

“We are wards of the Crown and cannot be regarded as full citizens of Canada”:
Native Peoples, the Indian Act and Canada’s War Effort

by

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Author's Declaration:

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.
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Abstract:

The First World War left few untouched on Canada's Native reserves: many councils donated money to war funds, thousands of men enlisted and their families sought support from the Military and war-specific charities, and most became involved in the debate over whether Native men could be conscripted and the implications that decision could have for broader Native-government relations. Much of the extant literature on Native participation in the war has paired enthusiastic Native engagement with the Canadian government's shabby treatment. However, in many different ways and with many different goals, Native peoples achieved significant success in determining the parameters of their participation in the war. Yet, the resolution of these debates between Native peoples and the Canadian government, specifically the Department of Indian Affairs, inadvertently (from the Native perspective) cemented the Indian Act's key role in Native peoples' lives, displacing other foundational agreements and traditional organizational principles of reserve life. Native peoples' varied participation in the First World War paradoxically saw Natives temporarily take control of their relationship with the Canadian government, but in the end brought them more completely under the authority of the Department of Indian Affairs.

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Introduction:

The First World War announced itself with violence in the Mohawk community of St. Regis on a spring night in 1915. St. Regis straddled the border between Canada and the United States, and its members had passed freely between the two countries. However, at dusk on 5 April 1915 (witnesses disagreed about the specific time) Nancy Oak and three of her daughters, aged 12 and 10 and an infant, crossed the North Bridge of the Ottawa & New York Railway over the St. Lawrence River and Cornwall Canal, on their way to Cornwall Island.¹ Suddenly, and Nancy claimed without warning, Pte. Joseph Tyo appeared from the bridge's south side, sixty yards from the family, and fired twice. The first shot flew "wild," but the second passed through ten year-old Sarah Oak's upper-left thigh. Major Hugh Cameron, who claimed to have heard his soldier call "halt" thrice before shooting, ran to the scene and used his handkerchief to tourniquet Sarah's leg. His soldiers improvised a stretcher and carried the injured and hysterical girl to the nearest hospital.²

Indian Agent Francis E. Taillon and Nancy Oak both swore Pte. Tyo did not order the family to halt, and the Agent asserted the Militia had not made known their intention to patrol the railway bridge in question with armed soldiers. Yet, four days after the incident, a Military Board of Enquiry declared that the soldiers guarding the bridge

¹ Indian Agent F.E. Taillon to Secretary J.D. McLean 7 April 1915 LAC RG 10 Volume 3188 File 466, 239; Proceedings of the Board of Enquiry, 3rd Division, Kingston, Ontario "Enquiring into and reporting thereon as to the accidental wounding of an Indian Maiden by a Sentry protecting the Ottawa and New York Railway Bridge at Cornwall, on Monday evening 5th day of April 1915," 9 April 1915, LAC RG 10 Volume 3188 File 466, 239.

² Proceedings of the Board of Enquiry, 3rd Division, Kingston, Ontario "Enquiring into and reporting thereon as to the accidental wounding of an Indian Maiden by a Sentry protecting the Ottawa and New York Railway Bridge at Cornwall, on Monday evening 5th day of April 1915," 9 April 1915, LAC RG 10 Volume 3188 File 466, 239.

“performed their duty, as instructed, and under the circumstances were justified in firing upon the supposed intruders.”³ Unaware of this decision or dissatisfied with it, Sarah’s father Mitchell Oak haunted Agent Taillon’s office for a month seeking some resolution to his daughter’s ordeal. Taillon asked Department of Indian Affairs Secretary and Assistant Deputy Superintendent General John McLean (hereafter Secretary McLean) to send Mitchell an official letter detailing the Militia’s conclusion about Sarah’s shooting.⁴ Indian Affairs’ head bureaucrat and decision-maker Deputy Superintendent General Duncan Campbell Scott (hereafter D.C. Scott) reminded Agent Taillon, “I instructed you not to allow the child to want for anything.”⁵

Bureaucrats D.C. Scott and John McLean were key players in the implementation of policy during the war, but also frequently in its creation. Scott in particular was recognized as an expert in a largely isolated policy realm. McLean and Scott were career Indian Affairs bureaucrats who had risen primarily on their work rather than political connections, and by the beginning of the war both were located at the centre of Indian Affairs’ decision-making structure.⁶ Both men were committed to the Department of Indian Affairs, and they were involved in all important decisions, both crises and opportunities, regarding Native participation in the war.

³ Proceedings of the Board of Enquiry, 3rd Division, Kingston, Ontario “Enquiring into and reporting thereon as to the accidental wounding of an Indian Maiden by a Sentry protecting the Ottawa and New York Railway Bridge at Cornwall, on Monday evening 5th day of April 1915,” 9 April 1915, LAC RG 10 Volume 3188 File 466, 239.

⁴ Indian Agent F.E. Taillon to Secretary J.D. McLean 11 May 1915 LAC RG 10 Volume 3188 File 466, 239.

⁵ D.C. Scott to Indian Agent F.E. Taillon 19 May 1915 LAC RG 10 Volume 3188 File 466, 239.

⁶ Scott’s connections with the then Prime Minister John A Macdonald may have helped him get his job as a clerk, and although he was a Tory, Scott worked with both parties when in government. He was the first Deputy Superintendent General of Indian Affairs whose appointment was not based on patronage. E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs* (Vancouver: University of British Columbia Press, 1986), 17, 23-25; *Dominion of Canada Annual Reports of the Department of Indian Affairs for the Year Ended March 1909* (Ottawa: King’s Printer, 1909), 601.

The Militia granted Sarah Oak \$100 “in respect of her suffering,” which the Department of Indian Affairs decided to hold in trust until she reached the age of majority, married, or was in desperate need; Agent Taillon believed Sarah would receive little or no benefit if her parents received the money.⁷ Sarah Oak’s shooting was an extremely rare event, yet her ordeal encompasses many of the central themes in the debates between Native peoples and the Canadian government over Native participation in the First World War. Sarah Oak’s shooting represented an invasion of the Native world by non-Native actors and interests. It breached the barrier around the reserve that kept its occupants physically, legally, and economically separate from the wider Canadian population, and it represented the shift from traditional arrangements and agreements towards integration into the Canadian state as wards. The events of the war, its challenges, and opportunities were exceptional and temporary, but the outcomes strengthened the role of the Indian Act at the expense of treaties’ role as nation-to-nation agreements and tradition as organizational principles of Native communities.

Contemporary observers celebrated His Majesty's Indian Allies, who “true to the brave spirit of their race,” enlisted in droves, as the Department of Indian Affairs estimated 4,000 Native men enlisted in the Canadian Expeditionary Force (CEF), approximately 35% of the adult male population, and donated liberally to war funds, particularly the Canadian Patriotic Fund (CPF).⁸ This enthusiasm led one observer to

⁷ Rudolphe Boudreau, Clerk of the Privy Council to the Minister of Militia and Defence, P.C. 39/1248 1 June 1915 LAC RG 10 Volume 3188 File 466, 239; Indian Agent F.E. Taillon to Secretary J.D. McLean 29 June 1915 LAC RG 10 Volume 3188 File 466, 239.

⁸ D.C. Scott to Hector B. Charlesworth of the *Saturday Night Magazine* (submission) 31 May 1916 LAC RG 10 Volume 3180 File 452, 124-1; *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended March 31 1919* (Ottawa: King's Press, 1919) 13; “Indians in the War,” *Winnipeg Evening Tribune* 3 October 1918 LAC RG 10 Volume 3181 File 452, 124-1A.

assert, “the war attitude of the Indians at large has been a revelation of patriotism.”⁹ Yet, each of these transgressions of resources’ physical, legal and cultural boundaries sparked questions about Native peoples place in Canada. Within this ambiguity, a portion of Native peoples sought rights and treatment equal to their white comrades, others looked to protect themselves from this outside encroachment, and many traveled a complicated middle way in an effort to control the outcome of their participation in the war. Yet agency and outcome are mutually exclusive concepts: one can advocate in their best interest and achieve undesirable and unintended ends.¹⁰ The sum outcome of these negotiations over Native participation in the war was the affirmation and entrenchment of the Indian Act as the document that would define and govern the relationship between Native peoples and the Canadian government.

In their interactions with the Department of Indian Affairs and the Militia, Native peoples had, and argued for, specific goals surrounding the war effort, whether to donate to the Patriotic Fund and other wartime charities, whether or not to serve, and not to be conscripted, through the nation-to-nation obligations contained in treaties, and according to the protections contained in the Indian Act, with its legal identity for Native peoples as wards of the state. With rare exceptions, the Indian Act proved the more successful path for Native peoples trying to control the character and scope of their contributions to the war effort. Yet, when Native peoples used the Indian Act, this strengthened the government’s effort to replace tradition with their legislation. Native participation in war

⁹ D.C. Scott to Hector B. Charlesworth of the *Saturday Night Magazine* (to be published) 31 May 1916 LAC RG 10 Volume 3180 File 452, 124-1; “Indians in the War,” *Winnipeg Evening Tribune* 3 October 1918 LAC RG 10 Volume 3181 File 452, 124-1A.

¹⁰ It is important to distinguish between agency and outcome as mutually exclusive concepts. J.R. Miller, *Reflections on Native-Newcomer Relations: Selected Essays* (Toronto: University of Toronto Press, 2004), 7; Frank Tough, *As Their Natural Resources Fail’: Native Peoples and the Economic History of Northern Manitoba, 1870-1930* (Vancouver: University of British Columbia Press, 1996), 300-301.

programs hinged on the application and implications of the legal status of Indian – both for those included and those excluded in that identity, entitled to its protections, and restricted under its regulations.

As late as the 1901 and 1911 censuses, many Native peoples expressed a fear that the act of collecting information about them was a tool for assimilation. Having an outsider collect their personal information and then categorize Native peoples as an “Indian” within Canada was an unwelcome invasion and imposition.¹¹ According to the 1906 Indian Act, an Indian was “any male person of Indian blood reputed to belong to a particular band, any child of such person, any woman who is or was lawfully married to such person.” Bands (or “tribes”) are understood as body of Indians who “own or are interested in a reserve or in Indian lands in common of which the legal title is vested in the Crown,” or who share in the payment of annuities or interest from the Canadian government. By contrast, an individual (“non-treaty Indian”) with “Indian blood” who did not belong to a band, or belonged to an “irregular band” or “follows the Indian mode of life” had no equivalent relationship with the Crown.¹² When this narrative employs the term Indian outside of quotations, it refers specifically to this legal definition, and otherwise uses the broader term Native.

Many historians have correctly identified the crucial role of the Depression in prompting Native peoples to work within the legal identity “Indian” and the Indian Act. This was a question of both an external push and an internal pull as local and regional

¹¹ Michelle Hamilton, “Anyone not on the list might as well be dead”: Aboriginal Peoples and the Consensus of Canada, 1851-1916,” *Journal of the Canadian Historical Association* 18.1 (2007): 57-79.

¹² In this study, historical actors frequently differentiated between the term Indian’s social/ethnic and legal uses by the qualifier “bona fide” when they referred to status Indians. When the term Indian appears within the body of this manuscript however, it is only used as a legal category, with specific implications (otherwise the author uses the broader term Native). Section 2 (g), The Indian Act, (Canada: 1906) p. 16

businesses failed or faltered and Native peoples looked to the Department for economic relief.¹³ The Depression caused uncertainty in many markets, including resource economies in which many Native peoples were employed, and the various levels of government became more interventionist as a result.¹⁴ For Native peoples, this intervention was largely dictated from the Indian Act, particularly “the minimal amounts of ‘relief’ and other social assistance it provided,” which although Robin Brownlie argued was largely illusory in practice, still promised “a rudimentary safety net.”¹⁵

However, the crises of the First World War began the process of internalizing of the concept of Indian and the Indian Act in reserve life over a decade before a global economic crisis starved Canada’s reserves. The distinction between treaty or status and non-treaty Indians or the broader Native population became exceptionally important during the war as the government identified treaty Indians as the only group to whom they owed protection. The logic is very much the same as the argument that the Great Depression in the 1930s catalyzed the Indian Act’s solidification on reserves – that an exceptional shock or circumstance from outside the reserve acted as a push factor, and the potential protection offered by the Indian Act provided a sufficient pull to change the relationship between Native peoples and the government. The reciprocal if imbalanced exchanges between reserves and Ottawa surrounding Native involvement in the war

¹³ Rolf Knight, *Indians at Work: An Informal History of Native Labour in British Columbia, 1858-1930* (Vancouver: New Star Books, 1996), 4; Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power and Aboriginal Resistance in Ontario, 1918-1939* (Oxford: Oxford University Press, 2003) 101, 123; Tough, 308; Hugh Shewell, “Enough to Keep Them Alive,” *Indian Welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2004), ix, 3, 5, 9, 23, 30-31.

¹⁴ Frank Tough, *As Their Natural Resources Fail: Native Peoples and the Economic History of Northern Manitoba, 1870-1930* (Vancouver: University of British Columbia Press, 1997), 268, 297, 308.

¹⁵ Robin Brownlie Jarvis, “‘A better citizen than lots of white men’: First Nations’ Enfranchisement, an Ontario Case Study, 1918-1940,” *Canadian Historical Review* 87.1 (March 2008): 29-52.

effort resulted in the reinforcement of the Indian Act as a basic element of Native life and increasingly the self-identification as Indians among Native peoples.¹⁶

Native Peoples, the Indian Act, and the War in Literature

The following study links two narrative streams within the Native historiography, that of Native political expression and the Indian Act, and the Native experience of the First World War. The development of the “total institution” of the Indian Act and its associated policies that lay out the path for the assimilation of Native peoples, has been tackled as a legislative, economic and practical history.¹⁷ J.R. Miller delineated the Indian Act’s development and Native political expression. While the two were definitely linked, in his survey *Skyscrapers Hide the Heavens* he traced the Indian Act’s development in its broad strokes over the 19th century. Although Native people never

¹⁶ These Indian Act-based rules became so normalized within reserve communities that the 1985 change Sections 6(1) and (2) of the Indian Act (Bill C-31) that offered Indian status to women (and their children) previously denied such status stirred strong protest among many Native peoples themselves. The 1996 Royal Commission on Aboriginal Peoples recorded the negative reception of newly recognized status Indians on reserves, and the discrimination they faced in obtaining band membership or access to on-reserve services or accommodation. “Women and Indian Status,” *Highlights from the Report on the Royal Commission on Aboriginal Peoples* (Canada: 1996). For further discussion of the gender-rights question, please see: Joanne Barker, “Gender, Sovereignty, Rights: Native Women’s Activism against Social Inequality and Violence in Canada,” *American Quarterly* 60.2 (June 2008): 259-266; Ann McGrath & Wiona Stevenson, “Gender, Race and Policy: Aboriginal Women and the States in Canada and Australia,” *Labour/Le Travail* 38 (Fall 1996)/ *Labour History* 71 (November 1996): 37-53. The tension between status and non-status individuals, however, is not exclusive to gender, as Sally Weaver asserted: “Status Indians have not supported efforts by non-status and Métis groups to gain equivalent status or rights from the federal government, fearing that their own position and limited resources might be endangered in the process.” Sally M. Weaver, “The Status of Indian Women” in *Canada: Two Nations, Many Cultures? Ethnic Groups in Canada*, 2nd Edition, ed. Jean Leonard Elliot (Scarborough: Prentice-Hall Canada, 1983): 56-79, 62-68; Also see D. N. Sprague, “The New Math of the ‘New Indian Act.’ 6(2)+6(2)=6(1),” *Native Studies Review* 10.1 (1995): 47-60; Steffi Retzlaff, “What’s in a Name? The Politics of Labeling and Native Identity Constructions,” *The Canadian Journal of Native Studies* 25.2 (2005): 609-627.

¹⁷ This phrase is borrowed from Olive Patricia Dickason, *Canada’s First Nations: A History of Founding Peoples from Earliest Times* (Toronto: McClelland & Stuart, 1992), 286.

simply yielded to government authority, Miller emphasized its most recent, mid-20th century incarnations.¹⁸

Miller argued that the Indian Act developed out of earlier colonial, particularly Upper Canadian, practices, in contrast to Olive Patricia Dickason's emphasis on Western expansion and western problems as a catalyst for both the Indian Act and its more repressive iterations in the late 19th and 20th century (this is largely a question of earliest origin of the policy regime vs. the catalysts for its national spread and standardization).¹⁹ Arthur Ray acknowledged the Indian Act's heritage of imperial responsibilities, but he draws different traditions towards a mean, the uniform "Indian," as "a special class of people designated solely on the basis of their race, and it [the Indian Act] established a means for governing them autocratically."²⁰ Ray pointed to a pattern of the government adjusting its powers as defined through legislation to achieve its specific goals, whether those be related to the Sun Dance or residential schools.²¹

As the companion to the discussion of legislative development, many have turned their attention to the practical reality of its enforcement, successful and successfully rebuffed.²² These studies focused on the creation and workings of that rudimentary

¹⁸ Other historical studies of the development of Indian Act-related legislation include: McGrath & Stevenson, 37-53.

¹⁹ There are two basic questions here, one about where the policies surround Indigenous peoples began, and second about the obstacles and opportunities in the latter quarter of 19th century around settling what would become the Prairie provinces. The former was born out of the transition from military allies to internally settled peoples and the latter is interested with quickly and quietly settling vast tracks of land. Dickason, 283-4.

²⁰ Arthur J. Ray, *I Have Lived Here Since the World Began: An Illustrated History of Canada's Native Peoples*, Revised Ed. (Toronto: Key Porter, 2005), 205.

²¹ Ray, 204-205, 235, 242.

²² Tina Loo, "Dan Cranmer's Potlatch: Law as Coercion, Symbol and Rhetoric in British Columbia, 1884-1951," *Canadian Historical Review* 72.2 (1992): 125-165; J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996), 11, 372-3; Brownlie, *A Fatherly Eye*, ix-x, 10, 56-57, 79, 98-99, 123-5; Brownlie, "A better citizen than lots of white men," 29-52; Celia Haig-Brown, *Resistance and Renewal: Surviving the Indian Residential School* (Vancouver: The Secwepemc Cultural Education Society, 1988); Sarah Carter, *Lost Harvests: Prairie Indian Reserve*

safety net. These included the painful sticks used to correct or align behaviour, such as encouraging farming, discouraging traditional practices, and generally undermining independence and encouraging assimilation. These studies presented the late 19th and early 20th centuries as a period of increased government control of Native peoples, establishing the roots of problems of dependency, political oppression and cultural dislocation that endure to the present day. These analyses have tended towards regional or band-level studies, in comparison to the breadth of Miller, Dickason or Ray's nationally focused works. These methodological choices were often justified but they have also undermined the scope and impact of their work.

Non-Native literature on the First World War emphasized the transformative power of that conflict, as a discrete series of events or as a memory, in nearly every imaginable sub-set of historical inquiry; it is common hyperbole to assert, "Canada was formed in 1867, but forged during the Great War."²³ Observers have pointed to the war's transformative effects in the efforts to organize a national army, the organization of the economy to meet the CEF's needs, the political compromises and complications of conscription and the expanding civil service, the questions of breadwinner and gender roles, and internal division contrasted with a nationalism emerging from the colonial veil.

Farmers and Government Policy (Montreal: McGill-Queen's University Press, 1990); Frank Tester & Peter Kulchyski, *Tammarniit (mistakes): Inuit Relocation in the Eastern Arctic, 1939-1963* (Vancouver: University of British Columbia Press, 1994); Robert A. Campbell, "Making Sober Citizens: The legacy of Indigenous Alcohol Regulation in Canada, 1777-1985," *Journal of Canadian Studies* 42.1 (Winter 2008): 105-126

²³ Tim Cook, *Clio's Warriors: Canadian Historians and the Writing of the World Wars* (Vancouver: University of British Columbia Press, 2006), 253. For examples of similar pronouncements, please see: C.P. Stacey, *Canada and the Age of Conflict Volume 1: 1867-1921* (Toronto: MacMillan, 1977), 203, Colonel G.W.L. Nicholson, *Official History of the Canadian Army in the First World War: Canadian Expeditionary Force, 1914-1919* (Ottawa: Queen's Printer, 1962), 533-534, 535, 535-536; Desmond Morton, *A Military History of Canada: From Champlain to Kosovo*, 4th Ed. (Toronto: McClelland and Stuart), 145, 165; David MacKenzie, "Introduction: Myth, Memory, and the Transformation of Canadian Society," in *Canada and the First World War: Essays in Honour of Robert Craig Brown*, ed. David MacKenzie (Toronto: University of Toronto Press, 2005) pp. 3-15, 3-4, 12.

While David MacKenzie correctly warned against finding what we want in the First World War – the clear, concise birth moment of Canada – the war’s place in the narrative of modern Canada is undisputed.²⁴ Yet, as historians debated the transformative power of war, observers of the same historical period pointed to the development of a modern bureaucratic state that controlled and sought to direct Native peoples’ behavior and identity through legislation and an extensive and empowered public service.

Much of the literature on Native participation in the First World War contained a response to non-Native war histories, but also borrowed or mirrored trends in that same literature stream. The major thrust of literature on Native participation in the First World War combined the celebration of Native peoples and the condemnation of the government and to a lesser extent the Canadian public. Fred Gaffen’s heartfelt (but largely descriptive) narrative *Forgotten Soldiers* (1985) exposed, in the author’s view, a blind spot in the country’s memory of 20th century military conflicts. Gaffen established Native soldiers’ heroism in the First World War through a series of mini-biographies of notables such as Francis Pegahmagabow, Henry Norwest and Cameron Brant. Janice Summerby expanded on Gaffen’s method and message in her Veterans Affairs publication *Native Soldiers, Foreign Battlefields* (2005). Both works emphasized the integral role of Native soldiers in the Canadian Expeditionary Force, and thereby amended the storyline of the First World War.

