sense under the *Indian Act* insofar as they were permitted to continue drawing annuities and, in the case of the men, the right to participate in band councils; however, neither could pass entitlement to Indian status to their children.[51]

This array of limitations can seem arbitrary and moralistic, but to piece them together into a coherent whole, it is helpful to recall that Laird's *Indian Act* defined Indian-ness according to three axes, not just one: individual heredity, community membership, and purported merit or need. This status regime was embedded within an *Act* that, more broadly, imagined that all Indians under government tutelage would live in utopian agrarian communities with supervised municipal-style government and family farms on small, distinct plots, perhaps not unlike the situation prevailing on some of the more agriculture-oriented reserves in southern Ontario and Québec. The status regime was part and parcel of the legislation's assimilationist, thickly gendered vision of Indian policy, an upward-moving narrative arc of the ideal Indian life under government tutelage. Indigenous *men* would be lifted from their "irregular" or "non-Treaty" state of nature by the reserve lands and resources provided by the government, thus becoming regular "Indians"; and eventually, through hard work, they would become "enfranchised" Indians, either through application or through education. In the meantime, they could enjoy this original promise or endowment from the Crown, provided that they did not leave the country;

[51] Alternatively, in place of continued annuities, women marrying out could opt for a one-time "commutation" payment equivalent to ten years' annuity payments: Canada, *Indian Act*, SC 1880, section 12; and Canada, *Indian Act*, SC 1876, sections 86-93.

their sons of legitimate birth could inherit that promise; and their daughters and wives could also share in the benefits, so long as they remained attached. The *Act* made no pretense of extending the central status of "Indian" to all Indigenous people in the Dominion – there were an unknown number of "irregular" Indians in 1876, including the mythical 8522 in British Columbia – and was geared toward the gradual extinguishment, through one method or another, of the inheritance of legal Indian-ness. In Laird's vision, then, Indian status was not limited to being an official marker of Indigeneity but was also a unique creation: an inheritable right to land and government assistance, but only for those who still required it, who possessed Indian blood, and who were members of the community that possessed that particular reserve.

I have departed somewhat into Lea's realm of "policy animism"[52] here by attempting to read meaning into the legislative text in isolation. The *Act*'s reception within the Indian Branch remains unresearched. The Inside clerks had a method for disseminating Indian policy both amongst themselves and to the field agents: documents called "Departmental Regulations" in the former case, and "Circulars" in the latter case.[53] Notably, I could not locate a document in either

[52] Lea, *Bureaucrats and Bleeding Hearts*, 19.

[53] Unlike Departmental regulations, which were primarily administrative rules for the central clerks, the circulars to the field do not seem to have been adequately centralized in a single "letter" *file*; moreover, the particular corpus of circulars received by an Indian agent varied because some were sent only to particular regions or originated in a regional office rather than the Ottawa headquarters. However, some agency's circular files have survived in RG 10. As a sample, I consulted the circular files of the Carlton Agency (volume 1621), Cowichan Agency (volume 1350), Duck Lake Agency (volume 1600), Peigan Agency (volume 1073), and Qu'Appelle Agency (volume 1392). The circular collections at these agencies do not align completely, indicating that individual agents must have failed to receive or discarded many circulars (plus, many circulars may have only been sent out to the regions directly affected by their contents). Although the circulars formed part of the corpus of official pronouncements that must be viewed as internal "Indian policy," for the most part they, too, pertained to administrative minutiae and short-term, reactionary concerns rather than laying out general frameworks or policy rationales. The circular files identify, for instance, requests for information on various topics, visiting days for certain residential schools (volume 1600, Commissioner of Indian Affairs, August 30, 1898), specifications for how to prepare an appropriate sample bag when sending samples of the agency flour rations to Ottawa (volume 1600, J.D. McLean, August 2, 1900), and instructions not to permit residential schools to recruit students by paying bribes to parents (volume 1600, J.A.J. McKenna, July 6, 1903). At times the circulars suggest a remoteness from the practical concerns of Indian Affairs administrations that must have left agents exasperated: for instance, in 1906, "McLean" sent a circular to agents drawing their attention to the existence of "the case of an Indian at one of the Agencies in the West who, owing to an affliction from which he suffers is unable to support himself," and speculating that "it is possible that there may be other cases of a like nature" (volume 1600, J.D. McLean, December 17, 1906).

series that laid out the full rationale behind the extensive status ladder in the *Indian Act* of 1876 nor a program for actually implementing the law. Although reflecting the racial and agrarian commonsense of its period, the status regime in the *Indian Act* of 1876 was beyond the resources of the Indian Affairs Branch of the 1870s to fully implement. During my study period, there was no branch dedicated to registering Indians and tracking their progress from irregular, non-Treaty Indians through to enfranchised Indians or married women, or to maintaining the running surveillance and genealogical analysis necessary to identify and expunge from band membership all individuals who fell afoul of the *Act*'s exclusion provisions, save for the gendered exclusion clause. It is not immediately apparent that the Department's personnel could have coped if very large numbers of men actually sought enfranchisement (which they did not), underwent examinations and "probationary" periods, and demanded plots of land be subdivided and surveyed out of reserves, all while systematic investigations were carried out into children's legitimacy and into the places of residence or occupations of the thousands of Indian people living away from reserves, who might, unwatched, leave the country or take up professions.[54]

Consequently, while it would certainly be inaccurate to say that the status regime of 1876 became a virtual dead letter – to the contrary, its simpler aspects, like the gendered exclusion clause, were eventually vigorously enforced, at least in some regions and contexts – the apparent spirit behind the letter of the law had at best an unclear impact on day-to-day operations in Indian Affairs. During my period of study, the Correspondence Branch stood ready to field

[54] Ultimately, very few Indigenous people sought enfranchisement, and the *Act* also effectively incentivized communities to oppose the enfranchisement of individuals insofar as it would involve taking land out of their reserves and capital out of their trust fund accounts. Brownlie's definitive study of enfranchisement indicates that significant numbers applied only after 1920, when these perverse incentives were removed from the *Act*, and that the applicants in question were predominantly individuals listed on band membership rolls but living off-reserve with few connections to their First Nations: Robin Jarvis Brownlie, "'A Better Citizen than Lots of White Men': First Nations Enfranchisement – An Ontario Case Study, 1918-1940," *Canadian Historical Review* 87, no. 1 (2006), 29-52.

questions – of which there were many – from Indian agents about the proper interpretation of the *Act*. (For instance, when an Indian woman with minor children from a previous marriage remarried into a new band, should her children's membership transfer with her or remain with their birth father's band? What about the children, born status Indians, of a white woman who married a white man after their Indian father's death?)[55] It was these concrete steps, especially with respect to pay-lists – the standardized forms on which agents listed all of the recipients paid treaty annuities or Trust Fund interest distributions, where such were due – by which the Indian Department really asserted power to determine membership in First Nation communities and thus, in effect, the power to define Indians for practical purposes. Where there were no pay-lists, its intrusions into membership were seemingly more limited.[56] The way in which what we now call "Indian status" really took shape in the years after 1876, in other words, was mediated by the paper trade, rather than being an actual straightforward implementation of the *Indian Act.*

In the absence of central direction, field officials' approaches to status initially varied widely. On the one hand, the lay missionary Jean L'Heureux earned Commissioner Edgar Dewdney's praise in 1883 for saving the Department "many thousands of dollars" by "cut[ting] down the numbers [of Blackfoot] at the Payments,"[57] and Parry Sound superintendent Thomas Walton dutifully denied Robinson Treaty annuities to children he believed were of illegitimate birth.[58] On the other end of the spectrum was an Indian agent like Angus McBride at Temiskaming, an isolated outpost of the Department on the northern Ontario-Québec border, who discovered a novel workaround to the gendered exclusionary formula: if men of mixed

[55] LAC, RG 10, volume 2566, file 115,455, P.E. Jones to Lawrence Vankoughnet, April 20, 1891; LAC, RG 10, vol. 2990, file 215,675, Macrae to the Secretary, November 3, 1899.
[56] Smith, *Liberalism, Surveillance, and Resistance*, 117.
[57] LAC, RG 10, volume 3646, file 8021, Edgar Dewdney to the Superintendent General of Indian Affairs, 17 July 1883.
[58] LAC, RG 10, volume 2344, file 69,087, Thomas Walton to Lawrence Vankoughnet, 6 September 1892.

descent (and thus "Indian blood") were first "adopted" into the community as members (band membership being the second criteria for Indian status), then they would become new "Indians" in their own right and the Indian women who married them likewise would not lose *their* status. Pressed by Vankoughnet to explain his actions, McBride proposed a variety of alternative racial categories he considered more relevant in his agency than those found in the *Act* itself: "there is only six pure Indians blood in them, and there is five ¼ French blood Indians, and there is sixteen Scotch blood Indians, out of this sixteen there is three of us here we are pure half breed Scotch"; but all, he maintained, were "Indians," including himself, via their mothers. Later, Department timber inspector George Chitty was bemused to discover that at Temiskaming "the Indians are chiefly Scotch half-breeds… and speak with a decidedly Scottish accent," but no enforcement action was ever taken to strip anybody of status.[59] Years later, the unmarried sister of several of these men who had married into the band, Nancy Wabikijik, was also declared, over her own protests, to be a status member of the Temiskaming Band based on an Ottawa clerk's back-of-the-envelope reasoning that, since her brothers were members of that band, she ought to be as well[60] – an interpretation that was at least consistent with the gendered preconceptions of the *Indian Act*, if not its actual language. The decentralized administration present in much of the Ontario and Québec region in which both Walton and McBride worked – part-time Indian agents, for the most part, working with single bands under limited supervision – effectively

[59] LAC, RG 10, volume 2742, file 145,890, Angus McBride to Hayter Reed, 22 March 1894; and LAC, RG 10, volume 2103, file 18753-2, George Chitty to Hayter Reed, 3 July 1894. There were numerous reserves, especially in Québec, where central bureaucrats recognized and periodically fulminated against what they regarded as an inappropriate racial composition, but without a branch dedicated to such matters, it seems that systematic enforcement actions were rare, if they happened at all, during my period of study. In 1919, Scott even commissioned Marius Barbeau to investigate the situation at Lorette, for instance, but its "proposed disestablishment" never went ahead: C.M. Barbeau, "The Indian Reserve of Lorette (Quebec)," in Canadian Museum of Civilization, Marius Barbeau collection, box 91, file 3.
[60] LAC, RG10, volume 3196, file 497006 ½, N. Wabi to Secretary, 9 April 1919.

encouraged a degree of freedom and flexibility, whether that took the form of creative interpretation of the status regime, as here, or illicit partisan dealings, as in Chapter 2.

Indian status was also fluid on the Prairies – at least until the mid-1880s – though in different ways that reflected the different Indian Affairs apparatus established in that region. Initially, Indigenous people were effectively presented with two competing government programs to provide assistance based on distinctly different Indigenous identities and associated rights – Métis scrip, first in Manitoba and later in the North-West Territories; and Indian treaties – and asked to select between them by declaring a racial identity. Indeed in 1871, Treaty Commissioner Wemyss Simpson attempted to explicitly offer a choice between the two during the negotiating of Treaty One, stating that each man would have "the choice given him to characterize himself" and his family.[61]

This phenomenon on the Prairies has already been the subject of important research by Melanie Niemi-Bohun and Nicole St.-Onge,[62] among others. According to that research, a more nuanced and individual-centred version of Indian status, one based upon individual racial classification and initially self-designation more than any clear conception of band membership, took shape. According to Niemi-Bohun, families moved back and forth across official racial boundaries, Métis taking treaty to become Indians, Indians accepting scrip to become Métis. Fictive "Straggler" and "Orphan" bands were created by Outside officials to house, on paper, individuals – especially women, in the case of the "stragglers" – who wanted annuities and treaty rights but were not members of any other apparent band.[63] Well into the twentieth century,

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[61] Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Toronto: Willing & Williamson, 1880), 41.
[62] Nicole St.-Onge, "Uncertain Margins: Métis and Saulteaux Identities in St-Paul des Saulteaux, Red River, 1821-1870," *Manitoba History* 53 (2006).
[63] Nicole St.-Onge, "Race, Class and Marginality: A Metis Settlement in the Manitoba Interlake, 1850-1914" (PhD dissertation, University of Manitoba, 1990), and "Uncertain Margins: Métis and Saulteaux Identities in St-Paul des Saulteaux, Red River, 1821-1870," *Manitoba History* 53 (2006); and Melanie Niemi-Bohun, "Contesting the

perhaps as late as 1951, there are anecdotal reports that so-called "red ticket Indians" – Indigenous women who had married out and thus lost all of their Indian rights except to collect annuities, one of the "end states" I described above – were informally permitted to remain living on reserves.[64]

Niemi-Bohun interprets these complex bureaucratic maneuvers as the outcome of Indigenous resistance to structural violence carried out by the bureaucracy.[65] It is also notable that in acquiescing to these refusals by Indigenous people to slot into formal classifications, Indian Affairs bureaucrats were undermining the status regime in the *Indian Act* and substituting a new one based upon individual identity, even, at least initially, self-determination. In opening the band membership lists to those who self-identified as Indians; in creating fictive paper "bands" to house the "Stragglers"; in legitimizing children of traditional marriages who could arguably have been deprived *en masse* of status;[66] in allowing families to opt into and out of Métis scrip or Indian treaty as though they were competing benefit programs rather than rights-based entitlements ostensibly rooted in fixed racial identities; in choosing to overlook "red ticket" families living on reserves; Indian Affairs bureaucrats were operating well beyond the authority of the *Indian Act* and in effect creating, at the field level, a novel status regime, an Indian policy independent of that laid down in Ottawa. Band membership shifted from being a legal criterion for eligibility to a function of paperwork, a question of on which pay-list people

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Colonial Order on the Canadian Prairies: Government Policy, Indigenous Resistance and the Administration of Treaty 6, 1870-1890" (PhD dissertation, University of Alberta, 2016).

[64] For instance, Federal Court of Canada, *Daniels v. Canada* 2013 FC 6; and Nellie Carlson, Linda Goyette, and Kathleen Steinhauer, *Disinherited Generations: Our Struggle to Reclaim Treaty Rights for First Nations Women and Their Descendants* (Edmonton: University of Alberta, 2013), p. 32.

[65] Niemi-Bohun, "Contesting the Colonial Order," p. 6.

[66] Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: Athabasca University Press, 2008), asserts that the Indian Department intentionally recognized traditional marriages and not traditional divorces so as to reconfigure Indigenous families along comfortably Eurocentric lines. Space does not permit a full response to Carter's thesis, but one important consequence was to deprive the Indian Department of a simple means of arbitrarily denying status to large numbers of people.

already recognized as Indians should be placed – to the extent, in the case of "stragglers" and "orphans," that if they did not fit on the existing pay-lists, fictive bands were created for them.[67]

This accommodative and extra-legal stance certainly does not describe *all* officials at all times. Indeed, according to Niemi-Bohun, the Numbered Treaty pay-lists became much more closed and exclusionary documents after the first several years of operations, and especially in the wake of the 1885 insurgency.[68] According to D.J. Hall, moreover, by the late 1870s, senior officials such as David Laird were concerned that, having initially admitted many Métis onto the band lists, the admission of any more should be prevented, and those who wished to surrender their Indian status encouraged to do so.[69] Rather, the key point is that the actually existing Indian status policy regime was largely formed in the field, within a vacuum left by the Inside Service that permitted Outside officials wide latitude to register or not register Indians. In the Numbered Treaty regions, to summarize the above-noted research, the system devised between the 1870s and 1890s was perhaps crude but at least simple to administer: a pay-list represented in paper form an Indian band (either a seemingly cohesive First Nation led by a chief who had taken treaty, or in the case of stragglers and orphans, an imaginary "band" contrived by bureaucrats for administrative purposes), and an individual was a band member – and consequently a status Indian – if he or she was on such a pay-list. The pay-lists consolidated bureaucratic power, allowing field officials to control admission onto and departure from something approximating a formal membership list.

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[67] E.g. Department of Indian Affairs, *Annual Report for… 1884*, tabular statement entries for "Stragglers" and "Orphans" in pp. 205-207.
[68] Melanie Niemi, "Colonial Categories and Familial Responses to Treaty and Metis Scrip Policy: The 'Edmonton and District Stragglers,' 1870-1888," *Canadian Historical Review* 90, no. 1 (2009), pp. 71-98.
[69] Hall, *From Treaties to Reserves*, 138-140.

British Columbia, according to a common refrain within its regional cultural identities as well as some of its regional historiography, is and always was different – in this instance, beginning with the pre-Confederation colony's decision to abandon even its limited treaties, which purported to "purchase" land on Vancouver Island and promised no annuities, after 1854.[70] Indian policy seems to have been an afterthought. When the first Indian Affairs field agent was appointed in the province the year after it entered Confederation – Dr. Israel Wood Powell, coincidentally also the superintendent of another sort of disciplinary institution, the Victoria Lunatic Asylum[71] – his first marching orders were therefore to prepare a report on "all the information you can obtain relative to the various Bands of Indians within the Province," including every imaginable subject from reserves, to distribution of presents, to schools – that is to say, the Dominion government knew nothing about Indian policy in British Columbia at Confederation.[72] The shocking results of Powell's investigation – that mainland British Columbia had no treaties and that the province had long since abandoned any intention of negotiating any more, that colonial Indian policy was a negligible enterprise, and that the province had no intention of authorizing reserves more than a small fraction of the size of those allotted elsewhere – have already been adequately covered by Cole Harris and need not be restated in detail here.[73] No treaties meant no pay-lists, and consequently no individual Indian

[70] Neil Vallance, "Sharing the Land: The Formation of the Vancouver Island (or 'Douglas') Treaties of 1850-1854 in Historical, Legal and Comparative Context" (PhD dissertation, University of Victoria, 2016), is the most recent and comprehensive history of the early Vancouver Island treaties. On "difference," see, for instance, Robert A.J. McDonald, *Making Vancouver: Class, Status, and Social Boundaries, 1863-1913* (Vancouver: University of British Columbia Press, 1996), xiv.
[71] Gerry Ferguson, "Control of the Insane in British Columbia, 1849-78: Care, Cure, or Confinement?" in *Regulating Lives: Historical Essays on the State, Society, the Individual, and the Law*, edited by Dorothy Ellen Chunn *et al*. (Vancouver: University of British Columbia Press, 2002), p. 83.
[72] LAC, RG 10, volume 3581, file 829, Spragge to Powell, 9 October 1872.
[73] Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: University of British Columbia Press, 2002), especially chapters 1-2. For Powell's initial report on these matters, see I.W. Powell, *Report of the Superintendent of Indian Affairs for British Columbia, for 1872 & 1873* (Ottawa: I.B. Taylor, 1873).

status. No properly established Indian reserves, similarly, meant no Indian bands under the *Indian Act*. Far from a topic to obsess over, the location of the *administrative* racial boundary between Indian and white and the proper composition of Indian bands were mostly irrelevant to the overworked Powell, who spent his first several years in office touring Vancouver Island and the southern interior tamping down potential brushfires with vague promises of protection from settler rapacity.[74]

Powell's status as lone representative of the Indian Branch in British Columbia lasted only a few years, but set an important precedent. Between the beginning of his tenure and the end of my period of study, there was no great drive to identify Indians and catalogue them as status members of Indian bands in British Columbia in the way that there was on the Prairies. In British Columbia, the initial lack of treaties meant an initial absence of bands (at least, designated as such by the state), and therefore, in turn, an initial absence of Indians, except in the "irregular" sense. Without the pressing urgency of distributing annuities and treaty goods, officials labouring in British Columbia's even more under-staffed regional Indian Affairs outfit had no compelling reason to resolve the ambiguous situation – and, consequently, they generally did not. The Indian Department's relative absence of boundary patrols to demarcate its territory in B.C. has led some scholars, such as Mawani, to instead find evidence of "colonial anxieties" in the provincial legal system, where officials struggled to distinguish "Indians" from "half-breeds" while enforcing liquor and other segregation laws.[75]

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[74] See, for instance, Powell's report on his trip to Alberni. I.W. Powell, *Report of the Superintendent of Indian Affairs for British Columbia, 1872 & 1873* (Ottawa: I.B. Taylor, 1873). Powell's subsequent annual reports document additional follow-up visits. This is not to suggest that racial boundaries were *socially* irrelevant in early British Columbia. To the contrary, the literature on early B.C. social history suggests that racial tensions in the province, especially in large settlements, were high, both between Indigenous and settler as well as between white and non-white settlers: see, for instance, Mawani, *Colonial Proximities*, throughout, whose model for multi-racial tensions was groundbreaking.

[75] Mawani, *Colonial Proximities*, chapter 5.

Further complicating matters in British Columbia was the decision taken to effectively *bifurcate* the power to create bands and the power to create individual Indians into independent divisions. The first went to a series of reserve commissioners jointly authorized by the province and the federal government to allot Indian reserves, appointed beginning in 1876; and the second to a network of Indian agents appointed after 1879. The Joint Indian Reserve Commission was initially a trio appointed to tour the province and allot reserves to all resident First Nations, but reduced in 1878 to a single commissioner because provincial officials protested that three salaries was two too many.[76] In effect, its mandate was to create Indian bands by allotting reserves, and therefore also to create status Indians, but this was clearly not on the minds of the commissioners or their supervisors in Ottawa. Their terms of reference and letters of instruction offered no commentary on the legal ramifications, however. Indeed, perhaps because they were drafted just before the passage of the *Indian Act* but probably also because they were drawn up by individuals unfamiliar with the nuances of federal legislation, the terms of reference made no reference to Indian bands at all, but rather to a very different organizational concept, the establishment of reserves for "each Indian nation (meaning by nation all Indian tribes speaking the same language)."[77] This reference to language as the basis for nationhood was, incidentally, also completely disregarded in practice. The reserve commissioners did not consider identification of the *individuals* entitled to benefit from a reserve and had only a vague sense of the nature of the *groups* entitled to do so.

The second branch of the Indian Affairs hierarchy in British Columbia, the Indian agencies, were established under Powell's supervision beginning in 1879. In the absence of

[76] LAC, RG 2, volume 365, Order in Council P.C. 1878-0170, 3 March 1878.
[77] LAC, RG 2, volume 115, Order-in-Council P.C. 1088, 10 November 1875. Had this order followed federal legislation, even pre-*Indian Act* legislation, it would have referred to "bodies, bands or tribes" of Indians, rather than linguistic "nations."

treaties, agricultural development programs, or in most cases even reserves, it was not immediately apparent what the new Indian agents were to do – leading to the nebulous job criteria, drawn up in 1879, stating that applicants must be able to speak Chinook, ride a horse, and cook for themselves while travelling.[78] The official letter of instruction to new agents, drafted in 1880 and left unaltered until at least 1910, was equally unhelpful in terms of specific, practical guidance: "advise" the Indians, "protect" their rights, and discourage immoral behaviour, such as consumption of alcohol and sexual promiscuity.[79] Precisely how to identify such "Indians" was left to the agent: implicitly, he would know an Indian when he saw one. Indian "agencies" – not fully staffed offices like those on the Prairies or part-timers assigned to a single reserve as in eastern Canada, but more man-and-his-dog listening posts, especially outside the more densely populated southern Vancouver Island and the lower Fraser – slowly metastasized into the interior of the province over the next thirty years, with the creation of the Fraser Lake Agency in 1881, Northwest Coast and Williams Lake Agencies in 1883, the Babine Agency at Hazelton in 1889, and finally the creation of the Stuart Lake Agency in 1910, in the latter instance, to administer the Dakelh north of Quesnel as well as the neighbouring Sekani.[80] Even in this later stage, at its densest, the ideal Indian agency functioned like a sort of medieval itinerant court, the agent perpetually touring his jurisdiction, albeit with a home office at which to receive correspondence and post his reports back to Inside.[81] Asked by a commission of inquiry in 1913 to account for his limited knowledge of his agency, the Bella Coola Indian agent

[78] LAC, RG 10, vol. 3701, file 17,514-1, Vankoughnet to Powell, 30 December 1879.
[79] Contrast LAC, RG 10, volume 4048, file 360,377, A.W. Vowell, Indian Superintendent, to the Secretary, 17 March 1910, enclosing A.W. Vowell to J.A. McIntosh, Indian Agent, 22 December 1909, and Copy of Instructions to Indian Agents, with LAC, RG 10, volume 3701, file 17514-1, L. Vankoughnet, Deputy Superintendent General Indian Affairs to Powell, Visiting Indian Superintendent, 30 December 1879.
[80] Dates of agency foundings are listed in Library and Archives Canada, RG 10, Finding Aid 10-202, Part 1, *Guide to Indian Bands and Agencies in British Columbia*, May 1996.
[81] See, for instance, the surviving work diary of West Coast Indian Agent Harry Guillod: BC Archives, MS-2822, diary of Harry Guillod.

– a former schoolteacher who, despite his remote station, kept a personal diary in which he breathlessly monitored the shifting fortunes in Ottawa of his beloved Liberals[82] – quipped that there was only so much a single official could do while overseeing a district the size of Scotland.[83]

Through this milieu, the Indian Reserve Commissioners circulated between 1876 and 1898, establishing reserves and consequently, at least in theory, Indian bands and status Indians. Keith Thor Carlson has already observed one of the most notable consequences, in Stó:lō territory. By allotting Indian reserves at the level of what he understood to be distinct villages, he alleges, reserve commissioner Gilbert Malcolm Sproat effectively marked out boundaries between discrete "bands" or First Nations by other Indian Department officials, driving new legal boundaries between communities that otherwise remained closely related by kinship, economic, cultural, and linguistic ties: "the process of creating Indian reserves facilitated and necessitated the creation of Indian bands, Indian chiefs, and Indian band membership lists."[84] Carlson is correct if we attempt to interpret the reserve commissioners' actions in terms of the *Indian Act* – but the commissioners did not. The reserve commission's work laid the arbitrary foundations for many of the ongoing disjunctures between "First Nation" governments and traditional governments – which not only compete for power within communities but frequently represent communities with wholly different trans-"First Nation"-al boundaries – throughout the province.[85] They did not, however, do so in a direct or obvious way.

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[82] BC Archives, E/C/F82A, Iver Fougner's diary (transcript).
[83] LAC, RG 10, volume 11019, file 504A, Ivar Fougner to J.G.H. Bergeron, July 31, 1913.
[84] Keith Thor Carlson, *The Power of Place, The Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism*, (Toronto: University of Toronto Press, 2010), 18-19.
[85] Settler understanding of the recent Unist'ot'en blockade against an LNG pipeline, for instance, has been plagued by enduring confusion resulting from, rather than rectified by, the creation of band governments. The hereditary Wet'suwet'en chiefs were divided on the question of the pipeline, but so too were the band governments, of which there are five in Wet'suwet'en territory, one of which – to inject yet more confusion – is *named* Wet'suwet'en First Nation, despite its membership not including the largest Wet'suwet'en communities at Moricetown and Hagwilget

To Sproat and his successor Peter O'Reilly, the well-connected brother-in-law of the lieutenant-governor, questions about band membership seem to have been largely irrelevant, best left for the next generation of officials to come on the scene. To date, the historiography has concentrated on reserve creation in British Columbia as a conflict between white and Chinese settler interests on the other and Indigenous territory on the other, with the relative dedication of Sproat and O'Reilly judged by the extent to which they advocated for Indigenous interests in the face of white acquisition of village sites, fisheries, and fields. In this way, Cole Harris, in the still-definitive history of reserve creation in the province, argues that Sproat was an "enormously hard-working man with a good legal mind and an extraordinary grasp of detail," an outspoken advocate who "tried to listen." O'Reilly, in contrast, was to Harris "a sort of metronome man" who "had his agenda, listened a little, made his decisions and rushed on."[86]

To some extent historians' assessment of both men has been coloured by the residue of the paper trade. Sproat was a prolific literary activist, routinely writing letters dozens of pages long in which he regaled the Ottawa headquarters with tales of his frustrations with provincial intransigence over reserve lands, all of which dutifully survive, registered and catalogued, in the files of the Black Series.[87] O'Reilly, in contrast, was circumspect with his letters to other officials, but, in contrast to Sproat, kept extremely detailed private notes of the often lengthy meetings held with Indigenous people, documenting his struggles to come to some shared

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on the lower Bulkley River. For instance, *Vancouver Sun*, 12 May 2020, "Wet'suwet'en Elected Chiefs Reject Deal Struck between Government and Hereditary Chiefs," Internet: <https://vancouversun.com/news/wetsuweten-elected-chiefs-reject-deal-struck-between-government-and-hereditary-chiefs>.

[86] Harris, *Making Native Space*, 137, 165 and 172. In contrast to Harris, Kenneth Brealey is much more critical of O'Reilly – see "Travels from Point Ellice," 227-28; and Fisher, *Contact and Conflict*, 200-201. Anne Seymour is much less so: see Anne Elizabeth Seymour, "Natives and Reserve Establishment in Nineteenth-Century British Columbia" (MA Thesis, University of British Columbia, 1995), 39. Twenty years after Harris's groundbreaking work, a new reassessment of facets of reserve creation history in B.C. may be due.

[87] See, for instance, LAC, RG 10, volume 3663, file 9803, G.M. Sproat, Indian Reserve Commissioner, to the Provincial Secretary, 6 May 1878; and ibid., volume 3612, file 3756-17, Gilbert Malcolm Sproat to the Superintendent General of Indian Affairs, 15 August 1878.

understanding with angry chiefs over what he clearly understood was the painfully imperfect nature of his mandate. There was no official outlet for such minutes. Those that survive are scattered piecemeal through the bureaucratic archive, as if, having arrived in Ottawa as a package – perhaps during the clearing-out of the Victoria regional office in 1910 – they were hastily deposited wherever seemed relevant by a busy registry clerk.[88] They are, therefore, easy to miss by scholars concentrating on the more readily available Black Series files held in Ottawa and the official "Minute of Decision" books, the latter of which were kept at the Victoria field office and documented all reserve allotments in the province. During the one year in which he devoted considerable effort to retracing Sproat's steps in the field, O'Reilly repeatedly recorded that he was appalled at encountering what he considered to be the grossly inadequate reserves left behind by Sproat.[89]

My interest here, however, is less in how generously the reserve commissioners demarcated the physical boundary between "settler" and "Indian" space, and more in how their actions contributed to the social boundaries between "settler" and "Indian" communities, and between Indigenous communities themselves. On this front, in contrast to the assumptions of the literature that setting aside reserve lands necessarily implied throwing up walls around Indian "bands," both men were strikingly unconcerned with the implications of their actions. They took

[88] Harris errs, though understandably, in asserting that the best source for O'Reilly's fieldwork is his formal correspondence and "Minutes of Decision": Harris, *Making Native Space*, 367. In fact the best source is his private minutes, where they survive. See, for instance, O'Reilly's Kootenay minutes in LAC, RG 10, volume 3738, file 28013-2; his Dakelh minutes in LAC, RG 10, volume 3735, file 27163; and his Secwepemc minutes in various files in LAC, RG 10, volume 3681, file 12935 (12395 is subdivided into individual reserve files: 12395-1, 12395-2, etc.). These are filed in the Black Series but the file numbers do not indicate Black registration. The 12395 file jackets are all from the Citizenship and Immigration era of the mid-twentieth century. The true route by which the O'Reilly minutes, or some of them at any rate, reached the archives remains unknown, but must have been circuitous.

[89] For instance, Peter O'Reilly, Indian Reserve Commissioner, to Superintendent General of Indian Affairs, January 1882, in *Federal Collection of Minutes of Decision*, edited by Anne Seymour, volume 8, pp. 57-64; and Peter O'Reilly, Indian Reserve Commissioner, to Superintendent General of Indian Affairs, 19 January 1882, in *ibid.*, pp. 19-47.

Indians as, in their view, they found them, working without regard to the implications for the creation of bands, let alone membership lists. On parts of his trip, Sproat was accompanied by a retired fur trader, George Blenkinsop, who conducted a census of the Indigenous people with whom Sproat met. The census survives in the archives, but I have found no indication that the Indian Department ever treated its contents as constituting membership lists.[90] (In any event, for years after Blenkinsop conducted his census, there would have been no local agent with the capacity to keep the lists updated.) Working his way up the Nicola River in September 1878, for instance, Sproat paused at the mouth of the Coldwater River – present-day Merritt – to visit with Indigenous people living along that river and to allot them four reserves. Frustratingly, multiple copies of his "minutes of decision," which he produced at each site a reserve was allotted to document his decision, survive for the Nicola trip – and they do not all describe his next moments in the same way. One version of his "minutes of decision" describes the four Coldwater reserves as a group, allotted in common to the "Coldwater Indians."[91] A second version assigns one of them to the Indians of the "lower Nicola" alone, and the other three in common to all of the Nlaka'pamux peoples (now multiple First Nations with their own distinct sets of reserves elsewhere along the Thompson and Nicola Rivers). [92] Decades later, Indian Affairs Branch officials asked the Crown-in-Council to declare that the actual residents of three of the reserves in question – but not the fourth – constituted a distinct Indian Band in and of

[90] LAC, RG 10, volumes 10012A, George Blenkinsop, Census of Indian Tribes Inhabiting Yale, New Westminster, and Coast Districts, 1879. It is this census project which Carlson may believe was definitive in settling band membership among the Sto:lo: see *The Power of Place, the Problem of Time*, p. 175.
[91] Gilbert Malcolm Sproat, Field Minute, "Nekla-kap-a-muk Indians: Nicola: The Coldwater and its Neighbourhood," 6 September 1878, in *Federal Collection of Minutes of Decision*, edited by Anne Seymour, volume 4/10, cover page 2.
[92] Gilbert Malcolm Sproat, Minutes of Decision for the Boston Bar Indians, 1 June 1878; Minutes of Decision for the Spuzzum Indians, 21 May 1878; and Minutes of Decision for the Upper Similkameen Indians, 5 October 1878; all in *Federal Collection of Minutes of Decision*, edited by Anne Seymour, volume 6, pp. 14, 31, 127-128.

themselves, and that they were the rightful possessors of their reserves.[93] Thus, while there was a distinct Coldwater community, the Coldwater reserves were not allotted to that community by Sproat – or at least, not *specifically* to that community – nor was there any attempt to produce a band list to demarcate that community versus its neighbours.

Sproat's improvisation at Coldwater is simply an example of the ambiguity with which he was comfortable; his main swing through Sto:lo territory on the lower Fraser, in 1879, completes the picture. At Yale, Sproat allotted reserves to what he called the "Yale Indians Proper" and then to the "Yale Indians: Union Bar Subgroup."[94] Travelling downriver, he allotted a single large reserve in common, covering Seabird Island, to what one version of his minutes calls "all these Indians between Cheam and Spuzzum,"[95] and another version calls "Yale Indians and other tribes down to but not including Cheam."[96] Traveling farther downriver, he eventually reached Chilliwack, where he revived his concept of "Indians" and "subgroups," allotting some reserves to specific "subgroups" of the "Chilliwack Indians"[97] and others to "all the Chilliwack

[93] Canada, Privy Council Order 596, 19 April 1956.
[94] Gilbert Malcolm Sproat, "Sproat's Letterbook: Copies of Minutes of Decision," in *Federal Collection of Minutes of Decision*, edited by Anne Seymour, volume 18; and I.W. Powell to the Chief Commissioner of Lands and Works, 25 June 1880, in *Provincial Collection of Minutes of Decision*, edited by Anne Seymour, corr. no. 591/80, p. 3.
[95] I.W. Powell to the Chief Commissioner of Lands and Works, 25 June 1880, in *Provincial Collection of Minutes of Decision*, edited by Anne Seymour, corr. no. 591/80, p. 42.
[96] Gilbert Malcolm Sproat, Seabird Island Minute of Decision, in *Federal Collection of Minutes of Decision*, edited by Anne Seymour, volume 17, p. 21. Like the Coldwater reserves, the Canadian government eventually dedicated the Seabird Island reserve to its inhabitants exclusively, resulting in litigation that recently settled in court, brought by the other First Nations: *Agassiz-Harrison Observer*, "Government Settles Land Claim for Seabird Reserve Gaffe," August 27, 2019, Internet: <https://www.agassizharrisonobserver.com/news/government-settles-land-claim-for-seabird-reserve-gaff/>. Sproat's seemingly arbitrary references to the "Yale Indians," quoted here, have already been the subject of an analysis by Keith Thor Carlson, who also notes the ambiguity and arbitrariness of the terms: Keith Thor Carlson, "Innovation, Tradition, Colonialism, and Aboriginal Fishing Conflicts in the Lower Fraser Canyon," in *New Histories for Old: Changing Perspectives on Canada's Native Pasts*, edited by Ted Binnema and Susan Neylan (Vancouver: University of British Columbia Press, 2011), 152-153. My aim here, however, is to explore the implications for eventual status of this haphazard approach to creating "bands," whereas Carlson's principal interest, equally important, is the difficulty of grafting such narrow colonial constructs onto First Nations societies.
[97] I.W. Powell to the Chief Commissioner of Lands and Works, 25 June 1880, in *Provincial Collection of Minutes of Decision*, edited by Anne Seymour, corr. no. 591/80, p. 50.

Indians in common."[98] Nowhere in Sproat's prolific prose did he explain how the Indian Department ought to interpret such descriptions in terms of bands or band memberships. On several occasions, Sproat even directed the allotment of joint "commonages" to be occupied freely by both settlers and Indigenous peoples, reasoning that if his mandate authorized him to set aside lands for Indians, it must also allow him to set aside lands for Indians *and* whites.[99] Sproat, in short, seems to have felt comfortable operating outside the clear lines imagined by the drafters of the *Indian Act*, and leaving those lines to be drawn by the next generation of bureaucrats.

O'Reilly, too, frequently showed little interest in determining precisely to whom he was making his allotments. Travelling up the Skeena River from Prince Rupert in 1893, for instance, O'Reilly discovered what he described as an empty Tsimshian village. Uncertain whether it was truly uninhabited permanently or whether he had merely come in the wrong season, he allotted a reserve for the village,[100] and then another to protect a fishing site at the end of a trail that he explored, which led away from the village[101] – thus, again returning to the *Indian Act* framework, establishing an Indian band without any apparent population at all. Once again, it was not until the mass rationalization of status and bands in the mid-twentieth century that Indian Affairs officials decided all of the surviving members of the Killutsal tribe of Tsimshian had already been members of the Port Simpson Band at the time of O'Reilly's visit, and continued to be so,

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[98] I.W. Powell to the Chief Commissioner of Lands and Works, 25 June 1880, in *Provincial Collection of Minutes of Decision*, edited by Anne Seymour, corr. no. 591/80, p. 51.
[99] G.M. Sproat, Indian Reserve Commissioner, to the Chief Commissioner of Lands and Works, 17 July 1878, in *Provincial Collection of Minutes of Decision*, binder 2, corr. no. 1655/78. The province did not share Sproat's assessment of his powers, and none of the commonages survive.
[100] Peter O'Reilly, Indian Reserve Commissioner, to the Deputy Superintendent General of Indian Affairs, 25 September 1893, in *Federal Collection of Minutes of Decision*, edited by Anne Seymour, volume 14, 245-246.
[101] LAC, RG 10, volume 1278, P. O'Reilly, Indian Reserve Commissioner, to Deputy Superintendent General of Indian Affairs, 11 December 1893.

and consequently transferred the reserves into the possession of that band.[102] Sometimes, as I note in one instance below in Dakelh territory, O'Reilly was exactingly specific in allotting reserves to small villages. Other times, as during his expedition to the Kootenays in 1884, he allotted tens of thousands of acres of reserves to the Ktunaxa or Upper Kootenay peoples, whom he called a "tribe," without attempting to differentiate smaller groups or "bands" at all.[103]

I do not mean to pronounce judgement on such potential blunders except to observe that these are fairly predictable consequences of the bureaucratic operations depicted by Harris in *Making Native Space*: the reserve commissioners were in a hurry, policy firefighters racing along the inherently violent boundary between Indigenous and settler land. The fishing sites, grazing lands and fields, and timber supplies upon which Indigenous communities desperately relied for subsistence were being alienated before their eyes. Philosophical questions about either community or individual status were clearly trivial. In addition, in so doing, they were – almost certainly unintentionally – effectively undermining the very philosophical roots of the *Indian Act* status regime by taking Indigenous communities as they were, allotting fishing sites and other lands as necessary to protect what remained of their existing resource base, rather than attempting to push them into new agrarian reserve towns, as was attempted on the Prairies. Arguments that officials like Sproat were too atomistic in setting aside reserves on the lower Fraser (à la Carlson) or too inclusive in banding together the Mi'kmaq in Nova Scotia (à la Paul) should perhaps be interpreted through a single unifying lens: the *Indian Act*'s depiction of self-contained municipality-style agrarian villages did not correspond to how Indigenous people lived

[102] Indian Lands Registry System, instrument 14128, R.M. Jones, Director, Memorandum to the Deputy Minister, 22 June 1959, Re: Killutsal Indian Reserves Nos. 1 and 1A.
[103] Federal Collection of Minutes of Decision, edited by Anne Seymour, volume 10, P. O'Reilly to Superintendent General of Indian Affairs, 16 December 1884. The "Upper Kootenay Indians" now comprise three distinct First Nations: Columbia Lake First Nation, St. Mary's First Nation, and Tobacco Plains First Nation.

in large parts of Canada, and – as Niemi-Bohun has already argued on the Prairies – field officials improvised their way out of the discrepancy in whatever way seemed expedient. The legal demarcation of colonizer and colonized was, in B.C., a byproduct of the far more urgent need to set aside lands for Indians, whomever they might be.

It was this sense of urgency in the face of impending settlement, rather than a desire to identify and catalogue racial status among the Dakelh, that brought O'Reilly into western Dakelh territory in 1891, to allot reserves to the Wet'suwet'en people,[104] and then up the Fraser to the Nechako River to allot reserves to the Dakelh residing there (including at Fort George) in 1892. Despite their remoteness from the frontiers of white settlement during the late nineteenth century, the Dakelh had been among the first people in the interior of the province to integrate themselves into global markets, when they invited the North West Company to open posts on the Nechako River at Stuart and Fraser Lakes in 1806.[105] Unlike in some other parts of Canada, the establishment of the North West Company's New Caledonia District posts at McLeod Lake, Fraser Lake, Stuart Lake, and eventually also at Fort George at the mouth of the Nechako River on the Fraser, Fort Kilmaurs on Babine Lake, and Alexandria on the Fraser River itself – all operated by the post-merger Hudson's Bay Company in 1821 – resulted at most in very limited relocation of outlying groups to the vicinity of the posts. Rather, the surviving records of Simon Fraser and other early fur traders operating in the region are clear that the Dakelh already had permanent seasonally inhabited villages, usually adjacent to a key salmon weir site, next to

[104] Present-day Hagwilget and Moricetown First Nations. On the same trip O'Reilly dealt with the Dakelh or Carrier on Babine Lake and with the Gitxsan at Hazelton and on the Skeena River.
[105] W. Kaye Lamb, ed., *The Letters and Journals of Simon Fraser, 1806-1808* (Toronto: Dundurn Press, 2007), 200. Although Fraser did not explicitly refer to this invitation in his journal, it is clear that he must have been invited in some manner, since after sending out colleague John Stuart while wintering at Rocky Mountain House on the Peace River to conduct an initial reconnaissance, he proceeded directly to "the Carrier's lake" in the company of a Carrier guide with the intent of establishing a trading post.

which the traders established their posts.[106] One of Fraser's successors in New Caledonia, Daniel Harmon, who worked along the Nechako from 1810 to 1819 and periodically ventured as far as the "Nateotains" (Nat'oot'en) of Babine Lake, was convinced that the central unit of political organization among the central Carrier people was the village, each of which had leaders or nobles who claimed an extensive tract as their exclusive hunting and fishing grounds.[107] Visiting the region in 1827, Sir George Simpson, governor of the Hudson's Bay Company, also remarked that such hunting and fishing grounds were "held as private property."[108]

What the fur trade era did bring, if not permanent villages, was a semi-permanent population of people of mixed European and Indigenous descent. Duane Thomson has concluded, in a genealogical study of mixed-descent families in New Caledonia, that there were no self-identifying or self-proclaimed historical Métis communities in this region whose descendants would be capable of passing the *Powley* test and qualifying for Métis status.[109] While Thomson may be correct with respect to how individuals of mixed descent would have identified themselves as Métis in New Caledonia in the mid-nineteenth century, and while I can offer no professional evaluation of the legal dimension of this question, it may be as helpful to conceptualize racial and community identities in New Caledonia, or at least at Fort George, in terms of a loosely defined spectrum or continuum rather than discrete "First Nations" and

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[106] For instance, Lamb, *The Letters and Journals of Simon Fraser*, 258-274.
[107] Daniel James Harmon, *A Journal of Voyages and Travels in North America* (Toronto: George N. Morang & Co., 1904), 255.
[108] George Simpson, *Part of Dispatch from George Simpson Esqr, Governor of Rupert's Land, to the Governor & Committee of the Hudson's Bay Company, London: March 1, 1829, Continued and Completed March 24 and June 5, 1829* (Toronto: Hudson's Bay Record Society, 1947), 20.
[109] Duane Thomson, "The Ethno-Genesis of the Mixed-Ancestry Population in New Caledonia," *BC Studies* 191 (2016), pp. 57-84. However, this study was clearly written in order to evaluate whether Métis extended families living in the interior would pass the *Powley* test for Métis status, with reference to historical societies that could assert a claim for unceded Aboriginal title they possessed at the date of effective British control (which Thomson anomalously states was 1866).

"Métis" communities. At the posts, and in the Dakelh villages adjacent to posts, were a small but steadily growing population of families of mixed descent, connected to colonial and then post-Confederation Canada via their fathers' surnames and places of origin, and to the kinship and clan systems of Dakelh society via their mothers. The heads of these families were men such as William Seymour, described by one descendant as immigrating to Stuart Lake from Red River in the 1850s. As elsewhere in fur trade country, many of these individuals married Indigenous women, and their children grew up within but also between Indigenous and settler spaces.[110]

Like McBride's mixed Scottish and Algonquian families at Temiskaming, these mixed French and Dakelh families could effectively straddle a binary racial division, had one existed locally. Such divisions were, however, difficult to ascertain clearly prior to the founding of a white settlement at Fort George in the early twentieth century. During the 1890s, the Hudson's Bay Company trading post was staffed by the men of several mixed-descent Indigenous families long resident in the area, including labourers James Bird, Pierre Rois, and Joseph Tappage, but also chief trader Charles Ogden, son of Peter Skene Ogden and whom a visiting company accountant disdainfully described as a "slow and somewhat lethargic and at the same time obstinate… half-breed."[111] Given time, demographic increase, and pressures or incentives to do

[110] *Prince George Citizen*, Granny Seymour and Margaret Hubbard, "Native Scouts Sent After Missing Whites," 21 June 1960, p. 3.

[111] HBCA, B.280/e/3, E.K. Beeston, Inspection Report, 1900, p. 8. Métis men like the Hudson's Bay Company's Ogden at Fort George and the Indian Department's McBride at Temiskaming represent a sort of transitional phase in the Canadian state's consolidation of power in new territories; such officials were often regarded as poorly educated and racially suspect, and were shuffled out of office once local settlements were able to furnish a supply of more suitable candidates. For families, see Dominion Census for 1901, District No. 5 (Yale & Cariboo), Subdistrict A, Cariboo, p. 1. These figures are identified in passing throughout the surviving Fort George post journals: HBCA, B.280/a/1-9, daily journals for Fort George, 1887-1911. Bird was the son of a Métis employee at Fort St. James, who left him to be raised among the Dakelh by a Haida woman, formerly married to another fur trader, when he retired: Granny Seymour and Margaret Hubbard, "Scouts Recount Story of Days with Indians," *Prince George Citizen*, 23 June 1960, p. 3.

so, such groups of extended fur trade families could well have given rise to the sort of community described by Brenda Macdougall in her history of Isle à la Crosse, present-day Saskatchewan.[112] In fur trade-era New Caledonia, however, populations were relatively small and post-contact timelines were short. Fort George was founded in 1808, came under Indian Affairs administration in 1889, and became a significant majority-white town only within a few years of the arrival of the railway in 1913. Labels like Indian and Métis seem to have been less consequential for much of that period: one either was or was not an agent of the Company (but typically lived in the village in either case), and either was or was not connected by descent or marriage into the kinship and feasting systems of the Dakelh.[113]

The Carrier or Dakelh first fell under nominal Indian Affairs administration and surveillance in 1889 when "the Superintendent General" approved the creation of the Babine Agency, headquartered to the west off the Skeena River at Hazelton – in the process finally falsifying the fable of the 15,000 "itinerant Indians" (see Chapter 1). Unsurprising given their remoteness from settler society, the decision to appoint an Indian agent for the Dakelh was taken in almost abject ignorance of their actual condition. In December 1888, a letter went out over deputy minister Lawrence Vankoughnet's signature, addressed to the acting regional supervisor for B.C., citing third-hand reports of famine among the Carrier and requesting further

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[112] Brenda Macdougall, *One of the Family: Metis Culture in Nineteenth-Century Saskatchewan* (Vancouver: University of British Columbia Press, 2011).

[113] Though consistent with Thomson, I recognize that this depiction of race relations in the fur trade is somewhat at odds with the broader literature: see, for instance, Elizabeth Vibert, "Real Men Hunt Buffalo: Masculinity, Race, and Class in British Fur Traders' Narratives," *Gender & History* 8, no. 1 (1996), 4-21; and Jean Barman and Mike Evans, "Reflections on Being and Becoming Métis in British Columbia," *BC Studies* 161 (2009), 59-91. The transition from fur trade to settlement did, as John Lutz has noted, both crystallize and amplify arbitrary racial divisions in British Columbia: John Lutz, "Making 'Indians' in British Columbia: Power, Race, and the Importance of Place," in *Power and Place in the North American West*, edited by Richard White and John Findlay (Seattle: University of Washington Press, 1999). The history of the fur trade in remote parts of New Caledonia remains under-studied and may differ somewhat from elsewhere. Notably, in the later decades of the fur trade at Fort George, all HBC employees in the area were of mixed descent, and none lived there as part of established families, as opposed to clerks and servants of the company, except as part of or next to the Dakelh village. Further research on this point is merited.

information.[114] It fell to Hamilton Moffatt to answer. Moffatt was a clerk formerly working for the asylum director-turned-Indian superintendent Powell, occupying his former manager's *office* on an acting basis until a successor could be named, and the request pertained to uncharted terrain only nominally claimed by the Indian Department: at the time, no Indian Affairs official had ever ventured north of Quesnel. Nevertheless, Moffatt made a valiant effort, ordering the nearest Outside officer – Indian agent William Laing-Meason of Williams Lake – to travel north as far as Quesnel and then by some means attach himself to a party travelling north into New Caledonia, so as to conduct a reconnaissance.[115]

Meason acknowledged receipt of Moffatt's letter, but he decided it could be best carried into effect not by hiking several hundred kilometres into New Caledonia in early winter as directed, but rather by waiting until the Hudson's Bay Company chief factor should chance to journey south past Williams Lake.[116] Rather than press the point, Vankoughnet smoothly pivoted to assure his minister, Edgar Dewdney, that Laing-Meason would gather the necessary intelligence shortly and then stand by to provide food assistance if necessary. This was a tall order given both the lack of budget and any means of distribution, if indeed there were a widespread famine. But it was persuasive to Dewdney, who seems to have been calmed and so jotted a quick marginal comment on the office draft copy that the proposed course of action "seems satisfactory."[117] Indeed, before any further news could be received from Laing-Meason or anybody in New Caledonia, a new report – obviously drafted in haste by an official with no knowledge of Indian affairs in British Columbia – was sent to Victoria over Dewdney's signature

[114] LAC, RG 10, volume 3808, file 53,556, Lawrence Vankoughnet to H. Moffatt, 14 December 1888.
[115] LAC, RG 10, volume 3808, file 53,556, H. Moffatt to the Superintendent General of Indian Affairs, 31 December 1888.
[116] LAC, RG 10, volume 3808, file 53,556, William Laing-Meason to H. Moffatt, 14 January 1889.
[117] LAC, RG 10, volume 3808, file 53,556, Lawrence Vankoughnet to Edgar Dewdney, 1 February 1889.

to assure the province that the rumours of famine were false and that there was no evidence of disruption of the primary food supply of the Carriers, said by "Dewdney" to be the autumn migration of ducks and geese.[118] (In fact, Dewdney had lived in British Columbia for years and it seems unlikely he would commit such a grave error as to identify the principal food source of a First Nation on the mainstem of the Fraser as migrating birds rather than sockeye salmon.)

Nevertheless, to avoid being similarly embarrassed in the future, Dewdney appointed a new Indian agent at Hazelton, with a territory spanning from the upper Skeena River to the Rocky Mountains. Richard Loring, the first to receive the *office* of Babine Indian Agent, turned out to be an uninspiring representative of the Department. Loring's political connections are unclear, but he clearly aspired to become a larger-than-life figure in the small settler town of Hazelton, grandiosely telling the local Catholic missionary, Adrien-Gabriel Morice, that he was both a German aristocrat and married to the widow of a colonial official.[119] An Indian agency could be a prestigious office. Many agents carefully performed the role and cultivated an image of commanding the Indians resolutely while casting a suspicious eye on their frequent – and, of course, at least in their memoirs, usually futile – efforts to mislead or deceive the agent.[120] Caught up in administering to the Gitxsan and Wet'suwet'en people in the immediate vicinity of Hazelton, however, Loring conveniently discovered reasons not to venture east into the Fraser and Nechako branch, or Carrier branch, of his agency – a mission that would have required the

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[118] LAC, RG 10, volume 3808, file 53,556, Edgar Dewdney to E.B. Davie, 11 December 1888.

[119] Both these claims are repeated, based upon Morice's correspondence, by David Mulhall in his biography of Morice, *Will to Power: The Career of Father Morice* (Vancouver: University of British Columbia Press, 1986), p. 86. However, the first claim cannot be verified (and seems unlikely) and the second is incorrect. Loring's wife Margaret Macaulay was formerly married not to *Phillip* Hankin, a brief Administrator of British Columbia, but rather to *Thomas* Hankin, a former Hudson's Bay Company employee who also settled on the Skeena: see genealogical data published in C.J.P. Hanna, "Bailiff Macaulay," *British Columbia Historical News* 26, no. 1 (1992-1993), p. 18, although Hanna repeats the doubtful claim that Loring was a German noble.

[120] See W.J. McAllan, "The Moving of the Fort George Indians," *Cariboo & Northwest Digest* 4 (1948), 52-57; William Halliday, *Potlatch and Totem* (London: J.M. Dent, 1935); and W.M. Graham, unpublished manuscript memoirs, in Glenbow Archives, Graham fonds.

self-proclaimed aristocrat to make a tedious trek overland either up the Bulkley River and over the trail to Fraser Lake, or by canoe and portage to Stuart Lake and Fort St. James via Babine Lake, and then down either of those rivers, ultimately, to Fort George. Loring did not visit the Nechako River Carrier until 1892, when he met them for the first time while ostensibly serving as local guide and advisor to Reserve Commissioner O'Reilly.[121] Loring's surviving official correspondence is limited and does not provide evidence of further trips east in the following years, but the Hudson's Bay Company post at Fort George noted a visit by him in 1901, so he did return at least occasionally.[122] In 1909, however, the opportunity arose to "trade" Fort George away in exchange for another band and reserve much closer to home along the Skeena, and Loring leaped at the chance to be rid of any obligations to his most distant outpost.[123]

Why did Loring not venture across the interior to properly enumerate the Nechako River Carrier? Simple laziness obviously suffices as an explanation, but the broader context is also significant. Loring proposed a different reason for his lackadaisical leadership, namely, that the Carrier were too self-sufficient in their traditional ways to merit investing any effort in their assimilation:

> In extreme contrast to the Indian frequently met with, of too precocious a development by outside influences, is the roving Indian, as a rule, of the far interior… Devout in his faith and content with what nature provides, he yet remains absorbed by a fascination for the deep recesses of the forest and banks of lonely lakes, which nature has still enshrouded

[121] Department of Indian Affairs, *Annual Report (1890)*, 97; *Annual Report (1891)*, part 1, 133; and *Annual Report (1892)*, 257.
[122] HBCA, B.280/a/7, Fort George post journal, June 18, 1901: At Loring's request, Bird moved his house across the reserve boundary onto his pre-empted parcel.
[123] LAC, RG 10, volume 10242, file 986/30-6-1, Loring to Vowell, 30 March 1907.

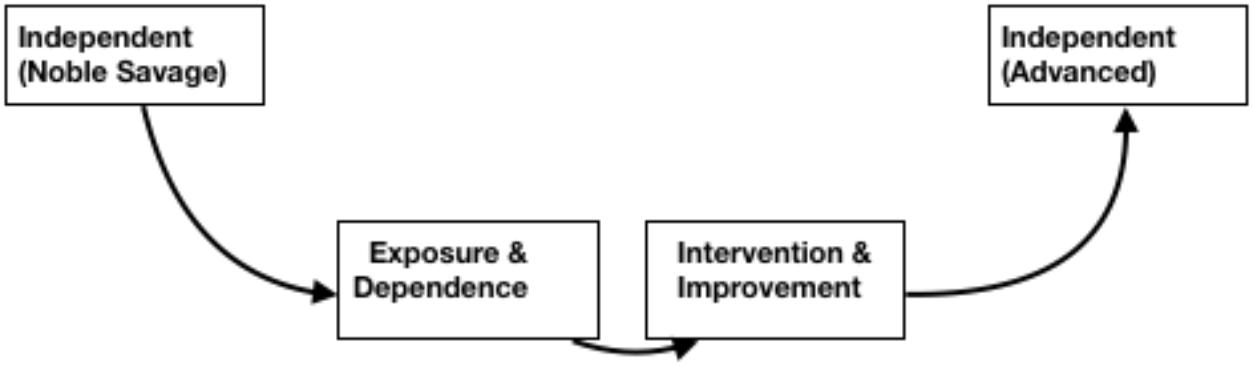
> with a hush of perfect silence and solitude, seldom disturbed except by the occasional plaintive note of the loon.[124]

Other than the minor sin of omission of failing to provide detailed statistics for the *Annual Report*, by the low standards of his office, Loring was not committing any grievous offence. He was not called upon to visit the bands regularly to update band membership lists, and presumably would have done so if ordered. Moreover, the tedious exercise of paperwork-based status investigations was in a sense anathema to the hyper-masculine image projected by the Indian agents I discussed in Chapter 2. On the frontier, an agent ought to know an Indian when he saw one, and see instantly through the potential deceptions of Indian and half-breed alike.

But the excuses Loring offered in the *Annual Report* also signal – even as self-serving excuses – the fundamentally different, more pragmatic or practical narrative of Indian-ness embedded in Indian Department practice, once again one in which the higher levels of the Indian status system – regular Indians, enfranchised and probationary Indians, and so on – were at best peripherally relevant. In this way, rather than the upward, progressive narrative arc that formed the basis for Indian status in the *Indian Act*, bureaucrats tended towards a more U-shaped paradigm that melded the progressive or assimilationist narrative found in official legislation, or in its influences like missionary discourses, with ideals of noble savagery (compare Figure 5 below with Figure 4 earlier in this chapter).

Figure 5. The Field Service's Alternative Vision of Indian Status

[124] Loring, in 1900 annual report, p. 398.



To that end, what was most important to Indian agents such as Loring was not what one might term – using deliberately gendered and theological language – the cultural reformation of the "Indian in his natural state," so much as the salvaging of the Indian in his *fallen* state after exposure to other, rougher settlers had led inevitably to impoverishment and decline. The implicit goal of Indian Affairs administration then became a reduction in the number of troublesome Indians rather than the assimilation of all Indians: restoring or sustaining the ideal noble savage in his independent stand in the wilderness (the "irregular Indian" of the *Act*), whether that be through establishing Indian-only traplines, or attempting to freeze the economic status quo in the reserve system, or defending traditional fisheries (all of which characterized Indian Affairs practice in B.C.), was, to practitioners, just as laudable and important an objective as fostering the development of reserve agriculture (the basis of practice on the Prairies).[125] To B.C. regional superintendent Arthur Vowell in his 1901 annual report, what mattered was not the agrarian utopia of the *Indian Act* but rather that Indians follow a "course of manly independence, intelligent enterprise, and unflagging industry."[126]

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[125] See, respectively, Vogt, "Indians on White Lines"; Harris, *Making Native Space*, 265-266; and Douglas C. Harris, *Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1894-1925* (Vancouver: University of British Columbia Press, 2008), 103-105.