Gaffen’s project has been largely successful in how it has been developed by subsequent authors: Jonathan Vance’s *Death So Noble* (1997) included a recognition of Native participation (albeit in the conclusion), and Desmond Morton’s *When Your Number’s Up* (1993) incorporated a discussion of Native enlistment, soldiering and

²⁴ MacKenzie, 12-13.

conscription.²⁵ Indeed, Summerby's work (and the Aboriginal Veterans' monument in Ottawa – which is within sight of the national war monument – unveiled in 2001) might be conceived as an official recognition of Gaffen's effort to commemorate Native soldiers.

If Gaffen celebrated Native soldiers and demanded the attention of a previously (and inexcusably) ignorant public, others have been more explicit in their condemnation of the Canadian government and even Canadians generally. Several authors contrasted Native soldiers' willingness to fight and Native communities' generous donations to war funds with a government eager to use the demands of war to dispossess them of their land (for war production) and rights (unsuccessfully attempting to conscript non-citizens), and a Canadian people who could so easily dismiss Native contributions from their memory.²⁶ Tina Loo emphasized the war's exceptional circumstances as providing an opportunity (or the perception of a necessity) for the government to further their campaign against such practices as the potlatch.²⁷ These arguments often (although not exclusively) serve as an addendum to the control and oppression narrative discussed

²⁵ Desmond Morton, *When You Number's Up: The Canadian Soldier in the First World War* (Toronto: Random House, 1993) 58, 59, 66, 78.

²⁶ Examples of this tragedy narrative include: James Dempsey, "The Indians and World War One," *Alberta History* 31 (Summer 1983): 1-8; James Dempsey, "Problems of Western Canadian Indian Veterans," *Native Studies Review* 5.2 (1989): 1-18, 1-5; James St. G. Walker, "Race and Recruitment in World War I: Enlistment of Visible Minorities in the Canadian Expeditionary Force," *Canadian Historical Review* 70 (1989): 1-26, 26; Loo, 142-143; Sarah Carter, "Infamous Proposal": Prairie Indians reserve land and soldier settlement after World War I," *Manitoba History* 37 (Spring-Summer 1999): 9-21; Desmond Morton, "Les Canadiens Indigènes Engagé dans la Première Guerre Mondiale," *Guerres mondiales et conflits contemporains* 2008/2 no. 230: 37-49. L. James Dempsey, "Problems of Western Canadian Indian Veterans," *Native Studies Review* 5.2 (1989): 1-18; Titley, 1986; Sally M. Weaver, "The Iroquois: The Grand River Reserve in the Late Nineteenth and Early Twentieth Centuries, 1875-1945," in *Aboriginal Ontario: Historical Perspectives on the First Nations*, eds. Edward S. Rogers and Donald B. Smith (Toronto: Ontario Historical Society & Dundurn, 1994); Miller, *Skyscrapers Hide the Heavens*, 203, 217; Adrian Hayes, *Pegahmagabow: Legendary Warrior, Forgotten Hero* (Hunstville: Fox Meadow Creations, 2003); John Moses, "The Return of the Native: Six Nations Veterans and Political Change at the Grand River Reserve, 1917-1924," in *Aboriginal Peoples and the Canadian Military: Historical Perspectives*, eds. P. Whitney Lackenbauer and Craig Leslie Mantle (Kingston: Canadian Defense Academy Press, 2007), p. 117-128; Dickason, 326.

²⁷ Loo, 142.

above. This comparison becomes particularly acute when authors compare Native veterans' hopes for improving their and their communities' circumstances against a government who acted "as though the war had never occurred and that nothing had changed."²⁸

There are at least two interesting parallels between Native-focused and non-Native studies of the war. Local-focused home front studies appear in both Native and non-Native historiography on the civilian experiences of the First World War. Robert Rutherford's *Hometown Horizons* (2005) offered a structured comparison of Trois-Rivières, Guelph and Lethbridge and concluded that the local perspective or framework was the realm in which the average Canadian understood the war.²⁹ At the risk of a tautological argument, Rutherford offered a bounded method of detailed analysis that is attractive regardless of the ethnic composition of the communities in question. This focus on community-level dynamics has allowed historians to examine the complex web of Native government relations, and offer greater nuance to land disputes (Mohawks of the Bay of Quinte), the politics of enlistment (Six Nations, Georgian Bay), or even conscription (Post Simpson and the Naas River).³⁰

²⁸ Dempsey, "Problems of Western Canadian Indian Veterans," 5.

²⁹ Rutherford is not the first author to study the First World War in Canada from a local perspective. Other examples include: Andrew Theobald, *The Bitter Harvest of War: New Brunswick and the Conscription Crisis of 1917* (Fredericton: Goose Lane Editions, 2008); Ian Hugh MacLean Miller, *Our Glory and Our Grief: Torontonians and the Great War* (Toronto: University of Toronto Press, 2002); W.R. Chadwick, *The Battle for Berlin, Ontario: An Historical Drama* (Waterloo: Wilfrid Laurier University Press, 1992); Pat McKegney, *The Kaiser's Bust: A Study of War-Time Propaganda in Berlin, Ontario, 1914-1918* (Wellesley, Ont: Bamberg, 1991). This local focus is perhaps a narrowing of scope from a slightly earlier regional focus, evident in: John Herd Thompson, *The Harvests of War: The Prairie West, 1914-1918* (Toronto: McClelland and Stewart, 1978); C.A. Sharpe, "Enlistment in the Canadian Expeditionary Force, 1914-1918: A Regional Analysis," *Journal of Canadian Studies* (Winter 1983-4): 16-22.

³⁰ P. Whitney Lackenbauer, "Pay No Attention to Sero": The Mohawk of the Bay of Quinte and Imperial Flying Training during the Great War," *Ontario History* 46.2 (Autumn 2004); Katharine McGowan and P. Whitney Lackenbauer, "Indigenous Nationalisms and the Great War: Enlisting the Six Nations in the Canadian Expeditionary Force (CEF), 1914-17" in *Aboriginal Peoples and the Canadian Military: Historical Perspectives*, eds. P. Whitney Lackenbauer and Craig Mantle (Kingston: CDA Press, 2007) 89-

The broadest local/regional study is James Dempsey's *Warriors of the King* (1999), whose focus was largely (although not uniquely) on the Native populations of the Prairie Provinces. Dempsey, one of the most prolific authors on Native participation in the First World War, left few elements of the war effort untouched in his survey. His breadth does not contribute to a novel conclusion but confirmed the impressive record of service among Native peoples; he differentiated between loyalty to the British Crown and the abuses of the Canadian government.³¹ This regional study fits nicely into the structure of many broader Native historical studies, which bound analysis to a specific regional or ethnic group within Canada.

Yet across the country Robert Talbot argued there was a far murkier picture than these smaller studies would suggest. Talbot emphasized the sum of these complex community responses points to a generally less favourable (or at least not simply blindly patriotic) reception of the war in Native communities.³² Tim Winegard however inverted this question of common Native experience. In his comparison across Canada, New Zealand, Australia and South Africa, Winegard argued that, despite a fair degree of variance between the four countries, there were four general trends: that Native peoples' participation was part of a long "pragmatic" tradition of the British's strategic alliance with Indigenous people; that involvement was allowed only when white manpower could not meet the respective country's need; Native men units' insignia reflected the racial

115; Katharine McGowan, "'In the Interest of the Indians': The Department of Indian Affairs, Charles Cooke and the Recruitment of Native Men in Southern Ontario for the Canadian Expeditionary Force, 1916," *Ontario History* 102.1 (Spring 2010): 111-126; Katharine McGowan, "'Until We Receive Just Treatment': The Fight against Conscription in the Naas Agency, British Columbia." *BC Studies* no. 167 (Autumn 2010): 47-70.

³¹ L. James Dempsey, *Warriors of the King: Prairie Indians in World War I* (Regina: Canadian Plains Research Centre & University of Regina, 1999), vii, 83.

³² Robert J. Talbot, "It Would be Best to Leave Us Alone": First Nations Responses to the Canadian War Effort, 1914-1918," *Journal of Canadian Studies* 45.1 (Winter 2011): 90-120.

assumptions about their inherent martial characteristics, and; although they served willingly, their service did not improve Native peoples' circumstances but the post-war period saw a return of their government's "paternalistic and authoritarian policies."³³ Although Winegard went to great length to capture the experiences of many Indigenous soldiers, the commonalities he underlined were focused on the policies British Dominions followed, speaking to the broad applicability of race as an analytical lens.

Native-focused histories of the First World War have also examined Native soldiers' experiences and perspectives, where possible. Susan Applegate Krouse's discovery of thousands of surveys of American Indian veterans' reflections on their service provided an interesting meeting of the focus on soldiers' experience and ethnography in *North American Indians in the Great War* (2007).³⁴ Krouse's analysis showed a strong tendency among respondents to mix ideas about warrior-hood and a more broadly understood American patriotism. Russell Barsh described warrior-hood as a coping mechanism among American Indians, both in the battlefield and at home. In a mix of masculine, ethnic, and political concerns, Barsh argued, "it was very important to come home a man who had broken the shackles of Indian Office colonialism and gained Indian power and competence."³⁵ There are very few similar studies in Canada, although this must in large part be attributed to a lack of sources. Similar considerations of non-Native soldiers' experiences relied on such sources as personal letters and diary entries,

³³ Timothy C. Winegard, "All the Wing's Men: Indigenous Peoples of the Dominions and the First World War," (Ph.D. dissertation, St. Anthony's College, 2009), 1, 8-9,

³⁴ Susan Applegate Krouse, *North American Indians in the Great War: Photographs and Original Documentation by Joseph K. Dixon* (Lincoln: University of Nebraska, 2007) 1, 5.

³⁵ Russell L. Barsh, "War and the Reconfiguration of American Indian Society," *Journal of American Studies* 35 (2001): 371-410.

of which there is a paucity of Native-specific examples in the public record.³⁶ One of the exceptions was James Dempsey's inventive examination of Mike Mountain Horse's warrior robe as a traditional expression of the soldier's experiences in France.³⁷

Although the artifact analysis was a novel source choice, its inherently limited nature, as it is essentially a biography by way of analyzing Mountain Horse's personal belongings, limited the study's conclusions.

The Need for a New Perspective and the Relevance of the Second World War

One of the significant problems with much of the above literature is its treatment of the First World War in isolation or as the culmination of generation-old memories, only to be met with severe disappointment. The processes of assimilation long predated and outlasted the war, political activism cannot be isolated to veterans' activities, and the land the government took from Prairie and British Columbian reserves had been long coveted by local white farmers. Yet more than just a continuation, the war itself fundamentally influenced Native-government relationships well into the twentieth century. The failure to appreciate how the First World War cemented Native-government

³⁶ These works about soldiers from a soldiers' perspectives are neither limited to the First World War, or Canadian historiography. A selected list include: Frank Emery, *The Red Soldier: Letters from the Zulu War* (London: Hodder & Stoughton, 1977); Kenneth Griffin, *Thank God We Kept the Flag Flying* (London: Hutchinson, 1974); Philip MacGuire, *Taps for a Jim Crow Army: Letters from Black Soldiers in World War II* (Santa Barbara: ABC-CLIO, 1983); Sandra Gwyn, *Tapestry of War: A Private View of Canadians in the Great War* (Toronto: Harper Collins, 1992); Carmen Miller, *Painting the Map Red: Canada and the South African War, 1899-1902* (Montreal: Canadian War Museum & McGill-Queen's University Press, 1993); Morton, 1993; James McPherson, *For Cause and Comrades: Why men fought in the Civil War* (New York: Oxford University Press, 1997); Tim Cook, *No Place to Run: The Canadian Corps and Gas Warfare in the First World War* (Vancouver: UBC Press, 1999); Peter Boydon, *The British Army in Cape Colony: Soldiers' Letters and Diaries, 1806-58* (London: Society for Army Historical Research, 2001); Craig Leslie Mantle, *Learning the Hard Way: The Leadership Experiences of Lieutenant Agar Adamson during the South African War, 1899-1902* (Kingston: Canadian Defense Academy Press, 2007); Katharine McGowan, 'A Finger in the Fire: Canadian Volunteer Soldiers and their Perceptions of Canada's Collective Identity through their Experience of the Boer War,' *War and Society* 28.1 (May 2009): 61-87.

³⁷ Dempsey, "Persistence of the Warrior Ethic Among the Plains Indians," 1-10; Dempsey, "A Warrior's Robe," 18-22.

interactions has led to repetition in the literature on Native participation in both world wars.

Historians have correctly identified Native peoples' willingness to enlist in both wars, and their opposition to conscription in both wars, including the underlying questions of rights and the relationships with the Canadian government (particularly in the Second World War). P. Whitney Lackenbauer identifies as a common theme in the literature on Native participation in the Second World War as the "bitterness of broken promises and shattered dreams."³⁸ Native peoples contributed men and money, but saw their treaty rights trampled through the introduction of conscription, and by the inclusion of Native peoples in new taxation measures. Again, Native soldiers sought equality with their white comrades, and challenged the government's paternalism in favour of greater self-government on reserves.³⁹ Similar to the racial stereotypes that marked much of Native recruitment in the previous war (as detailed by Walker, McGowan, and in chapter

³⁸ P. Whitney Lackenbauer, "The Irony and the Tragedy of Negotiated Space: A Case Study of Narrative Form and Aboriginal Government Relations during the Second World War," *Journal of the Canadian Historical Society* 1.15 (2004): 177-206.

³⁹ L. James Dempsey, "Alberta's Indians and the Second World War," in *For King Country: Alberta in the Second World War* (Edmonton: Provincial Museum of Alberta, 1995), p. 39-52; Grace Poulin, *Invisible Women: World War II Aboriginal Servicemen in Canada* (Thunder Bay: Ontario Native Women's Association, 2007); Keith Thor Carlson, ed. *You Are Asked to Witness: The Stó:lō in Canada's Pacific Coast History* (Chilliwack: Stó:lō Heritage Trust, 1997) 129; Janice Summerby, *Native Soldiers, Foreign Battlefields* (Ottawa: Veterans Affairs Canada, 2005) 21-33; R. Scott Sheffield & Hamar Foster, "Fighting the King's War: Harris Smallfence, Verbal Treaty Promises and the Conscription of Indian Men, 1944," *University of British Columbia Law Review* 33.1 (1999): 53-74; Emily Arrowsmith, *Fair Enough? How Notions of Race, Gender, and Soldiers' Rights Affected Dependents' Allowance Policies Towards Canadian Aboriginal Families During World War II*. PhD Thesis, Carleton University (Ottawa), 2006 (unpublished); P. Whitney Lackenbauer detailed how contemporary observers celebrated Native patriotism (an updated and more Canada-focused version of the image of loyalty presented in the First World War) in *Battle Grounds: The Canadian Military and Aboriginal Lands* (Vancouver: University of British Columbia Press, 2007), 113-4; P.W. Lackenbauer, R. Scott Sheffield & Craig Leslie Mantle, "Introduction," in *Aboriginal Peoples and Military Participation: Canadian and International Perspectives*, eds. P. Whitney Lackenbauer, R. Scott Sheffield and Craig Leslie Mantle (Kingston: Canadian Defence Academy Press, 2007) 1-13, 4. To a lesser extent, Michael D. Stevenson dealt with the protests against conscripting Native peoples, although his primary concern was to test the practical administrative concerns of the processes of conscription itself. He used Native men as a form of intensity sampling, to highlight the concentration of problems that, he argues, were apparent among other groups but not in such sharp relief, Michael D. Stevenson, "The Mobilization of Native Canadians During the Second World War," *Journal of the Canadian Historical Association* 7 (1996): 205-226.

two of this text), R. Scott Sheffield examined the explicit policies and informal practices that influenced if and how Native men could join different branches of the Canadian military.⁴⁰ Hugh Shewell's described the *Comité de Protection des Droits Indiens'* fights against conscription and taxation, which served as focal points for a broader protest surrounding the government's disregard for Native rights, and appeals for self-determination. This not only closely mirrors a pattern of political expression that arose out of the conscription question in the First World War, but the *Comité* included some of the same people as those earlier protests, namely Andrew Paull of British Columbia (see chapter four).⁴¹

At first glance, the First World War's failure to significantly improve Native peoples' lives may be attributed to several causes. A change in the Indian Act in 1927 that prohibited band councils from supporting any land claims with band funds without Indian Affairs' express approval undermined the possibility of any sustained political action.⁴² In a more local context, Robin Brownlie points to interfering Agents' "petty sorts of revenge" as small-scale obstacles to Native political activity in the interwar period.⁴³ J.R. Miller offers a plausible explanation for why the Second World War proved more of a watershed than the First World War for Native peoples: the institutional racism of the Axis powers, and its horrific outcomes, made it difficult for Canadians to justify policies based on an assumption of Native peoples' racial inferiority to white peoples.⁴⁴

⁴⁰ R. Scott Sheffield, "'Of Pure European Descent and of the White Race': Recruitment Policy and Aboriginal Canadians, 1939-1945," *Canadian Military History* 5 (Spring 1996): 8-15.

⁴¹ Hugh Shewell, "James Sioui and Indian Political Radicalism in Canada, 1943-4," *Journal of Canadian Studies* 34.3 (Fall 1999): 211-243.

⁴² Miller, *Skyscrapers Hide the Heavens*, 217.

⁴³ Brownlie, *A Fatherly Eye*, 60.

⁴⁴ Miller, *Skyscrapers Hide the Heavens*, 220.

Robert Alexander Innes argued that after the Second World War, previously politically active individuals used the image of the Native veteran long before veterans themselves became politically engaged.⁴⁵ This suggests an extant political consciousness on reserves waiting for an opportunity rather a non-existent Native political culture in the interwar years. However, historians' general failure to project the political battles of the First World War forward into the 20th century may lie less in the obstacles to Native peoples' success and more in historians' focus on their apparently temporary interests. For example, Shewell argued that Native political organization in the first half of the twentieth century was crisis-based.⁴⁶ This seemingly fleeting character of Native responses to government policy both in war and in peace should not blind us to the importance of the political battles of the First World War, and the long-term implications of their deceptively specific solutions. Indeed, it was the solutions derived during the First World War that established the path for the much of Native-government interaction over the rest of the century – it is not that the First World War had no lasting effect and therefore Native peoples fought the same battles twenty years later, but that the First World War shaped a Native-government relationship that, from a Native perspective, demanded the continuation of these battles over rights, land and sovereignty.

Approaching the War from the Reserve

Sarah Oak's unfortunate experience does not conform to the historiography summarized above, which is dominated by a narrative of commitment and betrayal.

⁴⁵ Robert Alexander Innes, "'I'm on Home Ground Now, I'm safe,': Saskatchewan Aboriginal Veterans in the Immediate Post-War Years, 1945-6," *American Indian Quarterly* 28 (Summer & Fall, 2004): 685-714.

⁴⁶ Through the 1927 change to the Indian Act meant to stifle activism by banning the use of band funds for lawyers' fees (etc), the government sought to make political organization, particularly intra-reserve, impossible. Shewell, "James Sioui and Indian Political Radicalism in Canada, 1943-4," 212.

Exceptional circumstances altered her and her community's world, and the Agents' combination of defence and control were in response to these novel concerns. The accommodations and long-term outcomes included in Sarah's story highlight the need for a methodological approach that can appreciate the complexity of the Native communities (i.e. agency, voice, structural constraints) into which war programs arrived, but which also allows for the creation of a satisfying explanation of the importance of experiences like Sarah Oak's in the wider Native-Government relationship(s).

To achieve this end, this study presents a series of cases studies covering Native communities across the country. This study attempts to paint a national picture not by suggesting there is one narrative that applies across the country but that many smaller (in scale) narratives collectively make a compelling case that the war was important (albeit in varying ways) force on reserves across the country. Each chapter focuses on selected war programs, policies or activities (such as donations to wartime charities, military service, dependents' support programs, and conscription) at the band level. The nuance of a case study permits a bounded but detailed analysis on the functioning relationships and the internal workings of communities. The local/reserve context is highly relevant to understanding the Native-government dynamics under examination.⁴⁷ Donations to war funds, enlistment, soldier family supports, or the debates over conscription and its implementation were mutual exchanges; these programs placed new demands on Native communities, but the communities sought to direct how these programs were applied and implemented. Rather than assuming national policies had the same effects across the

⁴⁷ Robert K. Yin, *Case Study Research: Design and Methods*, 3rd Edition (Thousand Oaks: Sage Publications, 2003), 13; Michael Quinn Patton, *Qualitative Evaluation and Reserve Methods*, 2nd Edition (London: Sage, 1990), 169, 387; Earl Babbie & Lucia Benaquinto, *Fundamentals of Social Research*, 1st Canadian Edition (Toronto: Thompson Nelson, 2002), 309.

country, and that local circumstances simply added a bit of parochial colour to that narrative, these local contexts fundamentally determined how war programs came into fruition.

The cases in this narrative were chosen because they represent similar trends – the flows of Native advocacy, cooperation, protests and internalizations of the Indian Act – within the heterogeneous Native nations across Canada. These case studies are not meant to highlight the fact that Native people experienced the First World War – that is already well-documented – but to clearly describe how the war influenced Native peoples' broader interests and vice versa. This study thereby integrates the First World War into the larger narrative of Native peoples' relationship with the Canadian government, not as a transitory event, but as an important catalyst for serious change. This story underlines how Native peoples' social, political, economic and legal conditions during the war affected how they interpreted and engaged war programs, and how those programs shaped Native peoples' lives for the future.

A risk with case studies is that the observer may dismiss the conclusions as unique to the case, and if the cases are chosen out of convenience (perhaps because they are the best-documented), or selected on the dependent variable (that is, selected because they demonstrated a certain outcome), this criticism is warranted. For instance, the oft-cited case of Francis Pegahmagabow ought to be presented as an exception rather than a typical example of a Native soldier. Since Pegahmagabow was an early enlistee, one of the most successful snipers on the Western Front, and an important political figure who subsequently worked with Diamond Jenness, he was unique not only in terms of his

wartime achievements, but his post-war activities as well.⁴⁸ While Pegahmagabow is worthy of historical attention, it is difficult to come to any general conclusion about the Native soldier experience based on Pegahmagabow's record alone.

The following narrative follows the cumulative, often halting process of the Indian Act's growing role on reserves. This story establishes a general but not strict chronological order, focused more specifically on how Native peoples (as individuals and communities) responded to these war programs and how those responses in turn cemented Indian Act-based identity and organizational principles on reserves. This is not a linear story but a series of ebbs and flows of varying strengths in each Native community across the country; not all reserves participated to equal degrees in all available programs, nor did the war chart a clear progression of the Indian Act into ever increasing prominence. Yet unquestionably by 1919, reserves' and Native peoples' relationships with the Indian Act had changed significantly from 1914, and the following narrative examines important moments in that process.

This story begins with the least obviously active contribution to the war effort – donations to wartime charities. The first chapter investigates Native bands' methods and motives when they participated in war fund campaigns and fundraising. In particular, the chapter focuses on the different goals of the Blood (Káínaa), Blackfoot (Siksika), and Six Nations different in contributing to the Canadian Patriotic Fund for the Blood and Blackfoot, and the War Loans Campaign for the Six Nations. These were reciprocal discussions between Native individuals, bands, Agents, and the Department headquarters, both within the reserve and between reserves and Ottawa. This is not only the beginning

⁴⁸ John Steckley & Bryan Cummins, "Pegahmagabow of Parry Island: From Jenness Informant to Individual," *The Canadian Journal of Native Studies* 25 (2005): 36-50.

of war-related exchanges, but also these players and communications chains are consistent throughout the war and will reappear throughout the study.

Chapter two considers the avenues available to Native men to join the Canadian Expeditionary Force, and how the Department of Indian Affairs and the Department of Militia and Defence cooperated to recruit on reserves. This chapter examines the mechanisms and implications of crossing the physical, legal, and cultural barrier between reserves and the rest of Canada – particularly the evolving role of the Indian Act in Native peoples' lives and Indian Agents' authority in the face of the war effort. In the case of soldiering, tensions arose most clearly over the issues of drinking and desertion, but to a lesser extent to recruitment as well. As men left reserves to navigate new situations as soldiers, their families had to cope with the absence of their breadwinners. Chapter three follows the Cope family of Nova Scotia, and identifies common challenges faced by Native soldiers' families. Whereas non-Native women faced the life without breadwinners, Native men had the additional difficulty of obtaining this financial support from their Indian Agent and the need for family members (usually matriarchs) to openly challenge the Militia and the Department of Indian Affairs' authority and control over the family's finance in the absence of the male head of the household.

Thus far, this narrative considers how Native peoples participated in the war effort (and the consequences of that participation); yet, not all programs were greeted as opportunities. Chapter four follows the fight over land and legitimacy in British Columbia, particularly in the Naas Agency, as Native political organizations used the urgency of conscription to challenge the Department of Indian Affairs' authority in their lives. The Naas protests fit within the spectrum of challenges to Native men's inclusion

in the Military Service Act of 1917 that introduced conscription. While they did not speak with one voice, the multitude of protests on treaty and/or Indian Act/ward grounds, from Native groups across the country upended attempts to conscript Native men. While the torrent of voices speaking against conscripting Native men succeeded in changing that policy, the immediate aftermath shaded that victory. Chapter five examines the application of Native men's exemption from conscription in Maniwaki, Parry Island, Fort William, Gibson and Edmonton. Since this exemption required Native men to be registered as Indians with their Indian Agent, who would then apply to the Military authorities for the exemption, questions of Indian identity were brought into the centre of this registration process. The promise of exemption from conscription was deeply enticing and therefore the majority of Native men across the country either openly or tacitly sought to claim the legal label of Indian under the Indian Act to obtain the exemption.

A minority of Native peoples rejected the conscription exemption on the grounds of its legal implications for the relationship between Native peoples and the Canadian government. The last chapter examines the cases of Wesley Martin of Six Nations and Gaston Louie at Okanagan, both of whom challenged the practice of registering Natives for both conscription and the Canada Registration Act on the grounds that doing so implicitly included them in a political body – Canada – to which they felt no allegiance and fundamentally did not belong. Both Martin and Louie believed that to be counted as Indians meant an attack on their sovereignty by the Canadian state. These protests indicate the importance of the Indian Act's use in the war; while most Native peoples (in

this case specifically men) were willing to use the Indian Act because of its short-term benefit, others refused.

Conclusion

The unfortunate circumstances of Sarah Oak, shot on her way home by a military sentry, can offer this narrative one further point of interest. The relevance of her story continued after the war, when the “so-called” (according to Agent Taillon) St. Regis Council passed a resolution to compel the Department to pay Sarah’s mother the \$100 set aside for her (the family hoped to build a home). As followers of the America-based Chief Thunderwater, the Agent refused to recognize this Council “as bona fide representing the Band.”⁴⁹

Thunderwater and his doomed Council of Tribes, with their goals of pan-Indian organization, self-government and separation from non-Native society, took up the Oaks’ cause.⁵⁰ The Thunderwater followers wanted to wrestle control of Sarah’s money away from the Department of Indian Affairs, thereby reasserting their sovereignty over reserves, an effort in which they were ultimately unsuccessful. While she never went overseas, the war violently invaded Sarah’s world, just as the war’s incursion into reserves brought into sharp relief questions about the place of Native peoples in Canadian society and their relationship with the Canadian government.

⁴⁹ Indian Agent Taillon to the Department of Indian Affairs 19 November 1919 LAC RG 10 Volume 3188 File 466, 239; Miss Cecilia Oak to the Department of Indian Affairs 31 May 1920 LAC RG 10 Volume 3188 File 466, 239. Sarah died some time before May 1921, and her father continued to fight for the money the Department held in trust for his daughter. Frank Smith & Mitchell Oak to Indian Agent Taillon 30 May 1921 LAC RG 10 Volume 3188 File 466, 239.

⁵⁰ Lackenbauer, “Pay No Attention to Sero,” 148-149; Titley, 97-101.

Chapter 1:

Native Councils and Individuals Donations to Canada's Wartime Charities

While Canada's offer of a 25,000-man contingent to the British forces was still only a promise, the Blood Council of Southern Alberta met on 7 August 1914 in their Alberta Agency and decided to donate one thousand dollars to "aid [the] King in this hour [of] peril."¹ The Blood Council claimed that "a condition of war exists against the children and Dominions of our Gracious King," and they were intimately concerned with the emerging conflict in Europe. Additionally, the Council claimed they owed the King a debt of gratitude: "we of the Blood Indian tribe are thankful for the kindly just and honourable treatment always given us by the King's Government."² Indian Agent W.J. Dilworth praised the Council's donation "as a token of the pride they have in their country, their King and their Government," and in a self-congratulatory declaration, announced that "their hearts were full of well wishes and thankfulness for past treatment."³ Dilworth claimed his entire Agency actively followed the events in Europe and would celebrate any British victory.

The Blood Council's rapid engagement in the war impressed Dilworth, so he felt his superiors in Ottawa should acknowledge the Council's unprompted action. The Agent beamed "I am proud of our Indians, proud of the fact that they of their own free

¹ Resolution of the Council of Blood, Blood Agency 7 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Council of the Blood to Secretary J.D. McLean 9 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1. Britain had only accepted Canada's offer of the 25,000 man contingent, paid entirely by the Dominion, on 7 August 1914, the same day the Blood made their offer. Morton, *A Military History of Canada*, 130.

² Resolution of the Council of Blood, Blood Agency 7 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

³ Indian Agent W.J. Dilworth to Secretary J.D. McLean 8 August 1914 LAC RG 6762 File 452-2 Pt. 1.

will and accord spontaneously,” displayed “their fealty to the Mother Land.”⁴ According to Dilworth, 1914 had been “the worst year in the history of farming operations in this district”, yet Scott believed the Blood could give the \$1000 from their “considerable” revenue from grazing leases and other (unidentified) sources.⁵ Luckily, a few months later, Blood farmers received a significantly higher price for their hay harvest than previous years, which buoyed the band’s available capital.⁶ Scott thanked Agent Dilworth, the Blood Chiefs, and the Council for their generous donation, “to be used in whatever way the Superintendent General of Indian Affairs may deem to be of greatest advantage to the British Arms,” rather than be sent to the King.⁷

The Blood donation and others like it reveal the complexity of First Nations’ participation in the First World War. This does not question the Blood’s declarations, but highlights bands’ effort to maximize the benefit of involvement in the war effort according to their and their communities’ interests. Three case studies addressed in this chapter highlight different approaches to war-time fundraising: the Blood’s effort to have the Canadian Patriotic Fund (CPF) recognize their donations, the Blackfoot’s hope of donating money rather than sending men to the front, and the Six Nations’ attempts to buy War Bonds. The approaches also speak directly to dramatically different motivations

⁴ Indian Agent W.J. Dilworth to Secretary J.D. McLean 8 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

⁵ Dilworth’s negative evaluation of the Bloods’ crops in the 1914 harvest suggests the possibility of a lean winter, both in terms of what Blood farmers collected for themselves and what income they drew from what they sold. In such a case, the Agent might have had to provide relief during the winter to make up for the poor harvest, for which band funds would have been valuable asset and therefore a \$1000 nonrefundable donation on the heels of a bad harvest from small band funds seems contrary to the Blood’s interests. D.C. Scott to Acting Superintendent General Robert Rogers 19 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Indian Agent W.J. Dilworth, Indian Agent Report to Secretary J.D. McLean 22 August 1914 LAC RG 10 Volume 1547.

⁶ Indian Agent W.J. Dilworth, Indian Agent Report to Secretary J.D. McLean 5 October 1914 LAC RG 10 Volume 1547.

⁷ D.C. Scott to the Chief and Headmen of the Blood 20 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; D.C. Scott to Indian Agent W.J. Dilworth 20 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

for engaging financially in the war effort. The Blood and Blackfoot sought an exchange for their donations, the former as part of a wider contribution to the war effort and the latter to avoid losing any of their young men, while the Six Nations Council wanted to purchase War Loans to improve the band's finances.

Each of these cases demonstrates one of a set of representative responses to wartime fund raising, and highlights key actors and important avenues of communication that dominated Native communities' involvement in the war. The Blood Agent acted as the band's advocate to both Ottawa and the local CPF committee. Blackfoot band members (with the approval of their band council) worked with a sympathetic missionary who spoke to the Department directly, rather than to or through their Agent, J.H. Gooderham. The Six Nations Council both hired a lawyer to represent their interests in Ottawa and accepted depositions from the War Loan Committee at home, asserting their independence from Departmental authorities. The essential communication latticework of this narrative is composed of band members and councils, missionaries and lawyers, Agents and Departmental bureaucrats, and flow of communication, from reserve to Agent, Agent to Ottawa, reserve to Ottawa and Ottawa back.

Negotiating Participation through Donations:

The Canadian Patriotic Fund began in Montreal in 1914 and was designated to support soldiers' dependants by filling the gap left by absentee breadwinners.⁸ Three days *after* the Blood's first financial donation, the bombastic and controversial Minister of Militia Sam Hughes declared the creation of a special fund for soldiers and their

⁸ Desmond Morton, *Fight or Pay: Soldiers' Families in the Great War*, (Vancouver: University of British Columbia Press, 2004) 54; Nancy Christie, *Engendering the State: Family, Work, and Welfare in Canada* (Toronto: University of Toronto Press, 2000), 3-4, 7, 46-7.

dependents. Local volunteers collected donations and redistributed that money through the fund's local branches to soldiers' dependents, defined as wife, children – the number increased the amount received – or a widowed mother.⁹ Native peoples – individually and collectively – donated frequently and generously to the CPF, the Red Cross, the Belgian Relief Fund and various local war-related funds, to the eventual total of \$44,545.46, of the CPF's total collection of a little over \$47 million (from a total Canadian population of eight million, albeit unevenly donated).¹⁰ Herbert Ames, Honorary Secretary of the CPF, was so impressed with Native donations that he believed “if a general appeal were issued, and the Indians were asked to make a contribution on the same day, they would probably do so, and a considerable addition to the Canadian Patriotic Fund would result.”¹¹

According to Department of Indian Affairs records, approximately 30% of the Native population under the Department's jurisdiction belonged to a band that donated money to a variety of Canadian war funds. These donations were concentrated in the central and western portions of the country, with Albertan Agencies having the greatest per capita donation rate (82% of the Native population under Departmental authority in that province belonged to a band that donated money to a war fund), then Ontario (60%), and Saskatchewan (55%). British Columbia and Manitoba had almost identical per capita rates of donation (27% and 26% respectfully). Quebec was last, with less than 11%, and all but one of the donations made from Agencies in this province can be traced

⁹ The fund allowed for some regional variation in benefits according to the cost of living. Provincial rivalries and unequally strong organizations led to problems in this structure. Morton, *Fight or Pay*, 55, 59, 62-65.

¹⁰ *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1919* (Ottawa: King's Printer, 1919), 25; Morton, *Fight or Pay*, 221.

¹¹ Herbert Ames, Honorary Secretary of the CPF to Dr. William Roche, Superintendent General of Indian Affairs 2 September 1915 LAC RG 10 Volume 6762 File 452-2- Pt. 1.

to specific individuals or small groups.¹² The Department recorded no donations from the Maritimes, or the bands under Treaties 9&10 in Yukon and the North West Territories. This does not necessarily mean Native peoples from those areas did not donate money, but that they never made a band-level decision to do so from their capital and/or interest funds which necessitated the Department's involvement, or was otherwise recorded by the Department. Nor did the Department monetize donations of socks, care baskets, furs, and contributions from fundraising events.¹³ These donations are, at least in part, a method of creatively engaging with the Department's control of their finances and may be considered an expression of political autonomy and self-control.

Additionally, the Blood and Blackfoot signed Treaty Seven only in 1877, while the Six Nations' relationship with the British and then the Canadians was several centuries old by the outbreak of the First World War. Although their respective relationships with the Canadian government were important to how these nations contributed to war funds and communicated their goals, the Blackfoot and Six Nations focused more on the broader relationship between themselves and Canada in how they chose to interact with war funds. Specifically, the Blackfoot seemed to have continued their interest in protecting the internal integrity of their people against threat, and recently (since 1877) engaged in a "alliance of peace" with the Crown to protect themselves were

¹² *S Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1919* (Ottawa: King's Printer, 1919).

¹³ Ohsweken Council Resolution No. 37, 17 November 1914 LAC RG 10 Volume 6763 File 452-5 Pt. 1; Belle A Maple, Field Matron of Moosomin's Reserve, Battleford Agency to the Duchess of Connaught 29 March 1915 LAC RG 10 Volume 6763 File 452-5 Pt. 1; The Indian School children of the Fisher River Reserve to Her Royal Highness the Princess Mary 26 May 1915 LAC RG 10 Volume 6763 File 452-5 Pt. 1; Indian Agent Thomas Deasy to Secretary J. D. McLean 6 May 1916 LAC RG 10 Volume 6763 File 452-5 Pt. 1; Mrs. A.M. Garlow to Dr. Roche, Superintendent General of the Department of Indian Affairs 11 September 1916; Secretary J.D. McLean to Indian Agent E. Beattie 17 November 1916 LAC RG 10 Volume 6763 File 452-5 Pt. 1; Bertha A. Wedgerfield, Teacher of Sucker Creek School to D.C. Scott 15 February 1918 LAC RG 10 Volume 6762 File 452-2 Pt. 3; P.H. Gentleman to D.C. Scott 5 January 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Indian Agent C.C. Perry to Secretary J.D. McLean 23 November 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

willing to pay to avoid more white incursion into their world.¹⁴ The Six Nations meanwhile sought to represent their sovereignty through their financial freedom in engaging with war fund programs on their – no the Department’s – terms. The Blood, on the other hand, had the much more specific goal of obtaining equal treatment for equal involvement in the war effort. This variance suggests that treaties formed only a part of Native motivations for strategic engagement with war funds – they are more important to the details of each case than the pattern of engagement itself.

Donations to war funds were often Native peoples’ first foray into the war, and represented reaffirmations and reevaluations of important relationships. At first glance, Native donors, like the Blood, frequently couched their contributions in expressions of their continued loyalty to the British Crown.¹⁵ Although firmly rooted in the present, the Blood and other nations who appealed to their historical loyalty to the Crown sought to reaffirm the validity of the treaty-based relationship.

Not all Native nations in the country shared this historical relationship, however. Unlike the rest of the country, British Columbia had not signed treaties with Native nations, either when it was a colony or once it entered Confederation, nor was there a

¹⁴ Sarah Carter, Dorothy First Rider & Walter Hildebrandt, *The True Spirit and Original Intent of Treaty 7* (Montreal: McGill-Queen’s University Press, 1996), 9-10; Miller, *Skyscrapers Hide the Heavens*, 161, 165, 169, 184; Dickason, 282.

¹⁵ Such declarations include: Chief F.W. Jacobs (Sarnia) to D.C. Scott 10 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Council of the Blood Indians, 7 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Chief Charles Obetossaway (Sucker Creek) to Secretary J.D. McLean 26 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt.1; Chief James Pahpewash (Manitowaning) to Secretary J.D. McLean 1 September 1914 LAC RG 10 Volume 6762 File 452-2 Pt.1; Chief Joseph G. Monagrie (Christian Island) to Indian Agent Picotte 2 September 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Oak River Sioux 13 November 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Indian Agent Milligan to Secretary J.D. McLean 4 February 1915 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Indian Agent Rowland to D.C. Scott 27 August 1915 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Indian Agent McCamus to Secretary J.D. McLean 2 October 1915 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Tom Blacksmith (Oak River) to the Department of Indian Affairs [?] January 1918 LAC RG 10 Volume 6762 File 452-2 Pt. 3; Statement of Chief Thomas Charles and Councilors (Sturgeon Lake) [?] March 1918 LAC RG 10 Volume 6762 File 452-2 Pt. 3; Henry Twobears of the Indian Temperance Union Society to the Deputy Minister of the Department of Indian Affairs 11 March 1918 LAC RG 10 Volume 6762 File 452-2 Pt. 3.

broad tradition of military alliances with the British Crown. Although donations from British Columbia were not the lowest in the country, many Agents there complained of the difficulty of impressing the Crown's needs upon the residents of their Agencies. Agent Thomas Deasy of the Queen Charlotte Islands distributed a pamphlet throughout his Agency, in which he argued, "a great many of your people can read and write and reason, and you are aware that the British flag gives protection to all."¹⁶ Deasy reported to Ottawa three months later that the Skidegate and Massett bands were collecting money and had held concerts to support the CPF.¹⁷ Agent McAllan of Fort Fraser collected \$28.40 from the Stuart Lake band, but he lamented "It is difficult to convince them that the Govt. appreciates a contribution of this kind and I would be greatly obliged if you would write a personal letter to the Stuart Lake Band through the chief [Jimmy Ahoul]...to make this point clear."¹⁸ Scott acquiesced to McAllan's request, and sent Ahoul both a thank you and an explanation of the war effort itself:

We are engaged in a struggle with a powerful and bad-hearted enemy...Your contribution will help feed and clothe the family of some soldier who is willing to lay down his life for you and for the Empire...your contribution will go to swell the large amount we have received from our loyal Indians throughout the country.¹⁹

Indian Agents in British Columbia sought to instruct their agencies about the Empire's needs and their responsibilities as members therein.²⁰ While some Native communities

¹⁶ Indian Agent Thomas Deasy to Secretary J.D. McLean 28 October 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

¹⁷ Indian Agent Thomas Deasy to Secretary J.D. McLean 9 January 1915 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Indian Agent Thomas Deasy to Secretary J.D. McLean 1 February 1915 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

¹⁸ Indian Agent McAllan to Secretary J.D. McLean 14 February 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

¹⁹ D.C. Scott to Chief Jimmy Ahoul 24 February 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

²⁰ Other incidents throughout British Columbia include: Indian Agent Byrne to Secretary J.D. McLean 20 March 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2; George E. Darby, Medical Superintendent of the Bella Bella Rivers Inlet Hospital to the Canadian Patriotic Fund 18 January 1918 LAC RG 10 Volume

used their donations to reaffirm the bonds between the Crown and themselves, the Department also sought to shape the responses of those outside these historical partnerships and instill a sense of imperial belonging. While the government, through Indian Agents, clearly attempted to generate donations and support for the war effort, many of the more substantial engagements came from the First Nations themselves. The Blood, Blackfoot and Six Nations' actions represented an *exchange* of interests and money rather than the Department instructing or attempting to instruct Native people on how they ought to interpret their place in the war effort. Instead, the donations from the three communities and (attempted) purchases detailed below represent conscious efforts on their parts to dictate their involvement in the war; these decisions and opinions originated with the Native groups rather than the Department, and in ways not always to the Department's liking.

The Blood, Soldiers' Dependents, and the Canadian Patriotic Fund

The Bloods' August 1914 \$1,000 donation established a pattern of contribution by the band throughout the war, principally to the CPF and the Red Cross, eventually totaling over \$2,400.²¹ Individual families donated as well: as of May 1916, Dilworth

6762 File 452-2 Pt. 3. This was not universal, however, and some bands in the province donated generously and freely, including the Kwakwaka'wakw (Indian Agent Halliday to Secretary J.D. McLean 15 September 1914 LAC RG 10 Volume 6762 File 452-2 Pt.1; Indian Agent Halliday to Secretary J.D. McLean 4 December 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 2), the Tsimshian at Metlakatla (Indian Agent C.C. Perry to Secretary J.D. McLean 23 November 1914 LAC RG 10 Volume 6762 File 452-2 Pt.1; Council Resolution of the Tsimshian at Metlakatla 16 March 1918 LAC RG 10 Volume 6762 File 452-2 Pt. 2), Squamish (Indian Agent Byrne to Secretary J.D. McLean 2 March 1915 LAC RG 10 Volume 6762 File 452-2 Pt. 1).