[126] Department of Indian Affairs, *Annual Report* (1890), xxx; and *Annual Report* (1901), 288, and Annual Report (1905), 262. It was only during economic downturns that Vowell counseled agriculture as an alternative, for instance, in Department of Indian Affairs, *Annual Report (1898)*, 247. Indian Affairs officials did not invent *de*

Thus it was these two officials – O'Reilly, hurrying through the interior, and his guide Loring, also venturing there for the first time – who began the process of creating status Indians among the Dakelh by setting out to allot reserves for them, first visiting the Wet'suwet'en and Babine people in 1891 and then venturing up the Fraser to the Carrier of the Nechako River, including Fort George, in 1892. But how to do it? Carlson speculates that in allotting Indian Reserves along the lower Fraser River, O'Reilly's predecessors equated an Indigenous village site to be an Indian band without regard to the way in which kinship, ceremony, political formations, economics, language, and physical and spiritual geography united people between villages.[127] During his first year in the northern interior, in 1891, which took him up the Skeena River and over to Babine Lake, O'Reilly opted for the seemingly safer expedient of following Indian Agent Loring's advice. Accordingly, he lumped the western Dakelh that he found there together rather than splitting them apart, designating as a single "band" all of what Loring called the "Hagwilgets," meaning the Wet'suwet'en on the lower Bulkley River near Hazelton together and the Na'toot'en of nearby Babine Lake.[128] Subsequently, Loring, on his own initiative, decided it would be better to divide these groups into separate bands, as well as to correct what he regarded as an error in allotting reserve land to the "Hagwilgets" as opposed to the neighbouring Gitxsan, all done unilaterally.[129]

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novo the concept of linking masculinity with desired economic activities: see, for instance, the close parallel in fur trade discourse explored by Elizabeth Vibert in "'Real Men Hunt Buffalo': Masculinity, Race and Class in British Fur Traders' Narratives," *Gender & History* 8, no. 1 (1996), 4-21.

[127] Keith Thor Carlson, *The Power of Place, The Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism*, (Toronto: University of Toronto Press, 2010).

[128] P. O'Reilly to L. Vankoughnet, Deputy Superintendent General of Indian Affairs, 18 July 1892, enclosing Minutes of Decision, in *Federal Collection of Minutes of Decision*, edited by Anne Seymour, pp. 256-269a.

[129] See the first decade of Loring's annual reports in the *Annual Reports*: the names and compositions of bands change frequently. Loring explained his decision to alter the Hazelton reserve allotment in testimony to the Royal Commission on Indian Affairs (UBCIC transcript, Babine Agency, p. 119).

Years later, it was revealed that, contrary to Loring's initial impression, there were many more small groups of Wet'suwet'en living up the Bulkley River and around Francois Lake, to which he had entirely failed to guide O'Reilly.[130] In 1916, the Royal Commission on Indian Affairs rectified this error by allocating several new bands, this time on the expedient rule of thumb not of one band per village (à la Carlson) or of larger groupings as per Loring and O'Reilly in 1891, but rather on the basis that all Indians who fished at a particular lake should form a distinct band. (Seemingly recognizing the arbitrariness of such divisions, the Commission – indulging in much the same ambiguity as Sproat – also adopted the intriguing innovation of grouping these small bands together into larger multi-band "tribes," but this hierarchy had no legal meaning or basis in bureaucratic practice, and consequently seems to have been entirely ignored by Indian Affairs officials.)[131] The Commission also discovered what it referred to as a lone "coyote Indian" named Isaac, living on his own on Bulkley Lake.[132] Although it recognized from Isaac's testimony that he was the sole remaining survivor of "some small Band" on the lake,[133] creating a band to house a single individual seemed to the commissioners excessive, so they decided to nominally place Isaac in some other band, first at Moricetown,[134] then at Francois Lake,[135] and finally at Maxim Lake, the closest band

[130] A.W. Vowell, Indian Reserve Commissioner, to R.E. Loring, Indian Agent, 28 January 1905, in *Federal Collection of Minutes of Decision*, edited by Anne Seymour, volume 15, 183.
[131] Royal Commission on Indian Affairs for the Province of British Columbia, *Final Report* (Victoria: Acme Press, 1916), Stuart Lake Agency – New Reserves, p. 1.
[132] LAC, RG 10, volume 11025, file AH12, Royal Commission on Indian Affairs for the Province of British Columbia, Statement of Indian Isaac, 21 May 1915, p. 130.
[133] LAC, RG 10, volume 11025, file AH12, Royal Commission on Indian Affairs for the Province of British Columbia, Statement of Indian Isaac, 21 May 1915, p. 130.
[134] LAC, RG 10, volume 11025, file AH12, Royal Commission on Indian Affairs for the Province of British Columbia, Statement of Indian Isaac, 21 May 1915, p. 130.
[135] LAC, RG 10, volume 11025, file AH12, Royal Commission on Indian Affairs for the Province of British Columbia, Examination of W.J. McAllan, Indian Agent for the Stuart Lake Agency at the Board Room, Victoria, November 15th, 1915, pp. 198-199.

geographically to Isaac's own Bulkley Lake.[136] In the absence of a band list at any of these locations, Isaac thus became the first formally documented status member of the Maxan Lake Indian Band – a community otherwise without a band list, and a band to which the Commissioners fully understood that he did not belong, established for the population of a lake on which he did not live.

The next year, in 1892, O'Reilly and Loring met again to allot reserves in New Caledonia, this time to the Dakelh of the Nechako River from Fort George, at its mouth on the Fraser, up its upper branches to Fraser and Stuart Lakes. O'Reilly clearly already had some inkling that he had been ill-advised by the Indian agent the previous year, as he jotted in his personal diary the day of their rendezvous that Loring was "lazy & useless as ever" and "cannot supply a particle of information."[137] Trying to form his own best judgement, O'Reilly created several bands at the largest tributary lake of the Nechako, Stuart Lake, but then one band for all of the residents on three other lakes – Fraser Lake, Tachick Lake, and Noolki Lake – and then a final band at Fort George, taking in people who lived both there and at an upriver salmon fishing village at the mouth of the Chilako River, known in the early historical literature as Chalaoochicks, which no longer survives as a distinct First Nation.[138] In subsequent years, Loring had great difficulty deciding whether these allotments had been appropriate, merging and splitting apart bands on multiple occasions, all without instructions from Ottawa but all left unchallenged.[139] The Fort George Band (that is to say, the peoples living at Fort George and

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[136] Royal Commission on Indian Affairs for the Province of British Columbia, *Final Report* (Victoria: Acme Press, 2016), 2016: Stuart Lake Agency – Additional Lands Applications.
[137] BC Archives, MS-2894, box 3, file 2, microfilm reel A1910, Peter O'Reilly's diary, entry for 30 August 1892.
[138] Federal Collection of Minutes of Decision, ed. Anne Seymour, volume 13: Minutes of Decision, Correspondence & Sketches – Peter O'Reilly – May 1889 to October 1894 (File 29858, Vol. No. 7, Reg. No. B-64648), Peter O'Reilly to the Deputy Superintendent General of Indian Affairs, 23 February 1893, 165-171.
[139] Richard Loring, Annual Report for the Babine Agency, 30 June 1890, in *Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1890* (Ottawa: Brown Chamberlin, 1891), 95-97; Richard Loring, Annual Report for the Babine Agency, 30 June 1893, in *Annual Report of the Department of Indian Affairs for the*

Chilako), however, remained unaltered. True to form, O'Reilly made no effort to determine the actual membership of any of these communities. His notes state that the land was given simply to "the Indians."[140]

Instead of federal Indian status, the first clear lines between "Indian" and "white" at Fort George were drawn by lenders and by provincial land laws. By provincial law, Indians could not pre-empt land,[141] so local residents who pre-empted land off reserve, such as the Seymour brothers, must have passed as whites in their correspondence with the province. (Nevertheless, James Bird still identified himself as an Indian for the 1901 census).[142] With great difficulty and after repeatedly defying orders from the Victoria regional head office, the Fort George post by 1907 had managed to largely abolish what was known in Chinook as "jawbone," *i.e.* credit, issued to Indians.[143] Subsequently, however, while Bird and most other local men remained on the books as unwanted "Indian debt[or]s," William Seymour, who had found work with the Grand Trunk Pacific Railway on a survey party, became a white man for credit purposes.[144] By 1911, Bird too identified as an Englishman rather than an Indian.[145] Slowly, not by legal or

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Year Ended 31st December, 1893 (Ottawa: S.E. Dawson, 1894), 123; Richard Loring, Annual Report for the Babine Agency, 3 July 1895, in *Annual Report of the Department of Indian Affairs for the Year Ended 30th June, 1895* (Ottawa: S.E. Dawson, 1895), 158-160; and Richard Loring, Annual Report for the Babine Agency, 25 July 1899, in *Annual Report of the Department of Indian Affairs for the Year Ended 30th June 1899* (Ottawa: S.E. Dawson, 1900), 218.

[140] Few of O'Reilly's individual meeting notes survive but those for Fort George do: see LAC, RG 10, volume 3735, file 27163.

[141] BC Land Act, 1874.

[142] Census of Canada 1901, district no. 1-5 (Burrard), Babine Agency subdistrict, book 3, 5. The Bird house was moved south onto Hudson's Bay land; later, Bird pre-empted land alongside Tappage's.

[143] HBCA, B.226/b/53.2/H, Thomson to Cowie, February 12, 1909.

[144] HBCA, B.226/b/53.2/a, file 2, Thomson to Cowie, December 19, 1908, and Thomson to Cowie, January 28, 1909; compare with B.226/b/53.2/H, "Fort George Indian Debts as at 30th November 1908." In 1908, Seymour's debt in this category stood at $239, higher than all other Grand Trunk employees. Thomson objected to Cowie's granting of credit to railway workers as well, though on different grounds than those previously employed against "Indian debts," erroneously believing that the workers were migrants who were liable to leave the district before paying off their debts. Fort George Billy and Marnis, who both trapped *and* worked for the railway are cross-listed on the list of "Fort George Indian Debts," with their railway employment noted on that form.

[145] Census of Canada 1911, district no. 14 (Cariboo), subdistrict no. 8 (Cariboo), 5-6.

bureaucratic means but rather by how they were sorted and perhaps chose to sort themselves in the emerging settler economy, Indigenous people at Fort George were being separated into "Indians" and a nebulous second category, passing legally as whites but referred to locally as "half-breeds." The first teacher at the community school opened at Fort George, which catered in part to the children of those who had become "half-breeds" by moving away from the post and the reserve to pre-empt land, left no doubt as to their origins: these men's families were "half-breed children," "raised like Indians."[146] Loring, absent in Hazelton, played no apparent part in such demarcations.

The Indian Department thus continued to administer First Nations in most parts of northern B.C well into the early twentieth century without attempting to resolve the question of individual Indian status. Indian agents did conduct periodic Departmental censuses, and there has been important research done in the past decade by Michelle Hamilton and Brian Hubner on the racial categories used in the Dominion census,[147] but these census lists were not used to fix Indian status, at least in northern British Columbia, during my period of study. Moreover, as I have stated, there remained no need to prepare band lists in order to pay annuities, as on the Prairies. Instead, some exogenous shock, arriving via the paper trade, was usually necessary in order to jolt the Indian agent into preparing a band membership list. In the case of the Fort George Dakelh, this shock was the surrender of the band's primary reserve to the Grand Trunk

[146] Mrs. Campbell to F.E. Runnalls, 7 July 1943, quoted by the latter in "Boom Days in Prince George," *British Columbia Historical Quarterly* 8, no. 4 (1944), p. 292.

[147] Brian Hubner, "'This is the Whiteman's Law': Aboriginal Resistance, Bureaucratic Change, and the Census of Canada, 1830-2006," *Archival Science* 7, no. 3 (195-206); Michelle A. Hamilton, "'Anyone Not on the List Might as Well be Dead': Aboriginal Peoples and the Censuses of Canada, 1851-1916," *Journal of the Canadian Historical Association* 18, no. 1 (2007), pp. 57-79; and Michelle A. Hamilton and Kris Inwood, "The Aboriginal Population and the 1891 Census of Canada," in *Indigenous Peoples and Demography: The Complex Relation Between Identity and Statistics*, edited by Per Axelsson and Peter Sköld (New York: Berghahn Books, 2011). The decennial censuses were conducted for another department – during my period of study, Agriculture – in which bureaucrats put forth different racial definitions than those in vogue in the Indian Department.

Pacific Railway in 1911. As with many land surrenders of the period, the multiple acquisitions of large reserve land parcels by this corporation – most notably at what are now Prince George (Fort George) and Prince Rupert – were and remain controversial locally, as well as the subject of scholarly criticism by Frank Leonard, myself, and David Gamble.[148] I will have more to say about the surrender process in the next chapter, but for now it is sufficient to observe that surrenders led to sales, which led to the distribution of proceeds, which at last – like the pre-Confederation Robinson Treaties and the Numbered Treaties – led to pay-lists, in this case so that the Indian agent could document annual interest distributions rather than treaty annuities. There was, consequently, a certain irony in the practice as opposed to the policy of Indian Affairs: where the *Indian Act* stated that status Indians came into existence upon the creation of a reserve for their benefit, at Fort George – and many other sites in British Columbia, as well – they were effectively classified as such only upon their *dispossession* of those reserves.

The Grand Trunk Pacific Railway, the third of the country's transcontinental railroads, was completed and commenced operations to the Pacific in 1914, and its history in British Columbia has been comprehensively documented by Frank Leonard. Along its route from Fitzhugh (a siding near the former Jasper House HBC post, and now the town of Jasper) to Prince Rupert, the Grand Trunk followed river valleys – the same sites preferentially inhabited by the region's Indigenous people – and thus blazed its way through some twenty-four reserves.[149] When survey and construction work began, the vaunted "iron horse" was a lucrative opportunity for many local Indigenous men, who eagerly took up well-paying positions in the

[148] Frank Leonard, *A Thousand Blunders: The Grand Trunk Pacific Railway and Northern British Columbia* (Vancouver: University of British Columbia Press, 1986), chapter 6; and David Vogt and David A. Gamble, "'You Don't Suppose the Dominion Government Wants to Cheat the Indians?': The Grand Trunk Pacific Railway and the Fort George Reserve, 1908-12," *BC Studies* 166 (2010), pp. 55-72.
[149] Leonard, *A Thousand Blunders*, 165.

work crews. The Hudson's Bay Company journals at Fort George indicate that most of the local male heads of family were employed by the railway as construction workers.[150] A travel writer hired by the company to write a celebratory preview book of the soon-to-be-traversed territory lamented that the Indigenous men at places like Fort George held an effective monopoly on freighting work in particular: "Fleets of canoes were pressed into service" and made a "rich harvest," observed Francis Talbot, but all, he grumbled, at the expense of would-be settlers, whose progress was being "held up too tightly by the Indians."[151]

Railway promoters eagerly promoted what they claimed would be a new wave of settlement in the northern interior, with Fort George – strategically located along the Fraser River and thus at an intersection with any future railway built north from Vancouver – figuring prominently in some visions as a "Chicago of western Canada" in waiting.[152] Along most of its route, the Grand Trunk obtained only narrow rights-of-way through reserves,[153] but both at Fort George and at the oceanside terminus, Prince Rupert, the company acquired large reserves to provide itself with inexpensive, strategically located townsites. This initial wave of excited speculation did not survive long: the president of the railway drowned on the *Titanic*,[154] and according to Leonard, the railway itself went bankrupt in 1919, collapsing under the combined

[150] HBCA, B.280/a/9, Fort George post journal, January 3, September 20, October 10 and 27, November 2, 5, 20, 1907, and June 27 and July 2, 1908.
[151] F.A.A. Talbot, *Making Good in Canada* (London: Adam and Charles Black, 1912), 209. However, as Talbot visited, there was a new steamship plying the river that he hoped would put the local Indigenous men out of business.
[152] Leonard, *A Thousand Blunders*, 187.
[153] These were not uncontroversial as they frequently ran through important lands. For instance, at Kitsumkalum on the Skeena River, the railway ran through a graveyard, which required relocation: see James McDonald, "Bleeding Day and Night: The Construction of the Grand Trunk Pacific Railway Across Tsimshian Lands," *Canadian Journal of Native Studies* 10, no. 1 (1990), 33-69.
[154] Theodore Regehr, "Hays, Charles Melville," in *Dictionary of Canadian Biography*, volume 14 (Toronto and Québec City: University of Toronto/Université Laval, 1998).

weight of high debts, unexpected costs, wartime disruption, and mismanagement.[155] Construction of the railway itself, however, was completed as planned.

The Dakelh who attended negotiations to surrender the Fort George reserve – referring to them as the "Fort George Band" at this point is somewhat problematic since no band list had yet been drawn up, the names of the actual attendees of the initial surrender talks are unknown, and not all of them actually lived at Fort George – was a drawn-out affair that seriously divided the community between supporters and opponents of sale. Loring never attended, having recently traded away this band and ultimately all of the Carrier to a newly established adjacent agency under William McAllan. Negotiations began in 1910 under John McDougall, the Prairie missionary and reserve surrender specialist, who issued a vague but unsuccessful threat that if the Carrier did not agree to surrender their reserve it would likely be taken from them regardless.[156] Years later, McAllan penned a brief memoir of his time as Indian agent in which – demonstrating the hyper-masculine bravado typical of Indian agents' self-portrayals in print – he bragged of burning the Carrier off the reserve after they refused to leave to make way for the railroad.[157] He did not mention his repeated failures, over the course of more than a year, before finally persuading them to surrender the reserve.[158] Ultimately an Ontario-based patronage appointee, Chief Inspector Joseph George Ramsden (notwithstanding the grand title, his job was nebulous and probably intended by him to be a sinecure), was sent west to intervene and arrange the surrender, which he did in exchange for doubling the purchase price to $125,000. Having

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[155] Frank Leonard, *A Thousand Blunders: The Grand Trunk Pacific Railway and Northern British Columbia* (Vancouver: University of British Columbia Press, 1986).
[156] LAC, RG 10, volume 4038, file 325,224-1, McDougall to Secretary, 25 July 1910, and McDougall to Secretary, 20 December 1910; see Vogt and Gamble, "You Don't Suppose," 55-72, for a full history of the surrender negotiations themselves. Vogt and Gamble did not problematize the actual composition of the First Nation at the centre of the talks, however, accepting both the "Indian Department" and the "Fort George Band" as taken-for-granted entities.
[157] McAllan, "The Moving of the Fort George Indians."
[158] Vogt and Gamble, "You Don't Suppose," 65-70.

failed to deliver the surrender, McAllan was then deprived of the ability to draw up the band list. Instead, following his instructions from Ottawa, Ramsden first arranged for the signing of the surrender, and then attempted to draw up a band membership list – the first among the Carrier – to distribute the first share of the proceeds.[159]

The primary paper manifestation of payments of proceeds to Indians – like the surrender I analyze in the next chapter, and like a growing number of other essentially commoditized items in the early twentieth-century paper trade – was that epitome of bureaucratic surveillance, a standardized form: the pay-list. (This posed another indirect barrier to imposing status earlier in British Columbia: without the form, band membership could not be formally recorded for posterity in an officially recognizable format.) In this respect, Fort George was not an isolated phenomenon. The abrupt decision to take Indian status from the community to the individual level touched off a race to mark boundaries not just there but also in other places where large surrenders were made. The pay-list was a blank booklet into which the agent could record people's names, assign them a number, and group them under a head of family. Unlike the nebulous administration of Indian affairs that had guided British Columbia since 1871, the form provided central bureaucrats with a simple and vital means of surveillance: at a glance, they could compare the status membership of a band from one year to the next, so as to instantly spot anomalous additions or disappearances. They could also, moreover, clearly assert for the first time who would be recognized as an Indian by the Canadian government and who would not. The form came with a helpful "Memorandum for Agents' Guidance" that stated explicitly that "no one but newly born children and women entering the Band by marriage should be added to the list without the sanction of the Department."[160] Such instructions were essential – if followed

[159] Vogt and Gamble, "You Don't Suppose," 69.
[160] LAC, RG 10, volume 4038, file 325,224-1, "Memorandum for Agent's Guidance," 2012.

– for maintaining the paper boundary between status and non-status once it was erected, though rather less helpful for officials like Ramsden as they went about the preliminary task of deciding who should be entered onto the list the first time it was prepared.

Consequently, much like the creators of the "Stragglers" bands to the east, Ramsden could opt to avoid conflict with the only people with whom he was actually in direct contact – the "whites," "Indians," and others with whom he was speaking – by entering all who applied onto the pay-list. Typical of new appointees, Ramsden was not appointed "Chief Inspector" by dint of his deep knowledge of the region or its Indigenous peoples, or through any previous experience as a local Indian agent. Ramsden was a Liberal politician in Toronto who, while out of office in 1906, accepted a patronage appointment to administer the recently negotiated Treaty Nine in northern Ontario.[161] The terms of the appointment required him to relocate to Ottawa – only marginally closer to the actual field offices he was expected to visit, but still too far for Ramsden, who finally agreed to relocate there three years later after being granted a raise in pay and promotion to an office newly established just for him, the previously unheard-of Chief Inspector of Indian Agencies.[162] The downside of the new promotion was that it required him to travel not just north to Treaty Nine territory, but to trouble spots and backwaters all across the Indian Department's far-flung domain.[163] The year after he took the Fort George surrender, exhausted by travel and perhaps realizing that with the change in government back to the Conservatives he could easily become a target of a new purge, Ramsden quit.[164]

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[161] Long, *Treaty No. 9*, 442.
[162] Long, *Treaty No. 9*, 442.
[163] Smith, *Liberalism, Surveillance, and Resistance*, 175, recounts a second trip by Ramsden to resolve a problem in British Columbia, this time in the Okanagan. There, too, Ramsden discovered that there was no membership list.
[164] LAC, RG 10, volume 3097, file 297,171; also documented by Long, *Treaty No. 9*, 442.

Since his previous experience was with Treaty Nine, which had annuity payments, Ramsden was surprised to discover upon his arrival at Fort George that "there was no recognized band list," so that it was necessary to make one by filling in a pay-list.[165] Moreover, he added in his report to the Inside clerks, "it was very difficult to determine who should and who should not be an Indian."[166] Notwithstanding the *Indian Act*, Ramsden set about to accommodate those present who self-identified as Indians using his own rubric. Initially, he decided to withhold status from children of illegitimate birth, but he was persuaded to reconsider on this point by the Indian agent, McAllan.[167] The most fascinating cases to Ramsden, however, were the Seymour brothers, Frank and William, both of whom had been living as whites off the reserve on pre-empted lands. Ramsden laid out in his memorandum what would appear to be an explanation for why neither could qualify for band membership and Indian status under the *Indian Act*:

> There was the cases of two Seymours sons of Old [Charles] Seymour, they were both married and had families one had obtained pre-emptors right of settlement from the Province of British Columbia authorities… they had not resided on the reserve for some twenty years and they were allowed hotel bar privileges by the constabulary as white men.[168]

[165] LAC, RG 10, volume 4038, file 325,224-1, J.G. Ramsden to J.D. McLean, 4 December 1911, in LAC, RG 10, volume 4038, file 325,224-1.
[166] LAC, RG 10, volume 4038, file 325,224-1, J.G. Ramsden to J.D. McLean, 4 December 1911, in LAC, RG 10, volume 4038, file 325,224-1.
[167] LAC, RG 10, volume 4038, file 325,224-1, J.G. Ramsden to J.D. McLean, 4 December 1911, in LAC, RG 10, volume 4038, file 325,224-1.
[168] LAC, RG 10, volume 4038, file 325,224-1, J.G. Ramsden to J.D. McLean, 4 December 1911, in LAC, RG 10, volume 4038, file 325,224-1.

Ramsden's impressions match those of a family oral history given by a relative to the local newspaper in 1960. Though the Seymour family had resided at Fort George since the late nineteenth century, the paternal surname belonged to a fur trader from Red River who was stationed at Fort St. James during the mid-nineteenth century[169] (making it seem reasonable to infer that the Seymours were descended from Nak'azdli rather than Lheidli women). Taking Indian status could threaten both their pre-emptions and their drinking privileges – something Ramsden could in this context readily imply was nothing more than typical Indian alcoholism, although it seems as likely that William was worried about losing his ability to do business as a respectable member of the burgeoning "white" community.[170]

Ramsden decided to accept both claims: he left William off the list, but placed Frank on it. He also included James Bird's son Willie, whose mother was Indigenous, while James himself remained deemed white. Finally, at the end of the pay-list booklet, Ramsden signed his name to an oath certifying that to the best of his knowledge each person recorded on the sheet was an Indian "entitled to the amount" paid.[171] At the advice of agent McAllan, Ramsden also decided to add to the list several orphans living up the Nechako at their late father's village, Stony Creek (near present-day Vanderhoof), so that their needs could be met out of the proceeds from the sale.[172] More so than the Seymours, their connection to the Fort George Band under any plausible reading of the *Indian Act* seems tenuous at best.[173]

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[169] *Prince George Citizen*, Granny Seymour and Margaret Hubbard, "Native Scouts Sent After Missing Whites," 21 June 1960, p. 3; and Marguerite Marie Gagnon, interviewed by Forrest, 4 May 1987 (Prince George Oral History Group).
[170] LAC, RG 10, volume 4038, file 325,224-1, J.G. Ramsden to J.D. McLean, 4 December 1911.
[171] LAC, RG 10, volume 4038, file 325,224-1, J.G. Ramsden, Paylist. Ramsden's correspondence in the file indicates that the only entries that gave him pause were children he suspected had Indian fathers but were considered illegitimate by the Catholic church.
[172] LAC, RG 10, volume 4038, file 325,224-1, W.J. McAllan to J.D. McLean, 2 December 1911, and J.G. Ramsden to J.D. McLean, 12 December 1911.
[173] It seems reasonable to infer that the orphans' plight may have attracted attention because their mother was a member of the Fort George community.

The racial assignments cemented in place by Ramsden in 1911 had lasting social consequences for those involved, falling as they did within a context of gradually sharpening racial boundaries within local settler society as well as gradually tightening Indian Affairs administration of reserves. Frank Seymour, seemingly accepted as a member of the mixed-race Fort George business community that year, was decried a decade after he left for the Shelley reserve by the local newspaper, not only as another typically alcoholic Indian but even as an unusually politically threatening one. Playing gleefully on a colour double *entendre*, the *Prince George Citizen* reported breathlessly in 1920 that a group of the local "Reds," led by Frank had been "bitten with the 'Bolshy' bug" and were plotting the downfall of their innocent, hard-working chief on charges of corruption.[174] However, the *Citizen* reassured its readers, little would come of it: Frank was a man who "loves to gaze upon the wine" and who was trying to "employ the wiles of his white brother to enliven a rather eventless life."[175] William himself, in contrast, became a respected community member in his final decades, during which time he also took a new surname for himself – Bill Simon – and began to identify as French.[176] When he died in 1942, the *Citizen* newspaper published a front-page obituary, praising him as "one of the best known old-timers of this district and one of its first native sons"[177] (with "native," in this context, implying a pioneer born in the district rather than an Indigenous person).

Once Ramsden completed his investigation in 1911, the creation of individual Indians among the Dakelh at Fort George was essentially complete. The process elsewhere in Dakelh territory would drag on much longer, with some outlying bands – those who never surrendered reserve land and consequently never collected interest payments from the government – almost

[174] *Prince George Citizen*, 26 March 1920, p. 1, "Are Indians Bitten with 'Bolshy' Bug?"
[175] *Prince George Citizen*, April 23, 1920, "Perhaps 'Twas a Deep-Laid Plot," 1.
[176] Census of Canada 1911, district no. 14 (Yale-Cariboo), subdistrict no. 8 (Cariboo), 6.
[177] *Prince George Citizen*, January 22, 1942, "William Seymour, Native Son of District, Dies," 1.

certainly not being assigned to band lists until the late 1940s. At Fort George, however, the very presence of the membership list in effect barred further mobility across the racial boundaries in the slowly growing settler town (at least for official and legal purposes). Curiously, the people for whom the new status regime offered the greatest degree of continued fluidity or mobility were the people with whose agency it was seemingly least concerned: women. Marguerite Gagnon, a granddaughter of Charles Seymour (making her a niece to William and Frank), who shared her family history with the Prince George Oral History Project in 1987, recalled that she was born into a status-Indian family of paternal French and maternal Dakelh descent, lost her status when her widowed mother married a white man, was restored to Indian status after her parents' deaths so that she, as an orphan, she could qualify for a bed in a residential school, but then was ordered by the Indian Agent to sign enfranchisement papers as a young adult after graduating from the school. She then formally regained her status upon marriage to an Indigenous man of similar mixed descent (who had likewise been granted status as an adult, despite his parentage, on the grounds that he had grown up on the reserve), married a white man following her first husband's death and thus was involuntarily enfranchised for a second time, and finally was once more in the process of having her Indian status certified under the Bill C-31 reforms when she was interviewed in 1987.[178]

Shortly after Ramsden's improvisation of the Fort George Band, Indian Affairs officials at last proclaimed a decision on the meaning of Indian status in British Columbia, one which attempted to reconcile on-the-ground practice with the terms of the *Indian Act* – but which, notably, did not prompt a reconsideration or review of band lists to revise any existing decisions made on different principles by officials such as Ramsden. Insiders had periodically tried to

[178] Marguerite Marie Gagnon, interviewed by Forrest, 4 May 1987 (Prince George Oral History Group).

establish control over Indian status in the province at least as early as 1892 when, upon learning of an unspecified number of "half-breeds" residing on the Quesnel reserve, they ordered an administrative review of every reserve in the province, to include the identification of every reserve resident of mixed descent, whether their Indian heritage was paternal or maternal, and the circumstances by which they had come to live on the reserves.[179] (Notably, no such attempt was made to identify individuals of Indian blood and band membership who did not reside on reserves.) This was a tall order for the remote agencies in the province, and the responses ranged from detailed lists with the requested details, to estimates of numbers only, to a claim, in the Kootenay Agency, that no such individuals were ever permitted on reserves at all. Laing-Meason was typical in asserting, with respect to the Williams Lake reserves, that in his opinion the "half-breeds" had been friends and relatives of the "pure" Indians since childhood and "are in fact Indians in every thing but name & color." William H. Lomas, at Cowichan, supplied a list but stated he had omitted from the list all those persons whom he "acknowledged as Indians," the basis for which he did not explain.[180] Vowell submitted the lists in fall 1892, and there is a marginal comment on his letter, initialed by Vankoughnet, indicating that Indian agents in the province should be authorized to order off the reserves any "half-breed" whose father was not a band member and who ignored repeated warnings to abstain from immoral behaviour.[181] The file contains no indication, however, that such orders were ever issued or even that the headquarters clerks returned to the matter in subsequent years.