²¹ *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1919* (Ottawa: King's Printers, 1919), 23-24. The total income of the Blood in 1914, including annuities, wages, and land rentals was \$66,802.53, and their expenses in that year were \$37,265.81. For a population of 1,154 (again from 1914), \$2400 in donations over four years is certainly not impoverishing, but it is a significant figure. *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1914* (Ottawa: King's Press, 1914), 2, 120, Part H p. 16.

recorded that 105 families requested that his office donate five per cent of any of their Departmental payments to the CPF.²² Once the Militia began recruiting Native men in December 1915, Indian Affairs helped the Militia enlist Native men (see chapter 2). While he was happy when the Blood Council donated to the war funds, Agent Dilworth believed “no matter how strong, rugged and healthy they may look,” Blood men would suffer if they fought in France.²³ Dilworth feared that in the lower altitudes and in the presence of poison gas, Blood soldiers would develop tuberculosis so quickly and so universally that “instead of the Indians being an assistance in numbers they would be a burden on the medical and Red Cross service.”²⁴ Scott, who wanted Native men in uniform, dismissed Dilworth’s concerns, and assured the Agent that the Department of Indian Affairs “would be pleased to have you give permission to enlistment to such of your Indians as may pass medical examinations.”²⁵

In November 1915, a month before the Militia began actively recruiting Native men, Dilworth prevented at least thirty young Blood men from enlisting; “all were counselled [sic] against going and none allowed to go.”²⁶ However, three men “ran away and enlisted” despite being denied permission to leave the reserve, and Dilworth subsequently ensured they were dismissed from the CEF.²⁷ Dilworth’s power to disallow enlistment caught the local press’ attention. In May 1915, the *Lethbridge Herald* presented the case of a “full-blooded Indian” who joined the 13th Canadian Mounted

²² Indian Agent W.J. Dilworth, Indian Agent’s Report to Secretary J.D. McLean 31 May 1916 LAC RG 10 Volume 1547.

²³ Indian Agent W.J. Dilworth to Secretary J.D. McLean 17 January 1916 LAC RG 10 6766 File 452-13.

²⁴ Indian Agent W.J. Dilworth to Secretary J.D. McLean 17 January 1916 LAC RG 10 6766 File 452-13.

²⁵ D.C. Scott to Indian Agent W.J. Dilworth 25 January 1916 LAC RG 10 Volume 6766 File 452-13.

²⁶ Indian Agent W.J. Dilworth, Indian Agent’s Report to Secretary J.D. McLean 27 November 1915 LAC RG 10 Volume 1547.

²⁷ Ibid.

Rifles under the guise of being a “half-breed” to elude Dilworth’s attention.²⁸ According to the enthusiastic reporter, this unnamed soldier was “an excellent horseman,” and “proved that as a marksman the white man was inferior,” and was generally “very popular with the other men, and was treated by them [the white soldiers] exactly as if he had been of the same race.”²⁹ One trooper within the 13th CMR argued that “the government ought to raise an Indian regiment” on the grounds of this individual Native soldier’s performance. The *Herald* lamented that the profiled Native man’s Indian Agent came to collect his ward.

Albert Mountain Horse managed to evade Dilworth (and the Militia) and enlisted successfully. Mountain Horse was attending a course at the Calgary Musketry School when war was declared. He volunteered almost immediately in September 1914.³⁰ Overseas with the 10th Infantry Battalion, Mountain Horse was gassed in the battle at St. Julien. He wrote to the Reverend S. Middleton of the St. Paul Mission School (of which Mountain Horse was an alumnus) and described German gas as “worse than anything I know of. I don’t mind rifle fire, and the shells bursting around us, but this gas is the limit.”³¹ Although Mountain Horse remained in the trenches, and was gassed twice more

²⁸ “Cardston Indian Anxious to go to Front with CMR,” *The Lethbridge Herald*, 19 March 1915 p. 1.

²⁹ Ibid.

³⁰ Indian Agent W.J. Dilworth, Indian Agent’s Report to Secretary J.D. McLean 27 November 1915 LAC RG 10 Volume 1547; Albert Mountain Horse, 30396, Attestation Paper LAC RG 10 Accession 1992-93/166 Box 6448-11; Reverend Rex. S. Middleton, St. Paul’s Mission Anglican Boarding School to D.C. Scott 21 September 1915 LAC RG 10 Volume 3180 File 452, 124-1.

³¹ Middleton suffered some backlash among the Blood for his support of enlistment and had previously staked his reputation on Albert’s survival. Letter contained in the article “MacLeod Indian Who Fought at Ypres is Prey to Consumption,” *The Lethbridge Herald*, 23 October 1915 p.8. James Dempsey, “Mountain Horse, Albert” *Dictionary of Canadian Biography Online* www.biographi.ca (University of Toronto Press & les Presses de l’Université de Laval, 2000).

before he was hospitalized, Dilworth emphasized that gas, rather than a bullets or mortar shells, “proved too much for [the] natural weakness of the lungs of the Indians.”³²

Mountain Horse died six days after landing in Quebec on 19 November 1915. He was interred on the St. Paul’s Anglican Mission grounds, his service observed by “all the Blood Indians and by the largest body of citizens that ever attended a funeral in this district, none seemed to poor to do him honour”: attendance was so large that mourners required a ticket to enter the church.³³ The body arrived in MacLeod during a heavy snowfall to an escort that included officers of the St. Paul’s Cadet Corps, the MacLeod boy scouts, the Home Guard and the Royal North West Mounted Police, as well as a large crowd of Native and non-Native people. The *Herald* remarked “the fraternizing of the Indians and the white men, combined with the solemnity of the occasion, presented a most striking and unique scene.”³⁴ Mountain Horse’s casket, covered with the Union Jack and wreaths, was met by the “weird war chant” of the Blood as it traveled to the church. During the service, Archdeacon Tims delivered his address to the audience in “the Indian language, which is the first time this language has been heard from the pulpit in MacLeod.” In his eulogy, Reverend Middleton praised Mountain Horse who “fought to uphold the prestige and traditions of the British race,” and the speaker described the deceased soldiers as “truly an Indian warrior.”³⁵

Despite Dilworth’s opposition, at least seventeen Blood men enlisted and left wives, parents, and children behind them. Lieutenant-Colonel Willoughby Charles Bryan

³² Indian Agent W.J. Dilworth, Agent’s Report to Secretary J.D. McLean 27 November 1915 LAC RG 10 Volume 1547; Reverend Rex. S. Middleton, St. Paul’s Mission Anglican Boarding School to D.C. Scott 21 September 1915 LAC RG 10 Volume 3180 File 452, 124-1.

³³ Ibid.

³⁴ “White and Red Races Unites in Last Tribute to Brave Indian,” *The Lethbridge Herald*, 29 November 1915, p. 1,3.

³⁵ Ibid.

of the 191st Overseas Battalion, the unit to which most Blood soldiers belonged, asserted that his Blood men were among the battalion's best soldiers. Contradicting Dilworth's fears, all passed their medical tests and, "the boys from the Blood reserve have never complained of any duty imposed upon them, or of any punishment that has been inflicted upon them, but have played the game right thru [sic] as soldiers."³⁶

While historians have been correct to point out that CPF volunteers typically used gendered and class-based rationales to evaluate soldiers' dependents' claims, racial stereotypes and preconceptions about Native peoples' relationship with the federal government also affected Native claimants. The CPF was a charity run by volunteers, largely from the Anglo-Protestant community, and collected donations to redistribute to soldiers' dependents through locally run branches.³⁷ The charitable organization's support was meant to make up the difference between what a family needed to support itself and what its soldier former breadwinner sent home, all to maintain the male breadwinner structure in his absence.³⁸ Local CPF branches had relief committees, who evaluated applicants' claims for assistance, including proof of a soldier's enlistment for active service, proof of marriage, dependency and children's ages, and family circumstances to determine "whether the family, by its manner of living is worthy of assistance from the public monies."³⁹ When the Blood soldiers' families appealed to the local McLeod CPF Committee for support, it rejected their applications outright without investigation on the (unsubstantiated) grounds that "the dependants of these Indians are

³⁶ Indian Agent W.J. Dilworth to Secretary J.D. McLean 20 February 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

³⁷ Morton, *Fight or Pay*, 54-55, 65.

³⁸ Christie, 3-4, 7, 46-7,

³⁹ Philip Morris, ed. *The Canadian Patriotic Fund: A Record of Its Activities from 1914 to 1919* (Canadian Patriotic Fund, 1919), 16, 337.

wards of the Government, and draw rations from the Government...and as the Government of Canada is responsible for their maintenance.”⁴⁰ Proximity did not translate into familiarity but rather ethnic (and legal) difference established an intellectual barrier between neighbours, bolstering the assessment that the Blood’s “are a comparatively small and segregated community, with whom there is little if any intercourse with outside Indians or white people.”⁴¹ Without a Blood member (not entirely surprisingly) or having heard a Blood witness, the McLeod committee assumed that the Blood wanted for nothing, so that the loss of their husbands and sons did not actually mean the loss of their breadwinners.

Dilworth found the McLeod CPF Committee’s attitude deeply frustrating. In a reversal of his earlier position, he asserted, “there is more to be said in favour of an Indian enlistment, than there is of the enlistment of an [sic] white man,” and therefore promises of support made to one should not be denied the other.⁴² Indeed, the Agent and the CPF actually shared an interest in soldiers’ dependents’ moral conduct and concerns about dependency.⁴³ Additionally, thanks to a successful hay sale in October 1914, Dilworth had been reducing the rations of beef and flour he gave to the Blood as “they [the Blood] must look past the ration house for their livelihood, with the result that they are looking further ahead for their food supplies.”⁴⁴ Dilworth tied the reduction in rations

⁴⁰ Indian Agent W.J. Dilworth to Secretary J.D. McLean 20 February 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁴¹ Indian Agent W.J. Dilworth to D.C. Scott 17 June 1916 LAC RG 10 Volume 1541.

⁴² Ibid.

⁴³ As an example, as of June 1916, Dilworth had collected evidence against three women on the reserve for charges of prostitution. He believed venereal disease was a serious and growing problem on the reserve. Indian Agent W.J. Dilworth to D.C. Scott 17 June 1916 LAC RG 10 Volume 1541; Secretary J.D. McLean to Indian Agent W.J. Dilworth 19 September 1916 LAC RG 10 Volume 1541.

⁴⁴ Indian Agent W.J. Dilworth, Agent’s Report to Secretary J.D. McLean 5 October 1914 LAC RG 10 Volume 1574; Indian Agent W.J. Dilworth, Agent’s Report to Secretary J.D. McLean 3 March 1915 LAC

to the pursuit of farming on the Agency, which he believed reflected “great credit on the Indians themselves, and upon the officers of the Department, under whose care and supervision, the work is conducted.”⁴⁵ The Agent managed to keep himself at the center of economic life on the reserve. Dilworth admitted, “I do keep a firm hand over the money matters of these Indians,” as he sought to direct Native financial decisions towards farm improvements and general thriftiness.⁴⁶

From a general interest in the reserve’s economic situation to a specific concern for the economic circumstances of certain members, Dilworth became an advocate for Blood soldiers’ families. Dilworth reminded his superiors that the Blood had generously donated to the war effort and therefore should not be denied the benefits extended to white dependents. Concurring with his Agent’s views, Scott wrote to CPF secretary Herbert Ames with the Blood’s complaint of unequal treatment. Scott assured Ames “I feel sure that this apparent discrimination against them is merely a matter of oversight” and not the product of malicious and/or conscious neglect.⁴⁷ CPF Secretary Philip Morris assured Scott that their fund did not have a policy of excluding Native families from support. Morris suggested the McLeod problem was a product of the local context, that

RG 10 Volume 1574; Indian Agent W.J. Dilworth, Agent’s Report to Secretary J.D. McLean 31 September 1915 LAC RG 10 Volume 1547.

⁴⁵ Indian Agent W.J. Dilworth, Agent’s Report to Secretary J.D. McLean 6 December 1915 LAC RG 10 Volume 1547. The Department actually chastised Dilworth in the summer of 1916 for spending too much money in the name of progress, and suggested instead that he should try to assure self-supporting farms rather than larger, perhaps more modern, farms that he tried to establish. D.C. Scott to Indian Agent Dilworth 16 August 1916 LAC RG 10 Volume 1547.

⁴⁶ Indian Agent W.J. Dilworth to D.C. Scott 21 March 1918 LAC RG 10 Volume 1537. This level of personal involvement in Native peoples’ lives is discussed in greater detail in Brownlie’s *A Fatherly Eye*. Between the two case studies Brownlie presented, Dilworth’s actions match those of the more involved Agent, concerning himself in the everyday lives of those living on the reserves under his jurisdiction. Just as in Brownlie’s argument, although this was an infantilizing and oppressive pattern of behaviour, in cases of need (whether the Depression in Brownlie’s work or the CPF’s failure to recognize Native women as soldiers’ dependents worthy of support) these involved Agents were aware of the degree and nature of the problem and committed themselves to easing want (along the vein of the Department’s general policies).

⁴⁷ D.C. Scott to Herbert Ames, CPF Chairman, 28 February 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

“there may be special conditions of life on the Indian Reserves which should be taken into consideration by a local committee.”⁴⁸

The CPF authorities in Calgary investigated the Blood’s concerns. They found that the McLeod Committee believed that all those families living on the reserve paid no rent and received all their necessary food through government rations – that the Government took care of Native people in every capacity and therefore Blood soldiers’ wives did not need and were not entitled to CPF assistance.⁴⁹ This assumption stood in direct contradiction to Dilworth’s proud pronouncements about reducing Departmental support to the Blood. Scott corrected the McLeod committee’s misconceptions; the Blood families owned their homes (and hence did not have to pay rent) and received few government rations. Scott asserted, “It is not good policy to have the impression go forth that the Indians who contribute to the Patriotic Fund would be refused any assistance from it.”⁵⁰ Scott argued the blank dismissal would “cause irritation” as “these people are doing their duty,” and ought not to be dissuaded from contributing to the war effort.⁵¹

The McLeod CPF Committee members had been unaware of the Blood’s donations. Since the Blood Council donated from their funds controlled in Ottawa, they sent their instructions to the Department of Indian Affairs’ headquarters, bypassing local channels. Initially the Department would only approve donations that could be taken from a band’s interest funds, not their capital funds (the principle). They sent the money in question to the headquarters of the fund in question, unless otherwise advised. The McLeod Committee Secretary R.T. McNicholl apologized to Scott (rather than the

⁴⁸ CPF Secretary Philip Morris to D.C. Scott 2 March 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁴⁹ CPF Secretary Philip Morris to D.C. Scott 12 March 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁵⁰ D.C. Scott to CPF Secretary Philip Morris 13 March 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁵¹ Ibid.

rejected and needy families) and explained that the local CPF had no idea of the Blood's numerous and generous donations to the wartime charities. Though the McLeod Committee promised to consider any future Blood applications, its secretary insisted that any future donations from the Council ought to be channeled through them, rather than the CPF headquarters.⁵² Scott promised his Department would funnel all Blood CPF donations to the McLeod branch, and instructed Dilworth likewise.⁵³ At the beginning of April 1917, the McLeod committee passed a resolution that the "families of Indians who have enlisted be treated in the same manner as those of other nationalities, and that each case be dealt with separately," rather than dismissed *en masse*.⁵⁴

Nine months after Dilworth received these assurances, Joe Mountain Horse (Albert's brother) wrote to Scott from France. Between his glowing praise to the Department for "the interest you have taken" in the "Blood boys," and his earnest desire to "try my luck again at Fritz," Mountain Horse lamented his family's poverty, of which he had been appraised in a recent letter from home.⁵⁵ As Mountain Horse had no one else, he told Scott "I am forced to make this appeal to you."⁵⁶ The soldier thought a loan and/or a house near Dilworth's might allow his family to be "as comfortable as they can under the present trying circumstances."⁵⁷ He made no mention of the money the Militia allowed soldiers to send home (see chapter 3). When Scott inquired of Dilworth about the Mountain Horse family, the Agent informed Scott that they "are many times better off

⁵² McLeod CPF Committee Secretary McNicholl to D.C. Scott 23 March 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁵³ D.C. Scott to McLeod CPF Committee Secretary McNicholl 1 May 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2; D.C. Scott to Indian Agent W.J. Dilworth 1 May 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁵⁴ CPF Secretary Philip Morris to D.C. Scott 11 April 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁵⁵ Joe Mountain Horse to D.C. Scott 6 January 1918 LAC RG 10 Volume 6777 File 452-179.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

than they ever were when he was with them,” and attributed Joe’s concern to the “usual Indian course, ‘A man is never likely to get unless he asks for, probably might be missing something.’”⁵⁸ Dilworth acknowledged that “Indians are more or less jealous of their wives in their absence,” but he assured Scott (who subsequently allayed Mountain Horse’s fears) that “there is no mote virtuous woman on the reserve than Mrs. Joe Mountain Horse.”⁵⁹

The Blood donated money to the CPF and they expected that contribution to be returned with support from the CPF when necessary – it was meant to be a reciprocal relationship. The McLeod Committee had considered Blood applicants to be ineligible because they lived on reserve, a place where Committee members imagined Native people had all their needs taken care of by a benevolent government. The Committee found, through forced reexamination, that not only were Blood soldiers’ wives equally entitled to support as white soldiers’ dependents, but that the Blood had donated liberally to their main Ottawa branch and other funds. Ultimately, the McLeod Committee only allowed Blood women to apply for support (no such support was guaranteed) after authoritative non-Native outsiders investigated and disproved the McLeod Committee’s assumptions. Albert Mountain Horse’s death proved a brief moment of unity between white and Native communities, and only cooperation and advocacy from white authorities overcame those barriers.

The Blackfoot’s Contribution Compromise

⁵⁸ Indian Agent W.J. Dilworth to D.C. Scott, 6 February 1918 LAC RG 10 Volume 6777 File 452-179.

⁵⁹ Indian Agent W.J. Dilworth to D.C. Scott, 6 February 1918 LAC RG 10 Volume 6777 File 452-179; D.C. Scott to Joe Mountain Horse 18 February 1918 LAC RG 10 Volume 6777 File 452-179.

Some Native councils sought to use fund-raising to exclude themselves from other ways of supporting the war effort. The residents of the Blackfoot Agency of Alberta, specifically the Siksika (hereafter simply the Blackfoot) agreed on 23 September 1914 to donate twelve hundred dollars to the Government of Canada to support the war effort, and approached their Agent, J.H. Gooderham, to complete the financial paperwork a week later.⁶⁰ The Agent found the Blackfoot party that presented themselves at his office “were all most enthusiastic and anxious to give,” and he believed their generosity was so great that the group would have donated as much as \$1500.00 “if I had suggested it.”⁶¹

Gooderham noted in his diary, “the whole thing was done quietly,” unknown to the nearby white Gleichen population, at least “until they saw it in the papers.”⁶² Similar to Agent Dilworth, Gooderham perceived the Blackfoot’s donation, which arose without the Agent’s encouragement or interference, as proof of his effective work on the Blackfoot Agency. Gooderham suggested to Ottawa that the donation could come out of a CPR payment for a swath of reserve land.⁶³ Instead, and a year and a half later, the Department of Indian Affairs appealed to the Governor General to take the twelve hundred dollars from the Blackfoot capital funds (which totaled \$90,965.00) as the money from their interest fund was already earmarked for food supplies.⁶⁴

⁶⁰ Blackfoot Council to Acting Superintendent General Robert Rogers 23 September 1914 LAC RG 10 Volume 6726 File 452-2 Pt. 1; Indian Agent Gooderham’s Diary 30 September 1914 LAC RG 10 Volume 1155.

⁶¹ Indian Agent Gooderham’s Diary 30 September 1914 LAC RG 10 Volume 1155.

⁶² Ibid.

⁶³ Indian Agent J.H. Gooderham to Secretary J.D. McLean 24 September 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

⁶⁴ Superintendent General William Roache to the Governor General 10 February 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Indian Agent J.H. Gooderham to Secretary J.D. McLean 5 April 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

This appeal represented a change in policy, as donations from most Native bands came from their interest funds rather than their capital funds, their principal investments and savings fund. Unlike donations from interest funds, from which the above donations were drawn, withdrawals from capital funds were regulated under the Indian Act's Section 90 of the Act (inserting war funds where they were not mentioned), which allowed withdrawals from band's capital funds (with vice-regal approval) for on-reserve improvements. Upon receiving a number of applications to donate money to the CPF, Deputy Minister of Justice E.L. Newcombe asked Scott why they needed the Governor General's approval for charitable contributions.⁶⁵ In these cases, a band's desired donation exceeded the money in their interest funds and therefore the Department sought government approval for withdrawals from those band's capital funds – the principal from land transfers/successions. The Department of Indian Affairs explained that the wish to donate originated with the bands and that the Department believed that Native peoples “being allowed to feel that they were co-operating would have the effect of fostering the already strong sense of unity and partnership which is so desirable as between the Indians and the rest of the community.”⁶⁶

The Department reasoned that the Indian Act predated the war and hence would not mention war-related programs, therefore they liberally interpreted Section 90: as reserves are in Canada, and Canada is within the Empire, therefore “the successful persecution of the war will be of permanent value to the Indians.”⁶⁷ Newcombe and some of his staff were hesitant to endorse Scott's opinion based on their own readings of the

⁶⁵ Deputy Minister E. L. Newcombe to D.C. Scott 10 July 1916 LAC RG 13 A-2 Volume 203 File 1083.

⁶⁶ Secretary J.D. McLean to Deputy Minister of Justice E.L. Newcombe 11 July 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 2; LAC RG 13 A-2 Volume 203 File 1083.

⁶⁷ Ibid.