Instead, the registry clerks reopened their file on half-breeds in British Columbia only in the spring of 1912, several months after Ramsden's work, in response to a query from another

[179] LAC, RG 10, volume 3867, file 87,125, Reed to Vowell, 1892.
[180] See series of agent reports in LAC, RG 10, volume 3867, file 87,125.
[181] LAC, RG 10, volume 3867, file 87,125, Vowell to Reed, 26 October 1892.

inspector over whether the children "half-breeds" who were living on reserves and – like the new "Indians" at Fort George – drawing interest payments should attend Indian schools.[182] The memorandum in reply is signed by McLean but has marginal initials from both himself and David Laird, suggesting it was prepared jointly at the highest levels of the Department. McLean and Laird told the inspector that "it is difficult to give a definite answer to your question, for the simple reason that the Indian Act is silent on the point." (In fact it was not: the *Act*'s definition of an Indian was quite clear and did not pertain to whether the individual was a half-breed except with respect to treaties.) In this memorandum they articulated a new principle, neither the individual self-identification adopted by Ramsden nor the gendered exclusion clause laid out in the *Indian Act*. McLean and Scott's new standard was yet another new and alternative definition of Indian-ness only loosely based on the *Act*. "In most cases," they wrote, a person qualified as an Indian if he or she was the child of an Indian woman, regardless of paternity; had lived on a reserve since childhood; was "reputed to belong" to the band; and did not purchase alcohol (unlike Seymour) or vote, both of which were held to be characteristics of "half-breeds" living as whites.[183] An Indian, in other words, was now to be a reserve resident who behaved like the government felt an Indian should, whether their lineage met the *Act's* definition or not. Once again, there is no indication that this decision – which called for a rather more detailed checklist than could realistically be imposed consistently in the large agencies of B.C. – ever prompted a review of existing band membership lists. Indeed, just one year later, in response to another query concerning the band council voting rights of "half-breed" Indians and their children, McLean and Laird prepared a differently worded memo in which they relaxed the guidelines still

[182] LAC, RG 10, volume 3867, file 87,125, Ditchburn to the Secretary, 19 February 1912, LAC, RG 10, volume 3867, file 87,125.
[183] LAC, RG 10, volume 3867, file 87,125, McLean to Ditchburn, 29 February 1912.

further, omitting the reference to alcohol and the franchise and suggesting that children of Indian mothers and "other" fathers could qualify as Indians provided that, "for a large number of years," they had lived on the reserve or received interest payments alongside other band members.[184]

There is no record of the Stuart Lake Indian agents – who, in any event, resided quite a distance from Fort George – engaging, as they muddled through the early administration of status, in any systematic inquiry into the membership list prior to the late 1940s. Eventually, as on the Prairies, the membership list must have created opportunities for Indian agents seeking to distinguish themselves to police the list and identify individuals of insufficient Indian-ness. Such a process, however, had not begun during my period of study. Perhaps it began during the Great Depression, when relief payments to Indians became a greater financial draw upon the Indian Department.[185] However, what professional research I have conducted into band membership files from the agency during the 1930s suggests that during those years Indian Affairs officials in B.C. had moved on to another common practice, broadly analogous to the treatment of "Red Ticket" Indians on the Prairies, permitting the children of women who had married out to reside on the reserve but declining to grant them band membership and, in so doing, barring them from Indian status.[186]

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[184] LAC, RG 10, volume 3867, file 87,125, letter by McLean. Page one is missing. Given the placement in the file, it appears to be in response to a query by T.J. Cummiskey to Mclean, dated 29 April 1913.

[185] This speculation is, as yet, unsupported by any published analysis or primary evidence known to me. It would seem consistent with efforts to reduce costs at fiscally sensitive times, but the surviving records from the agency suggest that it would have conflicted with the local Indian agent's central effort at that time, which was organizing the men of the agency into a labour force capable of dominating – with him as its representative and, effectively, boss or foreman – the regional bidding for railway tie contracts. See contents of LAC, RG 10, volume 7078, file 985/20-7-9-2. What files are publicly available do not indicate any purges of the membership lists were conducted.

[186] These files remain restricted, however, and my access was conditional as a historian working with specific First Nations. Consequently, out of respect to those First Nations, I have chosen not to cite specific information drawn from these files, even in anonymized form. Future researchers may be able to access these files for scholarship purposes at the blessing of Library and Archives Canada and, in so doing, advance the historiography of Indian status beyond 1912.

What is clear from what little mid-twentieth century has been documented – or *can* be documented, as most of these files remain locked away for the protection of privacy – is that the transition from the 1876 definition of Indian-ness to the 1951 regime of Indian registration held the propensity, but not the inevitability, for a great deal of structural violence. In Treaty Eight, an Indian Affairs clerk named Malcolm McCrimmon, probably not coincidentally the official who later became the first registrar of Indian status, conducted a vigorous purge of band membership rolls, especially among the Lubicon Cree, using measures at best loosely based upon those in the *Indian Act*.[187] More broadly, Indigenous accounts suggest that "red-ticket" women – *i.e.* women who had married out of their communities – who had been informally permitted to reside on their reserves by Indian agents were evicted after 1951.[188] Thus far I have not encountered evidence of similar purges in British Columbia, or for that matter in other parts of Canada, but the historiography of the period is, as I have said, limited. For those bands still judged "irregular" or "non-Treaty" by the Indian Department, however, the effects were more grievous: many such groups, having no reserves, no membership lists, and negligible contact with government officials, simply ceased to exist as Indians at all so far as the government was concerned.[189]

In this chapter I have tried to trace some key dimensions of a fuller history of status, but this research has been exploratory, suggestive, rather than making any pretense to be definitive. Among the benefits of a comprehensive history of status would be a more detailed, empirically informed sense of both periodization and regionalization, including what factors – beyond simple

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[187] Goddard, *Last Stand of the Lubicon Cree*, 23-24. Goddard does not cite his source but states that McCrimmon used six categories to determine eligibility, "rules having to do with scrip-taking, late registration and low percentages of native blood."
[188] Nellie Carlson and Kathleen Steinhauer, *Disinherited Generations: Our Struggle to Reclaim Treaty Rights for First Nations Women and Their Descendants* (Edmonton: University of Alberta Press, 2013).
[189] Robert K. Groves, "The Curious Instance of the Irregular Band: A Case Study of Canada's Missing Recognition Policy," *Saskatchewan Law Review* 70 (2007), 153-182.

individual ambition – that resulted in any more intense drives to purge membership rolls such as that mounted by McCrimmon. What seems clear, however, is that during my period of study, Indian Affairs officials in British Columbia were in no rush either to limit the size of the Indian population or even to formally demarcate that population for status purposes. Rather, the creation of status at Fort George was the culmination of a lengthy process driven by other needs within the paper trade – first to create an Indian reserve, and then, having eventually sold the reserve, to determine who was entitled to a share of the proceeds. Operating in the absence of clear direction from the Ottawa Insiders, once they did recognize the need for Indian status at Fort George, field bureaucrats imposed a conception of Indian status via band membership, but one based on their snap judgements of what was appropriate, not a strict reading of the *Indian Act*.

My purpose in this chapter is not to question which of the Seymours, if any, was entitled to claim Indian status, nor whether Inspector Ramsden was right to accommodate their self-identifications irrespective of the terms of the *Indian Act*. The *Indian Acts* passed since 1951 have laid a blanket of superficial binary clarity over Indian status, together with a sort of ahistorical timelessness over the transmission of that status: an Indian is an Indian because his or her parents were also Indians, and provided that he or she chooses mates wisely, his or her children will be Indians for the same reason, time without end. On closer inspection, however, it is clear that the post-1951 status regime has merely papered over the far murkier, uncertain, and contingent origins of status. The Fort George Dakelh received Indian status at a particular time, in a particular context, and for particular reasons – a context not shared even by the other Dakelh First Nations in British Columbia, let alone with First Nations elsewhere in the country. The rules by which this status was assigned were improvised in the field. They were more

accommodative and individualistic than those in the *Indian Act* – but this serves merely to make the national fabric of status regimes more diverse, more inconsistent, in ways that to date there has been no serious thought given to rectifying. Since the *Indian Act*'s own status formula was changed to be nominally gender-neutral in 1985, those who were enfranchised or lost status, together with their descendants, have been able to reapply for status. This was so for Gagnon, for instance, who recalled telling "Ottawa" during the process of her "reinstatement" that "there was a big mix up and I don't know how you're going to straighten it out."[190] Under the present *Indian Act*, however, there no longer exists any provision for persons who do not consider themselves Indigenous to relinquish their status, nor is there any provision or court precedent mandating registration for descendants of individuals who, like William Seymour, could have been listed as Indians but chose not to be. The boundary has grown, if less overtly offensive in gendered terms, far more inflexible, far more based exclusively on heredity – in short, seemingly, more resembling a straightforward classical interpretation of biological race.

Insofar as the Indian status regime accreted through bottom-up activity in the paper trade rather than top-down direction through clear policies, it almost certainly was not unique. Bureaucrats holding overworked offices such as those in the Indian Department plainly had no choice but to spend more time as firefighters than architects, and there are numerous other policy areas that are also likely amenable to explanation based on policy vacuums and the paper trade. This approach may help explain, for example, what Dorothee Schreiber identified as "street-level" Indian fisheries policy,[191] as well as the evolution of racialized "white" and "Indian" traplines in British Columbia, another extra-legal racial profiling regime that I have discussed in

[190] Marguerite Marie Gagnon, interviewed by Forrest, 4 May 1987 (Prince George Oral History Group).
[191] Dorothee Schreiber, "'A Liberal and Paternal Spirit': Indian Agents and Native Fisheries in Canada," *Ethnohistory* 55, no. 1 (2008), pp. 87-118.

previously published research but without an explanatory conceptual framework.[192] What, however, about areas where there *was* an attempt at central policy control, nascent and rare as such efforts were outside of bookkeeping during my period of study? How should a closer reading of bureaucracy understand areas like land policy that *do*, at least at first glance, conform more closely to a traditional reading of a Weberian bureaucracy directed by policies emanating from its central, official mind?

[192] David Vogt, "'Indians on White Lines': Bureaucracy, Race, and Power on Northern British Columbia Traplines, 1925-1950," *Journal of the Canadian Historical Association* 26, no. 1 (2015), pp. 163-190.

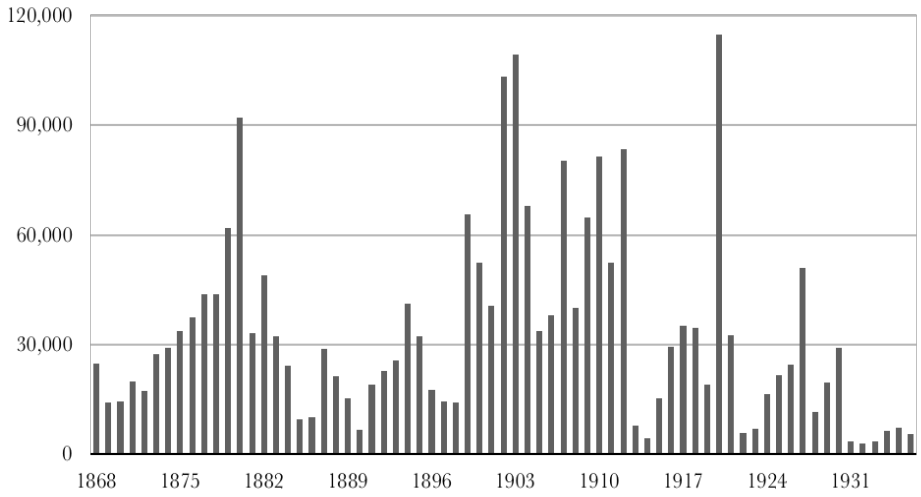
5. Policy: The Reserve Surrender

The surrender of the Fort George Reserve in 1911 was not an isolated phenomenon. Between 1897 and 1911, the most important business of the Indian Affairs bureaucracy was the sale of surrendered land from reserves, and – like political patronage – it was one area of Indian policy where senior bureaucrats and politicians sometimes took an active interest. Inside the Ottawa headquarters, the now-virtually unknown William Orr's Lands and Timber Branch outfit employed twice as many clerks as (the also little-known) Martin Benson's Schools Branch, not to mention generating disproportionate work for the Correspondence, Accountant, and Survey branches.[1] During the Laurier years, Orr's team liquidated nearly one million acres of surrendered lands, equal to about one-fifth of the remaining reserve land base in 1914 – a pace unequalled before or since.[2] The land sales program touched First Nations across Canada, including the Bruce Peninsula Ojibwe of Chapter 2, the Tobique Maliseet of Chapter 3, and the New Caledonia Dakelh of Chapter 4. Officials ranging from local agents to deputy ministers were eager for the prestige associated with large surrenders, and there were even special encryption codes for land correspondence.[3] The Indian Department functioned, in short, as no

[1] Indian Affairs, *Annual Report... for the Year Ended March 31, 1910* (Ottawa: C.H. Parmelee, 1910), II:136.
[2] Martin-McGuire, xiii; For 1914 statistics, see LAC, RG 10, vol. 3145, file 343,777, "Statement of Indian Reserves in the Dominion of Canada," November 1914. Annual sales figures are derived from the tables of lands sold published annually in the *Annual Reports* until 1936. The other significant peaks on the chart represent the work of the Soldier Settlement Board after the Great War (Sarah Carter, "'An Infamous Proposal': Prairie Indian Reserve Land and Soldier Settlement after World War I," *Manitoba History* 37 [1999]), and an earlier boom during the 1870s, which involved the sale of substantial tracts along the Great Lakes that had actually been surrendered prior to Confederation.
[3] LAC, volume 7102, file 773/3-1-1, part 1, J.A. Markle to Duncan Campbell Scott, December 8, 1913; also noted by Keith Smith, *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada, 1877-1927* (Edmonton: Athabasca University Press, 2009), p. 206.

less than a colonial real estate agent, with a portfolio ranging from Prairie farmland marketed to immigrants through to private Great Lakes islands advertised to the affluent urban middle and upper classes (see Figure 6). In this chapter I explore one of that real estate agent's transactions at the height of the land sales program: the surrender of 115,000 acres from the Blackfoot Reserve in 1910 for a promised $1.6 million, equivalent to roughly the entire Indian Affairs annual budget.

Figure 6. Surrendered Indian sales in acres per year, 1868-1936[4]



Although no comprehensive history of the reserve surrender yet exists in the academic literature, a raft of case studies has pieced together a broad narrative framework into which most

[4] The following table is based upon annual sales statistics published each year in the Indian Department's annual reports. The other two notable spikes occurred in the 1870s, also under a Liberal government, that of Alexander Mackenzie; and after the Great War. The former concerned the extensive tracts surrendered on the Great Lakes in 1850, sales of which accelerated again after 186. The latter was connected with the Soldier Settlement scheme, which freed up Crown lands – as well as reserve lands – for returning soldiers. As noted below in the chapter, the apparent collapse in land sales did not actually represent a halt to all disposition of Indigenous real estate assets; rather, over the course of the twentieth century, the Indian Department shifted from promoting once-for-all land sales to long-term land leases and sales of timber rights, both of which represented more sustainable sources of ongoing cash flow as opposed to one-time capital infusions into the Trust Fund.

surrenders can be slotted. Peggy Martin-McGuire's compendium of reserve surrenders on the Prairies, though it is a non-academic work and explicitly structured around this narrative, remains the most definitive work and offers several useful launching-off points for further consideration.[5] According to this narrative, after first establishing Indian reserves amongst the remnants of Indigenous societies' traditional territories, the settler state subsequently returned again and again to carve out valuable plots from the reserves. Settlers advanced remarkably similar arguments in both the first comprehensive wave of territorial dispossession and then the second, more specific assault upon reserves: namely, that Indian title was weak or non-existent because they did not enclose (fence) and farm the land and that settlers required living space. Indigenous people resisted these demands. However, the Indian Department usually sided with the interests of its *de facto* settler clients over its *de jure* Indigenous ones, acting decisively and frequently coercively to overwhelm Indigenous resistance to land sales, leading to an extensive series of surrenders of frequently indispensable land at heavily discounted prices.[6] In this

[5] Peggy Martin-McGuire, *First Nation Land Surrenders on the Prairies, 1896-1911* (Ottawa: Indian Claims Commission, 1998). I am particularly indebted to this work for identifying the principal reserve surrenders during this period, which could then each be researched in further detail.

[6] Sarah Carter, "'They Would Not Give Up One Inch of It': The Rise and Demise of St. Peter's Reserve, Manitoba," in *Indigenous Communities and Settler Colonialism: Land Holding, Loss and Survival in an Interconnected World*, eds. Zoë Laidlaw and Alan Lester (Basingstoke: Palgrave Macmillan, 2015) is the most recent important study; see also Smith, *Liberalism, Surveillance, and Resistance,* chapters 6 and 7; Sarah Carter, "'An Infamous Proposal': Prairie Indian Reserve Land and Soldier Settlement After World War I," *Manitoba History* 37 (1999), 9-21; E. Reginald Good, "Lost Inheritance: Alienation of Six Nations Land in Upper Canada, 1784-1805," *Journal of Mennonite Studies* 19 (2001), 92-102; W.D. Hamilton, "Indian Lands in New Brunswick: The Case of the Little South West Reserve," *Acadiensis* 13 (1983-1984), 3-28; Mark Kuhlberg, "'Nothing It Seems Can Be Done About It': Charlie Cox, Indian Affairs Timber Policy, and the Long Lac Reserve, 1924-40," *Canadian Historical Review* 84 (2003), 33-63; Kenichi Matsui, *Native Peoples and Water Rights: Irrigation, Dams, and the Law in Western Canada* (Montreal and Kingston: McGill-Queen's University Press, 2009); James A. McDonald, "Bleeding Day and Night: The Construction of the Grand Trunk Pacific Railway Across Tsimshian Reserve Lands," *Canadian Journal of Native Studies* 10 (1990), 33-68; Steve Roe and Students of Northern Lights College, "'If the Story Could be Heard': Colonial Discourse and the Surrender of Indian Reserve 172," *BC Studies* 138/139 (2003), 115-136; Stewart Raby, "Indian Land Surrenders in Southern Saskatchewan," *Canadian Geographer* 17 (1973), 36-52; Helen Roos, "'My Parents, They Became Poor': The Socio-Economic Effects of the Expropriation and Relocation of Stoney Point Reserve #43, 1942," *Past Imperfect* 7 (1998), 155-175; John Sandlos, "Not Wanted in the Boundary: The Expulsion of the Keeseekoowenin Ojibway Band from Riding Mountain National Park," *Canadian Historical Review* 89 (2008), 189-221; Nadine Schuurman, "Constructing and Deconstructing the Railway through Reserves in British Columbia," *Native Studies Review* 13 (2000), 19-39; Jordan Stanger-Ross, "Municipal Colonialism in

narrative, as Jordan Stanger-Ross observes, the Indian Department's reserve sale program was embedded within larger discourses of race that "validated the appropriation of Aboriginal land."[7]

An important contribution of the case study literature has been the ways in which, in many cases, it has centred Indigenous resistance to dispossession – as well as, in the exceptional instance of P. Whitney Lackenbauer's study of the Six Nations, how at least some Indigenous people came to favour surrenders.[8] In this chapter, however, I wish to centre the operations of the Indian Department momentarily in order to better understand the history of its land surrender program as a whole, which, after decades of work first in Ontario and then on the Prairies, reached its high point – not coincidentally, at the height of a western land boom – in 1910-1911. From the Indian office in nearby Gleichen, Alberta, Indian Inspector John Markle and other Indian Affairs officials worked for years to support a Siksika (Blackfoot) coalition that favoured surrender, eventually turning to more coercive measures such as withdrawing rations from

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Vancouver: City Planning and the Conflict Over Indian Reserves, 1928-1950s," *Canadian Historical Review* 89, no. 4 (2008), 541-580; Robert J. Surtees, "Indian Land Cessions in Upper Canada, 1815-1830," in *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies*, edited by Ian L. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1982); Patricia K. Wood, "Pressured From All Sides: The February 1913 Surrender of the Northeast Corner of the Tsuu T'ina Nation," *Journal of Historical Geography* 30 (2004), 112-129; and David Vogt and David Alexander Gamble, "'You Don't Suppose the Dominion Government Wants to Cheat the Indians?': The Grand Trunk Pacific Railway and the Fort George Reserve, 1908-12," *BC Studies* 166 (2010), 55-72.

[7] Jordan Stanger-Ross, "Municipal Colonialism in Vancouver: City Planning and the Conflict Over Indian Reserves, 1928-1950s," *Canadian Historical Review* 89, no. 4 (2008), 542. Patricia K. Wood, "Pressured From All Sides: The February 1913 Surrender of the Northeast Corner of the Tsuu T'ina Nation," *Journal of Historical Geography* 30 (2004), 112-129; and David Vogt and David Alexander Gamble, "'You Don't Suppose the Dominion Government Wants to Cheat the Indians?': The Grand Trunk Pacific Railway and the Fort George Reserve, 1908-12," *BC Studies* 166 (2010), 55-72.

[8] P. Whitney Lackenbauer, "The Irony and the Tragedy of Negotiated Space: A Case Study on Narrative Form and Aboriginal-Government Relations during the Second World War," *Journal of the Canadian Historical Association* 15, no. 1 (2004), 177-206. In contrast, most of the literature assumes Indigenous resistance as the default expression of Indigenous agency and documents that resistance: Jack Funk, *Outside the Women Cried: The Story of the Surrender by Chief Thunderchild's Band of Their Reserve Near Delmas, Saskatchewan, 1908* (Battleford: T.C. Publications, 1989); Robert Irwin, "No Means No: Ermineskine's Resistance to Land Surrender, 1902-21," *Canadian Journal of Native Studies* 23 (2003), 165-183; Patricia K. Wood, "Pressured From All Sides: The February 1913 Surrender of the Northeast Corner of the Tsuu T'ina Nation," *Journal of Historical Geography* 30 (2004), 112-129; and David Vogt and David Alexander Gamble, "'You Don't Suppose the Dominion Government Wants to Cheat the Indians?': The Grand Trunk Pacific Railway and the Fort George Reserve, 1908-12," *BC Studies* 166 (2010), 55-72. The picture that emerges from the literature as a whole is that the framework of Indigenous resistance to colonial pressures tells much of the story but is inadequate: votes to surrender reserves frequently divided communities in ways that focusing solely on resistance as agency cannot adequately explain.

dissidents to quell remaining opposition. But Markle was not reacting only in service of settler demands in a generic sense or in service of a policy of land dispossession. Other officials were skeptical of the prospects for the sale, and with reason: the initial auction of Blackfoot Reserve was a disastrous failure for Indian Affairs officials, who initially netted far less revenue than they had committed to pay the Siksika for their lands. These features are not unique to the Blackfoot surrender.[9] Strikingly, among the largest reserve surrenders summarized by Martin-McGuire, many sales began with Indigenous requests to raise money by selling land, and many – like the Siksika land sale – failed to attract purchasers, especially after bands began applying stricter conditions to sale in the middle of the decade.[10]

A reinterpretation of the history of the reserve surrender program, which culminated in the Blackfoot surrender of 1910 (as well as other high-profile surrenders at St. Peter's and Esquimalt around the same time), allows a more nuanced explanation of how colonial statecraft worked in practice. Within the body of "the Indian Department," there were many different projects to obtain surrenders, not all compatible. (Moreover, though it is somewhat beyond the scope of the present chapter, firm and unanimous opposition was not the norm among First Nations; rather, proposals to sell land very often resulted in deep and painful divisions within communities.) The increase in surrenders and the coercion employed for obtaining them did not occur simply because Indian Department officials were united in privileging settler over First Nation claims to productive land, but because of a complex interplay of individual, institutional,

[9] Preuss, "Canada, British Columbia, and the Development of Indian Reserve No. 2 at Chuchuwayha," 121; Stanger-Ross, "Municipal Colonialism in Vancouver"; and Lackenbauer, "The Irony and the Tragedy of Negotiated Space," 177-206. Moreover, the literature may also underestimate the prevalence of failed attempts to obtain reserve surrenders given that initiatives that were abandoned, either in the face of Indigenous resistance or other reasons, by their nature generated less paperwork than successful surrenders. One such study, Irwin, "No Means No," 165-183, studied the Ermineskin Cree's resistance to land surrender but captured Indian Affairs's operations within the conventional narrative.

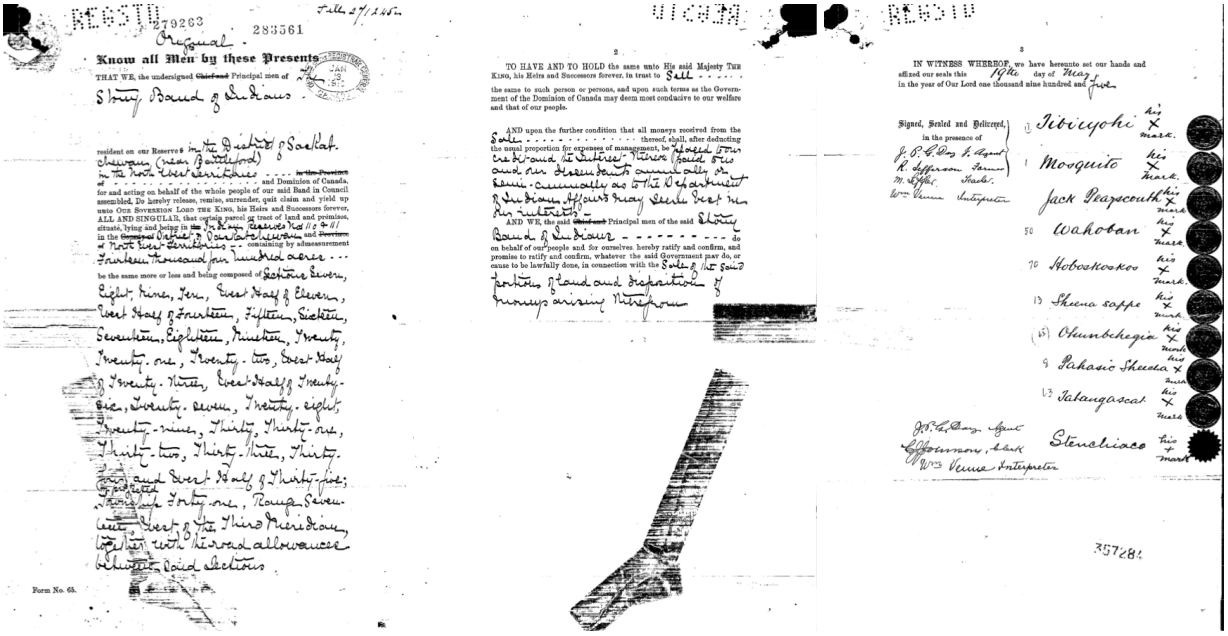
[10] Martin-McGuire, *First Nation Land Surrenders on the Prairies*, chapters 4 and 6.

and broader political incentives and pressures. After this concentration of forces that led to such surrenders dissipated between 1911 and 1913, bureaucrats struggled for years to find buyers willing to pay enough to help the Department meet its obligations to Siksika. Moreover, at a deeper level, the height of the reserve surrender program marked the culmination of long-standing tensions between the two core policy mythologies or narratives driving support for land sales within the Indian Department, namely, that such sales were intended to free up valuable lands for settlers or that they were intended to produce the capital necessary for Indian self-sufficiency – a position which, in Indian Affairs writing, took on a more millenarian tone as the hope that, using this capital, the Indian Department could one day sustain itself wholly from land sales without having to depend upon Parliament for its annual budget grant.

I refer here to "surrenders" rather than to land sales. In its 1876 form, the *Indian Act* prescribed a simple ritual of surrender. An official, imbued with special authorization by the minister or the Crown, could assemble a band "meeting or council," at which "a majority of the male members of the band of the full age of twenty-one years" could, by voting, consent to the surrender.[11] In practice, as with status, the real centrepiece of the surrender process during my study period was not the language of the *Act* itself but rather a *standardized form*: specifically, Form 65 for the taking of Indian surrenders, which, to be valid, had to always be accompanied by Form 66, for the certification of Indian surrenders.[12] There were numerous such standardized forms in the Indian Department: the vital statistics slip for the intake of new employees, Form 13 for farm supply requisitions,[13] Form 74 for cattle sale returns,[14] and so on. Form 65 left spaces

[11] Canada, *Indian Act, 1876,* sections 25-57.
[12] LAC, Record Group 2 (Privy Council Office), Series A-1-d, volume 2806, enclosure to P.C. 1910-1669, surrender by the Blackfoot Band of Indians, June 15, 1910.
[13] LAC, RG 10, volume 3779, file 39,510, Magnus Reed and Begg, voucher for supplies to Sally Bird, June 13, 1886.
[14] LAC, RG 10, volume 1600, J.D. McLean to James MacArthur, December 5, 1904.

to list the compensation to be granted in return, which could be as simple as a commitment that Canada would invest the proceeds on the band's behalf, or could take the form of cash payouts, equipment purchases, building construction, and other specific commitments to be met out of the proceeds. The form routinized what could otherwise be complicated Indigenous-state relations, not just for the convenience of Indigenous people but particularly for Outside Service personnel who had no training in property or contract law.



Surrender form "completed" by artificially amalgamated "Stony Band," 1905.[15] The Siksika "completed" a similar form in 1910 but only a typed copy survives.