Indian Act.⁶⁸ Yet the Minister of Justice believed the War Measures Act would allow the Governor General to approve the capital fund donations “if the Indians requested it.”⁶⁹

The Blackfoot wanted to give money so they would not have to give up their sons to the war effort. At the beginning of the war, the Blackfoot had received assurances from Calgary MP R.B. Bennett that the reserve’s young men would not have to serve at the front.⁷⁰ In April 1916, Paul Little Walker and Silas Wolf Collar, along with the local missionary Reverend Canon Gibbon Stocken, committed to collecting money for both the CPF and the Canadian Red Cross, alternating between the two every three months, on one condition. In a form of exchange, the Blackfoot “could not face the thought of sending their young men to the front, for personal reasons, but they are more than willing to give of what money they have towards the Patriotic and Red Cross Funds.”⁷¹ Barely a generation removed from the collapse of the Northern buffalo herd which turned “stout and hearty” young Blackfoot hunters into “skeletons,” the Blackfoot did not want to loose any more healthy young men.⁷² This desire for protection against outside threats extended back before the buffalo collapse however, to the motivation for signing Treaty 7

⁶⁸ Deputy Minister of Justice E.L. Newcombe to Secretary J.D. McLean 14 July 1916 LAC RG 13 A-2 Volume 203 File 1083; Memorandum for Mr. Newcombe 11 December 1916 LAC RG 13 A-2 Volume 203 File 1083; Minister of Justice to the Governor General 19 December 1916 LAC RG 13 A-2 Volume 203 File 1083.

⁶⁹ Minister of Justice to the Governor General 19 December 1916 LAC RG 13 A-2 Volume 203 File 1083.

⁷⁰ Reverend Canon Gibbon Stocken to D.C. Scott 16 March 1917 LAC RG 10 Volume 6762 File 452-2. The Blackfoot were not the only band to offer money to the war effort with the specific goal of avoiding enlistment; upon an appeal from their Agent for both money and men, the Parry Island Council offered the CPF or the Red Cross (whichever the Department felt best) two hundred dollars. Whereas only two Blackfoot served in the CEF and X Parry Islanders served, the Blackfoot were far more successful in their effort to pay rather than fight. Minutes of the Parry Island Council, 8 January 1917 LAC RG 109 Volume 6762 File 452-2 Pt. 2. Others include the Councilors of the Broken Head Ojibwa Reserve to the Department of Indian Affairs 19 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt.1; John Prince, Headman of the Clandeboye Agency to D.C. Scott 27 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt.1; Chief Thomas Charles and Councilors at the Sturgeon Lake William Twatts Band No. 1 March 1918 LAC RG 10 Volume 6762 File 452-2 Pt. 3.

⁷¹ Emphasis in original, Reverend Canon Gibbon Stocken to D.C. Scott 10 April 1916 LAC RG 10 Volume 6762 File 452-2 Pt.2.

⁷² *Report of the Deputy Superintendent General of Indian Affairs for 1879* (Canada: King’s Printer, 1879), 12, 78-79.

in 1877, which Crowfoot signed against a shaman's advice in an effort to establish a safe future for the Blackfoot.⁷³ Therefore, although they were concerned about losing their men to the front, for the Blackfoot this was not an issue unique to the context of the First World War.

Agent Gooderham noted in his diary that the Blackfoot had donated another \$207.00 to the CPF in that month, for which Gooderham thought it was "Indian-like" that they wanted a letter of thanks (meaning that they wanted their contribution known).⁷⁴ The Blackfoot's search for an acknowledgement of their donations arose out of their desire to support the war effort financially rather than through the sacrifice of its male population. To have that exchange recognized officially would assure that the white authorities were aware of this contribution and that it could serve as a defense against questions of enlistment. Underlining this concern, Little Walker and Wolf Collar offered to come to Ottawa to discuss the substitution of money for men directly with Scott.⁷⁵ Scott offered to arrange for a tour of the Parliament Buildings, but only on the condition that Little Walker and Wolf Collar paid for their journey themselves.⁷⁶ They did not or could not meet this condition and did not travel to Ottawa.

Little Walker, Wolf Collar and Stocken sent the CPF \$34.25 in June 1916, in addition to an earlier collection of \$100 for the Red Cross, and reiterated with this new money that the Blackfoot did not want their young men to fight.⁷⁷ To emphasize their desire to cooperate with white authorities and to reinforce their commitment to the war

⁷³ Dickason, 282; Miller, *Skyscrapers Hide the Heavens*, 164-165.

⁷⁴ Indian Agent Gooderham's Diary, 5 April 1916 LAC RG 10 Volume 1155.

⁷⁵ Reverend Canon Gibbon Stocken to D.C. Scott 10 April 1916 LAC RG 10 Volume 6762 File 452-2 Pt.2.

⁷⁶ D.C. Scott to Reverend Cannon Stocken 18 April 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁷⁷ Reverend Canon Gibbon Stocken to D.C. Scott 24 June 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 2; Agent Gooderham noted in his diary a year before this particular fund raising campaign that subscriptions among the Blood for the Red Cross Society totaled \$80.00. Indian Agent Gooderham's Diary 5 May 1916 LAC RG 10 Volume 1155.

effort, the Blackfoot wanted Scott and the Department to know that “they all – old and young, Christian and non-Christians, pray daily, in public and in private for the success of the Allies.”⁷⁸ Conversely, and without Little Walker or Wolf Collar, Stocken noted Blackfoot farmers made one to two and a half thousand dollars from their wheat crops “individually.”⁷⁹ Stocken suggested to Scott that the Department offer Wolf Collar a preemptive thanks for offering the Blackfoot’s “riches,” to shame them into donating the proceeds of the harvest.⁸⁰ As much as the Blackfoot hoped to sway white authorities with their donations, Stocken sought to influence Blackfoot behaviour with these same donations. Stocken’s success seems doubtful, as the reserve’s next donation to the war effort was five dollars, followed by a New Years’ gift of over eleven hundred dollars (not specifically from farmers).⁸¹

An article appeared in *The Gleichen Call* on 4 January 1917 that praised the Blackfoot’s generosity, which was “a pretty nice donation from our red brothers,” and argued their donations “shows them [the Blackfoot] to be more liberal than many white men” who were far, far wealthier than their Native compatriots. Contrary to the Blackfoot’s assertions, the article claimed that the reserve’s commitment to the war knew no bounds, and that if “should they be asked to go to the front every man on the Blackfoot reserve would volunteer.”⁸² These bold declarations, true and false, were meant to shame the white community and were not without precedent. A member of the Onion Lake reserve

⁷⁸ Reverend Canon Gibbon Stocken to D.C. Scott 24 June 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁷⁹ Stocken put farmers he put in quotations in his correspondence with Scott. Emphasis in original, Reverend Canon Gibbon Stocken to D.C. Scott 13 October 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁸⁰ Ibid.

⁸¹ Indian Agent J.H. Gooderham to Secretary J.D. McLean 2 January 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2; Indian Agent J.H. Gooderham to Secretary J.D. McLean 2 January 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁸² “Blackfeet Indians Donate to Red Cross Society, \$1154.00” in *The Gleichen Call* 4 January 1917, LAC RG 10 Volume 6762 File 452-2 Pt. 2.

in Saskatchewan, Moo-Che-We-In-Es, sent \$1.50 to Ames of the CPF and a letter explaining that he had “heard there was a big war going on over there and I feel like I want to help” and the “best I can do is to send a little money for I can’t go myself as I am nearly blind.”⁸³ This money came out of Moo-Che-We-In-Es’ income from selling beef to the Government, but he had heard other Native people planned to give the CPF twenty-five cents from their treaty payments of five dollars per year.⁸⁴

This correspondence so delighted Ames that he declared Moo-Che-We-In-Es’ story “one of the best I have ever seen,” and the CPF turned it into a poster with some of the story printed in Cree syllabic (with a footnoted English translation) to “create a lot of interest and help the Fund.”⁸⁵ Ames requested Scott forward the CPF any similar stories for similar publication.⁸⁶ Like the article in *The Gleichen Call*, the CPF hoped the Moo-Che-We-In-Es poster would inspire or shame their white audiences into donating more; if Natives, whom the Canadian public generally viewed as poorer and inferior than themselves had given so much of their meager resources, how could the white patriot justify not donating even a small sum?

While the CPF planned its schemes to increase donations from the non-Native population, the Blackfoot felt their reciprocal agreement with white authorities not to have their men enlisted was being violated. In January 1917, recruiting officers visited the reserve unannounced and uninvited. Captain Rankin in the 191st Overseas Battalion, and a local man “who is well known to the Indians,” attended a dance on the reserve,

⁸³ Moo-Che-We-In Es, of Onion Lake to CPF Honourary Secretary Herbert Ames, 4 December 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁸⁴ Ibid.

⁸⁵ CPF Honourary Secretary Herbert Ames to D.C. Scott 15 December 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁸⁶ Ibid.

where the Captain spoke to the assembled dancers and convinced thirteen men to attest, six of whom passed their medical exams in Calgary (two had previously served in the CEF).⁸⁷ Neither the Agent nor the Chiefs were present at the dance, nor were they consulted about the Captain's intentions, despite assurances from the officer and his local companion that they wanted the elders present when they presented the case for enlistment.⁸⁸

Scott, contacted by some angry Blackfoot, immediately told Agent Gooderham that this impromptu recruiting campaign "is not according to [our] understanding with [the Blackfoot] Indians and must be discontinued pending representations from [the] Indians" and the Agent's report.⁸⁹ Despite the numerous assurances the Blackfoot held from local Calgary MP R.B. Bennett and the Department, as well as their repeated assertions that they donated money in lieu of sending their young men, Gooderham claimed to be unaware of a previous policy of not enlisting Blackfoot. Instead, the Agent attempted to assure Scott that "the minor chiefs said those that enlisted of their own accord were free to do so."⁹⁰ The Agent believed twenty-five young Blackfoot men would make good soldiers and not be missed on the reserve. He dismissed any reticence against enlisting, which arose from Blackfoot's "fondness for their children and [of] not wishing to part with them."⁹¹ This dissonance between Agent and Blackfoot might explain why those concerned with recruiters spoke directly with Scott.

When a month later Glen Campbell of the 107th Overseas Battalion tried to recruit on the reserve, the Blackfoot appealed to the Department of Indian Affairs, which gave

⁸⁷ Indian Agent J.H. Gooderham to D. C. Scott 3 February 1917 LAC RG 10 Volume 6766 File 452-13.

⁸⁸ Ibid.

⁸⁹ D.C. Scott to Indian Agent J.H. Gooderham 30 January 1917 LAC RG 10 Volume 6766 File 452-13.

⁹⁰ Indian Agent J.H. Gooderham to D. C. Scott 3 February 1917 LAC RG 10 Volume 6766 File 452-13.

⁹¹ Ibid.

the reserve “assurance which they [the Blackfoot] understood to mean that they should not be formally recruited.”⁹² Despite Gooderham’s disingenuous dismissal of the Blackfoot’s desire to keep their young men out of uniform, Stocken forwarded the Blackfoot’s great thanks to Scott for stopping the 191st Overseas Battalion’s encroachments onto the reserve.⁹³ Stocken sought to assure Scott that the Blackfoot’s desire not to serve did not rise out of disinterest in the war or in the Allies’ wellbeing. The Reverend assured the bureaucrat that the whole reserve followed the war events closely, largely thanks to the former reserve school students, who read the daily papers.⁹⁴ Additionally, although some minor chiefs had indeed asserted that volunteers could not be stopped, that should not mean military officers and respected, and therefore presumably persuasive, civilians could enter the reserve and tell the young men “they were there in the name of the King to seek recruits!” Many of those men who had left, largely former pupils at Elkhorn and Shingwauk Industrial Schools, had died soon after enlisting, and the Blackfoot believed their young men would similarly die if sent to the “humid atmosphere of Europe,” which would deeply imperil their future as a people.⁹⁵ Repeating the logic that the Blackfoot must pay to avoid fighting, the reverend attached a check for \$61.80 collected by Wolf Collar and Little Walker for the Red Cross.⁹⁶

Scott promised Stocken that the Department of Indian Affairs had been completely unaware of the Captain Rankin’s recruiting mission, and immediately telegraphed Agent Gooderham with the instructions that the mission must be

⁹² Ibid.

⁹³ Reverend Canon Gibbon Stocken to D.C. Scott 16 March 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

discontinued and that the Blackfoot “will not be urged to recruit; if they join any of the overseas battalions it must be voluntary.”⁹⁷ The Blackfoot were one of a few exceptions in this regard, as the Department generally aided the Militia’s recruiting efforts on reserves, even encouraging Indian Affairs’ current and former employees to act as recruiters (see chapter 2).⁹⁸ A handful of Blackfoot men volunteered despite their Chiefs; Cyril and Mike Foxhead, (alias Mike Many Bears) joined the 191st Overseas Battalion, enlisting when the uninvited Captain Rankin visited the reserve.⁹⁹ Mike wrote home in July 1917, claiming he enjoyed the trip over the prairies and ocean and he was “glad to say everything is going on fine and dandy.”¹⁰⁰ Foxhead inquired about the results of the reserve’s annual fruit harvest and asked how Blackfoot boys had performed at the Calgary Stampede. The soldier absolved an acquaintance of his who had deserted and run to the United States, but Foxhead assured his friends and family at home that

⁹⁷ D.C. Scott to Reverend Canon Gibbon Stocken 21 March 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

⁹⁸ D.C. Scott to Major George Williams Divisional Recruiting Officer No. 2 Military District 1 February 1916 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Indian Agent G.P. Cockburn 11 January 1917 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to E.S. Gauthier (Maniwaki) 9 March 1916 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Indian Agent W. R. Brown (Port Arthur) 21st March 1916 LAC RG 10 Volume 6766 File 452-13; 256 Tiokea Ronahonni Battalion LAC RG 10 Volume 6766 File 452-13; Indian Agent E.S. Gauthier to D.C. Scott 24 January 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent F.E. Taillon to D.C. Scott 2[?] January 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent Peter Bryce (New Westminster) to D.C. Scott 3 February 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent W. Halliday (Alert Bay) to D.C. Scott 13 February 1917 LAC RG 10 Volume 6766 File 452-13; A.M. Tyson of BC believed the Militia’s funds were too small for recruiting in the north of his province and asked for \$250 from the Department to supplement his \$2/day Militia pay D.C. Scott to Inspector A. M. Tyson (Vancouver) 15 January 1917 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Inspector S. J. Jackson (Winnipeg) 15 January 1917 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Inspector A. M. Tyson (Vancouver) 23 January 1917 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Inspector S. J. Jackson (Winnipeg) 23 January 1917 LAC RG 10 Volume 6766 File 452-13; Inspector A.M. Tyson to D.C. Scott 25 January 1917 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Inspector A.M. Tyson 1 February 1916 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Minister of Militia and Defense A.E. Kemp 9 February 1917 LAC RG 10 Volume 6766 File 452-13; Inspector A. M. Tyson to D. C. Scott 26 January 1917 LAC RG 10 Volume 6766 File 452-13; Inspector A.M. Tyson to D.C. Scott 5 February 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent Peter Byrne to D.C. Scott 7 February 1917 LAC RG 10 Volume 6766 File 452-13.

⁹⁹ Indian Agent J.H. Gooderham to L. LaMothe 12 April 1917 LAC RG 10 Volume 6767 File 452-17; Attestation Paper for Cyril Foxhead, 895514, LAC RG 150 Accession 1992-93/166 Box 3257 -40.

¹⁰⁰ Mike Foxhead to E.D. Hardwich 22 July 1917 LAC RG 10 Volume 3181 File 452,124-1A

I'll stick to it until the end and put up a name for the Reserve, so they can say that they have one of their boys over here. I could have got out of it when the other boys got their discharge [referring to the Captain Ranking incident], only I wanted to do my bit like all other Canadians.¹⁰¹

Unfortunately for Mike Foxhead, his Chiefs' concerns about the welfare of their young men overseas proved prescient. The Director of Military Estates contacted the Department of Indian Affairs on 10 May 1918 to inform them that Pte Foxhead had died in France in October 1917.¹⁰²

Whereas the Blood appealed to have their CPF contributions recognized and to thus receive equal treatment as white Canadians in terms of support for soldiers' dependants, the Blackfoot instead sought an exchange of men for money. The demands of wartime Canada were rife with negotiations over the nature of Native participation and treatment in wider events. By the end of the war, Blackfoot donations totaled \$4,200: two hundred dollars shy of ten percent of *all* Native donations during the war.¹⁰³ This is a particularly impressive figure as the 737 Blackfoot (as of 1914) represented only 0.7% of the entire status Indian and Inuit population in the country and only 2.3% of the population of Native people belonging to bands that donated to war funds; the Blackfoot donations were only outdone by the File Hills Colony (of the residential school), who collected \$8562 for various funds through aggressive collection drives.¹⁰⁴ The Blackfoot experience represents a generally successful negotiation of multiple demands of the war

¹⁰¹ Ibid.

¹⁰² Director of Military Estates to Secretary J.D. McLean 10 May 1918 LAC RG 10 Volume 3181 File 452,124-1A; Joe Mountain Horse to D.C. Scott 6 January 1918 LAC RG 10 Volume 6777 File 452-179.

¹⁰³ *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1919* (Ottawa: King's Printer, 1919), 23-24.

¹⁰⁴ All figures derived from Appendix A.

to control and direct how their community would survive the war – they paid for the freedom of their young men.

The Six Nations and the War Bonds Campaigns

The Six Nations, unlike the Blood or Blackfoot, did not donate money to the Canadian government. Before any question of war bonds arose, the Six Nations insisted their fifteen-hundred dollar donation only go to Imperial authorities as their Allies, and that the British repay that money semiannually over a period of 15 years.¹⁰⁵ This precise expression of Six Nations' sovereignty contrasted with the Blood and Blackfoot's outward declarations of loyalty in their donations, although each band was equally concerned in ensuring a particular and locally beneficial outcome through their financial offers. The Six Nations were His Majesty's Indian Allies, as a sovereign nation fighting alongside the British, and had been through the American Revolution and the War of 1812 – their reserve on the Grand River in Southern Ontario was a land grant to Joseph Brant and his original 1500 settlers after the American Revolution.¹⁰⁶ Yet in this new war, it was unclear to the Council and members if the Six Nations would be asked to participate as allies once again, or if the past century had sufficiently atrophied their sovereignty and position to the point of subjects to the British Crown.

The Six Nations' participation in the war generally involved a fair amount of give and take, much of it focused on this question of whether they were allies or loyal subjects. While over three hundred men from the reserve volunteered, principally in the

¹⁰⁵ Six Nations General Council Minutes 15 September 1914 LAC RG 10 Volume 6762 File 452-2 Pt.2; Captain G. Smith, Superintendent of Six Nations to D.C. Scott 26 September 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 2; Six Nations Council Minutes 6 October 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 2.

¹⁰⁶ Miller, *Skyscrapers Hide Heavens* 77-78; Weaver, "The Iroquois," 220.

114th Overseas Battalion, the Council itself rejected an offer from Colonel Hamilton Merritt in 1915 to form Six-Nations-only companies, as the Imperial War Department had not contacted the Chiefs directly.¹⁰⁷ On-reserve political struggles between competing political and sectarian factions determined much of Six Nations' participation in the war, which in turn was an extension of the debate over the role of the Six Nations within/with Canada and the Empire.¹⁰⁸ The Chiefs' concern for securing a good financial return on any investment, as well as any political concerns, informed their approach to the Victory Bond Campaigns.

The Canadian government funded the war effort in part by borrowing from private citizens via Victory Bonds, War Savings Certificates and children's War Saving Stamps.¹⁰⁹ The first fifty million dollars worth of bonds, issued in 1915, had twice as many subscribers as needed, and the government continued chasing this home-grown source of funds in subsequent annual campaigns, dubbed Victory Loans in 1917.¹¹⁰ Finance Minister Sir Thomas White argued that as increased production and higher prices for goods meant greater profits for Canadians firms and citizens, they could contribute some of the profit back to the war effort.¹¹¹ Through the banks, subscribers bought five, ten or twenty year gold-backed bonds at a rate of five per cent return.¹¹²

When representatives from the Brant County Victory Loan Committee arrived at the Six Nations Council house on 20 November 1917, they may have felt some trepidation. Conscription's implementation through the Military Service Act on 29

¹⁰⁷ Minutes of the Six Nations Council Meeting 24 March 1915 LAC RG 10 Volume 6766 File 452-13.

¹⁰⁸ For a more detailed discussion of the reserve conflicts at Six Nations, please see Lackenbauer & Katharine McGowan, 89-115.

¹⁰⁹ Morton, *Fight or Pay*, 127.

¹¹⁰ Morton, *A Military History of Canada*, 134.

¹¹¹ Sir Thomas White, "The War Finance of Canada," *Annals of the American Academy of Political and Social Science* 107 (May 1923): 209-215, 213.

¹¹² White, 214.

August 1917 sparked a general backlash across Native reserves, from protests to evasion, and the Six Nations proved no exception. Throughout October and early November 1917, a number of the Chiefs and band members, in particular those belonging to the traditionalist Longhouse religion, urged with tangible success the reserve's male population to disobey the requirement to register with the Military authorities for the purposes of conscription.¹¹³ Only fifteen of an estimated three hundred eligible men had registered by the initial 17 November 1917 deadline.¹¹⁴

The Brant County Victory Loan canvassers entered a reserve with a complicated record of participation in the war effort, and tension over the possibility of conscription did not help the canvassers. Yet the Six Nations Council listened to Messrs. Hunter and Dodge of the Brant County Victory Loan Committee at the 20 November Council meeting. The Chiefs understood the presenters' point exceptionally clearly. Whereas they currently received three percent interest on their capital funds held by the Department of Indian Affairs, Victory Bonds offered a five percent return.¹¹⁵ The Council had already discussed the possibility of purchasing War Bonds with the Brantford solicitor A.G. Chisholm in March 1917, who traveled to Ottawa to place the Council's request to invest \$150,000.00 in bonds.¹¹⁶ Departmental officials bristled at

¹¹³ Members of the Six Nations' Longhouses practiced a religion based on the adherence to the "Indian Way" as defined in the Code of Handsome Lake, a religious leader at late 18th and early 19th centuries. Religious services were performed in Iroquois languages, the religious ritual cycle was based on the agricultural cycle, marriages were largely informal but fidelity was highly valued. Longhouse members and Christians lived largely separate from one another (and the former generally tried to limit its contact with whites as well) and the Council House at Ohsweken was one of the few regular meeting points for the two groups. Weaver, "The Iroquois," 214-217.