However, notwithstanding the bland inflexibility of the standardized form, Form 65 is also clearly recognizable as the skeletal structure for a land treaty, or at least is the mimicry of one. J.R. Miller does not include a chapter on reserve surrenders in his important survey of Canadian

[15] Indian Lands Registry System (ILRS), Instrument X16719, Surrender by the Stony Band of Indians, May 19, 1905.

treaties,[16] but the parallel was evident to Indian Affairs bureaucrats, who compiled all of the treaties and surrenders and published them together as a three-volume opus, *Indian Treaties and Surrenders*, between 1891 and 1912.[17]

One can read, in the formulaic prose of Form 65, the historical legacy of Indian land politics that long predated the document itself. Echoing the *Royal Proclamation of 1763*,[18] surrenders achieved through Form 65 were not real estate sales, even though the purchaser was sometimes known in advance and the form could be used to specify sale terms. Instead, the "chief and principal men" ceded their rights to the government to sell the land on their behalf, "upon such terms as the Government of the Dominion of Canada may deem most conducive to our welfare and that of our people."[19] When a suitably authorized agent completed Forms 65 and 66 with a band, it touched off a flurry of administrative activity stretching from the local Indian agency office to Rideau Hall. Like the Tobique furnace, the land surrender had to be authorized by Cabinet; and then a sale organized, and carried out. The proceeds went into the Trust Fund, from which bands could receive project grants as Tobique did, relief and other payments as were ostensibly given posthumously to Elizabeth McDougall, and, as was increasingly common in the early 20th century, annual distributions of earned interest that functioned roughly analogously to treaty annuities.

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[16] J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009). However, Miller has noted the importance of land surrenders elsewhere in his work, for instance in *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, 3rd edition (Toronto: University of Toronto Press, 2000), 274.

[17] Canada, *Indian Treaties and Surrenders: From 1680 to 1890*, 2 volumes (Ottawa: Brown Chamberlin, 1891), and *Indian Treaties and Surrenders: From No. 281 to No. 483* (Ottawa: C.H. Parmelee, 1912).

[18] King George III, "By the King, A Proclamation," October 7, 1763, Internet: <http://avalon.law.yale.edu/18th_century/proc1763.asp> (accessed October 2014)

[19] LAC, RG 2, series A-1-a, volume 998, Surrender by the Blackfoot Band, June 15, 1910, enclosure of P.C. 1910-1669, August 17, 1910.

During the nineteenth and early twentieth centuries, two central narratives or myths predominated as rationales for land surrenders, both of which were already clearly enshrined in legislation and commission of inquiry reports prior to Confederation.[20] (I characterize these as myths or narratives underpinning Indian policy, rather than as being Indian policy themselves, for the simple reason that on the one hand there was no specific policy text espousing them to which Indian Affairs personnel referred, but on the other hand, they were diffused throughout the bureaucracy in the form of rationales told and retold throughout the Black and Red files, each time adapted to explain the needs of the moment.) The first, obviously, was the well-established trope that Indians, at least absent intervention by Indian Affairs, were inherently lazy or at least unproductive, that reserve lands were provided to them either as an act of grace or in order to fulfill the goals of Indian policy, and therefore that what they considered to be unused reserve lands – variously decried as wasted land, excess land, surplus land, and so on – could sometimes be better used by industrious, implicitly European settlers. These claims' connections to the much wider discourse of "empty" Indian lands and the doctrine of *terra nullius* are obvious enough, and already so well-developed in the literature, that I need not go into the subject in detail here.[21]

Apropos of this broader discourse, I will note, however, the existence of an explicit policy in the Indian Department governing land sales which explicitly privileged certain kinds of settlers rather than, as provided for in the language of Form 65, the "interest" of the Indians. The formal rules governing the largest number of sales on former reserves in Ontario and Québec, where 100-acre lots were typically sold at rates of less than $1 per acre by Indian Affairs

[20] Treaties and Historical Research Center, *The Historical Development of the Indian Act*, 2nd edition, 30-31.
[21] For a useful review in the specific Canadian context, see John Lutz, *Makuk: A New History of Aboriginal-White Relations* (Vancouver: University of British Columbia Press, 2008), chapter 3.

personnel paid on commission for their land sales work, were a set of principles codified in the *Regulations for the Disposal of Surrendered Indian Lands* passed in 1887. These *Regulations* suggest that, *officially* at any rate, the reserve surrender was intended to play an important proactive role in constituting settler society as that society was imagined in middle-class liberal discourse, rather than merely reacting supportively to demands for land articulated by settler institutions. The *Regulations* restricted purchasers of cultivable land to a maximum of four 100-acre lots or 160-acre quarter-sections (depending upon how the surrendered land was surveyed), for which patents would only be issued following full payment, three years of continuous residence, the clearing and fencing of a portion of the land, and the construction of a house. One-fifth of the purchase price was due as a down payment, with the remainder paid in equal annual installments at six percent interest. Land deemed unsuitable for cultivation could be patented upon receipt of payment, without fulfillment of the settlement conditions.[22]

The specifics may differ, but the premise is obvious: the *Regulations* echoed the homesteading and pre-emption legislation adopted by the federal government and several provinces during the late nineteenth century. In the land regimes established by those acts, the settlement requirements were an attempt to privilege land acquisition by what the Ontario *Free Grants and Homesteads Act* regulations called "bona fide settlers": that is, small farming households, who would work the land for a living rather than hold land as an investment.[23] On the one hand, such laws – usually described as homesteading, but as pre-emption in British Columbia – typically opened the possibility of acquiring a specified quantity of land at a discounted rate, or even for free. On the other hand, to limit this benefit to the desired

[22] LAC, RG 10, volume 2389, file 79,921, Regulations for the Disposal of Surrendered Indian Lands, September 28, 1887.
[23] Ontario, *Regulations Under the Free Grants and Homesteads Act* (CIHM microfiche no. 93761), 7.

beneficiaries and prevent speculators from investing in large land holdings, they withheld title in fee simple until a prospective settler had demonstrated his commitment to the liberal farming ideal. Such legislation may be read as a project of what Ian McKay calls the Canadian liberal order, and over the past decade several major works have explored how settlers confronted and sometimes defied that order locally.[24] Interpreting the *Regulations* as being in the vein of the homesteading and pre-emption laws leads me to infer that their purpose was to place surrendered Indian lands within a regulated market that made land available at less than market value to privileged settlers. The policy of granting land to desirable settlers trumped, in this sense, not only the Indigenous occupation of the land but Indigenous rights to fair market value to lands they were surrendering.

Also striking about the land regulations is the ironic consequence that the Indian Department was placed in the position of monitoring the progress of *both* Indians and white settlers towards a comparable agrarian ideal. Indian agents could be charged with supervising the progress of white settlers similar to that laid out for Indians in the status provisions of the *Indian Act* (see Chapter 4), with settlers to be rewarded – again, rather like enfranchised Indians – with an upgrade from provisional occupation to full title in fee simple. In so doing, the agents were assisted in Ontario by a small corps of part-time "forest bailiffs" charged with deterring the principal form of fraud feared by Inside clerks, namely illicit timber harvesters who would

[24] Ian McKay, "The Liberal Order Framework: A Prospectus for a Reconnaissance of Canadian History," *Canadian Historical Review*, 633; with respect specifically to rural history and land law, see, for example, Daniel Samson, *The Spirit of Industry and Improvement: Liberal Government and Rural-Industrial Society, Nova Scotia, 1790-1862* (Montreal and Kingston: McGill-Queen's University Press, 2008); Ruth Sandwell, *Contesting Rural Space: Land Policy and the Practices of Resettlement on Saltspring Island, 1859-1861* (Montreal and Kingston: McGill-Queen's University Press, 2005); and Catharine Anne Wilson, *Tenants in Time: Family Strategies, Land, and Liberalism in Upper Canada, 1799-1871* (Montreal and Kingston: McGill-Queen's University Press, 2008).

deposit a small down payment, clear the lot of merchantable timber, and then abscond before subsequent payments came due.[25]

The Indian Department was not single-minded in its pursuit of the agrarian ideal. In contrast to the discourse inherent in the land regulations and the vision that Inside clerks hoped to impose upon the rural farming communities springing up on the "unused" or "excess" lands of former Indian reserves, a very different but similarly class-informed role was laid out for the thousands of small islands surrendered by the Ojibwe in Georgian Bay and northern Lake Huron. Unsuitable for settlers, these islands were instead marketed enthusiastically by Inside clerks as suitable cottage sites for middle- and upper-class urban families, retreats for wilderness clubs and bird-hunters, and the like.[26] These Robinson Tract sales, both farmlands and islands, represented the paternalistic land bureaucracy in its purest form: the clerks were beholden to no explicit payment or other terms in managing the tract. They carried out sales they asserted were in "the best interest" of the Indians, deposited the proceeds into band trust fund accounts, and faced no oversight either from Parliament or Indigenous people.[27]

In obvious competition with the material interests of settlers – or at least, specific classes of settlers – was the mantra of Indian Affairs officials, invoked by Form 65, "in the interest of the Indians." The second organizing narrative in Indian policy was that land sales generated the capital necessary to secure the perpetual well-being of the Indians. There is a notable slippage in this narrative, by which the often-invoked "best interest of the Indians" tended to coincide with the fiscal interest of the Indian Department. As McLean had noted when seeking promotion, his

[25] LAC, RG 10, vol. 2902, file 184,796, unsigned letter to McLay, Currie, and Elliott, January 7, 1898.
[26] See, for instance, multiple sales documented in LAC, RG 10, volume 2852, file 176,296-1C; applications by the Madawaska Club and the Split Rock Fishing Club in LAC, RG 10, volume 2860, file 176,296-49;
[27] There is, at least, no indication in the headquarters files that the Ojibwe ever demanded an explanation for the management of the islands.

Lands and Timber Branch was, during this period, "the only revenue producing Branch in the Department."[28] Some scholars, especially Dean Neu, have already noted that bureaucrats viewed land sales as a means of financing Indian Affairs, but have not explained how it actually occurred.[29] Since it remains little documented in the scholarly literature, though, I make some additional effort here to unpack the Trust Fund and in so doing the ways in which the Indian Department both indirectly subsidized its operations and directly profited from reserve sales, as well as how individual officials both were incentivized to pursue surrenders and occasionally fraudulently participated in sales of surrendered lands.

I have already noted, in Chapter 3, that Indian Affairs officials drew from the Trust Fund to finance reserve infrastructure like churches. The "Trust Fund" was actually a composite of hundreds of accounts, one for each Indian band in the country.[30] (Here I intentionally use the term "Indian band" rather than First Nation, and the opening of an account in the Trust Fund was one mechanism by which the government could, under the *Indian Act*, regularize "non-Treaty Indians" into an Indian band.)[31] Money deposited into the Fund came from sales of land, timber, and other reserve assets. It was therefore possible, through a sort of administrative alchemy, to create the appearance of cutting costs by offloading them from the Parliamentary budget to the Indians. This Trust Fund still exists, and the "Government of Canada" still pays interest to its accountholders. Its total balance has grown from $3.9 million in 1901 to just over $1 billion in recent years.[32]

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[28] LAC, MG 27-D-15, C-452, J.D. McLean, June 8, 1892.
[29] Dean Neu and Richard Therrien, *Accounting for Genocide: Canada's Bureaucratic Assault on Aboriginal People* (Black Point: Fernwood, 2003), chapter 3.
[30] Transactions for each account were disclosed annually in the annual reports: for instance, see *Auditor-General's Report, 1901-1902* (LAC Online version), Part J.
[31] *Indian Act, 1876*, section 3.
[32] Department of Indian Affairs, *Annual Report for… 1901*, II.244, and Aboriginal Affairs and Northern Development Canada, *Evaluation of Indian Moneys, Estates, and Treaty Annuities: Final Report* (Ottawa, April 2013), 3.

The dream of a time when the Indian Department could, using this Trust Fund, act free of Parliamentary budget allocations was in vogue at least as early as the 1840s, when Chief Superintendent Samuel Jarvis told the Bagot Commission that "the Estate of the Indians," if "managed on a uniform system, as a private individual would,… would soon be amply sufficient, not only to provide education for the Indian youths, but also to pay all the expenses of the Department."[33] Much the same language was employed by his distant successor Frank Pedley, testifying before another board of inquiry in 1908: "at no distant date," Pedley vowed, "the Indian department will be self-supporting."[34] Pedley's testimony was accepted without criticism, though Jarvis's commissioners were less impressed, pointedly accusing him of "creat[ing] expectations which cannot… be realized."[35] The necessary level of land sales was never achieved in the history of the Indian Department.[36]

At the very least, the Bagot commissioners' skepticism was justified in the 1840s. Jarvis, they observed, had ceded control over the actual marketing of the land to the Crown lands office, which had kept very poor records and often, by subtracting its costs from the proceeds, ran *deficits* on the Indians' account. Moreover, at the same time as the Bagot Commissioners were conducting their review, the Trust Fund was fully invested by a trustee – acting on supposedly responsible behalf of supposedly wasteful, profligate Indians – into a speculative

[33] Province of Canada, *Journals of the Legislative Assembly*, 11 Victoria (1847), Appendix T, *Report on the Affairs of the Indians in Canada*, p. 10.
[34] Royal Commission on Civil Service, *Minutes of Evidence* (Ottawa: S.E. Dawson, 1908), I:259.
[35] Canada, *Journals of the Legislative Assembly* (1847), Appendix T, p. 11.
[36] The myth of financing through land sales might be dismissed as political rhetoric intended, like the enfranchisement ritual, to reassure settlers that they would not have to pay for the Indian Department forever. But it also originated at a time when Upper Canada politicians already routinely reserved sections out of each township as future capital pools to serve the needs of the government, the clergy, schools, and so on. An Indian "reserve," then, could be interpreted in part as fulfilling the same function as the "clergy reserves" or the "school reserves," providing a land-based store of value in lieu of actual government funding for future services. These functions (outside of Indian lands) are described, for instance, by Wilson in *Tenants in Time*, 269.

Grand River canal company, which later went bankrupt, sinking the Trust Fund.[37] "The interests of the Indians were not in any way conserved," Pedley reflected somberly decades afterwards. Rather, "their funds seem to have been considered as a convenient source for a large and useless expenditure."[38] Then as later, the mythology contributed to an institutional framework within which personnel throughout the country – like both the aforementioned Sir John Colborne and Frank Pedley himself – both demonstrated their expertise by producing surrenders, on the one hand, and found a ready justification within the official mythology when they wished to arrange a surrender, on the other.

Restoring the Trust Fund to solvency involved more creative accounting and, in so doing, even more directly incentivized the Indian Department as a direct beneficiary of land sales by authorizing it to deduct a ten percent commission from every sale for its own purposes. The Pennefather Commission, which recommended the creation of a fund to hold this diversion in 1858, had recognized that the diversion would be twice the rate of estate fees customarily charged in settler society, but equivocated that "the officers of the Indian Department are not simply… agents for the sale and management of the land… [but] also… guardians of the Trust which has been confided to the Crown."[39] In 1861, the Province of Canada authorized the setting aside of "a certain per centage on all sales which per centage may be invested and left to accumulate until it be needed."[40] This amount became Account 75 within the Trust Fund,

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[37] Shaun A. Stevenson, "Decolonizing Hydrosocial Relations: The River as a Site of Ethical Encounter in Alan Michelson's *TwoRow II*," *Decolonization* 6, no. 2 (2018), 105; Province of Canada, *Journals of the Legislative Assembly*, 11 Victoria (1847), Appendix T, *Report on the Affairs of the Indians in Canada*; LAC, RG 10, volume 2498, file 102,986-1, A.T. Galt and John A. Macdonald to His Excellency, August 25, 1859, and contents of LAC, RG 10, volume 2179, file 36,539-3, parts 1-3, especially part 2, Samuel Stewart, memorandum to Frank Pedley, June 28, 1907.

[38] LAC, RG 10, volume 2179, file 36,539-3, part 2, Frank Pedley to Frank Oliver, May 9, 1908.

[39] LAC, RG 10, volume 10018, extract from the report of Commissioners Pennefather, Talfourd and Worthington, 1856.

[40] LAC, RG 10, volume 2498, file 102,986-1, Memorandum, undated ca. 1861. This memorandum also left open the possibility of charging "a rate levied on property in proportion to its value" against bands that did not surrender

otherwise known as the Indian Land Management Fund. Despite the name, officials subsequently used the Fund to cover most of their administrative costs in Ontario and Québec, ranging from actual lands-related expenses such as surveys to Indian agents' salaries and even several retirees' pensions.[41] In the fiscal year that Pedley spoke about the promise of land sale revenue, Scott withdrew nearly $66,000 from the Management Fund – about seven percent of the Department's total budget.[42] Form 65, discussed above, perpetuated the Management Fund commission with its seemingly perfunctory, but actually quite significant, deduction of "the usual proportion for expenses of management" from the proceeds of sale.

Even within the Indian Department, the Management Fund was a controversial practice. By the 1890s, the costs of covering Indian Affairs operations in Ontario and Québec had left it so depleted that it once again required a special Parliamentary bailout.[43] Early in his career as accountant, Duncan Campbell Scott opposed the Fund as an injustice. He savagely critiqued the Fund in 1891 as deceitfully named, improperly used, and unsustainably funded (since, he recognized, Indian reserve lands obviously could not continue to be sold *ad infinitum*), as well as a probable violation of the government's treaty obligations.[44] But fifteen years later, when he was chief accountant, he had evidently changed his mind. Roseau River Anishinabe protesters persuaded Sifton to criticize the Fund in 1904 as an example of western alienation (since, by

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their lands, but this tax was never implemented. It is this Land Management Fund to which Smith presumably refers when he explains, in *Liberalism, Surveillance, and Resistance*, 216, that the Indian Department customarily charged a "management fee" on reserve land sales.

[41] Civil Service Commission, *Minutes of Evidence* (1908), I.259-260, I.268; and report, Meeting of the Board of Audit, 12 Sept. 1861, unsigned and undated copy of a report, ca. 1861, file 102,986-1, volume 2498, RG 10, LAC; and Auditor-General's Report for 1914, H-159.

[42] LAC, Indian Affairs Annual Reports, *Annual Report for 1908*, p. 1321.

[43] LAC, RG 10, volume 1122, Deputy Minister of Finance to the Deputy Superintendent General of Indian Affairs, June 23, 1898, and volume 2498, file 102,986-1, Report of a Committee of the Privy Council, September 29, 1892. The latter Cabinet order effectively generated savings to pay for the bailout by reducing the fixed interest rate for the Indian Trust Fund from 4% to 3.5%, so that, effectively, the band funds paid for their own bailout, this time simply out of future proceeds rather than current balances.

[44] LAC, RG 10, volume 2498, file 102,986-1, Duncan Campbell Scott, Memorandum, May 8, 1891.

then, western reserve sales were being funneled via the Management Fund to defray eastern expenses). Rather than seize an opportunity to shut down the Fund, Scott leaped to its defence, insisting that the government bore the costs of Indian Affairs only "as a matter of grace" and that, since Indians were exempted from taxation under the *Indian Act*, the land sale commissions were the only method of assessing "a fair tax" for the benefits Indigenous people received from the government.[45] However, Scott eventually reversed himself again: one of the first major acts of the Department during his tenure as deputy minister was to terminate the Management Fund and refund its remaining balance to the individual accounts of the contributor bands.[46]

Ultimately, the Indian Department consistently pursued neither the liberal homesteading principles of its *Land Regulations* nor its millenarian vision of a financially secure future – for both itself and Indigenous people – financed by the capital generated through land sales. Vankoughnet, despite presiding during the passage of the *Land Regulations*, seems to have been ambivalent about the question of land sales, almost certainly intentionally sabotaging an early effort to obtain a surrender of the lands of the Michel people, in present-day Alberta, in 1886.[47]

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[45] LAC, RG 10, volume 2498, file 102,986-1, J.A.J. McKenna, Memorandum to the Superintendent General, January 12, 1904, and Scott, Memorandum to Frank Pedley, 1904.

[46] *Auditor General's Report 1913-1914, Part H: Indian Affairs Department*, Internet: http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=26875 (LAC Online version), p. 1016, noting the fund's closure and the refund of approximately $300,000 to band accounts.

[47] The Michel affair of 1886 has already been described by Tyler, "A Tax-Eating Proposition," 113-115. The Michel Band, in present-day Alberta, no longer exists, all of its then-members having sought enfranchisement in the mid-twentieth century. Many of their descendants identify as the Michel First Nation: CBC, "Last Ones Standing: Michel Band Seeks to Regain Status as a Band under Indian Act," 4 August 2017. A wave of applications reached the Indian Department in 1885-86 to "throw open" the reserve: see LAC, RG 10, volume 3707, file 19,229-2, to W.P.R. Street to A.M. Burgess, June 29, 1885; and LAC, RG 10, volume 3707, file 19,229-2, Edgar Dewdney to the Superintendent General of Indian Affairs, December 17, 1885; and LAC, RG 10, volume 3729, file 26,137, George Burbidge to Lawrence Vankoughnet, March 10, 1886; and LAC, RG 10, volume 3729, file 26,137, Edgar Dewdney to Lawrence Vankoughnet, February 4, 1886. Vankoughnet first persuaded Macdonald that it would be "desirable," in the latter's words, to obtain a surrender by warning that selling the reserve without consent would establish a principle that "conformity with the strict letter of the Treaty and of the law" was not "absolutely necessary": LAC, RG 10, volume 3707, file 19,229-2, Lawrence Vankoughnet to John Macdonald, January 22, 1886. He then obtained a supporting opinion on this point from the Justice Department, helpfully anticipating the latter's response by asking whether the Indian Department ought to "conform strictly to the letter of the law." Unsurprisingly, the Justice Department's answer was yes: LAC, RG 10, volume 3729, file 26,137, Lawrence Vankoughnet to George

Vankoughnet's initial hesitation was followed by a succession of distinct programs to alienate Indigenous reserve lands, which shared a very general premise – namely, that purportedly wasted Indian lands ought to be transferred to productive settlers – but differed significantly in terms of whether Indigenous people should be compensated and, in particular, which settlers should enjoy the privilege of buying the lands. In the late 1880s, Hayter Reed, then commissioner on the Prairies but later Vankoughnet's successor, championed the surrender and sale of the Papaschase reserve, located within present-day Edmonton, as both the celebratory implementation of the *Land Regulations* and an example of raising capital for Indians. Acting as booster, Reed argued that railway construction in the vicinity[48] would yield lucrative prices at auction,[49] and vowed in advertisements to give bidders "a splendid opportunity" to procure "magnificent farming lands."[50] Instead, humiliatingly, Reed and his auctioneer waited most of the day for a crowd to assemble and eventually sold a few of "the best" quarter-sections. Eventually, "being of the opinion that the lands were going below what should be obtained for them," Reed adjourned proceedings in frustration, and left the task of writing up the report on the auction to his assistant, Amédée Forget.[51] The day when the Indian Department might finance itself entirely through land sales seemed as far off as ever.

Reed did not give up on the idea of land surrenders but, when he returned to the question as deputy minister in Ottawa, he had dispensed with the notion of raising substantial capital for Indians and the Department and simply favoured the aggressive resumption of lands initially

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Burbidge, February 3, 1886; and LAC, RG 10, volume 3729, file 26,137, George Burbidge to Lawrence Vankoughnet, March 10, 1886.

[48] LAC, RG 10, volume 3786, file 42,010, Hayter Reed to Lawrence Vankoughnet, January 29, 1890, June 7, 1890, and January 29, 1891.

[49] LAC, RG 10, volume 3786, file 42,010, Hayter Reed to Lawrence Vankoughnet, December 15, 1890.

[50] LAC, RG 10, volume 3786, file 42,010, "Auction Sale of Magnificent Farming Lands in the Edmonton District" (draft), undated, ca. 1891.

[51] LAC, RG 10, volume 3786, file 42,010, A.E. Forget to Lawrence Vankoughnet, July 9, 1891.

allotted under treaty to, as he saw it, bands that had ceased to exist through relocations and demographic decline.[52] After the Justice Department refused his invitation to reconsider its legal opinion, first expressed in 1886 with respect to the Michel reserve, that the government could not sell lands without first negotiating a surrender under the *Indian Act*,[53] Reed began searching for empty reserves, the declining populations of which had all relocated to live with other bands. Ultimately, he believed he had found three, those belonging to the Young Chippewayans (the so-called "Stony Knoll" reserve)[54] and Chacastapasin in Saskatchewan and Sharphead (at Wolf Creek) in Alberta.[55] Reed and his successor as commissioner, Amédée Forget, agreed that since finding all the former band members "a most difficult matter," therefore it was "probably hardly worthwhile to make any great exertion" in doing so.[56]

This was a dubious claim: for instance, the Duck Lake Indian agent, in 1896, found Chacastapasin's "remnant" easily enough, and tried to persuade them to sign standardized forms confirming their transfer into the Cumberland House Band. Notably, he reported, some worried that by signing the forms they were ceding their rights to their old reserve.[57] More seriously for the initiative, Reed was unseated in the great purge (see chapter 2) before it could come to fruition. McLean, moving up from the Lands and Timber Branch to become the effective head

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[52] Carter, *Lost Harvests*, 201-202.
[53] Tyler, "A Tax-Eating Proposition," 152, citing LAC, RG 10, volume 3729, file 26,137, Hayter Reed to E.L. Newcombe, November 28, 1894, and response, November 30, 1894.
[54] LAC, RG 10, volume 6663, file 109A-3-1, part 1, A.M. Burgess to Hayter Reed, October 21, 1895. Chacastapasin was one of several bands amalgamated to form what is now the James Smith Cree First Nation. The Stony Knoll reserve was surveyed with the intention of setting it aside for a band known to the government as the Young Chippewayans. The members of this band, however, moved to live with relatives on other reserves instead of settling on their own. See Indian Claims Commission, "The Young Chippewayan Inquiry" (Ottawa, December 1994).
[55] LAC, RG 10, volume 6663, file 109A-3-1, part 1, Hayter Reed to A.M. Burgess, November 9, 1895.
[56] LAC, RG 10, volume 6663, file 109A-3-1, part 1, A.E. Forget to Hayter Reed, February 3, 1896; Indian Claims Commission, *Report on Inquiry into the Claim of the Stoney Knoll Indian Reserve No. 107,* 190.
[57] LAC, RG 10, volume 6663, file 109-A-3-1, part 1, R.S. McKenzie to A.E. Forget, May 18, 1896, and June 20, 1896. A petition was then evidently marked by them on October 15, 1896 (same file), but there is no appended report explaining what assurances might have been given them in exchange for consenting to that document.

of the Indian Department, and his successor at the Lands Branch, William Orr, tried to push the project forward in Reed's absence. Once again, however, they found the path blocked by the Justice Department, which repeated yet again its contention that it was "positively forbid[den]" to sell reserve lands without first obtaining a surrender from the reserve's rightful possessors.[58] The Justice Department's ruling came too late to save one reserve: without waiting for a decision, McLean and Sifton obtained a Cabinet order authorizing the sale to settlers, without surrender or compensation, of the Stony Knoll reserve belonging to the Young Chippewayans.[59] More broadly, however, Reed's plan to free up land through consolidation had been halted in its tracks.

Under the supervision of McLean and new deputy minister James Smart, land sales – this time preceded by reserve surrenders – remained a priority in the Inside Service, though in a new and different form. Formal surrenders were finally obtained from the former residents of the Chacastapasin[60] and Sharphead reserves.[61] The new push to surrender and sell lands mounted in Smart's tenure, however, did not just depart from Vankoughnet's homesteading rules or Reed's efforts to vacate reserves: under the overall supervision of McLean, Smart, and Sifton, a feeding frenzy among Liberals emerged, of the sort anticipated in my discussion in chapter 2. The

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[58] LAC, RG 10, volume 6663, file 109A-3-1, E.L. Newcombe to the Acting Secretary, May 14, 1897.
[59] Martin-McGuire, *First Nation Land Surrenders on the Plains*, 78; and LAC, RG 2, series A-1-d, volume 2790, P.C. 1897-1155, May 11, 1897; also see Sifton's marginal comment on LAC, RG 10, volume 6663, file 109A-3-1, J.D. McLean, Memorandum, April 14, 1897, and same file, J.D. McLean to E.L. Newcombe, April 26, 1897. The timing of the order just prior to Newcombe's decision does seem remarkably coincidental, but from the surviving documentation it is not possible to infer whether Sifton's clerks, either in Interior or Indian Affairs, rushed to get the Order to Cabinet in advance of a Justice opinion they believed would not go their way, or whether the Justice clerks, having learned of the Young Chippewayan liquidation, rushed to complete their opinion before any further reserves could be illegally liquidated. Martin-McGuire, *First Nation Land Surrenders on the Plains*, 78, also draws no conclusions about the apparent coincidence. Obviously, the mere issuance of an Order-in-Council did not make the liquidation lawful, and it is intriguing that seemingly nobody thought to revisit the dissolution of the Young Chippewayans and the liquidation of their reserve in light of the order. McLean and Orr may have seen no pressing need to do so given that, in the eyes of the Indian Department, the Young Chippewayans had already long ago ceased to exist as a band.
[60] Canada, *Indian Treaties and Surrenders*, III:200.
[61] Canada, *Indian Treaties and Surrenders*, III:216-217.

general parameters of the push to favour Liberal purchasers – which obviously never took the form of an explicit, public, written policy – can be seen in the remaining sales in central and eastern Canada that, in contrast to the new Prairie surrenders, were still supposed to comply with the land regulations. As noted in chapter 2, misconduct in land sales around Lake Superior had been one of the principal allegations levelled against the Indian Department during the purge of 1896-1898, with several Indian agents and their part-time assistants, the "forest bailiffs," identified as alleged fraudsters. In the best of circumstances, these officials' remit was intimidatingly broad: three such bailiffs, appointed in 1898 to monitor seven surrendered townships on the Bruce Peninsula, were told they would have eight days per month of paid work between them in which to monitor roads, waterways, and mills for evidence of illegal harvesting; mark, seize, and sell all timber so harvested; conduct an inspection of the townships under their jurisdiction "as often as once a fortnight"; keep a daily log of their work; and submit a quarterly report.[62] The overworked Lands Branch clerks in Ottawa – one was responsible for managing all settler payments and assignments in eastern Canada, and a second for western Canada[63] – also had little time to enforce the regulations. Finally, in 1915, they threw in the towel and began to offer fee simple without inspection to any lot-holders who paid their arrears.[64] Nevertheless, "the Department endeavours to see that the valuations are fair and just," as one inquisitor put it during the Great Purge of 1896-1898.[65]

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[62] LAC, RG 10, vol. 2902, file 184,796, unsigned letter to McLay, Currie, and Elliott, forest bailiffs, January 7, 1898. When it was pointed out that three part-time workers could hardly perform all of these tasks over seven townships while active logging was going on, it was decided that the shortcoming might be made up by retaining one additional part-time worker during the winter months: LAC, RG 10, vol. 2902, file 184,796, Simpson to the Secretary (McLean), November 29, 1898, Chitty, Memorandum to the Secretary (McLean), December 3, 1898, McLean to Simpson, December 9, 1898, and Elliott to "the Secertary," December 15, 1898.
[63] LAC, RG 10, volume 6813, file 481-1-27, part 1, William Orr to the Deputy Minister, May 10, 1912.
[64] LAC, RG 10, volume 2885, file 180,661-1, William Orr to the Deputy Minister, March 3, 1915, McLeod to the Secretary, June 23, 1915, and Notice to Owners in Arrears on Manitoulin Island, June 16, 1915.
[65] LAC, RG 10, vol. 1120, Memorandum for the Superintendent General, ca. late January 1897.