¹¹⁴ Superintendent Captain Gordon Smith to D.C. Scott 13 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

¹¹⁵ Minutes of the Six Nations Council Meeting 20 November 1917 LAC RG 10 Volume 6770 File 452-23 Pt. 1.

¹¹⁶ This money was alternately described as coming from the Six Nations' "interest monies," and their "war funds." List of Billing hours, A.G. Chisholm to the Six Nations Council 20 March 1917, LAC RG 10 Volume 3195 File 492,946; A.G. Smith and Asa R. Hill to A.G. Chisholm 8 March 1917 LAC RG 10

Chisholm's presence and the Council's circumvention of their normal communication network. Scott sent the Council messages vaguely alluding to the possibility of increasing the return on their Indian Trust Fund.¹¹⁷ Frustrated with Chisholm's failure, the Six Nations Council refused to pay Chisholm an additional two hundred dollars for the travel expenses he requested in May.¹¹⁸ Yet the promise of a better rate of return germinated. Six months later, after the visit from the representatives of the Brant County Victory Loan Committee, the Chiefs decided once again to transfer a portion of their band funds to Victory Bonds subscriptions.¹¹⁹

The Department of Indian Affairs welcomed donations from Native bands to the CPF, the Belgian Relief Fund, and Canadian Red Cross, and even reinterpreted the Indian Act to facilitate large donations when a band's interest funds were insufficient to meet their intended contributions. However, Scott discouraged efforts to participate in the Victory Bond Campaign, which was a loan program rather than the above listed donation programs. Canvassers visited numerous reserves in late 1917 and again in 1918 in search of Victory Bond subscribers, and advertising the bonds' benefits both in terms of supporting the cause and the bond's quality as an investment. The Mississauga of Alnwick voted unanimously to buy two thousand dollars in bonds in 1917.¹²⁰ The Blackfoot tried to contribute fifty thousand dollars to the 1917 Victory Loan campaign. In 1918, the Chippewa of Sarnia sought to transfer ten thousand dollars, claiming, "this

Volume 3195 File 492,946; Minutes of the Six Nations General Council 8 March 1917 LAC RG 10 Volume 3195 File 492,946.

¹¹⁷ D.C. Scott to the Six Nations Council 28 March 1917 LAC RG 10 Volume 3195 File 492,946.

¹¹⁸ Minutes of the Six Nations Council 1 May 1917 LAC RG 10 Volume 3195 File 492,946.

¹¹⁹ Minutes of the Six Nations Council Meeting 27 November 1917 LAC RG 10 Volume 6770 File 452-23 Pt. 1.

¹²⁰ Minutes of the Mississauga Council 14 November 1917 LAC RG 10 Volume 6770 File 452-23 Pt. 1; Indian Agent H.R. Coyle to Secretary J.D. McLean 16 November 1917 LAC RG 10 Volume 6770 File 452-23 Pt. 1.

was done not as much for the extra percentage which is promised, as for the patriotic desire of the Council to help the Empire win the war.”¹²¹ In the same campaign, the Tsimshian at Metlakatla voted to transfer twenty thousand dollars in band funds, and claimed to have already subscribed to eight thousand in bonds.¹²² Scott denied all these requests, claiming their donations “would not be of any advantage to the country” because he claimed the bands received the same interest on their capital funds (even though the capital funds only paid 3%) as they would on the Victory loans, and “it would be of no advantage to transfer the money from one pocket to another.”¹²³

Similarly, Scott rejected the Six Nations’ request to use some of their band funds to purchase Victory Bonds. Why should the Government transfer money from one Department to another (as the money would come directly to the Government through the Bond program), and pay more in interest?¹²⁴ While the Department of Indian Affairs could stretch the Indian Act to justify withdrawing money from bands’ capital funds for the CPF or Red Cross – money which would have never been repaid as those were *donations* – Scott refused to allow bands a similar, and much more beneficial freedom of purchasing Victory Bonds, which would not only be repaid but at a better return than those bands currently enjoyed. Scott simply believed the government had to pay the bands in they kept their money in band funds or if they bought war bonds, and he did not want to have to pay the extra 2% yield. Using the Department’s Russian nesting doll logic -- that reserves are in Canada, and Canada is in the Empire, and the Empire is at war

¹²¹ Minutes of the Chippewa Council meeting 30 October 1918 LAC RG 10 Volume 6770 File 452-23 Pt. 1.

¹²² Indian Agent C. C. Perry to D.C. Scott 16 November 1918 LAC RG 10 Volume 6770 File 452-23 Pt. 1.

¹²³ D.C. Scott to Reverend Canon Gibbon Stocken 13 December 1917 LAC RG 10 Volume 6770 File 452-23 Pt 1; D.C. Scott to Indian Agent H.R. Coyle 20 November 1917 LAC RG 10 Volume 6770 File 452-23 Pt. 1.

¹²⁴ D.C. Scott to Superintendent Captain Smith 28 November 1917 LAC RG 10 Volume 3181 File 452,124-1A.

-- in removing money from bands' capital accounts, Victory Bonds, which were used directly to fund the war effort, seem as much if not a much more appropriate choice than CPF donations, which would support soldiers' families, and a useful recruiting tool. The Department of Indian Affairs, like government generally, was a cost-conscious entity, and Victory Bonds, while more beneficial to Native people than simply leaving their money in their capital funds, were more costly to the Government.

Chief Inspector William Ditchburn of Southwestern British Columbia suggested a compromise that would allow Native people to participate in the Victory Loan Campaign, at least individually. In the fall of 1918, the Inspector had observed that the Native people in his province "have been enjoying considerable prosperity for the past two years," as the prices for their goods, such as fish, and their labour had increased. As such Ditchburn believed they would "be in a position to purchase bonds when they are placed on the market" for the 28 October Victory Bond Campaign.¹²⁵ Hoping to make this happen, the Inspector wanted his superiors in Ottawa to approve his "crusade" to advertise Victory Bonds to Natives in the province, and he asked for the necessary literature from the Victory Loan Committee. If Native peoples outside of British Columbia had participated in previous campaigns, Ditchburn hoped to make full colour posters "showing to what extent the Indians outside of British Columbia helped when the last Loan was floated."¹²⁶ The Inspector hoped Native families would buy bonds using their growing incomes, rather than by drawing on band funds. Although Indian Affairs Secretary John McLean liked the idea, and although the rate of return was the same on

¹²⁵ Chief Inspector W.E. Ditchburn to D.C. Scott 26 September 1918 LAC RG 10 Volume 6770 File 452-23 Pt. 1.

¹²⁶ Ibid.

Victory Bonds and Capital funds at five percent, nothing came of the plan.¹²⁷ Just like the experience of Six Nations, the Department would not allow an organized attempt to buy Victory Bonds.

Conclusion

Beyond the question of Native nations' relations with the Crown, Native donations altered their existing relationship with their Agents and the Department, and with other the wider Canadian population. These donations also represent an attempt at (limited) financial freedom on the part of the Native councils and individuals, who lived uneasily under the gaze of their Agent. When the Blood and Blackfoot made their financial contributions to the war, they insisted upon certain assurances in exchange for their contributions and used their influence as donors to push their respective interests with members of the Department, the CPF, and the CEF. The Six Nations used the War Bonds program not only to advance their financial position but also as an assertion of control over their economic circumstances. The Departmental officials' criticism of the Six Nations' employment of an outside lawyer to make their case directly to Ottawa, underlines that effort by both the government and the Six Nations' to (re)negotiate their relationship, and the government's advantage in that negotiation.

The Department was a gatekeeper for Native donors, controlling the nature, amount, origin, and direction of most band councils' contributions. While many donations were accompanied by declarations that harkened back to (and sought to reinforce) nation-to-nation relationships, the process of donating and the exchanges

¹²⁷ Secretary J.D. McLean to Minister of Justice Arthur Meighen 3 October 1918 LAC RG 10 Volume 6770 File 452-23 Pt. 1.

included, favoured a reality that privileged Indian Affairs as the steward of Native interests in Canada. Chief F.W. Jacobs of the Kettle and Stony Points Chippewa was keenly aware of the Department's hold on his peoples' purse strings, as he asked if "the Tribes I represent would be allowed by the Indian Department to cast their mite out of their tribal funds...towards the enormous expenses borne by Canada as help towards the Mother Country in its present struggle in Europe."¹²⁸

The Department did more than allow such contributions, even reinterpreting the Indian Act to facilitate large donations, but prevented the purchase of war bonds. From Native bands' economic perspective, these two decisions make little sense, as the donations ate into capital funds, which money could only be made up by a substantial land surrender (or something of that nature), whereas war bonds would be repaid, and at a higher rate of return than the bands' own capital funds. Yet, from the Department's view, donations displayed those bands' commitment to the Empire's interests. By extension, the monies were sent to war funds, the donations could be interpreted as a step towards Native assimilation into Canadian civil society. While purchasing war bonds could be interpreted in the same light, Scott saw this program as detrimental to governmental interests as it would impose a significantly larger cost upon the federal government than if bands purchased no bonds whatsoever. The Department's fundamental cost-consciousness won out over any other consideration. Thus, the Department disallowed attempts to participate in the War Bonds campaigns.

As much as the Department sought to control Native donations to war funds, the decision to donate originated at the Council or individual level. While most donations

¹²⁸ Chief F.W. Jacobs of Kettle and Stony Points, Sarnia Agency to D.C. Scott 10 August 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

were presented in pro-Empire language, and no doubt such sentiments were largely genuine and the product of the various relationships between Native nations and the British Crown, this is not the only dimension in which to consider Native contributions to Canadian war funds. Within and underneath the patriotic and imperial pronouncements, bands used their donations a form of tangible exchange. Band councils donated freely, but they expected this would buy them certain credit, whether that be the freedom to equal access such funds as in the case of the Blood, or exempt them from sending men to the front, as the Blackfoot proposed. These two strategies, as well as the unsuccessful efforts to buy war bonds, represent Native councils' and individuals' efforts to control the nature and extent of their communities' participation in the war itself – both in terms of what and how they would give, and what they would get back. Native peoples attempted to protect and forward their interests as they stepped into the war, by ensuring they would have equal access to the benefits to non-Native peoples, in determining to what extent they would contribute to the war effort, and how they would spend their wealth.

Chapter 2:

Soldiering

Joseph Halkett left Lac La Ronge in Northern Saskatchewan in late March 1916 when he joined the 107th Battalion, former Tory MP Glenlyon Campbell's "cowboys and Indians" unit.¹ Convalescing in England in the summer of 1918, Halkett wrote his former schoolmistress, Winifred Stapleton, of the Anglican school on the west shore of Lac La Ronge. Although still in pain from an injury to his arm, Halkett assured Miss Stapleton "I am willing to go over again to France, when I am called up... what a lovely war isn't it."² On 10 November 1918 while fighting in France, he wrote again. Halkett spent the bulk of his letter regaling Miss Stapleton with his time sightseeing in London.³ Halkett also reflected on his other correspondents, including a woman named Caroline with whom "it will be all English talking now when I get back home, between her + me. Noe [sic] more Cree."⁴

Joseph Halkett's letter offers a glimpse into the lives of Native soldiers, a rare occurrence among the approximately four thousand Native soldiers who enlisted in the CEF.⁵ It was "the desire of the Department that Indians enlist."⁶ This was more than

¹ "Attestation Paper," Joseph Halkett, 886505, LAC RG 150 Accession 1992-93/166 Box 3935-7; Morton, *When Your Number's Up*, 57.

² Sapper Joseph Halkett to Miss Winifred Stapleton 17 August 1918 LAC RG 24 Volume 1819 G.A.Q. 4-119.

³ Sapper Joseph Halkett to Miss Winifred Stapleton 10 November 1918 LAC RG 24 Volume 1819 G.A.Q. 4-119.

⁴ *Ibid.*

⁵ There is currently no truly comprehensive list of all Native soldiers; the CEF's attestation forms did not mark an applicant's ethnicity. The Department of Indian Affairs did attempt to compile lists of enlisted men from each reserve, but their records contain many errors and incongruities when compared with attestation papers, and often lack the necessary information to even perform such a comparison. Additionally, the question of whether to count ethnically Native but not necessarily status Indian men as Native soldiers ought to be addressed; as seen in chapter five "Bona Fide Indian," the Department isolated their responsibilities to Native people strictly to those who fell under the Indian Act's definition of an

patriotic fervor however. The Department of Indian Affairs encouraged men like Halkett to enlist because they believed it would teach Native men discipline, instill a sense of membership in the Empire and in Canada rather than nation-to-nation allegiances.⁷ In other words, the Department saw soldiering as a method of assimilating Native men and the communities to which they returned. Scott expressed this belief in the Department's annual report for 1918: "Undoubtedly, the experience and knowledge of the world and its affairs which will be gained by the Indians soldiers will, upon their return from the war, exert a progressive influence upon life on the reserves."⁸ At first glance therefore, Halkett's assertions would seem to confirm the Department's hopes. Yet Native soldiers had at least two identities – as soldiers and as Native men – and the respective rights and obligations of each identity were not always complimentary. The foray outside the reserve was a collectively ambiguous experience, where the restrictions of the Indian Act stood in direct contradiction to the promises of equality with their non-Native comrades.

Indian (section 2(f) of the 1907 copy of the act), and many people who did not meet this legal definition but who were ethnically and culturally Native, and even living on reserve, were excluded. Yet it is entirely likely that someone who self-identified as Native, and whom others (outside the Department) identified as Native, would be subject to the same racial stereotypes and barriers as status Indian men, and therefore ought not to be overlooked if examining the Native war experience. Yet a researcher may find these men hard to identify based uniquely on CEF records (as there may/will not be records with the Department of Indian Affairs), which only document such signifiers as address, skin colour (which can be easily misinterpreted and vary depending on who filled out the attestation form), or religion, and none of these offer definitive proof that an individual was Native, Aboriginal or Métis (by the modern definitions). Therefore, it is likely that without a massive oral history and genealogy study of Aboriginal peoples, the record of all Native soldiers in the CEF will remain a vague approximation. The figure of four thousand was a Departmental estimate from May 1918, and has generally been employed by historians. Secretary J.D. McLean to Indian Agent Renaud 28 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁶ Indian Agent W.J. Dilworth to Secretary J.D. McLean 17 January 1916 LAC RG 10 Volume 6766 File 452-13.

⁷ Indian Agent Thomas Deasy to D.C. Scott 22 November 1915 LAC RG 10 Volume 6766 File 452-13; Reverend Dr. Robert John Renison to Lt-Col. Cecil Williams, Chief Recruiting Officer for Canada 14 December 1916 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Inspector S.J. Jackson 9 February 1917 LAC RG 10 Volume 6766 File 452-13; Sgt W.R. Taylor to D.C. Scott 11 April 1917 LAC RG 10 Volume 6766 File 452-13.

⁸ *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended March 31 1918* (Ottawa: King's Printer, 1918), 14. Scott declared this effort a success in his report a year later: *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended March 31 1919* (Ottawa: King's Printer, 1919), 27.

This discussion of Native soldiers focuses on two streams to highlight the ambiguities of Native soldiers' lives. The first stream follows the structures, relationships and assumptions that both facilitated and hindered the recruitment of Native men. The second stream analyzes the extension of the Indian Act's influence over Native soldiers on questions of drinking and desertion. The focus of these twin narratives is not on the experience of combat but the negotiations surrounding a Native soldier's off-reserve life. Scholarly attention has already been paid to the social and institutional attitudes about and against Native men as soldiers that affected what forms of service were open to Native men, closed many avenues for promotion, and to the veterans' pursuit of equality with the Canadian Government after the war.⁹ In practice however, Native soldiers occupied an ambiguous place between the reserve and the CEF, because they continued to carry some of the restrictions contained in the Indian Act.

Getting into Uniform

In December 1916, approximately one year after the CEF officially allowed Native men to enlist, Anglican Archdeacon Dr. Robert John Renison of Hamilton suggested to the Military "the possibility of utilizing the manpower of the Indians and half-breeds of Northern Canada for National Service" who "have never been given any opportunity of doing anything for their country."¹⁰ Renison argued that the mostly Cree and Ojibway men ("which have similar language and temperament") living in Northern Ontario and Quebec represented "the finest axemen in Canada" and were excellent

⁹ Walker, 3-4; Dempsey, "Problems of Western Canadian Indian Veterans," 1-18; Morton, *When You Number's Up*, 49; Miller, *Skyscrapers Hide the Heavens*, 217; Scott & Foster, 62.

¹⁰ Dr. Robert John Renison to Lt-Col Cecil Williams 14 December 1916 LAC RG 10 Volume 6766 File 452-13.

“packers” who would “be of special value in a construction battalion.”¹¹ Renison believed that Native men from northern Manitoba and Saskatchewan could join this proposed unit, as “I think that Military Service if voluntarily undertaken by the younger and more adventurous might be of great service in making the next generation better and brighter Canadians.”¹² Renison believed his experience as a reserve missionary would be useful in appealing to Native men, and he wanted to recruit them with the help of the Hudson’s Bay Company and Revillon Frères Fur Trading Company.

A number of individual Native men tried to enlist at the war’s outset. Some succeeded, but more suffered the emasculating embarrassment of rejection, despite being “strong, hardy men, who would have made excellent soldiers.”¹³ This official exclusion resulted from the fear among some Militia officers, specifically Surgeon-General Eugene Fiset, that Germans would not “extend the privileges of civilized warfare” to Native soldiers.¹⁴ Privately to Scott, Fiset cast doubt on some Native men’s potential as soldiers, particularly those of the British Columbian coast, who were “all the Coast Type,” principally fishermen, and who “would not be suitable as soldiers.”¹⁵ An officer in British Columbia disparaged of Native soldiers generally, arguing that he did “not think the Indians [sic] would make a good soldier, as the main trait in his character is, that he

¹¹ Renison was specifically in the area between the CPR, the Nelson River, and Hudson’s Bay, Ibid.

¹² Ibid.

¹³ Assistant Deputy and Secretary of the Department of Indian Affairs J. D. McLean to Surgeon General Eugene Fiset Deputy Minister of Militia and Defense, 4 December 1915, LAC RG 10 Volume 6766 File 452-13.

¹⁴ Walker, 1-26.

¹⁵ Surgeon-General Eugene Fiset to D.C. Scott 30 March 1916 LAC RG 10 Volume 6766 File 452-13. This specific sentiment did not necessarily originate with Fiset, as one of his officers in British Columbia used this exact language in communication with the Militia Council one week prior to Fiset’s letter to Scott. DOC Military District No. 11 to the Secretary of the Militia Council 23 March 1916 LAC RG 24 Volume 4662 MD 11 File 99-256.

cannot be depended upon.”¹⁶ This assessment was not universal, however, as the relatively junior Indian Agent Alex J. Duncan of Cape Croker was among those who challenged this prohibition on Native enlistment. Duncan assured Ottawa that many of the men in his agency would have enlisted if possible – this was a great missed opportunity when “the country is asking for recruits.”¹⁷

Need played an important role in reversing the Militia’s decision. The initial high level of voluntary enlistment among Canadians dropped at the end of 1915, while the CEF’s losses on the battlefield mounted. Prime Minister Borden doubled the CEF’s authorized strength from 250,000 in October 1915 to 500,000 for January 1916, but the casualty lists proved to Canadians that the war would be neither quick nor cheap. Work was plentiful at home thanks to numerous war contracts, making eager new recruits a rare commodity.¹⁸

The increase in the CEF’s authorized strength, and therefore in recruitment goals, coincided with an appeal from Dunnville, Ontario, MP F.R. Lalor to Minister of Militia Sam Hughes to recruit on the Six Nations’ reserve near Brantford, Ontario. Hughes acquiesced to the request.¹⁹ While Deputy Minister of Militia and Defence Surgeon-General Eugene Fiset, author of the original anti-Native enlistment circular, remained skeptical of Native soldiers’ potential, in early December 1915 recruiters were informed

¹⁶ DOC Military District No. 11 to the Secretary of the Militia Council 23 March 1916 LAC RG 24 Volume 4662 MD 11 File 99-256.

¹⁷ Indian Agent A. J. Duncan to the Secretary of the Department of Indian Affairs J.D. McLean, 29 November 1915 LAC RG 10 Volume 6766 File 452-13.

¹⁸ J.L. Granatstein, “Conscription in the Great War,” in *Canada and the First World War: Essays in Honour of Robert Craig Brown*, ed. David MacKenzie, (Toronto: University of Toronto Press, 2002) p.62-75, 64-65; Robert Craig Brown & Donald Loveridge, “Unrequited Faith: Recruiting the CEF 1914-1918,” *Revue Internationale d’Histoire Militaire* 51 (1982): 53-79.

¹⁹ Lackenbauer & McGowan, 101.

they could enlist Native men generally.²⁰ Renison's suggested recruitment campaign mirrored the Department of Indian Affairs' tactic of employing members of its Ottawa and Agency services, and its allies, most notably missionaries.²¹ The Militia recognized the Department of Indian Affairs as the chief authority over Native people, and the two government bodies established a partnership directed towards the recruitment of Native men.²² This relationship consisted of an exchange of information and personnel. Indian Affairs forwarded the Militia the names and addresses of all its Agents, while recruiters sent those Agents recruitment literature in advance of their coming, and even help fill out attestation papers.²³

The Department did not approach all Native men equally, however preferring those who lived closer to non-Native populations, who spoke English and who were generally "more integrated in white society than many others," particularly when

²⁰ Surgeon-General Eugene Fiset to D.C. Scott 11 January 1917 LAC RG 10 Volume 6766 File 452-13.

²¹ McGowan, "In the Interest of the Indians," 111-126; Secretary J.D. McLean to Lt.-Col. A.T. Thompson, re Reverend Oke of Cornwall Island 10 June 1916 LAC RG 10 Volume 3180 File 452,124-1.

²² Lackenbauer & McGowan, 101-3; McGowan, 111-126; Major George Williams O.I.C. Divisional Recruiting No. 2 Military Division to the Honourable Minister of Indian Affairs 27 January 1916 LAC RG 10 Volume 6766 File 452-13.

²³ Examples of appeals include Lt.-Col. McLean of the 207th Ottawa-Carleton Battalion to D.C. Scott 15 May 1916 LAC RG 10 Volume 3180 File 452,124-1; Lt. F. Ogilvie Loft (a Native soldier) to Secretary J.D. McLean 28 February 1917 LAC RG 10 Volume 3180 File 452,124-1A; Lt. F. Ogilvie Loft to Secretary J.D. McLean 29 March 1917 LAC RG 10 Volume 3180 File 452,124-1A; D.C. Scott to Eugene Fiset 15 January 1917 LAC RG 10 Volume 6766 File 452-13; Secretary J.D. McLean to Lt. Ogilvie-Loft 5 March 1917 LAC RG 10 Volume 3180 File 452,124-1A; Secretary J.D. McLean to Indian Agent E.S. Gauthier 5 March 1917 LAC RG 10 Volume 3181 File 452,124-1A; D.C. Scott to Major George Williams Divisional Recruiting Officer No. 2 Military District 1 February 1916 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to G.P. Cockburn 11 January 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent Armand Tessier (Pointe Bleue, Que) to D.C. Scott 8 February 1917 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Indian Agent W.J. Dilworth 25 January 1916 LAC RG 10 Volume 6766 File 452-13; Secretary J.D. McLean to Colonel Thoburn, Assistant Adjutant-General Military District No. 2, 14 June 1916 LAC RG 10 Volume 6766 File 452-13; Indian Agent W.R. Brown to Secretary J.D. McLean 9 October 1915 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Indian Agent Tessier 14 February 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent W. Scott Simpson to Secretary J.D. McLean 5 March 1916 LAC RG 10 Volume 6766 File 452-13.

recruiting for combat units.²⁴ For those Native men generally isolated from regular avenues of recruitment but not too isolated to remove them from consideration, an Indian Agent's travels facilitated recruitment. Lt. Joseph Jones, formerly the Agent at the Norway House Agency, accompanied a treaty payment expedition in northern Manitoba, as he believed it was the "most opportune time to meet the Indians."²⁵ Some Agents could even argue the Militia's case in a Native language, adding another weapon to the recruiter's arsenal.²⁶

While the Department encouraged its outside service, primarily its Agents, to help the Militia's recruitment effort for combat units, these were largely ad hoc interventions, based on the appeals and the common interests of enthusiastic Agents and local Militia officers.²⁷ In one limited exception, the Department sent Ottawa-based Iroquois translator Charles A Cooke to help Agents and officers recruit for the 114th Overseas Battalion, first at Six Nations and later in the communities along Georgian Bay and on

²⁴ "Indians Respond to the Call to Arms, Deputy Superintendent General is Visiting Here to Meet Indian Lands Commission." *Victoria Daily Times* 12 June 1916; D.C. Scott to Agent W.R. Brown 21 March 1916 LAC RG 10 Volume 6766 File 452-13.

²⁵ Lt. J. Jones (ex Indian Agent of Norway House) to D.C. Scott 18 May 1917 LAC RG 10 Volume 6766 File 452-13.

²⁶ D.C. Scott to Major H. Daly Department of Militia and Defence 20 April 1917 LAC RG 10 Volume 6766 File 452-13.

²⁷ Indian Agent Thomas Deasy to Secretary J.D. McLean 1 September 1914 LAC RG 10 Volume 6766 File 452-13; Minutes of the Six Nations Council (regarding the proposal of Col. Hamilton Merritt) 17 November 1914 LAC RG 10 Volume 6766 File 452-13; Indian Agent W. R. Brown to Secretary J.D. McLean 9 October 1915 LAC RG 10 Volume 6766 File 452-13; James Motion (former government employee in British Columbia) to D.C. Scott 17 January 1916 LAC RG 10 Volume 6766 File 452,124-1A; Methodist Missionary J. Edward Rendle to the Minister of Indian Affairs 17 February 1916 LAC RG 10 Volume 6766 File 452-13 (also in LAC RG 24 Volume 4662 MD 11 File 99-256); Indian Agent W. Scott Simpson to Secretary J.D. McLean 5 March 1916 LAC RG 10 Volume 6766 File 452-13; D.C. Scott (on behalf of Lt. Gilmour) to Indian Agent E.S. Gauthier 9 March 1916 LAC RG 10 Volume 6766 File 452-13; Philip McBryan (Aboriginal man of Turtle Valley, BC) to Senator H. Bostock 10 April 1916 LAC RG 24 Volume 4662 MD 11 File 99-256; Pte. Oliver Macklin to the Department of Indian Affairs [?] April 1916 LAC RG 10 Volume 3180 File 452, 124-1; Lt.-Col. McLean, 207th Ottawa-Carleton Bttn to D.C. Scott 15 May 1916 LAC RG 10 Volume 3180 File 452,124-1; Secretary J.D. McLean to Lt.-Col. A.T. Thompson (regarding Reverent Oke) 10 June 1916 LAC RG 10 Volume 3180 File 452,124-1; Indian Agent F.E. Taillon to D.C. Scott [?] January 1917 LAC RG 10 Volume 6766 File 452-13; Secretary J.D. McLean (on behalf of Sgt. Moorhead) to Indian Agent E.S. Gauthier 5 March 1917 LAC RG 10 Volume 3181 File 452,124-1A; E.S. Peters, Sheriff of Prince George to Indian Agent McAllan 8 March 1917 LAC RG 24 Volume 4662 MD 11 File 99-256.

Manitoulin Island.²⁸ The aid the Department offered to forestry and construction battalions was more organized and over a far broader territory.²⁹ Perpetually doubtful about the potential of Native soldiers, Surgeon General Eugene Fiset suggested to Scott in January 1917 that “it might perhaps be possible to utilize Indians and Half-breeds, either in the Railway Construction or Forestry Battalions,” as the CEF desperately tried to meet its 500,000-man target.³⁰ Scott suggested that some of their employees could dedicate themselves entirely to recruiting for these non-combat units.³¹ Scott chose Inspector Andrew Mann Tyson of the Northern British Columbia Inspectorate to enlist 250 Native men in that province (for an unspecified unit), and Inspector Samuel Jacob Jackson of the Lake Manitoba Inspectorate to recruit throughout Manitoba specifically for Major Daniel Sprague of the 190th Overseas Battalion, based out of Winnipeg.³²

In eastern Ontario and western Quebec, the Department wrote a letter of introduction for Charles Cooke and Lt. Frank H.H. Williams of the 256th Railway Construction Battalion, “who are authorized to take charge of the recruiting of Indians and Half-breeds,” and created a Mohawk-language pamphlet for the unit.³³ Similarly, Scott wrote an encouraging letter to the Chiefs of Treaty 5 (covering much of modern central and northern Manitoba, parts of Saskatchewan and Ontario) for the above-mentioned Lt. Joseph Jones, explaining the honour and value in turning “the forests of

²⁸ McGowan and Lackenbauer, 103-107; McGowan, “In the Interests of the Indians.”

²⁹ Recruiters (Indian Affairs-based and not) sought Native men for both active and construction and forestry battalions, but James Walker argued that the shunting of Native soldiers into forestry, railway and construction battalions, rather than fighting units, was informed by pre-war Canadian racial attitudes reflected in the CEF. Walker, 1-2.

³⁰ Surgeon General Eugene Fiset to D.C. Scott 11 January 1917 LAC RG 10 Volume 6766 File 452-13.

³¹ D.C. Scott to Surgeon General Eugene Fiset 15 January 1917 LAC RG 10 Volume 6766 File 452-13.

³² D.C. Scott to Inspector A.M. Tyson 15 January 1917 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Inspector S.J. Jackson 15 January 1917 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Inspector S.J. Jackson 23 January 1917 LAC RG 10 Volume 6766 File 452-13.

³³ D.C. Scott, circular to Indian Agents 7 February 1917 LAC RG 10 Volume 6766 File 452-13.

England and Scotland to the use of the Army in the Field.”³⁴ Although it never employed Archdeacon Renison’s particular plan, Indian Affairs came to share his belief and enthusiasm for recruiting Native men for non-combat battalions – seeking out the Native men who fit Renison’s description as “the finest axemen in Canada.” There was a general belief that whatever Native men did in their civilian lives, so too should they do as soldiers. Although a similar trend existed for so-called “sportsman” battalions, and for other specialty units for non-Native soldiers, these were primarily meant to increase enlistment among non-Native men, and even those seeking to take advantage of non-Native soldiers’ extant skill sets were not exclusivist and race-based.³⁵

Many officials of the Department and the CEF explained their belief that some Native men would make excellent snipers and scouts in terms of their “natural qualities” rather than because of their learned abilities as hunters and trappers.³⁶ Their attitude is similar to the anti-modern expectations of Native violence that white audiences brought to the contemporaneous Wild West shows studied in Philip Deloria’s work.³⁷ Although volunteers in a (largely) citizen army equipped with modern weaponry, the Department emphasized Native soldiers’ anti-modern qualities. While many Native men believed they continued a warrior tradition, white observers reduced such sentiments to a question

³⁴ D.C. Scott to the Chiefs of Treaty of 5 22 May 1917 LAC RG 10 Volume 6766 File 452-13.

³⁵ Brown & Loveridge, 60.

³⁶ Reverend George Prewer to Secretary J.D. McLean 16 January 1915 LAC RG 10 Volume 3180 File 452,124-1; Indian Agent W.R. Brown to Secretary J.D. McLean 9 March 1916 LAC RG 10 Volume 6766 File 452-13; Indian Agent W. Scott Simpson to Secretary J.D. McLean 5 March 1916 LAC RG 10 Volume 6766 File 452-13; “Department of Indian Affairs” prepared for the *Civilian*, D.C. Scott to the Associate Editor of the *Civilian* Committee 8 November 1916 LAC RG 10 Volume 3181 File 452,124-1A.

³⁷ Philip J. Deloria, *Indians in Unexpected Places* (Lawrence: University Press of Kansas, 2004), 57-58.

of deterministic biology, that the “old fighting is still latent in his [a Native soldier’s] nature.”³⁸

While some recruiters looked for certain skill sets in their soldiers, others considered the residential school students as potential enlistees, especially when drill formed a part of the curriculum.³⁹ Lieutenant-Colonel Glen Campbell of the 107th Overseas Battalion appealed to Scott regarding the Indian schools at Elkhorn and Brandon “asking how many boys are there, approaching the age of eighteen years, who would enlist and who would be physically fit.”⁴⁰ At the risk of offending worried parents, Campbell assured Scott that these boys “would be under closer and more kindly supervision” in his battalion “than in any other Battalion in the west [of Canada].”⁴¹ Although Scott believed “there should be some good material at Elkhorn,” as the students “have had physical drill for some years,” the bureaucrat feared “serious complaint” from parents if the Department “used our influence” among students.⁴² While he was prepared

³⁸ Thomas Whitebeans to D.C. Scott 7 February 1917 LAC RG 10 Volume 6766 File 452-13; “Indians in the War” *Evening Tribune*, Winnipeg 3 October 1918; “Indians Doing Well with Canadians on the Firing Line: Prove themselves of untold value as snipers, taking German lives and saving those of Canadians,” *Daily News Chronicle*, Port Arthur, March 1916 LAC RG 10 Volume 6770 File 452-13. Susan Applegate Krouse studied attempts to document Native men’s experiences in their service by the American Indian advocate Joseph K. Dixon, the Office of Indian Affairs and the United States Army Historical Section. Dixon’s 1,672-man study and the army’s 1,174-man survey, which combined represented no more than one quarter (assuming there was no overlap) of the 12,000 Native soldiers in the American Expeditionary Force. Yet these surveys represented a significant (perhaps unparalleled) collection of personal reflections of Native soldiers and allowed Krouse to draw general conclusions about the broader Native soldiering experience. Krouse found Native respondents generally believed they possessed an inherent warrior quality, and were proud to live up to the Native warrior stereotypes of stoicism and bravery. Krouse, 10.

³⁹ If a recruiter considered donations to war funds, they might believe residential school graduates would be willing recruits. As discussed in chapter one, the File Hills colony made the largest per community donation to war funds. The colony was comprised of residential school graduates. Also, see *Dominion of Canada Annual Report of the Department of Indian Affairs March 31 1915* (Ottawa: King’s Printer, 1915), Part II p. 134, 219 for further examples of drill in schools.

⁴⁰ Lieutenant-Colonel Glen Campbell 107th Overseas Battalion to D.C. Scott 3 February 1916 LAC RG 10 Volume 6766 File 452-13.

⁴¹ *Ibid.*

⁴² D.C. Scott to Lieutenant-Colonel Glen Campbell 7 February 1916 LAC RG 10 Volume 6766 File 452-13. Scott expressed the same sentiment to the much more compliant Principal S.R. McVitty of the Mount

to yield to their concerns, Scott claimed that any “older Indians...actively engaged in preventing the youths from enlisting,” were “breaking their treaty obligations” of loyalty to the British Crown.⁴³ Scott asserted that personal visits to reserves would be more successful than canvassing the residential schools.⁴⁴ Yet in his capacity as official recruiter for the forestry and construction battalions in Manitoba, Inspector S.J. Jackson sought the cooperation of the principals of both the Portage la Prairie Indian Boarding School and the McKay School.⁴⁵

A year previous, Principal Reverend Brouillet of the Kenora Boarding School wrote to Ottawa requesting a discharge for an underage orphan who was being recruited from his school.⁴⁶ The Department’s response suggests either deliberate misinterpretation or a constructive misunderstanding of the Principal’s request. Scott assured him the boy in question “may be given permission to enlist” if he is physically fit; other boys with parents should be similarly allowed to enlist if they passed the medical exam and their parents consented.⁴⁷ Whereas the Principal believed having no parents was an impediment to enlistment, it seems his superiors saw this as one less hurdle to getting the boy into uniform. In at least one case, Scott dismissed the efforts of one parent, J.K. Gabriel, who argued he had the right to disallow his son Charles’ enlistment “according to Indian law.” Scott dismissed the father as “not well balanced”

Elgin Industrial School, D.C. Scott to Principal S.R. McVitty 25 January 1916 LAC RG 10 Volume 3180 File 452, 124-1.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Inspector S.J. Jackson to D.C. Scott 26 January 1917 LAC RG 10 Volume 6766 File 452-13.

⁴⁶ Principal Reverend C. Brouillet to the Secretary of the Department of Indian Affairs 1 February 1916, LAC RG 10 Volume 6766 File 452-13.

⁴⁷ D.C. Scott to the Principal Reverend C. Brouillet 22 February 1916 LAC RG 10 Volume 6766 File 452-13.

and that his “facts and assertions are entirely wrong.”⁴⁸ While Scott may have been prepared to accept a parent’s refusal in some cases, those refusals did not dissuade Scott and others from contemplating recruiting, and even pursuing, young Native men for military service.

The Militia’s use of missionaries and Indian Agents to facilitate communication with potential Native recruits bears certain similarities to their approach to recruiting outside reserves. At the war’s outbreak, Minister Hughes rejected the existing mobilization plan in favour of local Militia units’ recruiting in their localities.⁴⁹ By the fall of 1915, the Militia expanded this locally focused recruitment policy when they authorized enthusiastic citizens and communities to raise battalions, assuming they could cover the cost of recruiting.⁵⁰ The Militia relied on patriotic and influential civilians, including such officials as mayors, to disseminate their message: “Local Militia officers and CEF commanders called leading citizens together, told them what was needed, and suggested appropriate organizational strategies.”⁵¹ Therefore, the practice of employing Indian Agents on reserves can be understood as an extension of the Militia’s general approach of alliances with local authorities. Yet, although a mayor or a minister might have a lot of sway with their listeners, an Indian Agent’s power on a reserve went much farther: it extended to the political, social, and economic spheres of Native peoples’ lives and blurred those lines when he stood and advocated for enlistment. Although the Militia

⁴⁸ Memo of the Office of “Registrar of Alien Enemies” Montreal, 27 March 1917 “RE Charles L. Gabriel (Indian) Deserter from 144th Battalion” LAC RG 10 Volume 6767 File 452-16 Pt. 1; D.C. Scott to Sir Percy Sherwood, Chief Commissioner of Dominion Police 31 March 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

⁴⁹ Brown & Loveridge, 56, 57, 59; Paul Maroney, “‘The Great Adventure’: The Context and Ideology of Recruiting in Ontario, 1914-1917,” *The Canadian Historical Review* 77.1 (March 1996): 62-98, 62-63, 65; Morton, *When Your Number’s Up*, 8.

⁵⁰ Brown & Loveridge, 59; Morton, *When Your Number’s Up*, 53.

⁵¹ Maroney, 65, 70.

followed a common pattern in their partnership with Indian Agents, the Indian Agent-cum-recruiter blurred the lines between the government bodies in the eyes of their Native audiences.

This could be more than an overlap of authority figures – some councils and individuals used the agent-cum-recruiter to discuss disputes over questions of land, financial support or Indian Act-based authority.⁵² F. Onodeych Loft complained that a 1911 amendment to the Indian Act that allowed for the removal of an Indian reserve when it is within a municipality of 8,000 or more presented “a serious obstacle to recruiting among the Indians.” Loft asserted that in many of the communities he visited the legislation was “regarded with suspicion and mistrust” as a threat to their homes and land.⁵³ Scott dismissed Loft’s assertion that this portion of the Indian Act was hindering recruitment. Although he acknowledged that “a special officer,” likely the above-mentioned Charles Cooke, asserted independently that this section of the Indian Act was mentioned as “one of the items of oppression which the Department was using towards the Indians,” at recruitment meetings, the results of these meetings belied the concern, as “we have been fairly successful in recruiting among the Indians.”⁵⁴ Despite Scott’s dismissal, that the Indian Act came up in a recruitment meeting points to a negotiation around Native peoples’ participation in the war effort, where the CEF’s need for soldiers opened a potential opportunity to push for other interests. Recruitment could become a form of exchange that played on the mixture of authority Departmental authorities-cum-recruiters, where some Native listeners framed the need for volunteers in terms of

⁵² McGowan, “In the Interests of the Indians,” 118-119.

⁵³ Colonel Hugh Clack, MP, Parliamentary Undersecretary of State for External Affairs to D.C. Scott 22 November 1916 LAC RG 10 Volume 2284 File 57,169-1.

⁵⁴ D.C. Scott to Colonel Hugh Clack, MP, Parliamentary Undersecretary of State for External Affairs 23 November 1916 LAC RG 10 Volume 2284 File 57, 169-1.

specific civilian concerns such as road maintenance or broader legal questions of land claims.⁵⁵

Many councils sought the Department's protection against recruiters, asking the gatekeepers to close the doors against unwanted visitors who wanted take their sons away. The Blackfoot appealed to the Department in this manner, as discussed earlier. At the Parry Island Council Meeting of 2 April 1917, John Nenomeneesec and Elijah Tabobingdong forwarded the resolution that "the Indian Department be asked to use their influence that the Indians be not coerced to enlist as volunteers and go to the front."⁵⁶ Chief John Jacobs of the St. Regis argued with his Agent, F.E. Taillon, over whether the Department or the Chiefs could prevent men from enlisting.⁵⁷ Taillon told the Chief that no one could stop someone from volunteering, and then tried to shame the Chief ("arouse his patriotism") with stories of other bands who donated money to wartime charities. Jacobs insisted he would take his protest against recruiting on his reserve to the Governor General if necessary.⁵⁸ The Chief at the Pas in Manitoba told his people "they should wait for word from the Department before joining," and explained to the Indian Agent-turned-recruiter Sgt W.R. Taylor that their treaty dictated they would be asked to fight "only when the king was hard pressed."⁵⁹ While Taylor dismissed the treaty discussion as a remnant of the "old heathen days," the recruiter asked Scott for a circular from the Department for Agents and Chiefs alike to encourage enlistment.⁶⁰

⁵⁵ McGowan, "In the Interest of the Indians."

⁵⁶ Minutes of the Parry Island Council 2 April 1917 LAC RG 10 Volume 6766 File 452-13.

⁵⁷ Indian Agent F.E. Taillon to Secretary J.D. McLean 10 March 1916 LAC RG 10 Volume 3180 File 452,124-1.

⁵⁸ Ibid.

⁵⁹ Sgt W.R. Taylor to D.C. Scott 9 February 1917 LAC RG 10 Volume 6766 File 452-13.

⁶⁰ Ibid.

At meeting of Chiefs at Cook's Ferry, British Columbia, attendees expressed displeasure over the recruitment of "mere boys...without the knowledge of either the Chiefs or their parents."⁶¹ As a result, the Officer Commanding Military District No. 11 (British Columbia) published an order "directing that no Indians are to be enlisted without first obtaining the consent of the Chiefs of the tribes to which the Indians belong."⁶² When Indian Affairs Secretary J.D. McLean informed Agent John F. Smith of the order, he warned the Agent that this policy "places considerable trust in the judicious judgment and patriotism of the Chiefs."⁶³ Desirous that Native leadership should not seriously undermine recruitment, McLean instructed Smith to "make it clear to them that the responsibility resting upon them in this matter is not slight and that they should be very careful not to abuse it."⁶⁴

The acknowledgement of the Department's protective role extended to individual Native soldiers. Robert Franklin appealed to the Department "as a ward of the government," to facilitate his transfer from the 139th Overseas Battalion to another unit where he could continue to play in the brass band.⁶⁵ Franklin felt the Department "will

⁶¹ Indian Agent John F. Smith to Secretary J.D. McLean 11 October 1916 LAC RG 10 Volume 6766 File 452-13; This hostility of older Native people against the enlistment of their sons has been discussed in chapter one, but other examples include Indian Agent Cory of Moose Mountain's declaration that "There are too many old Indians on this reserve whos[sic] word is law to the younger man, for to get any recruits from here poor bunch." Indian Agent Thomas Cory to the Department of Indian Affairs 2 March 1917 LAC RG 10 Volume 6767 File 452-17; also, Acting Indian Agent William Gordon to the Department of Indian Affairs [received] 20 April 1917 LAC RG 10 Volume 6767 File 452-17.