In practice, though, this "endeavour" took the form of granting privileged access to Liberal purchasers. When the Chippewas of Saugeen and Nawash sold Hays and Griffiths Islands in 1898, the winning bids were submitted by Ontario Liberal MPP Charles Martin Bowman (on behalf of a constituent) and to future Liberal MP William Pattison Telford.[66] At Temiskaming, the remote reserve along the Ontario-Québec boundary north of Ottawa where McLean had once condemned Reed's and Scott's mismanagement of timber sales,[67] a surrender was hastily organized in 1899 of 30,000 acres of potentially promising farmland along the north shore of Lake Temiskaming. The previous beneficiary of Indian Affairs largesse on the reserve, the Conservative-connected Klock timber firm, was succeeded as chief beneficiaries by Liberal MPs Augustin Bourbonnais and Joseph-Israel Tarte. McLean and Orr studiously looked the other direction as Bourbonnais and Tarte bought up much of the valuable waterfront property – notwithstanding that the *Indian Land Regulations* should have limited each purchaser to just four lots – and then, rather than enclose and cultivate the land, attempted to flip their lots to immigrant settlers. Correspondence soon filtered into the Indian Department, lamenting the MPs' failure to behave as "*bona fide* settlers."[68] The year after the Temiskaming sale, a trio of Brandon Liberals – one of them A.E. Philp, Sifton's former law partner – were permitted to purchase a massive 29,301-acre tract along Batchewana Bay, Ontario, for just $0.34 per acre on the strength of an opinion that, as none of the land was arable, there was no need to uphold the *Land Regulations*. They later sold the parcel for at least seven times what they paid.[69]

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[66] Correspondence related to the Hays and Griffiths tender can be found in LAC, RG 10, volume 2431, file 89,119.
[67] LAC, MG27 II-D-15, volume 7, J.D. McLean to Clifford Sifton, 28 January 1897.
[68] For Temiskaming sales documentation, see LAC, RG 10, volume 2200, file 39,973; volume 8001, file 371/34-1; and volume 2258, file 51,050-2.
[69] For the relationship between Philp and Sifton, see W. Leland Clark, *Brandon's Politics and Politicians* (Altona: Friesen Printers, 1981), 18. For the Batchewana Bay purchase, see W.A. Orr, Memorandum to the Secretary, 17 Nov. 1900, part 1, file 212,043-1, volume 2981, RG10, LAC. The low valuation was based upon an assessment that the entirety of the purchase, spread across three townships, was not suitable for agriculture and therefore not subject

On the Plains, Liberal patronage took a rawer, more obviously corrupt edge: according to a commission of inquiry that concluded in 1915 and a series of specific claims reports authored for the Federation of Saskatchewan Indians[70] beginning in the 1970s, a syndicate organized by Indian Affairs deputy minister James Smart, his successor Frank Pedley, and several other individuals in the Immigration Branch attempted to dominate sales by public tender of land from a series of reserves sold between 1900 and 1903.[71] While, as I argued in chapter 3, deputy ministers had limited involvement in most of the day-to-day activities of their departments, the evidence presented in the claims research indicates that Smart arrogated to himself two key powers, over decisions on how to advertise land sales (advertising was very brief and limited to a few select press outlets) and then over the opening of the sealed bids themselves. The grey literature indicates that the height of the syndicate's influence was between 1901 and 1903, during which time, of six major reserve sales by public tender on the Prairies, it bid on five and won most of the bidding in four (Chacastapasin, Cumberland House, Ocean Man, and Pheasant's Rump, all in what shortly thereafter became Saskatchewan).[72] These lands, acquired at sharply discounted rates, were then flipped to American investors at substantial profits. For instance, the

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to the Indian land sale regulations. The lands were later resold, either for $68,000 (according to Philps) or $101,830 (according to an opponent who brought forward the public allegation): Hall, *Sifton*, I.191.

[70] This organization is now the Federation of Sovereign Indigenous Nations.

[71] Tyler & Wright Research Consultants, *Pheasant's Rump Reserve #68, Ocean Man Reserve #69* (Federation of Saskatchewan Indians, 1978); *The Alienation of Indian Reserve Lands During the Administration of Sir Wilfrid Laurier, 1896-1911: Addendum: The Royal Commission of Thomas Roberts Ferguson* (May 1977); and "The Alienation of Indian Reserve Lands during the Administration of Sir Wilfrid Laurier, 1896-1911: Michel Reserve #132" (report prepared for the Indian Association of Alberta, August 1978). None of these reports were published or have been made publicly available; thus, the true extent of the work is unknown. The Ferguson Commission's reports also do not survive, but Parliamentary debate and media coverage has been compiled both by Tyler & Wright in their *Addendum* report, cited above, as well as in the appendices to Martin-McGuire's *First Nation Land Surrenders on the Prairies* (1998). Pierre Berton, *The Promised Land: Settling the West, 1896-1914* (Toronto: McClelland and Stewart, 1984), pp. 245-249, also provides a brief summary of the corrupt sales, but does not cite his sources and was almost certainly relying upon a copy of the Tyler & Wright research, the conclusions of which he replicates.

[72] Tyler & Wright Research Consultants, *Pheasant's Rump Reserve #68, Ocean Man Reserve #69*, 204-206 and final chapter; Martin-McGuire, *First Nation Land Surrenders*, 338-341; Indian Claims Commission, *James Smith Cree Nation: IR 100A Inquiry* (March 2005).

syndicate was able to acquire most of the former Chacastapasin reserve (about 8,500 acres) for $54,850, and to sell it for $112,500. At a time when the deputy minister's annual salary was just $3,200 per year, these were tidy sums indeed.[73] Smart's and Pedley's positions in the civil service did not guarantee the syndicate's success: to the contrary, it frequently failed to win bids that went to rival Liberal private equity groups, who protested that their own access to government sales was being compromised.[74] At the Stony Plain (present-day Alberta) sale of 1902, for instance, the syndicate's tenders were largely outbid by a rival investment group organized by allies of Alberta Liberal MP Frank Oliver.[75]

The lack of published academic analysis makes it unclear how long the Smart and Pedley syndicate operated. After 1902, however, several factors probably resulted in its decline and eventual cessation. First, in 1903, Pedley succeeded Smart as deputy minister of Indian Affairs. (After resigning, Smart involved himself in an equally dubious scheme skimming commissions per head on immigrants reaching Canada from Europe.)[76] Second, over the course of the following years, there was a shift from tenders to auctions as the preferred means of disposing of land on the prairies, which limited the capacity of Ottawa-based secret investors to manipulate sales. The Department's last major sale by public tender on the Prairies was the largely

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[73] Tyler & Wright Research Consultants, *Pheasant's Rump Reserve #68, Ocean Man Reserve #69*, 204-206 and final chapter; see also Martin-McGuire, *First Nation Land Surrenders*, 338-341; Tyler and Wright Addendum on Ferguson Commission, Appendix Z; for Smart's salary in 1900, see Canada, *Report of the Auditor-General for the Year Ended June 30, 1900, Part I* (Ottawa: S.E. Dawson, 1901), L-2.

[74] Tyler & Wright Research Consultants, *Pheasant's Rump Reserve #68, Ocean Man Reserve #69*.

[75] Martin-McGuire, *First Nation Land Surrenders*, 173-176, 341-343.

[76] J.J. McGee, Extract from a Report of the Committee of the Honorable the Privy Council, 21 Nov. 1902, file 253,792, volume 3059, RG10, LAC. Jaroslav Petryshyn argues that just prior to leaving office Smart sat on both sides of a deal that granted bonuses to the North Atlantic Trading Company – established by Commissioner of Emigration W.T.R. Preston, later joined by Smart – for all immigrants reaching Canada from continental Europe and Scandinavia: "Canadian Immigration and the North Atlantic Trading Company, 1899-1906: A Controversy Revisited," *Journal of Canadian Studies* 32, no. 3 (1997), 55-76. After the North Atlantic Trading scheme was revealed and collapsed, Smart established a new labour import business specializing in custom orders of farm and railway labour and female domestic servants. The company's "application form" allowed clients to select persons "for immediate employment" by religion and age: James A. Smart Company, Limited, Application form, undated, file 762911, volume 492, RG76, LAC.

unsuccessful sale of Michel Reserve No. 132 in 1904 – nearly twenty years after the idea was first floated – in which one successful bidder was none other than the Indian Department headquarters' janitor, Maria Allison, who purchased 450 acres and flipped part of her holdings to one of the clerks, Herbert Awrey.[77] Then, in early 1905, Sifton himself left office and was replaced by another Prairie politician, populist Frank Oliver.

The Blackfoot surrender, in contrast, was the capstone of the third and final campaign for surrenders in the west, this one mounted under the supervision of McLean, Smart's successor as deputy minister (and his accomplice in the syndicate purchases), Frank Pedley, and Sifton's successor as Indian Affairs minister, Frank Oliver, like Sifton a newspaper publisher who had been a pronounced advocate of surrenders of purportedly unused Indian land since the 1880s.[78] Oliver's years in office as superintendent general, from 1905 to 1911, witnessed the peak of the reserve surrender boom on the Prairies. During these years, Indian Department negotiators obtained the surrender of large swathes of reserve lands from the Alexander, Blackfoot, Bobtail, Carry-the-Kettle, Cote, Cowessess, Fishing Lake, Grizzly Bear's Head, Keeseekoose, Key, Lean Man, Michel, Montana, Moosomin, Muscowpetung, The Pas (present-day Opaskawak Cree), Peguis, Peigan, Samson, Swan Lake, and Thunderchild bands.[79] To obtain these surrenders, Indian Affairs bureaucrats offered steadily increasing commitments, at increasing risk to their own Department. Earlier First Nations had signed surrender forms with the special terms section left blank, effectively placing themselves at the mercy of Indian Affairs bureaucrats – for instance, the Stony surrender depicted earlier entrusted bureaucrats with the relatively simple

[77] Martin-McGuire, *First Nation Land Surrenders*, 177-182, 343-349; and Tyler & Wright Research Consultants, "The Alienation of Indian Reserve Lands during the Administration of Sir Wilfrid Laurier, 1896-1911: Michel Reserve #132" (report prepared for the Indian Association of Alberta, August 1978), 137-138.
[78] Martin-McGuire, *First Nation Land Surrenders*, pp. 163, 166, 173, 180.
[79] These are all summarized in Martin-McGuire, *First Nation Land Surrenders*, chapters 4-6.

task of depositing in the Trust Fund all of the proceeds of sale[80] – by the latter years of the decade the terms of surrender had grown exacting and specific, in the case of the Blackfoot, detailing exacting and specific commitments totaling almost the entire Indian Affairs annual budget for the year. In contrast, surrender terms grew more detailed as the years went on, culminating, as I discuss momentarily, with those offered to the Siksika living on the Blackfoot Reserve.[81]

Accordingly, striving to reconcile the twin mythologies of opening excess lands for settlers and raising capital for Indians in 1908 (while simultaneously distorting recent history), the writers of deputy minister Pedley's annual report asserted that "the Department" would soon pivot to a new focus on the land surrender:

> So long as no particular harm nor inconvenience accrued from the Indians' holding vacant lands out of proportion to their requirements, and no profitable disposition thereof was possible, the department firmly opposed any attempt to induce them to divest themselves of any part of their reserves. Conditions, however, have changed, and it is now recognized that where Indians are holding tracts of farming or timber lands beyond their possible requirements and by so doing seriously impeding the growth of settlement, and there is such a demand as to ensure profitable sale, the product of which can be invested for the benefit of the Indians and relieve pro tanto the country of the burden of their maintenance, it is in the best interest of all concerned to encourage such sales.[82]

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[80] Indian Lands Registry System (ILRS), Instrument X16719, Surrender by the Stony Band of Indians, May 19, 1905.
[81] Martin-McGuire, *First Nation Land Surrenders*, chapters 4-6. I do not discuss any of these surrenders here, except for the Siksika (Blackfoot) surrender, but they are all summarized at least to some extent in Martin-McGuire's report.
[82] Indian Affairs Annual Report (1908), Deputy Superintendent General's report, p. 35; also quoted in Carter, *Lost Harvests*, p. 244.

Driving this acceleration in sales was a combination of increased popular and political pressure coupled with the apparent realization by several field bureaucrats, notably Inspector of Indian Agencies John Markle, about whom I have more to say below, that a demonstrated ability to obtain land surrenders could help them secure their placement within the bureaucracy. Under Oliver's tenure as minister, pressure exerted both on and by Indian Affairs bureaucrats to obtain surrenders increased dramatically. In 1906, Liberal Parliamentarians amended the *Indian Act* to allow up to fifty percent of the proceeds from a reserve surrender to be distributed to band members immediately rather than held on their behalf in the Trust Fund.[83] Longstanding Indian Affairs practice, as noted above, was to dispose of all properties valued at over $100 by some form of "public competition."[84] During Oliver's tenure, this took the form, typically and at Blackfoot, of sale by public auction, out of reach of central Canadian syndicates operating by mail. In practice, well-connected (that is, Liberal) buyers often continued to benefit from sparsely advertised sales. For instance, information about an upcoming auction of Carry-the-Kettle (Assiniboine) Reserve land leaked to the now-retired Smart in 1906, and the poorly attended auction was dominated by his former business partner, Peter Mitchell, and Sam Clarke, an Ontario Liberal MPP.[85] Similarly, there exists circumstantial evidence that members of the Smart-Pedley syndicate and other Liberals had insider information of the auction of Grizzly

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[83] Indian Act 1906, section 89. Carter, *Lost Harvests*, 245, concludes this amendment was clearly intended to facilitate land surrenders by giving Indigenous people a greater incentive to consent. The argument likely has merit though the political implications of arguments with respect to distribution are problematic: were First Nations victims of a legislative system that shunted their capital into a fund managed by distant bureaucrats, or victims of a legislative amendment that delivered half that capital into their own hands?

[84] For instance, Pedley referenced this "policy of sale" in LAC, RG 10, volume 2852, file 176,296-1C, Pedley to Orr, June 12, 1906.

[85] Martin-McGuire, *First Nation Land Surrenders*, 464; and LAC, RG 10, volume 4001, file 208,590-1: Smart asked for details about the sale (Smart to McLean, 12 January 1906), and a marginal comment indicates he was sent a copy of the survey plan and a description of the lots for sale. Bidding was subsequently dominated by Mitchell and Clarke.

Bear's Head and Lean Man land, also held in 1906.[86] Further research into many of the large sales late in the decade remains to be undertaken, but in tentatively reconstructing select sales between 1907 and 1910, I found no further evidence of the sort of massive manipulation achieved by Smart, Pedley, and White between 1901 and 1903.

In addition, at least in contrast to the Indian Affairs-administered tracts in central Canada and the efforts by Reed and Smart to take advantage of "empty" band lists, what is striking about the auction sales during the Oliver years is the degree to which the Indian Affairs records suggest surrenders were driven by field bureaucrats and by, at least in some cases, limited Indigenous support for sales as a means of raising necessary funds for welfare and agricultural development. Here an analysis of Martin-McGuire's summaries of reserve surrenders for the Indian Claims Commission is illuminating. Between 1905 and 1911, the Indian Affairs files attribute eight sales to requests from Indigenous people themselves, five from interested buyers, and two to internal bureaucratic lobbying. In each of the former cases the Indigenous request was similar, and lamentably predictable: selling reserve land, now in excess of their treaty promises due to catastrophic demographic declines, could raise a pool of capital intended to provide welfare, services, and capital for agricultural development (that is to say, the benefits already promised to them via the Numbered Treaties three decades before).[87] The Hanks gathered an oral history of the surrender from a Siksika chief, Whiteheaded Chief, who recalled that he had visited the "Crees and Bloods" to see their farms, and asked Markle how he could establish a similar enterprise. Though agricultural benefits were a treaty promise, Markle responded that the route lay through land sales: "You haven't enough money to farm with. The Crees sold land; the

[86] Ted Binnema, "'Entirely and Highly to Their Credit and to Their Benefit': A Glimpse of Corruption in the Canadian Indian Affairs Department in the Laurier Era," unpublished manuscript.
[87] Martin-McGuire, *First Nation Land Surrenders on the Prairies*, chapter 4. Martin-McGuire does not calculate these statistics, but I have counted them on the basis of the data in her summaries of each surrender.

Bloods sold long-horn cattle." Whiteheaded Chief told the Hanks that he then resolved that "we'd better sell that land… to start farms."[88]

Previous historians of Indian policy in Alberta have already analyzed the history of the Blackfoot reserve and, in particular, argued that agency inspector John Markle played an instrumental role, but have done so without exploring what brought Markle into his position and why he was so avidly promoting reserve surrenders.[89] Markle was flexible, pragmatic, and a political survivor. He was first appointed in the early 1880s by the Conservatives to a clerical position in the Birtle Agency, Manitoba, and then became Indian agent there in 1886. Appointed to the Indian Department at a time when Christianity accompanied agriculture as one of the principal pillars of the assimilation mission (the so-called "policy of the Bible and the plough"),[90] Markle vaguely marked his religious affiliation on his personnel card as Protestant while adding, "not allegiant to any particular Church."[91] Doubts surfaced within the party about his political loyalties, but multiple correspondents assured Prime Minister Macdonald that he was trustworthy and that he had reliably voted for the local Conservative candidate.[92]

Markle survived the purge of 1896 by proving his early detractors correct. Initially, there were indications that new ministers R.W. Scott and Clifford Sifton intended to transfer Markle north to the remote Berens River Agency on Lake Winnipeg, simultaneously freeing up the Birtle post for a patronage appointment and removing longtime Berens River agent Angus

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[88] Glenbow Archives, Hanks fonds, M-8458-6, Whiteheaded Chief notes, p. 112.
[89] For instance, Valerie K. Jobson, "The Blackfoot Farming Experiment, 1880-1945" (MA thesis, University of Calgary, 1990); and Smith, *Liberalism, Surveillance, and Resistance*, chapter 7. Smith, in particular, notes the significance of Markle in multiple sales, highlighting Markle's aggressive approach to obtaining surrenders in accordance with what he views to be Departmental policy. My analysis here largely validates Smith's conclusions, but I try to place my reading of Markle within a broader reading of political and bureaucratic considerations concerning surrenders.
[90] Miller, *Skyscrapers Hide the Heavens*, p. 207.
[91] LAC, RG 10, vol. 3746, file 29,628-1, personnel record for Markle, October 15, 1886.
[92] LAC, MG26-A, volume 436, pp. 214906-214907, David Arneil to John A. Macdonald, 2 February 1887; p. 214904, Crawford to Macdonald, 3 February 1887; and p. 2149080, Cummings to Macdonald, 3 February 1887.

MacKay, a man whom even his fellow Conservatives regarded as incompetent – hence his posting to a remote northern agency where "he can do little or no harm."[93] Perhaps anxious to avoid such a fate himself, Markle obtained letters of reference from Charles Wesley Speers, who had preceded Sifton as Liberal candidate for Brandon, and from Charles Mickle, the Liberal MLA for Birtle;[94] he also informed on a fellow Indian agent for failing to adhere to the patronage list.[95] He managed to retain his post until after the 1900 election, at which point Mickle recommended his promotion to Sifton, insisting on Markle's "loyalty to the Liberal party."[96] However, the management personnel in Manitoba in 1900 – Commissioner David Laird and Inspectors Ebenezer McColl and Samuel Marlatt – were already all Liberal appointees. Rather than a promotion, Sifton transferred Markle to the Blackfoot Agency in Alberta, and increased his pay by nearly twenty percent.[97]

The Blackfoot Agency of 1901 included just one First Nation, the Blackfoot Band (present-day Siksika First Nation), population 975, most of them living on a single reserve on the Bow River near Calgary.[98] In 1877, David Laird, who had presided over the *Indian Act* of the previous year and then left Ottawa to become Lieutenant Governor of the North-West Territories, led the negotiation of Treaty Seven with the Blackfoot or Siksika, Peigan or Piikani, Blood or Kainai, Sarcee or Tsuu T'ina, and Stony peoples. Like the preceding Numbered Treaties, Treaty Seven promised a small amount of agricultural assistance together with reserves

[93] LAC, RG 10, volume 3648, file 8162-2, Lawrence Vankoughnet, Deputy Superintendent General of Indian Affairs, Memorandum to John A. Macdonald, Superintendent General of Indian Affairs, 8 May 1879.
[94] *Birtle Eye Witness*, 23 May 1897, p. 1; Martle to Speers, 2 January 1897, in LAC, Sifton fonds, C-462, and Mickle to Sifton, 5 January 1897, in Sifton fonds, C-463. For party background, see Berton, *The Promised Land*, p. 118.
[95] Martin-McGuire, *First Nation Land Surrenders on the Prairies,* p. 183.
[96] LAC, MG 27 II-D-15, Mickle to Sifton, 24 February 1900.
[97] Contrast Canada, Indian Affairs Annual Report for 1902 (LAC Online version), p. 977 (salary: $1,400) with Annual Report for 1900 (LAC Online version), p. 1178 (salary: $1,200).
[98] Canada, Indian Affairs annual report 1901 (LAC version), p. 229.

on a per-capita basis.[99] According to oral histories collected by Lucien and Jane Hanks in the 1930s, after the sudden collapse of the Canadian buffalo population in 1879, the Siksika initially attempted to find buffalo in their southern hunting territory, within the United States. By 1881, however, these herds too had dwindled away, and so they returned to their reserve, where they subsisted on limited farming, stock-raising, and government rations, along with working in a coal mine on the reserve.[100]

Arriving at his new office in Gleichen, Alberta, in 1901, Markle set about proving himself to the Liberals. He promptly pronounced himself unimpressed with the state of the Siksika people – who then underwent, at least in his words, a profound transformation after only a short period under his tutelage. The relief budget for his former agency had been $200 and that for the Blackfoot was $25,000, he remarked in his first annual report at the new position. For years, he contended, "these Indians tried to make themselves believe that it was the imperative duty of the government to supply all their food and other requirements, and many of the band positively refused to accept cattle for fear the government might expect them to support themselves." Their farmlands were "not as extensive as I should like," and they were "moral weaklings." But thanks to his own positive influence, he contended, "many of this band are now beginning to see things differently" and "have made a step toward self-support."[101] He also introduced what is recognizable as a variant of the modified cattle loan system first introduced in his previous residence, the Birtle agency, under which cattle were "loaned" to Indigenous people

[99] Morris, chapter 8, and text of Treaty Seven. Under the treaty, the Blackfoot, Blood, and Sarcee initially agreed to settle on a single contiguous reserve tract along the Bow River. In the decade after treaty, however, the Kainai and Tsuu T'ina relocated, leaving only the Siksika in possession of their original reserve: Smith, *Liberalism, Surveillance, and Resistance*, p. 203.
[100] Hanks and Hanks, *Tribe Under Trust*, pp. 16 and 28; Glenbow Archives, Hanks papers, M-8458-66, interview with Crooked Meat Strings, p. 45; for the coal mine, see LAC, RG 10, volume 7632, file 18104-1, volume 7633, file 18104-1 and 18104-3, and volume 3558, file 67, part 18; and Jobson, 19.
[101] Markle in *Indian Affairs Annual Report* (1901), p. 129.

for a term of years, after which they had to be returned but any offspring remained the individual property of the lessees.[102] In three years, Markle boasted, he had slashed relief and rations to the Blackfoot by eighty percent, and they were "in a much better financial position than ever before."[103] This self-flattering praise aside, the oral history gathered by the Hanks in the 1930s confirmed that Markle slashed relief payments dramatically, and in the winter of 1906-1907, half the herd starved due to unusually deep snows.[104] In 1904, the inspector of agencies in Alberta, Alexander McGibbon, passed away, and Sifton replaced him with Markle.[105]

There is no detailed scholarly study of inspectors as there exists for Indian agents (notably by Jarvis Brownlie, among others) or for Indian superintendents and commissioners (Brian Titley and more recently Patrick Bradley).[106] Nominally the inspectors occupied a middle rung in the Outside hierarchy, between local agents and regional commissioners or superintendents. In practice, this meant they lacked either regional oversight over shaping policy or local contact with Indians by which to distinguish themselves, as Markle had attempted to do by eliminating Blackfoot welfare between 1901 and 1904. Inspectors could settle into a stable if unremarkable role as auditors of agency account books, as Ebenezer McColl did in Manitoba, endeavouring to visit each agency under his charge once or twice a year and preparing commentaries on both the conduct of the Indian agent and the ostensible "progress" – i.e. agricultural and religious activities – of the people under each agent's supervision.[107]

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[102] *Indian Affairs Annual Report for 1904* (LAC version), pp. 256-257. The Birtle system and the original cattle loan system are described by Carter in *Lost Harvests*, 148.
[103] *Indian Affairs Annual Report for 1904* (LAC version), p. 257.
[104] Hanks and Hanks, *Tribe Under Trust*, pp. 33 and 41.
[105] E. Brian Titley, "McGibbon, Alexander," in *Dictionary of Canadian Biography*, volume 13 (Toronto and Québec: University of Toronto/Universite Laval, 1994).
[106] Brownlie, *A Fatherly Eye*; Titley, *The Commissioners*; and Patrick Bradley, "'Average Mail, Lots of Routine': Arthur Wellesley Vowell and the Administration of Indian Affairs in British Columbia, 1889-1910" (MA thesis, University of Victoria, 2016).
[107] For instance, Ebenezer McColl, Annual Report for 1891, in *Annual Report of the Department of Indian Affairs for the Year Ended 31st December 1891* (Ottawa: S.E. Dawson, 1892).

Alternatively, the more ambitious inspector William Morris Graham – like Markle, a Conservative-era appointee, and who survived the purge as a Regina regional office clerk – devoted himself first to the creation of the File Hills Colony, a sort of Potemkin village for carefully matched residential school graduates; and then to the marshalling of both Indigenous bodies (by encouraging enlistment) and Indian lands (through the "Greater Production" scheme) for the war effort during the Great War. The first of these reflects a theme long of interest to postcolonial scholarship – namely, how both missions and governments continued to isolate and segregate Indigenous peoples who had ostensibly been fully assimilated. The second, notably, seems to have been what Graham himself found most important, as the bulk of his unpublished memoir is devoted to a description of the war years.[108]

Markle distinguished himself as inspector by negotiating land surrenders. This had not been his priority in Manitoba, where there were relatively few reserve surrenders. In one of his first reports as inspector, however, Markle claimed that "each of the bands could spare a few sections of their reserve without doing themselves any injury." Already, he added, merely by speaking as "a friend" he had persuaded a chief in the Hobbema Agency to part with nine sections (nine square miles) on his reserve.[109] Correctly reading the intersection of the two central narratives of Indian lands in the Indian Department, he later explained that in his view, reserve surrenders were "in the interests of both the Indians and the Dominion." The Indians could be settled "closer together" on the remaining land while the Indian Department became their "trustees," first with respect to the lands to be sold and then the capital generated.[110]

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[108] Glenbow Archives, Graham fonds, M-8097-2, William Graham's memoirs, ca. 1932. For more on the File Hills colony, see Drew Bednasek, "Remembering the File Hills Colony," *Historical Geography* 37 (2009), pp. 53-70.
[109] LAC, RG 10, volume 3563, file 82, part 15, Markle to the Indian Commissioner, 3 October 1904.
[110] LAC, RG 10, volume 7102, file 773/3-1-1, part 1, Markle to Scott, 10 March 1917.

Markle's pivot to the promotion of land surrenders was well-timed. After Sifton's resignation, Frank Oliver came to power as minister in early 1905. Unlike Markle's rhetorical nod to securing capital for Indian welfare, Oliver's interest seems to have lain more simplistically in a populist appeal to "throw open" Indian lands for acquisition by settlers. As a Liberal politician and editor of the *Edmonton Bulletin* newspaper, Oliver had advocated for the surrender of the Papaschase, Sharphead, Enoch, and Michel reserves, already discussed.[111] There is no evidence, unlike under Sifton, that either he or a coterie of senior officials and associates trafficked extensively in the sales of these lands. Rather, lands were thrown open with the expectation that, as they were surrendered, interested settlers would come. As minister, dissatisfied by the pace with which bureaucrats were producing land surrenders, Oliver turned to an Alberta missionary, John McDougall, who quickly emerged as an outside specialist in reserve surrenders. McDougall negotiated surrenders at Cote in 1905, Samson in 1906, Fishing Lake in 1907, and Swan Lake in 1908.[112] Oliver then sent him on a tour of British Columbia in 1909-1910 to identify reserves there that might be attractive to settlers and therefore should be targeted for surrenders[113] – another distinct campaign to obtain reserve surrenders, which, unusually, was stopped dead by provincial opposition.[114] MacDougall capped the latter tour with an attempt to negotiate the surrender of the Fort George reserve, but was unsuccessful, leading to the

[111] Martin-McGuire, *First Nation Land Surrenders*, pp. 163, 166, 173, 180.
[112] Martin-McGuire, *First Nation Land Surrenders*, pp. 263, 281, 290, and 304.
[113] Another episode on MacDougall's foray into B.C., at Long Lake, has already been discussed by Smith, in *Liberalism, Surveillance, and Resistance*, pp. 168-169 and 175-177. However, Smith's principal interest – due to his geographic focus – is McDougall's trip to the Railway Belt and the interior south of the Belt (p. 167).
[114] The reversionary interest dispute which, ironically, led to much greater protection for B.C. reserves than those on the Prairies has already been discussed at length by Harris in *Making Native Space*, chapter 8. Briefly, as the province had not transferred full title to the reserve allotments to Canada, it argued that it retained an underlying interest in the lands which neither the Canadian government nor the Indians had any power to surrender or alienate. This made it impossible to arrange inside sales of the sorts that occurred on the Prairies.

intervention by Indian Affairs employee Joseph Ramsden that was already the subject of the previous chapter.[115]

Markle's inspectorate fell within Oliver's own riding until 1904, the Provisional District of Alberta.[116] Consequently, he was well positioned both to carry out the minister's program and to feel pressured to do so. When he became inspector, Markle's inspectorate consisted of seven Indian agencies and fourteen reserves. Two, the Enoch and Michel reserves, had already been the subject of previous campaigns for surrenders (discussed above) before Markle became inspector. In addition to the Blackfoot surrender, previous historical research has already documented the surrenders of land on five more (Alexander, Bobtail, Louis Bull, Peigan, and Sarcee) in which Markle played a leading role,[117] and he attempted unsuccessfully to negotiate land surrenders from three more (Blood, Ermineskin, and Samson).[118] The picture becomes clearer when viewed in the aggregate: Markle hoped to fundamentally reshape the inspectorate, freeing up vast quantities of land for Oliver while, as the Blackfoot surrender was meant to epitomize, generating a fund of capital large enough to fund the future expenses of Indian Affairs in the region. In a January 1906 letter to McLean, Markle laid out this ambitious vision with reference specifically to the Hobbema Agency, which fell within his inspectorate. In this agency there were, he judged, three bands (Samson, Bobtail, and Ermineskin) which, due to deaths from

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[115] For McDougall's British Columbia reports, see LAC, RG 10, volume 4047, file 357,411-2, and volume 4020, file 280470-2.

[116] Library of Parliament, "Parlinfo: Frank Oliver," Internet: <https://lop.parl.ca/sites/ParlInfo/default/en_CA/People/Profile?personId=3614>. Oliver held a seat covering all of Alberta when Markle was transferred west. However, beginning in the 1904 election, that riding, the Provisional District of Alberta, was split up into multiple ridings, including Edmonton, which Oliver retained. However, having held the Alberta riding from 1896 to 1904, he presumably retained considerable influence and interest across the province.

[117] Wood, "Pressured from All Sides" (2004); Martin-McGuire, *First Nation Land Surrenders on the Prairies*, pp. 226 and 235; and Smith, *Liberalism, Surveillance, and Resistance*,

[118] Irwin, "No Means No" (2003); and Martin-McGuire, *First Nation Land Surrenders on the Prairies*, pp. 193, 221 and 322.

poverty and disease, now held about 75,000 acres more land than they would be entitled to under treaty if the treaty land entitlements (640 acres per family of five persons) were calculated using their current, reduced populations. These groups could be "amalgamated" and then the "excess" lands surrendered to fuel the Trust Fund.[119]

In pressing for "amalgamations" while at the same time urging replenishment of the Trust Fund, Markle was uniting the two narratives of land surrender prevalent within the Indian Department – nodding to the legacy of the Trust Fund and the Indian Land Management Fund while also hearkening back to Hayter Reed's failed project of vacating reserves through population transfers. To do so, however, Markle needed to find some way of gaining the consent of the Indigenous communities affected. The historiography cited at the top of this chapter has, appropriately, highlighted the often coercive and dubious methods employed by Indian Affairs officials in obtaining surrenders. Over the course of the 1900s, winning such consent, however, must have proved difficult, as progressively more generous terms were offered.[120] The blank space on Form 65 allotted to special additional terms of sale – once largely left empty – now took on vital importance. The first major Prairie surrender to specify a minimum price for the lands, the Coté surrender of 1905, fixed a price of $10 per acre.[121] Over the next five years, terms grew more elaborate – and Department actions more brazen – in efforts to secure consent. Deputy minister Frank Pedley arrived to preside in person over the St. Peter's surrender talks

[119] LAC, RG 10, volume 4012, 266,600, Markle to McLean, January 25, 1906.
[120] This study has approached reserve surrenders as a phenomenon in which officials move about and First Nations largely remain in place, awaiting their visitations in turn; it would be fascinating, in future work, to invert that lens and explore how the surrender evolved over this decade due to information and people flowing between Indigenous communities. Was it simply that the most vulnerable and depopulated First Nations were targeted first with weaker terms, or did communication between First Nations affect bargaining capacity?
[121] Martin-McGuire, *First Nation Land Surrenders on the Prairies*, p. 350.

with a briefcase containing $5,000 in cash which, he promised, he would disperse immediately if those present cast their votes in favour of surrender.[122]

The Blackfoot surrender, however, was the culmination and climax of this trend, committing the Indian Department to pay the Blackfoot a sum "not less than $1.6 million" in exchange for a surrender of 115,000 acres.[123] The enthusiasm to procure land threatened to outstrip not just demand but also the Department's capacity to pay: this figure was agreed to by Markle without any idea who might pay such a sum for the money, and at a time when the Indian Department's entire annual budget was only about $1.45 million.[124]

Markle's first agitation for a surrender of Siksika reserve lands began as inspector, not as Blackfoot agent. In February 1907, a cannery company asked for a small parcel of land on the Blackfoot reserve next to the railway track.[125] Markle rejected this proposal but floated the possibility of obtaining a much larger surrender of land: "it unquestionably would not be in the interests of the Indians to surrender the area referred to, *unless* they surrendered all that portion lying to the east of it and between the river and the line of railway." Though he confessed that the Siksika did "not at the present moment view this matter in the same light as I do," he suggested that "these Indians now hold more land than they use, or [are] ever likely to profitably use, and that it would be in their own interests to surrender some of the outlying portions." He maintained that he could fetch a minimum price of $15 per acre, the going rate for other land near the railway line.[126]

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[122] Martin-McGuire, *First Nation Land Surrenders*, 287-288.
[123] Blackfoot surrender, 15 June 1910, in Library and Archives Canada, RG 2, series A-1-d, volume 2806, Order-in-Council 1910-1669.
[124] Canada, *Indian Affairs Annual Report for 1911* (LAC copy), p. 44.
[125] LAC, RG 10, volume 3563, file 82, part 18, F.H. Malcolm to David Laird, 1 February 1907.
[126] LAC, RG 10, volume 3563, file 82, part 18, Markle to Laird, 7 February 1907.

What happened next is unclear because, again, of missing records.[127] Samuel Stewart's registrar clerks filed Blackfoot surrender negotiations under what Library and Archives Canada calls Black file number 17,537. However, this file actually originated as *Red* file number 17,537, pertaining to a request by the Blood (Kainai) to move away from the Siksika to their own reserve (making 17,537 a very old file, from before the founding of the Black Series).[128] The surviving portion of the "Black" file now begins abruptly years later, in July 1908, with a letter signed by deputy minister Pedley authorizing Markle to begin surrender negotiations. Moreover, the "Pedley" letter is torn so that it is difficult to ascertain who, if anyone, signed its marginal initials.[129]

In any event, in response to "Pedley's" letter in 1908, Markle responded that he planned to assemble the principal Blackfoot chiefs and propose to them a surrender of six townships (about 150,000 acres) in the south half of the reserve. Markle went on that he believed he could obtain $16-$20 per acre for the land, which would be enough to finance the construction of new houses for all band members, the acquisition of a new 2,000-head cattle herd to replace and build on the herd devastated in 1906, a new fence for the remaining reserve, new farming outfits and seed for all farming families, and weekly beef and flour rations for all members who wished to receive them. He claimed to have already discussed this proposal with several "prominent" band members, who were amenable to it.[130]

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[127] The final correspondence in the cannery file indicates that, at that time, Markle was skeptical a surrender could be arranged but his superior, commissioner Laird, thought he was too pessimistic: Smith, *Liberalism, Surveillance, and Resistance*, 214.
[128] LAC, RG 10, volume 3260, correspondence register, entry for 17,537. At least some of the 17,537 original material appears to have migrated to volume 6620, file 104A-1-1, one of the Land Sales Series files established in the 1920s, but why only some should have done so is unknown.
[129] LAC, RG 10, volume 3702, file 17,537-3, Pedley to Markle, 10 July 1908.
[130] Martin-McGuire, 238; and LAC, RG 10, volume 3702, file 17,537-3, Markle to Pedley, 24 August 1908.

It is interesting to note that formerly, as agent, Markle had been an avid opponent of rations, arguing – characteristic of the classical eighteenth-century and Victorian mentality on morality, masculinity, and relief that animated many Indian agents – that "nothing withers, and eventually destroys, true manhood, more surely than the gratuitous issues of food to those who have the strength to earn it for themselves."[131] Now that it would be paid for out of reserve sale proceeds, though, the moral quandary seemingly vanished. Cautioned in a letter drafted in the Accountant's Branch that "a perpetual ration is hardly advisable,"[132] Markle responded that getting a "regular ration" was in fact the "chief" benefit in the eyes of the deal's supporters on the reserve. A "minor chief" named Weasel Calf had, he claimed, recently told Markle that "as now the rations amounted to nothing… that a number of the band thought it would be better to make some kind of a bargain by which regular rations would be assured to them and other benefits."[133] The Siksika, in other words, reasoned that if they were to sell their land, they ought to at least be able to live off the proceeds of it.

Indian Affairs moralizing aside, at least this rationale for supporting a land sale in the early twentieth century was neither dubious nor mysterious. As already noted, Martin-McGuire's compendium shows that Indigenous requests for and receptiveness to land sales as an alternative to agriculture failure and grinding poverty were not an uncommon occurrence during the later Laurier years. As one Siksika informant told the Hanks in the 1930s, "before selling the land, things were tough," and "all could barely manage for food." As I previously noted, White-headed Calf, for instance, therefore resolved to raise money for farming so that they could

[131] Markle, quoted in Hanks and Hanks, *Tribe Under Trust*, p. 40.
[132] LAC, RG 10, volume 3702, file 17,537-3, torn sheet to Markle, 15 September 1908.
[133] LAC, RG 10, volume 3702, file 17,537-3, Markle to the Secretary, 22 September 1908; also quoted by Jobson, 42-43. Martin-McGuire, 239, cites only the complete file as her source for this portion of the sale but is clearly paraphrasing the same documents that I rely upon here.

emulate what he viewed as more prosperous reserves.[134] By 1908, that incentive had gained a following on the Siksika reserve, which, according to the Hanks's informants, began as a minority but grew over time. Its principal proponent, Chief Yellow Horse, already worked for cash as a labourer in the settler economy and contended that "We have to sell this land in order to get rations and so that the young people can grow up healthy." Mirroring the assimilationist discourse of the Indian Department, Yellow Horse's followers recalled that he believed that "we cannot stay as we are now. We shall be more like whites, and life will be easier."[135] In September 1908, Markle transmitted a memorandum summarizing what was purported to be "conditions under which a number of the Blackfoot Indians stated they would agree to surrender," which included a minimum price of $1.6 million, new rations, the construction of new houses, the provision of agricultural machinery, purchase of livestock for all members of the band, a new fence, working horses, a clothing allowance, and the construction of a grain elevator.[136] Markle, via his Indigenous allies such as Yellow Horse and Whiteheaded Chief, was in effect re-offering the initial agricultural promise given in Treaty Seven, this time as the condition of a further surrender.

As Smith and Martin-McGuire also note, Scott and his fellow clerks in the Accountant's Branch remained unconvinced. Three months later, Scott sent Pedley a memorandum laying out his branch's opposition to the surrender on Markle's proposed terms. He cast doubt first on the high price promised by Markle, noting that land was then for sale in the vicinity for less than the promised $16 per acre – in some cases, for less than half that amount – and that the Canadian

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[134] Glenbow Archives, Hanks fonds, M-8458-6, Whiteheaded Chief notes, p. 112; and Hanks and Hanks, *Tribe Under Trust*, p. 44.
[135] Hanks and Hanks, *Tribe Under Trust*, p. 46.
[136] LAC, RG 10, volume 3702, file 17,537-3, Memo of Conditions, 28 September 1908. Martin-McGuire, 239, notes the similarity to earlier proposals by Markle and, correctly in my view, speculates that Markle supplied the principal basis for what he framed as the Siksika's proposed terms for surrender.

Pacific Railway, while selling lots at the same rate, had agreed not to begin collecting payment until after the first crops were harvested. The Indian Department's own sales had not netted such a high figure, and it was "highly improbable" that an auction would raise enough capital to fulfill the Department's commitments under the surrender. The rations were "the crux of the matter": it would be necessary to have enough capital left over to generate about $25,000 per year in interest simply to make the rations purchases, before considering any of the other obligations.[137] In the end, Scott won the day. "McLean" sent Markle a letter – actually drafted in the Accountant's Branch, according to the marginal initials – stating that the Indian Department would not accept a surrender on the proposed terms.[138] Markle indignantly sent his blank surrender forms back to the Department, vowing that he would "never be able to get the interested Indians to quit claim any of their land on the value set by the Department."[139]

Markle did not give up, however. The following spring, he sent in a monthly report stating that he was certain a Blackfoot surrender could be accomplished in the same vein as the other surrenders already negotiated in his inspectorate, "only on a much greater scale." Orr, head of the Lands Branch, bypassing the established opposition in Scott's Accountant's Branch, had an extract of the relevant portion of the monthly report prepared and sent directly to Pedley's desk with his endorsement that the surrender talks be resumed.[140] In the meantime, on his own initiative, Markle continued to discuss the surrender with what he described as "a representative number of the Blackfoot Indians," whom he now stated were divided evenly on the surrender question. The Blackfoot would, he insisted, likely be willing to surrender 115,000 acres for the

[137] LAC, RG 10, volume 3702, file 17,537-3, Scott to Pedley, 25 January 1909; quoted by Hanks and Hanks, *Tribe Under Trust*, 40; see Smith, 215; and Martin-McGuire, 239.
[138] LAC, RG 10, volume 3702, file 17,537-3, McLean to Markle, 16 March 1909.
[139] LAC, RG 10, volume 3702, file 17,537-3, Markle to the Secretary, 25 March 1909.
[140] LAC, RG 10, volume 3702, file 17,537-3, Markle, monthly report extract, 29 March 1910; and Smith, 215.

terms he had suggested; to ensure sufficient capital, he suggested raising the minimum purchase price to a total of $1.6 million.[141] However, the majority opinion in favour of such a sale might not hold for long, because, he claimed, Indians were "liable to change their opinions, too, and demand changes therein."[142] Orr sent the proposal back to Pedley with a suggestion that Scott be asked to check the Indian agent's figures.[143]

This time, Markle's appeal worked. On 16 May 1910, "Pedley" sent Markle a new letter. "These Surrenders as you are aware are undertaken for the benefit of the Indians," Pedley reminded Markle, and consequently there could be no harm in waiting "to allow the Indians time to consider these matters." Reflecting Scott's concerns, "Pedley" expressed doubt that "such a sweeping sale" could succeed, and predicted vaguely that "the event might prove that an expenditure had been undertaken which would render necessary the advancing of considerable sums of money in order to keep faith with the Indians." However, the letter authorized Markle to proceed "if you consider it advisable."[144]

On 15 June 1910, Markle telegraphed that he had won the consent of the Siksika.[145] To the end, however, the reserve community appears to have been painfully split on the question. According to Whiteheaded Chief, he tried to impress the remaining opposition by appealing to both the importance of agricultural prosperity and that of Siksika tradition. He "dressed up magnificently – new team, harness and democrat" – but he also "had the war birds and face painted as if going to war," reasoning "because Indians were going to say bad words against him, and this outfit was going to save his life." According to Whiteheaded Chief, Markle permitted

[141] LAC, RG 10, volume 3702, file 17,537-3, Markle to the Secretary, 11 April 1910; Martin-McGuire, 322; and Smith, 215-216.
[142] LAC, RG 10, volume 3702, file 17,537-3, Markle to the Secretary, 22 April 1910.
[143] LAC, RG 10, volume 3702, file 17,537-3, Orr to Pedley, 19 April 1910.
[144] LAC, RG 10, volume 3702, file 17,537-3, Pedley to Markle, 16 May 1910; and Martin-McGuire, 322.
[145] LAC, RG 10, volume 3702, file 17,537-3, telegram by Markle, 15 June 1910.

only him to speak at the meeting, evidently fearing opposition might tip the scales of the vote.[146] The result was a very narrow majority of sixty-nine for to sixty-four against.[147] Even Whiteheaded Chief, judging from his history narrative, was not so unambiguous as Markle might have hoped. He recalled that after giving his speech, he turned to the Indian agent and warned, "this is the last piece of land we sell as long as I live. This is the end."[148] Two years of lobbying had finally met with success – although this statement, from an individual Hanks described as a supporter, suggests that even Markle's supportive majority was at best a qualified one. He requested that the sale be held that fall so that the Siksika could have farm machinery purchased and ready to begin work the following spring.[149]

But Markle did not stop there: here was the launching-off point for his plan to remap the inspectorate. Without waiting for approval from Ottawa, he followed up the telegram with another half-dozen letters excitedly laying out his plans for the sale as well as for the provision of new farms for the Indians on the remainder of the reserve.[150] Markle viewed the surrender not just as an opportunity to secure the Siksika financially and procure lands for settlers, but also as his chance to leave a legacy in the paper trade. "A better system for handling these lands, than at any land sale previously held, is possible," he asserted. Acting on his own initiative, he took it upon himself to draft all-new standardized forms for Indian land sales, explaining that as "the Blackfoot sales of lands will be of more importance than any yet held in this inspectorate," it should serve as a model for future surrenders. Markle characterized the forms, taken together, as "an advanced method" that would "sav[e] correspondence."[151] Orr, via McLean, attempted to

[146] Glenbow Archives, Hanks fonds, M-8458-6, Whiteheaded Chief notes, p. 113.
[147] LAC, RG 10, volume 3702, file 17,537-3, telegram by Markle, 15 June 1910.
[148] Hanks and Hanks, *Tribe Under Trust*, p. 47; and Glenbow Archives, Hanks fonds, M-8458-6, p. 113.
[149] LAC, RG 10, volume 3702, file 17,537-3, telegram by Markle, 15 June 1910.
[150] LAC, RG 10, volume 3702, file 17,537-3, telegram by Markle, 15 June 1910.
[151] LAC, RG 10, volume 3702, file 17,537-3, Markle to the Secretary, 4 October 1910.

curb the Outside agent's enthusiasm, defending the existing standardized forms as "quite sufficient."[152]

On 22 August 1910, the Cabinet passed an Order-in-Council approving the surrender and authorizing a sale. The Order specified that the liberal ideal of the *Land Regulations*, still extant but effectively laying dormant, did not apply.[153] News of the Blackfoot surrender spread rapidly and sparked a veritable feeding frenzy among party insiders. Markle's achievement, the local *Bassano News* newspaper trumpeted, was "one of the most stupendous land deals in the history of this province."[154] Sales packets were sent to a lengthy list of Liberal insiders specially edited by Markle. Perhaps to meet his longstanding patronage obligations, packets went out to both Speers and Mickle, the Liberal politicians who had come to his assistance following the 1896 election.[155] Liberal newspapers, from the *Toronto Globe* to the late former Liberal minister (and Temiskaming Reserve speculator) Joseph-Israel Tarte's *La Patrie* to minister Oliver's own *Edmonton Bulletin*, clamoured to sell advertising space.[156] J. Albert Stirling, a Humboldt, Saskatchewan realtor who was later described in his obituary as "a staunch Liberal," was selected as auctioneer.[157]

Unlike some sales manipulated by Liberal insiders, the Gleichen auction of June 1911 seemed initially like it would be a boisterous, well-attended, and profitable affair. The Department booked a special charter train from Calgary to carry the hordes of interested buyers

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[152] LAC, RG 10, volume 3702, file 17,537-3, McLean to Markle, 9 November 1910.
[153] LAC, RG 10, volume 3702, file 17,537-3, Order-in-Council, 22 August 1910; and Martin-McGuire, 412.
[154] *Bassano News*, 17 June 1910, "Indians Surrender Lands to Crown."
[155] LAC, RG 10, volume 3702, file 17,537-4, Names and Address of Parties Who Want Catalogue of Lands Offered for Sale – Blackfoot Reserve. See file 17,537-4, Markle to the Secretary, 27 October 1910, indicating he had prepared a list of recipients of sales packets, including people who had "applied personally or through friends" together with "a few suggested addresses" added by himself.
[156] LAC, RG 10, volume 6621, file 104A-1-5, Globe Printing Co. invoice, 31 May 1911; Bulletin Co. invoice, May 1911; and La Patrie to the Secretary, 1 May 1911.
[157] Saskatoon Star-Phoenix, 7 December 1933, p. 13; and LAC, RG 10, volume 3702, file 17,537-3, McLean to Stirling, 16 May 1911.

sure to materialize.[158] Outside the auction hall, the local board of trade licensed special performances, including horse races, at which Markle grumbled that too many Siksika gambled and lost money with which they could ill afford to part.[159]

In the auction hall itself, however, it soon became clear that – as Scott had warned, and hearkening back to the first failure on the Plains at Papaschase – the Department's upset prices, calculated so as to meet the obligations it had promised to Siksika in the surrender, were too high. Just 36,800 acres or about one-quarter of the lands were sold, netting a little over $600,000, enough to cover the initial outlays but not enough to replenish the Trust Fund or to meet the future interest and ration payments.[160]

The Liberal auctioneer and newspapers had received their cut. In deference to Oliver's more populist bent towards reserve sales, Liberals were not the only beneficiaries of the surrender. Martin-McGuire notes that land purchasers at Gleichen in 1911 included W.J. Waddell, the surveyor who had been responsible for the Indian Department's subdivision survey of the Blackfoot reserve, and J.D. McGregor of Brandon, Manitoba, an "associate" of former minister Clifford Sifton who was, like Smart and Pedley, later identified by the Ferguson Commission as having participated in illicit land dealings with the government.[161] The list of purchasers also includes John Idington, a Liberal lawyer recently named to the Supreme Court by Laurier, and Alberta's provincial attorney general, Liberal MLA Charles Mitchell. But it also includes a range of Albertan investors with no apparent active connection to politics, like Frederick Kilbourn and Felix McHugh of Calgary and James Ponton of Edmonton.[162] Civil

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[158] LAC, RG 10, volume 3702, file 17,537-4, Pedley to Markle, 29 May 1911.
[159] LAC, RG 10, volume 6621, file 104A-1-6, Markle to the Secretary, 26 June 1911; and Martin-McGuire, 414.
[160] LAC, RG 10, volume 3702, file 17,537-3, Pedley to Scott, 15 June 1911.
[161] Martin-McGuire, 414.
[162] Gordon Bale, "Idington, John," in *Dictionary of Canadian Biography*, volume 15 (Toronto and Québec City University of Toronto/Université Laval, 2003); David Mittelstadt, *Foundations of Justice: Alberta's Historic Courthouses* (Calgary: University of Calgary Press, 2005), 218; from LAC, RG 10, volume 6621, file 104A-1-6,

servants in need of paperwork to process – the old metric of civil service productivity I noted in chapter 1 – also found a harvesting site that would last them for years: the Blackfoot sale generated nearly 35,000 pages of correspondence, now stretching almost fifteen microfilm reels in RG 10, over the next roughly thirty years.[163] (Indeed, it is questionable how many more sales of such magnitude the Indian Department's institutional capacity could have coped with.)

The Siksika's future, however, remained uncertain: the sale had failed to generate the promised revenue. Markle tried to remain upbeat, insisting that "it is the opinion of a number of people who have a good knowledge of such matters that the unsold land is likely to find buyers if again offered."[164] Orr, accordingly, initially began planning for a new sale to be held in summer 1912.[165] However, this sale was cancelled. In a memorandum bearing no marginal initials, Scott warned Pedley that he had been proven correct: "we are very nearly at the limit of our expending power… and have so far only provided for the erection of 60 houses."[166] In another uninitialed follow-up memorandum, he warned that the failure to net sufficient revenue "is fatal to such a scheme as we are endeavouring to carry out."[167] In December 1912, McLean ordered a halt to any further expenditures for the Blackfoot without special, case-by-case authorization. (Neither Scott nor his accounting staff, notably, initialled this letter.)[168]

"List of Purchasers of Lands on the Blackfoot Reserve," n.d. Both Martin-McGuire (p. 416) and Smith (p. 218) describe Kilbourn simply as a land speculator.

[163] LAC, RG 10, volumes 6621 through 6642, microfilm reels C-8020 through C-8036. I estimated the number of pages by summing the number of reel frames for each reel available on Heritage.Canadiana.ca.

[164] LAC, RG 10, volume 6621, file 104A-1-6, Markle to McLean, 26 June 1911.

[165] LAC, RG 10, volume 4063, file 406,557, Orr, Memorandum to the Deputy Minister, 12 March 1912.

[166] LAC, RG 10, volume 3702, file 17,537-3, Scott to Pedley, 22 February 1912.

[167] LAC, RG 10, volume 3702, file 17,537-3, Scott to Pedley, 11 November 1912.

[168] LAC, RG 10, volume 3702, file 17,537-3, McLean to Gooderham, 11 December 1912. Smith, 218-219, and Martin-McGuire, 417-422, summarize some of the fiscal problems arising for the Indian Department from the difficulty securing proceeds of sale, which I restate in this and the following paragraph.

By April 1913, Markle was being reprimanded over complaints reaching the Indian Department that the Indians were dissatisfied with his leadership.[169] Another two years saw the Trust Fund account exhausted and an end to the new rations.[170] (Markle hastily opined that had only the follow-up sale occurred in 1912 he was certain the necessary funds could have been procured.)[171] The Siksika people sent a petition to the Department protesting the failure to uphold the terms of surrender and demanding that the government, if necessary, borrow money to meet its commitments.[172] Desperate for support from Ottawa, Indian agent J.H. Gooderham warned that "no amount of explanation will convince them that it is other than a violation of promises given" and that – unsubtly inverting the Indian Department's usual Victorian argument about the dangers of relief – "the cutting off of the rations would completely disorganize all farm work."[173] Finally, in 1917, Gooderham convened a second auction at which most of the remaining lots were sold off, enough for the Indian Department to make good on its commitments to the band – provided it could collect.[174] In that respect, though, there was more frustration: in the fifteen years following surrender, Indian Affairs officials collected only about $1.2 million from the purchasers, again falling well short of its commitment to Siksika, as arrears accumulated just as they formerly had in the surrendered townships in Ontario.[175]

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[169] LAC, RG 10, volume 3702, file 17,537-3, McLean to Markle, 18 April 1913.
[170] LAC, RG 10, volume 3702, file 17,537-3, Scott to Gooderham, 14 April 1915.
[171] LAC, RG 10, volume 3702, file 17,537-3, Markle to Scott, 19 April 1915.
[172] LAC, RG 10, volume 3702, file 17,537-4, Blackfoot petition, 30 April 1915.
[173] LAC, RG 10, volume 3702, file 17,537-4, Gooderham to Scott, 1 May 1915.
[174] Martin-McGuire, *First Nation Land Surrenders on the Prairies*, p. 421.
[175] Refer to LAC, RG 10, volume 6621, file 104A-1-6, 9 July 1913, with marginal note by McLean; Canada, *Indian Affairs Annual Report for 1912* (LAC version), pp. 875 and 1339; *Indian Affairs Annual Report for 1913* (LAC version), p. 1462; *Indian Affairs Annual Report for 1914* (LAC version), p. 916; *Indian Affairs Annual Report for 1915* (LAC version), pp. 301 and 964; *Indian Affairs Annual Report for 1916* (LAC version), p. 884; *Indian Affairs Annual Report for 1917* (LAC version), p. 433; *Indian Affairs Annual Report for 1918* (LAC version), p. 388; *Indian Affairs Annual Report for 1919* (LAC version), p. 394; *Indian Affairs Annual Report for 1920* (LAC version); *Indian Affairs Annual Report for 1921* (LAC version), p. 297; *Indian Affairs Annual Report for 1922* (LAC version), p. 297; *Indian Affairs Annual Report for 1923* (LAC version), p. 456; *Indian Affairs Annual Report for 1924* (LAC version), p. 420; and *Indian Affairs Annual Report for 1925* (LAC version), p. 341.

The failure of the auction at Gleichen turned out not to be an isolated event. Despite the hopes and promises of officials like Pedley and Markle, that year marked the high point rather than the herald of the reserve surrender program. More broadly, the Canadian real estate boom ended in 1913, and after the completion of the Grand Trunk Pacific Railway, there were no new transcontinental railways capable of generating local land booms and their ensuing demands to alienate reserve lands close to a promised new right-of-way. Immigration trends turned, recession loomed, and in much of the west, real estate markets collapsed.[176] Markle sent a defensive letter to McLean suggesting that had sales been expedited when he obtained the surrender the requisite funds could have been obtained, but that it was now too late to attract more than a handful of purchasers.[177] Scott, too, advised "abandon[ing]" new sales.[178] The seemingly ironclad path to prestige in and for the Indian Department – the notion that waves of settlers and speculators were standing ready to snap up surrendered lands and thus capitalize the future of the Indians and Indian Department alike – had collapsed.

The reserve surrender program, as it had existed prior to 1911, never truly recovered from the collapse of the national land boom coupled with the Conservative victory of 1911 and the resulting purge, which removed some of the most fervent supporters of land sales and replaced Pedley, who had personally purchased reserve lands, with Scott, a man with no apparent interest in such illicit investments. The enthusiastic hunt for large surrenders effectively ended. Unlike McLean, Scott had not come out of a background in the Lands and Timber Branch, and the liquidation of reserve lands was never reasserted as a serious and enduring priority,

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[176] Jim Warren and Kathleen Carlisle, *On the Side of the People: A History of Labour in Saskatchewan* (Regina: Coteau Books, 2005), p. 48; Bryan Elson, *Canada's Bastions of Empire* (Halifax: Formac, 2014), p. 106; and Amy Kaler, *Baby Trouble in the Last Best West* (Toronto: University of Toronto Press, 2017), pp. 16-17.
[177] LAC, RG 10, volume 3702, file 17,537-4, Markle to the Secretary, 14 April 1913.
[178] LAC, RG 10, volume 3702, file 17,537-4, Scott to Pedley, 25 April 1913.

notwithstanding several short-lived initiatives such as transferring lands to veterans after both world wars. Although no policy memoranda appear to survive explaining his reasoning, in 1913, the Scott of the 1890s, suspicious of the Land Fund and its susceptibility to misuse by bureaucrats, reasserted himself, shut down the Indian Land Management Fund, and refunded the remaining balance to the accounts of the bands that had contributed it – an option Scott had once urged should be reserved only to bands that underwent group enfranchisement.[179] During the 1910s, Indian Affairs surveyors began conducting widespread timber cruises to identify merchantable timber, and by mid-century, their practice was distinctly shifting from permanent sales towards the appealingly perpetual cash flow offered by long-term leases. The income trust model, with something akin to annuities steadily flowing in from leases rather than from interest payments borne by the government's coffers, had become a policy ideal.

As for the Siksika themselves, Lucien and Jane Hanks's fieldwork from the 1930s aptly characterizes life within the trust system. Although their published ethnography, *Tribe Under Trust*, reflects the academic sensibilities of the time in which it was produced, they detailed life on the reserve under what they termed the "tribe under trust" model of Indian Affairs. Whiteheaded Chief, then a much older man, received a $20 per month pension, awarded to him by Markle "for finding a good way for Indians to live."[180] More broadly, the First Nation depended upon a mix of labour, farming and government relief, but now funded out of its land sales rather than the government's general revenue. In 1940, according to the Hanks, rations

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[179] LAC, RG 10, volume 2498, file 102,986-1, Duncan Campbell Scott, Memorandum, May 8, 1891, J.A.J. McKenna, Memorandum to the Superintendent General, January 12, 1904, and Scott, Memorandum to Frank Pedley, 1904. The refund transfers are documented in the Department of Indian Affairs Trust Fund report for fiscal year 1913-1914: see *Auditor General's Report 1913-1914, Part H: Indian Affairs Department*, Internet: http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=26875, p. 1016.

[180] Glenbow Archives, Hanks fonds, M-8458-6, Whiteheaded Chief notes, p. 114. He recalled, however, that Markle had actually promised him $50 per month. Even the $20 per month was controversial, however, as the Hanks recorded in their field notes that "everyone thinks it a mistake that he gets that."

paid for out of the sale amounted to $26,000 – roughly the same amount expended when Markle first arrived as Indian agent in 1901. The reserve economy remained a mix of limited agriculture, wage labour, and government relief. The Hanks speculated that after Markle retired, his successors, not possessed of his "energetic influence," had allowed the Blackfoot to lapse and backslide in the absence of "stability and clarity of purpose."[181] Valerie Jobson, author of a graduate thesis on the history of Blackfoot agriculture, also judged the agricultural program to be a failure but suggested that the Siksika had at least used the surrender to finance some additional years of rations.[182] It seems rather, though, that – to the extent the initially failed land sale permitted – the Siksika had fulfilled the vision the Indian Department had once held for all Indians, namely, that they continue to live under federal surveillance, on the margins of settler society, but now financed by their own trust money, free of Parliamentary control over the Indian Department.

[181] Hanks and Hanks, *Tribe Under Trust*, pp. 49-50.
[182] Jobson, "The Blackfoot Experiment," p. 8.

Epilogue. Bureaucracy, Colonialism, and History

The Liberal era in Indian Affairs of 1896 to 1911 was, ultimately, relatively brief, and ended in the same sort of ignominious partisan upheaval in which it began. The Conservative victory in the election of 1911 ushered in a purge not unlike that which had carried off the Tory *ancien régime* in 1896-1898, described in Chapter 2.[1] The Conservatives planned a grand unveiling of Liberal misdeeds to accompany their purge of the Interior and Indian Affairs Departments in the form of a commission of inquiry chaired by Thomas Roberts Ferguson, coincidentally, the brother of women's rights activist Emily Murphy.[2] Shortly after the commission began its work, deputy minister Frank Pedley – the accomplice to predecessor James Smart's fraudulent land scheme in the early 1900s – hastily departed from office.[3] McLean was titularly "secretary and assistant deputy superintendent-general" – the first assistant deputy minister in the history of the Indian Department – and thus the natural heir to the top office, but now his partisan connections worked to his disadvantage. In a mirror image of the two men's battle for influence fifteen years before, it was accountant Duncan Campbell Scott who leapfrogged over his colleague to become deputy minister, setting off to become, perhaps, the

[1] Though the outcome of the purge can be observed in the changing personnel roster between 1911 and 1913 in the Indian Department's *Annual Reports*, much less primary documentation of its methods survives. In 1896, John McLean had seized the opportunity to denounce both his superior, Hayter Reed, and his chief rival, Duncan Campbell Scott. But this process was amply documented in the deputy minister's letterbooks, seized by McLean, and in Clifford Sifton's private correspondence, which survives in Library and Archives Canada. Unfortunately, by 1911 the deputy minister's letterbooks had become too routinized to show much evidence of the new purge, and unlike Clifford Sifton's voluminous fonds, new minister William Roche's private political papers have not been found.

[2] Mike Levin, "Gumshoes of History," *Ottawa Magazine* (April/May 2006).

[3] *Toronto Daily News*, 13 October 1913, "Head of Indian Affairs Resigns Rich Ottawa Post," article reproduced as appendix to Martin-McGuire, *First Nation Land Surrenders on the Prairies*, p. 554.

man now more associated with (and demonized for) Canadian Indian policy than any other. The Conservative *Toronto Daily News* hailed Scott's coup. Scott, it declared, was the "Man for the Job," a veteran civil servant who "has the necessary knowledge and sympathy which is required for the successful conduct of that important branch."[4]

As an epitaph for the Liberal era, the Ferguson Commission left much to be desired. Ferguson's reports were tabled in Parliament in April 1915 and, according to both press coverage and Parliamentary debate, documented serious malfeasance in both the Indian Affairs and Interior Departments.[5] Pedley's and James Smart's fraudulent land-flipping scheme – or part of it, at any rate – was exposed to public scrutiny. Prime Minister Robert Borden jotted triumphantly in his diary, "Revelations awful… Grits completely knocked out."[6] From the Tory back-benches, one of his eventual successors, R.B. Bennett, condemned Liberal "porch-climbers and thugs" for "grow[ing] rich" at the expense of "the aborigines of Canada."[7] But what had seemed like it might prove politically earthshaking in 1913 no longer seemed as much so two years later, and as Borden later wrote regretfully in his memoirs, "The whole subject attracted less attention than it deserved by reason of war conditions and the intense absorption of the people therein."[8] No compensation was provided to the bands whose reserves had been wrongfully seized and flipped to settlers. Indeed, there is no indication in either Hansard or the Indian Department's files that either politicians or bureaucrats even *considered* that

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[4] *Toronto Daily News*, 13 October 1913, "Head of Indian Affairs Resigns Rich Ottawa Post," article reproduced as appendix to Martin-McGuire, *First Nation Land Surrenders on the Prairies*, p. 554; described as Conservative in Dutil and Mackenzie, *Embattled Nation*, p. 99.
[5] Tyler & Wright Research Consultants, *The Alienation of Indian Reserve Lands During the Administration of Sir Wilfrid Laurier, 1896-1911: Addendum: The Royal Commission of Thomas Roberts Ferguson* (May 1977).
[6] Tyler & Wright Research Consultants, *The Alienation of Indian Reserve Lands During the Administration of Sir Wilfrid Laurier, 1896-1911: Addendum: The Royal Commission of Thomas Roberts Ferguson* (May 1977), Appendix CC.
[7] Tyler & Wright Research Consultants, *Addendum* 1977), Appendix BB, p. 101.
[8] Robert Borden, *Robert Laird Borden: His Memoirs* (Montreal and Kingston: McGill-Queen's University Press, 1969), I:259.

compensation might be appropriate. Ferguson's reports were not printed in the *Sessional Papers*, and were all but forgotten. It is possible that what copies might otherwise survive burned in the Parliament fire of 1916, confirming the worst fears of the paper traders.[9] As an exercise in setting right the government's woeful record of administering "the best interests of the Indians," the commission must be judged a failure.

The second Tory administrative maneuver had more obvious, lasting implications: the chief beneficiary of Pedley's ouster, Scott, remained deputy minister until his retirement from the Inside Service in 1932 – just two years after McLean, who remained assistant deputy minister to his old rival until his last day in the Department,[10] and both of them after more than fifty years in the bureaucracy. In equal parts because of his longevity in that office, his literary production, and the revelations in E. Brian Titley's important biography *A Narrow Vision*,[11] Scott has become the readily recognizable human face of aggressively assimilationist Indian policy: the man who vowed in Parliament in 1920 that he and his Department would "get rid of the Indian problem."[12] Notwithstanding McLean's attempts to implicate him in improper conduct in 1897, Scott largely evaded the sort of allegations of serious abuses laid at the feet of his three predecessors and perhaps first epitomized, within Indian Affairs, the gradual transition towards a professional public service traced in other departments by J.L. Granatstein.[13] Less corrupt he may have been, but this has not spared Scott from being widely excoriated for such policies as the rapid expansion of the residential school system, the violent suppression of traditional

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[9] Specific Claims Tribunal, *Keeseekoose First Nation v. Canada* (SCT-5001-16), para. 11, asserts this claim. However, there is no primary evidence in support of it; it is purely circumstantial conjecture.
[10] *Ottawa Journal*, February 17, 1939, p. 3, "J.D. McLean Former Assistant Deputy Dies."
[11] E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986).
[12] Library and Archives Canada (LAC), Record Group 10 (RG 10), volume 6810, file 470-2-3, volume 7, p. L-3.
[13] J.L. Granatstein, *The Ottawa Men: The Civil Service Mandarins, 1935-1957* (Toronto: Oxford University Press, 1982), which focuses primarily upon External Affairs and Finance.

Indigenous governance, efforts to drive growing numbers of people out of Indian bands and off reserves through involuntary enfranchisement, and the underfunded, segregated Indian welfare and healthcare systems.

In some respects, the 1897-1913 interregnum, the McLean years, helped lay foundations that persisted during the tenure of the more notorious Scott. After the First World War, departmental annual reports shrank considerably, jettisoning hundreds of pages of undigested raw data in favour of more perfunctory, polished summations, but the underlying seasonal round of the fiscal year remained, and remains, a staple feature of life in government. The role of political patronage waned during the interwar period, but according to the literature, remained relevant in both appointments and resource redistribution.[14] The basic social and political structure in the Indian Department remained unaltered, though both continued to slowly grow in size, with the budget, having more than doubled in size from 1896 to 1913, doubling again between then and 1932.[15] Together, Scott and McLean cast a long shadow over Indian Affairs during the interwar period, even if only the former has received much attention from scholars. McLean retired in 1930, just two years before Scott himself, after a remarkable fifty-five years in the Inside Service. At his retirement party, Scott presented him with gifts and "offered some interesting reminiscences of the department, recalling, among other things, such revolutionary events as the introduction of the first typewriter and the appointment of the first lady clerk."[16] The Department as an independent bureaucratic house did not long survive their passing: in

[14] Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* (Don Mills: Oxford University Press, 2003), pp. 33 and 48; and Mark Kuhlberg, "'Nothing It Seems Can Be Done About It': Charlie Cox, Indian Affairs Timber Policy, and the Long Lac Reserve, 1924-40," *Canadian Historical Review* 84, no. 1 (2003), pp. 33-64.
[15] Consolidated Fund expenditures in 1931-32 were $4.65 million: *Annual Report of the Department of Indian Affairs for the Year Ended March 31, 1932* (Ottawa: F.A. Acland, 1932; PDF by Library and Archives Canada), p. 129.
[16] *Ottawa Citizen*, 15 November 1929, p. 25.

1936, it was demoted to branch status and shuffled into the Department of Mines and Resources. (McLean passed away three years later, and his death was noticed politely but quietly in newspapers across the country.)[17]

In other respects, however, much of the institutional and personal fabric of the interregnum years had passed well before 1932, as I noted in their respective chapters. In the early 1920s, as described in chapter 3, the Red and Black Series were abolished in favour of the first genuinely subject-based filing systems, simultaneously deskilling the work of the registry clerks, rendering the proto-assembly line process for processing and generating correspondence far simpler, and thus making way for a vast expansion in the filing branch's effective institutional capacity. While Indian status remained improvised and *ad hoc* under Scott, clerks devoted greater attention to building the school system and, except for veterans' settlement programs, largely abandoned the land surrender and liquidation program in favour of timber sales, long-term leases, and other means of generating permanent and steady cash flow.

Too, most of the rest of the founding generation of the Indian Department – its elders, its institutional memory, to use the term now in vogue – had already left by the time Scott and McLean retired. Samuel Stewart retained his authority over the records until he retired in 1920; after which he died just several months later.[18] Orr was still head of the lands branch when he died in 1921 while Outside attending to land sales business. (His obituary describes him as "one of its [the Department's] most competent officials.")[19] Martin Benson, the schools clerk, retired in 1920,[20] and Samuel Bray, the survey clerk, left in 1924.[21] None, it seems, were purge victims.

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[17] *Windsor Star*, 17 February 1939, p. 12; *Regina Leader-Post*, 18 February 1939, p. 11; *Winnipeg Tribune*, 17 February 1939, p. 5.
[18] *Ottawa Citizen*, 29 March 1920, p. 10.
[19] *Ottawa Journal*, 21 September 1921, Internet: <https://www.ancestry.com/mediaui-viewer/tree/245344/person/6925401/media/f8711be4-2525-4acd-8db8-263aee9efd16>.
[20] *Ottawa Journal*, 10 May 1927, p. 2, "Late Martin Benson was Veteran of C.S."
[21] *Montreal Gazette*, 26 February 1934, p. 2, "Samuel Bray is Dead."

Some of those who succeeded them had personal or kinship connections to the *ancien régime* – for instance, McLean's successor, T.R.L. MacInnes, was married to Natalie Lampman, daughter of one of Scott's friends[22] – but Scott's own successor, Harold McGill (1932-1947), was another inexperienced political appointee, a Conservative politician from Alberta.[23]

What relevance, then, has this sort of snapshot of one period in the history of one branch of the Canadian civil service? For one, drawing upon the ethnographic literature on bureaucracy for inspiration, this dissertation presents the first close reading of life in an historical Canadian government department during the late nineteenth and early twentieth centuries. What emerges from the analysis is neither the professional, Weberian, ostensibly nonpartisan public service of the present nor the corrupt, incompetent, hyperpartisan cabal imagined as its predecessor by the progressive narrative of administrative history offered during the twentieth century by historians such as Jack Granatstein or J.E. Hodgetts – something less like Granatstein's *Ottawa Men* but perhaps more like *Yes, Minister*.[24] This was a department run not only by powerful leaders driven by elite policy proclamations, but also, in crucial ways, by mid-level, nearly anonymous clerks, and even in some senses by the files themselves, the carefully constructed narratives by which "inside" clerks made sense of and framed solutions to their many "outside" problems. Conceived of through the loose metaphor of a house society rather than as a set of collective institutional agents moved by the hands of a few political elites, the federal civil service of the late nineteenth and early twentieth centuries followed a particular seasonal round centred upon

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[22] Arthur S. Bourinot, ed., *More Letters of Duncan Campbell Scott (2nd Series)* (Ottawa, 1960), p. 91.
[23] Legislative Assembly of Alberta, Member Profile: Dr. Harold W. McGill, Internet: <https://www.assembly.ab.ca/members/members-of-the-legislative-assembly/member-information?mid=0193> (accessed 1 December 2020).
[24] J.E. Hodgetts, *The Canadian Public Service: A Physiology of Government, 1867-1970* (Toronto: University of Toronto Press, 1973); and Hodgetts, William McCloskey, Reginald Whitaker, and V. Seymour Wilson, *The Biography of an Institution: The Civil Service Commission of Canada, 1908-1967* (Montreal and Kingston: McGill-Queen's University Press, 1972); and J.L. Granatstein, *The Ottawa Men: The Civil Service Mandarins, 1935-1957* (Toronto: Oxford University Press, 1982).

the provision of a budget and presentation of an *Annual Report* during the spring convening of Parliament. Individuals within these bureaucratic houses, or *departments*, were organized along a hierarchy of *offices* – a term denoting in this context both a physical space and a ceremonial name – and practiced particular rituals of initiation into and banishment from these offices, energized by the work of partisan social networks which were particularly apparent during the Great Purge of 1896-1898. Officeholders worked in a "political economy" of paperwork[25] – the paper trade – which produced seemingly objective narratives of administrative action that alternately both project an artifice of centralized elite control, as in the case of the Tobique Band's church furnace, and obscure actual instances of elite intervention, such as Liberal insiders' efforts to bail out the creditor of the deceased Mississauga woman, Elizabeth McDougall. The Indian Department's signature programs become understandable and can be interpreted through this lens. Leaders and policies were inputs into complex systems that both preceded them and survived them.

This vision of the history of the state stakes out a position in between agent-centric "great men" and great policies (in the classical Carlyle sense of history as "but the Biography of great men")[26] on the one hand and readings of Indian policy as emanating from broader structures or discourses of colonialism on the other. It also moves beyond questions of how formal policies were developed, what pressures contributed to state policy development, whether policies were effective or ineffective, or how political discourses shaped and legitimized state intervention – all valid historical questions with their own theoretical and methodological precepts. The government archive for my period reads *as if* it is a record of decisions reached by senior civil servants toiling largely alone, expressed as the collective will of "the Department," but the power

[25] Hull, *Government of Paper*, chapter 3.
[26] Thomas Carlyle, *On Heroes, Hero-Worship, and the Heroic in History* (London: Chapman and Hall, 1840), 34.

of the state was not exercised merely by senior officials pulling a sort of paper lever or pushing buttons on their desks. Power flowed through the bureaucratic veins of the state, channeled in this direction and that by many little-noticed subordinates, diffused throughout the bureaucracy. Moreover, it is tempting to view the actions of that bureaucracy in terms of the policy outcomes its members espoused, but in fact, what they did day-to-day often did not connect clearly to explicit policies. There was no overarching policy instructing officials to prioritize the surrender of reserve lands or to be first accommodative and then later exceedingly restrictive in making determinations of Indian status. In a sense, there did not need to be. These decisions reflected the shared values, but sometimes competing priorities, of colonial civil servants, even in the absence of such policies. Though their interventions could be decisive, politicians – even the minister – seem not to have regarded Indian policy as a top priority in this period, so that decisions were effectively shunted to the bureaucracy. Often it was not explicit policy papers but rather past decisions, narrated in the files, that functioned as precedents for action. In place of policies or elite officials, then, it is essential to pay attention to what government officials were doing, day in and day out, in the name of the state. Social histories of bureaucratic politics can help explain how longstanding elements of policy that contribute to social inequalities persist deep within the body of the state, seemingly resisting efforts to oust them by means of appointing new leaders or adopting new policies. Leaders and policies are inputs into complex systems that both precede them and will, in all likelihood, survive them. Moreover, bureaucrats were more than *just* bureaucrats, and brought to their work, at the turn of the century, not just a generically settler-oriented mindset but their specific obligations and privileges within alternative redistribution systems clustered around the state, particularly political patronage.

Bureaucratic societies, like any societies, were of course not static or timeless, but the above analysis, while specific to the Department of Indian Affairs during the Liberal era, offers methods and insights that could be used to expand the historical study of government life to other institutions as well. This project has opened but a first narrow perspective into the social history of early statecraft in Canada. Although there are contemporary ethnographies of life in several Canadian departments and agencies, most notably those responsible for immigration and child protection,[27] and of various bureaucratic institutions in other countries, this work can illumine a path for new ethnohistories or social histories of bureaucratic life in the Canadian state beyond the Indian Department. As I noted in the Introduction, the Indian Department was a small corner of the civil service, its independence dubious, its staff regularly "kicked about"[28] by those of its larger peers. It is a bias of contemporary scholarly interest rather than genuine historical accuracy that we should centre the historical study of the Canadian civil service by exploring the Indian Department rather than, say, the customs agency, the post office, the agriculture department, or above all, the Interior Department itself, the sprawling empire within which the Indian Affairs Branch was once housed and to which it eventually returned.

In addition to opening a new window through which to view the Canadian state at a particular time in its history, this approach also has relevance for reconsidering the broader history of the Indian Department and of the history of the Canadian state's policies concerning Indigenous peoples. This dissertation makes no pretense to being a work of Indigenous history and admittedly falls uncommonly far to the "newcomer" side of the study of so-called "Native-

[27] Alison Mountz, *Seeking Asylum: Human Smuggling and Bureaucracy at the Border* (Minneapolis: University of Minnesota Press, 2010) and Gerald de Montigny, *Social Working: An Ethnography of Front-Line Practice* (Toronto: University of Toronto Press, 1995).
[28] LAC, RG 10, volume 1120, J.D. McLean to J.A. Smart, April 30, 1897; for the phones-for-offices agreement, see also volume 1123, J.D. McLean to E.F.E. Roy, November 3, 1899.

newcomer relations." Susan Neylan aptly characterized the ongoing development of that field several years ago in a pair of review essays that highlighted the importance of genuinely Indigenous and Indigenous-centric history. She also noted, however, that "the colonialist foundations of this country are not popularly understood."[29] Curiously, while both the scholarly and the public understanding of the history of Indigenous-settler relations have shifted profoundly in the past thirty years and the broad contours of declared Indian *policy* are now better understood, the bureaucratic agency that has positioned itself squarely at the nexus of Indigenous-settler relations still has many yawning gaps in its history, one of which I have sought to close here. Administrative history is not currently a highly active field in the Canadian academy and the history of Indigenous peoples has quite rightly sought ways to move beyond the colonial state and its archive. New bodies of empirical data and new frameworks for analyzing the history of the Indian Department and of Canadian Indigenous policy therefore remain important, even if they have rightfully been displaced from the central mainstream of scholarship. Scholarly interest aside, specific claims and land title claims both continue to play an important role in the contemporary evolution of Indigenous-state relations and have become a significant professional industry employing graduates of history and anthropology programs (one of the few directly relevant career opportunities for historians outside of teaching). Practitioners often do not come into the field with significant training in the history of government and work primarily for lawyers and First Nation leaders who are ill-equipped to judge the competence of those practitioners because the work is not peer-reviewed and because they too have at most a superficial knowledge of the relevant machinery of government.

[29] Susan Neylan, "Unsettling British Columbia: Canadian Aboriginal Historiography, 1992-2012," *History Compass* 11, no. 10 (2013), 846-848; and "Colonialism and Resettling British Columbia: Canadian Aboriginal Historiography, 1992-2012," *History Compass* 11, no. 10 (2013), 839.

This dissertation fills in only a small piece of the puzzle but hopefully illustrates the ways in which greater understanding and clarity could better inform the historical understanding of Indigenous policy both inside and outside of the academy. While Douglas Leighton's study of administration in the much-smaller Indian Department of the 1870s and 1880s may well stand the test of time,[30] and although there has been important work done both on field programs and policy formation in the Indian Department after the Second World War,[31] the Duncan Campbell Scott era of Indian policy in particular – that is to say, for non-specialists, the interwar period – calls out for similar granular readings. Scott's Department grew significantly larger than McLean's ever was, and so one might imagine the artifice of the central decision-maker to have grown even more frail over time. Moreover, as his era is viewed both in the historiography of government as an era of civil service professionalization and in the historiography of Indigenous policy as an era of increasingly aggressive assimilationist policy, there may be found to be some uncomfortable parallels between modern Canadian colonialism and Zygmunt Bauman's assessment of the Holocaust as modernity.[32] Scholars including myself have begun to explore the ways in which outside officials found room to improvise and craft their own programs during this era – up to, in the case of B.C., a more or less fully-fledged though entirely extralegal system

[30] Douglas C. Leighton, "A Victorian Civil Servant at Work: Lawrence Vankoughnet and the Canadian Indian Department, 1873-1893," in *As Long as the Sun Shines and the Water Flows: A Reader in Canadian Native Studies*, edited by Ian A.L. Getty and Antoine Lussier (Vancouver: University of British Columbia Press, 1983).
[31] For instance, Hugh Shewell, "'Bitterness Behind Every Smiling Face': Community Development and Canada's First Nations, 1954-1968," *Canadian Historical Review* 83, no. 1 (2002): 58-84; Byron King Plant, "The Politics of Indian Administration: A Revisionist History of Intrastate Relations in Mid-Twentieth Century British Columbia" (PhD dissertation, University of Saskatchewan, 2009); Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda, 1968-70* (Toronto: University of Toronto Press, 1981); and Vic Satzewich, "Indian Agents and the 'Indian Problem' in Canada in 1946: Reconsidering the Theory of Coercive Tutelage," *Canadian Journal of Native Studies* 17, no. 2 (1997), 227-257.
[32] Zygmunt Bauman, *Modernity and the Holocaust* (Cambridge: Polity Press, 1989), 15.

of special "Indian trapline" registration – but such analyses have yet to penetrate Scott's headquarters in Ottawa.[33]

In addition to narrow readings of the workings of the Indian Department as an historical government agency, I believe this approach also invites us to more deeply consider the nature of Canadian colonialism – and of our role in that project as citizens, scholars, and in my case, as a settler. The image of the Indian Department depicted in these pages may have seemed alarmingly skewed towards the perspective of the colonizer alone, at best, and at worst, may have seemed to function as a sort of defence of or apology for Indian policy, burying the fundamental injustice of the colonial project beneath a mass of bureaucratic inertia. Such is not my intent: rather, following Akhil Gupta's work in India, my intent has been to argue that it is precisely this function of bureaucracy, diffusing responsibility and normalizing inequality, that makes institutions like the Indian Department so difficult to grapple with both in history and in contemporary politics. The peopling of the institution for reasons of patronage more than policy, the relentless imposition of due process in the paper trade, the legacy of muddling through at the field level on questions of Indigeneity and status, the clash of competing policy visions for the appropriation of Indian lands – these were not just trivial administrative details but were the ways in which the Indian Department operated historically and the mechanisms through which settler privilege and Indigenous marginalization were enacted. If there seems to be a certain tedium or banality to this sort of exercise of colonial power, it is perhaps a reminder that Hannah Arendt's commentary on the banality of evil are relevant also in the colonial context.[34]

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[33] For instance, Hugh Shewell, "'Bitterness Behind Every Smiling Face': Community Development and Canada's First Nations, 1954-1968," *Canadian Historical Review* 83, no. 1 (2002): 58-84; Brownlie, *A Fatherly Eye*; and Vogt, "Indians on White Lines: Bureaucracy, Race, and Power on Northern British Columbian Traplines, 1925-1950," *Journal of the Canadian Historical Association* 26, no. 1 (2015), pp. 163-190.

[34] Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, 2nd edition (New York: Viking Press, 1964) – though it bears remarking that with respect to her particular subject matter, Adolf Eichmann, subsequent evidence has called her conclusions into questions. This invocation of Arendt necessarily implies I take on some

To that end, the ways in which inequality and structural violence are perpetuated through bureaucracies while individual responsibility is diffused away bears contemplation – not just for those who work inside bureaucracies, but also for those of us in democratic societies who have, in effect, entrusted to state bureaucracies the management of society's "problems," be those Indigenous-settler relations or any other subject areas. Misunderstanding how colonial work actually occurred inside the state not only gives us an incomplete picture of the past but clouds our ability to imagine alternative paths forward in the present. Consequently, it can be helpful to turn the racializing or even genocidal language of the "Indian problem" discourse on its head, to study – to borrow a term from John Lutz – the "white problem"[35] of the colonial bureaucracy. As I suggested in the Introduction, one of the chief functions of bureaucracy is to diffuse and mystify responsibility for state action. This phenomenon is abundantly clear internally, but it also occurs externally. The minister, the deputy minister, and the policies set in Ottawa were the Other to which field agents could attribute their dissatisfactions and shortcomings. The Indian Department is that Other to which I and other settlers have, historically, entrusted the responsibility of shaping the contours of Indigenous-settler relations; and it is also, as a researcher, an institution that I have played some part in perpetuating, through my writing. As Pierre Bourdieu has observed of social science and the state, "social science itself has been part and parcel of this work of construction of the representation of the state which makes up part of the reality of the state itself."[36]

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risk of some day facing a similar reassessment. See Bettina Stangneth, *Eichmann Before Jerusalem: The Unexamined Life of a Mass Murderer*, translated by Ruth Martin (New York: Alfred Knopf, 2014).

[35] John Lutz, *Makúk: A New History of Aboriginal-White Relations* (Vancouver: University of British Columbia Press, 2008), chapter 7.

[36] Pierre Bourdieu, Loic J.D. Wacquant, and Samar Farage, "Rethinking the State: Genesis and Structure of the Bureaucratic Field," *Sociological Theory* 12, no. 1 (1994), 3.

Ultimately, the attribution of the failings of Indian policy to a few ignoble men like Scott or to a few malignantly conceived elite policies is both to overlook the mass of supporting actions beneath the surface as well as to mislead us into imagining that we could right the ship, so to speak, by appointing better leaders or proclaiming better policies. Leaders and policies are undoubtedly important, but as the analysis here shows, colonial practices are far more widespread and diffuse, even within the state. In this way, a key function of bureaucracy has been to institutionalize a situation in which nobody who might have exercised the power to protect the integrity of First Nations' lands, or their capital in the "trust fund," or their internal practices for determining community membership, had either the time or the inclination to actually do so, and *vice versa*. It was in this way, just as Akhil Gupta has observed in India, that bureaucrats practiced structural violence[37] – and, by extension, that those of us who entrust bureaucracies to serve our interests do also.

In 2015, the Truth and Reconciliation Commission called for "a process of healing of relationships that requires public truth sharing, apology and commemoration."[38] It remains to be seen, in 2020, whether that process has been permanently damaged by subsequent conflicts over pipeline construction and the relationship between traditional or hereditary and *Indian Act* governance, or by the rapid co-option of "reconciliation" by the state or settler society writ large as rhetorical cover for advancing policies that were once branded as development, integration, and ultimately, assimilation. Nevertheless, to the extent that reconciliation is a real phenomenon and that settlers and Indigenous people alike can pursue some reckoning with our past, a full assessment of the Department of Indian Affairs and the other bureaucratic mechanisms through

[37] Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence, and Poverty in India* (Durham: Duke University Press, 2012), 19-21.
[38] Truth and Reconciliation Commission, *What We Have Learned: Principles of Truth and Reconciliation* (Montreal and Kingston: McGill-Queen's University Press, 2015), p. 3.

which settler society has historically sought to contain and control Indigenous peoples is clearly both beneficial and necessary. I hope that this dissertation makes some contribution to that deeper historical understanding.

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