⁶² And in the case of minors, as for non-Native minors, the consent of their parents was required. Acting Deputy Minister of Militia and Defence G.F. Tames to Secretary J.D. McLean 24 November 1916 LAC RG 10 Volume 6766 File 452-13.

⁶³ Secretary J.D. McLean to Indian Agent John F. Smith 3 January 1917 LAC RG 10 Volume 6766 File 452-13.

⁶⁴ Ibid.

⁶⁵ Robert Franklin to the Department of Indian Affairs 28 August 1916 LAC RG 10 Volume 3181 File 452,124-1A.

certainly help me out,” as without intervention he would not obtain the transfer.⁶⁶ Many other Native soldiers appealed to their Agent, or to the Department generally, to relieve them from service, although very few of these sorts of appeals fell on sympathetic ears.⁶⁷

Native men did not always perceive Indian Affairs authorities as a friendly middleman. William Louis Kahgee, James Williams, Mrs. Laura Shawbedees, Elijah Morie, Joseph James, Mrs. Bertie Besite, and Mrs. Martha Stevens all sent appeals to the Department and to Lord Grey, the British Foreign Secretary, asserting that their Agent had threatened men in the Saugeen Agency with imprisonment or refusal of treaty monies if they would not enlist in the 160th Overseas Battalion.⁶⁸ Lord Grey sent all the petitions back to the Department, with the assurance “no doubt you will take such action as may be necessary in the matter.”⁶⁹ This was not the first sign of hostility against recruitment in the Agency, as Agent Thomas A. Stout had complained two months prior that Chief George Fisher of Muncey had “been the means of disturbing the Indians,” when the Chief

⁶⁶ Ibid. Fred Ahetahpew of Crooked Lake Saskatchewan applied for a transfer with the Department, with his Agent, E. Taylor, when he developed kidney trouble and was no longer fit for active duty. Indian Agent E. Taylor to the Department of Indian Affairs 24 November 1917 LAC RG 10 Volume 6766 File 452-13.

⁶⁷ D.C. Scott to Mrs. Margaret Crain 23 July 1915 LAC RG 10 Volume 3180 File 452,124-1; Secretary J.D. McLean to I. Sailors 15 December 1915 LAC RG 10 Volume 3180 File 452,124-1; Private James Menass to Secretary J.D. McLean 13 September 1917 LAC RG 10 Volume 3181 File 452,124-1A; Private [no first name] Johnson to Secretary J.D. McLean 8 December 1917 LAC RG 10 Volume 3181 File 452,124-1A; Secretary J.D. McLean to Solicitor F.M. Fields, Alderville Ontario 14 June 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Indian Agent J.M. Brosseau to Secretary J.D. McLean 8 July 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Secretary J.D. McLean to Indian Agent J.M. Brosseau 13 July 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Secretary J.D. McLean to Indian Agent J.A. Renaud 28 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt.3. One of the few exceptions to the rule was the case of Clarence Capton, whose mother was going insane with worry, and Six Nations Superintendent Gordon Smith personally endorsed the appeal to have her son sent home, although it is unclear if the appeal was successful. Superintendent Gordon Smith to D.C. Scott 6 March 1918 LAC RG 10 Volume 3181 File 452,124-1A.

⁶⁸ William Louis Kahgee to the Department 20 November 1916 LAC RG 10 Volume 3181 File 452,124-1A; Elias William and James Williams to the Department of Indian Affairs 22 November 1916 LAC RG 10 Volume 3181 File 452,124-1A; Mrs. Laura Shawbedees to Lord Edward Grey, Minister of Parliament (Britain) 16 November 1916 LAC RG 10 Volume 3181 File 452,124-1A; Elijah Morie to the Department of Indian Affairs 19 November 1916 LAC RG 10 Volume 3181 File 452,124-1A; Mrs. Bertie Besite and Martha Stevens et al to Edward Grey, Minister of Parliament (Britain) 20 November 1916 LAC RG 10 Volume 3181 File 452,124-1A.

⁶⁹ British Foreign Office to Secretary J.D. McLean 28 December 1916 LAC RG 10 Volume 3181 File 452,124-1A.

offered and was paid to release any Native soldiers from service.⁷⁰ The Department officials suggested to Stout that he ask Fisher to leave the reserve within 24 hours or risk being fined or imprisoned under Section 124 of the Indian Act.⁷¹ This fear of Indian Agents/recruiters occurred in the Norway House Agency as well, as the Chief of the Island Lake band specifically requested that his Agent, Dr. Norquay, “not bring down anyone to recruit their young men” when the Agent distributed treaty payments.⁷² On that same treaty-payment journey, Norquay found “the Indians were rather slow about coming to meet us until they were assured that we were not recruiting.”⁷³ Some perceived Indian Agents involvement in recruitment as conflicted authority that could coerce young Native men into uniform.

The Department estimated that “4,000 odd” Native men enlisted in the CEF.⁷⁴ These men may have enlisted because they wanted to prove and exercise their manhood, like John Redbean, who chided his un-uniformed friend that service was where you proved “you had two stones on you like a man,” or if they were like William Cleary of Pointe Bleue, who was “plein de bravoure au Coeur defendre son Roi contre l’ennemi,” or for the promise of “giving them [Native veterans] the right of the franchise or any special concession on government lands,” or even the promise of war trophies and the

⁷⁰ Indian Agent T.A. Stout to Secretary J.D. McLean 23 October 1916 LAC RG 10 Volume 3181 File 452,124-1A.

⁷¹ Secretary J.D. McLean to Indian Agent T.A. Stout 31 October 1916 LAC RG 10 Volume 3181 File 452,124-1A. According to the 1906 version of the Indian Act, Section 124 asserted that “Every person, or Indian other than an Indian of the band, who, without the authority of the Superintendent General, resides or hunts upon, occupies or uses any land or marsh, or who resides upon or occupies any road, or allowance for road, running through any reserve belonging to or occupied by such band shall be liable, upon summary conviction, to imprisonment for a term not exceeding one month or to a penalty not exceeding ten dollars and not less than five dollars, with costs or prosecution, half of which penalty shall belong to the informer.” *The Indian Act* (King’s Press: Ottawa, 1906), 38-39.

⁷² Indian Agent Norquay to D.C. Scott 25 August 1917 LAC RG 10 Volume 6766 File 452-13.

⁷³ Ibid.

⁷⁴ Secretary J.D. McLean to Indian Agent J.A. Renaud 28 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

continuance of the warrior tradition.⁷⁵ Ultimately the decision to enlist rested with Native men themselves, in spite of the Departmental gatekeepers of Agents, Inspectors, and sympathetic missionaries who delivered the CEF's message on reserves, and despite the rare incidents of coercion. Although Indian Affairs played a critical role in the way Native men were recruited, fundamentally the choice was their own.

Alcohol and Native soldiers

One of the starkest points of difference between the restrictions imposed on Native soldiers in comparison with the freedoms of non-Native soldiers centered on the consumption of alcohol.⁷⁶ The Canadian government had established a complete prohibition of alcohol for Native peoples almost immediately after they took control of Native Affairs from the British in the mid 19th century.⁷⁷ The government asserted Native men had to be sober to become Canadian citizens, but other citizens were not held

⁷⁵ Redbean was an American and later went AWOL (absent without leave) from the CEF and applied for a transfer to the American Expeditionary Force. Britten, 59; John Redbean to Jesse Soskina (undated letter) included in correspondence between the Deputy Postmaster General R. Coulter to D.C. Scott 11 April 1917 LAC RG 10 Volume 6771 File 452-35 Pt. 1; Thomas Whitebeans to D.C. Scott 7 February 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent A. Tessier to the Adjutant-General of the 4th Military District 17 October 1919 LAC RG 10 Volume 3181 File 452,124-1A; George Nicholson of Austin & Nicholson Lumberman and General Contractors, Chapleau Ontario to D. C. Scott 31 July 1916 LAC RG 10 Volume 3180 File 452,124-1; Indian Agent W.R. Brown to Secretary J.D. McLean 5 November 1918 LAC RG 10 Volume 3181 File 452,124-1A.

⁷⁶ There is no evidence that Native soldiers did not receive the rum ration when fighting at the front (indeed it is unclear if these men had been to the front). Although Sam Hughes initially wanted a dry army, the regular rum ration was an important part of life in the trenches. Although there is no evidence that Native soldiers were denied this ritual, their exclusion from pubs while on leave would have marked them apart from their fellow soldiers, both at home and at sea. Tim Cook has detailed rum rations as an important ritual that maintained morale in the difficult circumstances of trench warfare. Therefore, it seems unlikely that a Native soldier serving in an active capacity would be denied such a privilege, particularly as they fought alongside non-Native soldiers, whose proximity would have made such a prohibition impractical. Yet, the fact that Native soldiers were treated differently from their non-Native comrades when they left the base and tried to fraternize with the civilian population in bars or pubs (both in Canada and England) reinforced the separation between Native people and non-Native Canadians that existed in civilian life. Tim Cook, "More a medicine than a beverage": 'Demon Rum' and the Canadian Trench Soldier of the First World War," *Canadian Military History* 9.1 (Winter 2000): 6-22.

⁷⁷ Campbell, 107.

to this standard. The race-based regulation of drink and drinking spaces became a physical and legislative barrier between Native and non-Native peoples.⁷⁸ Yet as Native men left the reserve for the battlefield, these boundaries became blurred, and questions of enforcement emerged.

In January 1918, a police officer in Kamsack, Saskatchewan, inquired of the Department if he should treat local Native soldiers as “Indians or British subjects.” In particular, the officer wanted to know if Native soldiers were allowed to drink “intoxicating liquor.”⁷⁹ Secretary McLean assured the police officer that “Indians who enlist still retain their status as Indians, and are subject to the provisions of the Indian Act,” and hence could not drink alcohol.⁸⁰

This was a consistent Departmental response to a persistent question. In June 1916, Chief Charles Jacobs of Walpole Island received a letter from some of the enlisted men of his reserve who were in England with the 149th Overseas Battalion, claiming, “they are not equally treated as the Whites.”⁸¹ The men attested they had enlisted with the promise of equal treatment and rights as white soldiers; “the understanding in the first place we was to be treated in every respect as another soldier in Canada,” which they claimed had been broken.⁸² The men pointed to their exclusion from public hotels because “we were Indians,” as proof of this unequal treatment and “if we do not get those

⁷⁸ Campbell, 109; Brownlie, “A better citizen than lots of white men,” 50; Adele Perry, *On the Edge of Empire: Gender, Race, and the Making of British Columbia, 1849-1871* (Toronto: University of Toronto Press, 2001) 40; Miller, 191; Julia Roberts, *In Mixed Company: Taverns and Public Canada* (Vancouver: University of British Columbia Press, 2009), 102-8.

⁷⁹ J.W. McLennan of the Kamsack Police Department to the Department of Indian Affairs 8 January 1918 LAC RG 10 Volume 3181 File 452,124 – 1A.

⁸⁰ Secretary J.D. McLean to J. W. McLennan of the Kamsack Police Department 15 January 1916 LAC RG 10 Volume 3181 File 452,124 – 1A.

⁸¹ Walpole Island Council to Secretary J.D. McLean 6 June 1916 LAC RG 10 Volume 3180 File 452,124 – 1.

⁸² Walpole Members of the 149th to Indian Agent Thomas McCallum [undated] LAC RG 10 Volume 3180 File 452,124 – 1.

privileges [of white soldiers] We will take the Kings [sic] uniform off.”⁸³ The men asserted their situation was so untenable they would live in England according to their nation’s original treaty with the Crown, abandoning any association with the Canadian government.

The legal prohibition and social prejudice against Native drinking displayed the Indian Act’s ability or intent to keep Native men separate from the rest of the CEF. Indian Affairs Secretary McLean asserted that the Walpole Island men’s impression that “because they have donned the uniform, they would be privileged to obtain liquor from bars,” was mistaken as “it is still an offense to under the Indian Act to sell liquor to an Indian even if in uniform.”⁸⁴ McLean assured Agent McCallum that the Department would take up any serious complaints with the Native soldiers’ Commanding Officer, “but the charges would have to be definite and consider sufficient importance to take this action.” Being banned from pubs and bars did not have “sufficient importance.”⁸⁵ McLean believed the alcohol prohibition contained within the Indian Act ought to be maintained regardless if a Native man had joined the CEF – a Native man in uniform was an Indian first, and a soldier second.

The social prejudice against Native men was illustrated in one extreme case. James Chum, a Cree man from Missanabie, Ontario, and a member of the 227th Overseas Battalion, went to Hearst, Ontario, to recruit other Native men on 3 June 1916. On 5 June, while Chum was entertaining another Native man, “prospective recruit” Robert Shesheguan in his room at the Hearst Hotel, two men not in uniform, Constable W.E.B.

⁸³ Ibid.

⁸⁴ Secretary J.D. McLean to Indian Agent Thomas McCallum 13 June 1916 LAC RG 10 Volume 3180 File 452,124 – 1.

⁸⁵ Secretary J.D. McLean to Indian Agent Thomas McCallum 13 June 1916 LAC RG 10 Volume 3180 File 452,124 – 1.

MacDonell, a deputized employee of the Canadian Pacific Railway and former member of the Royal North West Mounted Police, and Robert Golightly, an Ontario game warden, broke into Chum's room. They demanded to know where Chum and Shesheguan obtained their whiskey. The two had a bottle of wine, although reports varied significantly as to the degree of their drunkenness, from complete sobriety to utter intoxication.⁸⁶ MacDonell had apparently received a tip from an Anglican curate named Heaven that there were drunken Native men around Hearst, and he brought Golightly with him to the Hearst Hotel because "I know of old what trouble was always had in arresting an Indian when he is full of booze."⁸⁷ Chum identified himself as a member of the "King's Men," but Golightly struck Chum on the head with a billy club. Chum was able to force the two men from his room, but the altercation continued in the hallway, where Chum kicked or attempted to kick Golightly, who hit the soldier as many as six times around his head. The local doctor, who attested that Chum's wounds were very serious but that he was not drunk, dressed Chum's wounds while Chum was handcuffed in the hotel kitchen. MacDonell and Golightly then walked or dragged Chum through Hearst to the local rail yards and handcuffed him to a binder wheel, either kneeling (according to Chum's commanding officer Lieutenant Lyness) or lying down (according to MacDonell himself) until a railroad official ordered Chum removed several hours later.⁸⁸

⁸⁶ Lieutenant W. Lyness, Officer Commanding No. 5 Platoon to the Officer Commanding 227th Overseas Battalion 12 June 1916 RG 13 A-2 Volume 203 File 1045; Statement of Constable W.E.B. MacDonell, Witnessed by Superintendent W.B. Way 24 June 1916 LAC RG 13 A-2 Volume 203 File 1045.

⁸⁷ Constable MacDonnell to Superintendent Way 9 June 1916 LAC RG 13 A-2 Volume 203 File 1045.

⁸⁸ Lieutenant W. Lyness, Officer Commanding No. 5 Platoon to the Officer Commanding 227th Overseas Battalion 12 June 1916 RG 13 A-2 Volume 203 File 1045; Statement of Constable W.E.B. MacDonell, Witnessed by Superintendent W.B. Way 24 June 1916 LAC RG 13 A-2 Volume 203 File 1045.

In what Lieutenant Lyness decried as “a grave injustice,” Chum was found guilty of assaulting Golightly. Lyness described a veritable comedy of errors at the trial, where a confused Chum (whom both a doctor believed and a later medical examination confirmed was suffering from a concussion) needed a translator to explain the charges (which Lyness believed the soldier still did not understand after translation), and the only evidence was entered was Chum’s own admission (made at the trial) that he kicked Golightly.⁸⁹ Conversely, MacDonell defended the trial, as “the Indian was proved guilty of his own admission and it was not necessary to bring in any evidence.”⁹⁰

Despite the month Chum spent in the hospital at Chapleau after the trial, at first Lyness was the only authority figure willing to defend the soldier, as “a peaceful citizen.”⁹¹ There was significant variation in how those involved in the affair described each other and the events in question. MacDonell swore that not only was Chum *not* the peaceful citizen that Lyness claimed, but that Chum had been previously arrested several times, and had remarked when handcuffed that “the last ones I had on were brass ones.”⁹² Similarly, although MacDonell was a deputized CPR employee and Golightly was a game warden, MacDonell described Golightly as a “police constable,” and Chief Commissioner of the Ontario Provincial Police A.P. Sherwood described both as “peace

⁸⁹ Lieutenant W. Lyness, Officer Commanding No. 5 Platoon to the Officer Commanding 227th Overseas Battalion 12 June 1916 RG 13 A-2 Volume 203 File 1045.

⁹⁰ Statement of Constable W.E.B. MacDonell, Witnessed by Superintendent W.B. Way 24 June 1916 LAC RG 13 A-2 Volume 203 File 1045.

⁹¹ Lieutenant W. Lyness, Officer Commanding No. 5 Platoon to the Officer Commanding 227th Overseas Battalion 12 June 1916 RG 13 A-2 Volume 203 File 1045.

⁹² Statement of Constable W.E.B. MacDonell, Witnessed by Superintendent W.B. Way 24 June 1916 LAC RG 13 A-2 Volume 203 File 1045.

officers.”⁹³ Commissioner Sherwood also suggested Lyness was “perhaps...disposed to put too much in confidence [and] is therefore not very reliable.”⁹⁴

Unfortunately for Chum, the Deputy Ministers of Militia, Justice and the Department of Railways and Canals initially sided with MacDonell’s version of events.⁹⁵ Neither MacDonell nor Golightly found any whiskey, and therefore their initial incursion into Chum’s room proved unjustified. Nor did the clear savagery of Golightly’s beating alter the authorities’ decision to side with his attackers. What is apparent is that Chum and Shesheguan had alcohol in their possession, the popular tonic Turner’s Invalid Wine, which was either deemed analogous to being drunk or to necessarily leading to that possibility. Regardless of the true motivation, the presumption allowed two men of dubious authority to arrest Chum and Shesheguan as violently as necessary. The suggested threat of a potentially intoxicated Native man seemed to demand the most severe response.

Only the evidence of the doctors at Chapleau eventually swayed the observers. For the sake of completeness, Surgeon-General Eugene Fiset requested a report from the

⁹³ Brigadier-General W.A. Logie to the Secretary of the Militia Council 16 June 1916 LAC RG 13 A-2 Volume 203 File 1045; Statement of Constable W.E.B. MacDonell, Witnessed by Superintendent W.B. Way 24 June 1916 LAC RG 13 A-2 Volume 203 File 1045; Constable MacDonnell to Superintendent Way 9 June 1916 LAC RG 13 A-2 Volume 203 File 1045; Chief Commissioner of the Ontario Provincial Police A.P. Sherwood to Deputy Minister of Militia and Defence Surgeon-General Eugene Fiset 22 July 1916 LAC RG 13 A-2 Volume 203 File 1045.

⁹⁴ Chief Commissioner of the Ontario Provincial Police A.P. Sherwood to Deputy Minister of Militia and Defence Surgeon-General Eugene Fiset 22 July 1916 LAC RG 13 A-2 Volume 203 File 1045.

⁹⁵ Deputy Minister of Justice E.L. Newcombe to Deputy Minister of Militia and Defence Surgeon-General Eugene Fiset 7 July 1916 LAC RG 13 A-2 Volume 203 File 1045; Chief Commissioner of the Ontario Provincial Police A.P. Sherwood to Deputy Minister of Militia and Defence Surgeon-General Eugene Fiset 22 July 1916 LAC RG 13 A-2 Volume 203 File 1045; Deputy Minister of Militia and Defense Surgeon-General Eugene Fiset to Deputy Minister of Justice E.L. Newcombe 28 July 1916 LAC RG 13 A-2 Volume 203 File 1045.

hospital in Chapleau, where Chum had stayed from 10 June after his trial until 5 July.⁹⁶ Dr. S.A. Wilkinson reported that Chum had been admitted with a severely swollen head and three scalp wounds of between one and two inches in length, two of which were emitting “considerable discharge.” The doctor asserted Chum was in “serious condition” when admitted, and is “fortunate in making such a successful recovery.”⁹⁷ Based on this evidence, the Deputy Minister of Justice informed Chief Commissioner Sherwood, “this Indian [Chum] must have received pretty severe treatment at the hands of the police, and it is very doubtful in my mind whether they [MacDonell and Golightly] were justified by the necessities of the case in going to far.”⁹⁸ Yet as Chum had not been sent to jail for the assault, the deputy ministers and officers concerned, Lyness excepted, were prepared to leave it in Chum’s hands any decision to prosecute MacDonell and Golightly.

Painted in stark terms, James Chum’s ordeal demonstrates how race trumped the rights and opportunities of the citizen soldier. This tension between both the legal definition of and the social assumptions about the Indian and the soldier, the former trumped the latter, as manifested in how Native men were recruited, what service they were thought capable of, and what they were allowed to do once in uniform. Just as in the case of war funds and Victory bonds, the Indian Act placed Native people in a different position from non-Native peoples, restricting their behaviour and directing them towards outcomes the Department preferred. This concern on the part of Indian Affairs

⁹⁶ Deputy Minister of Militia and Defense Surgeon-General Eugene Fiset to Deputy Minister of Justice E.L. Newcombe 28 July 1916 LAC RG 13 A-2 Volume 203 File 1045; J.J. Shehan to the Officer Commanding B Company 227th Overseas Battalion 17 August 1916 LAC RG 13 A-2 Volume 203 File 1045.

⁹⁷ J.J. Shehan to the Officer Commanding B Company 227th Overseas Battalion 17 August 1916 LAC RG 13 A-2 Volume 203 File 1045.

⁹⁸ Deputy Minister of Justice E.L. Newcombe to Chief Commissioner of the Ontario Provincial Police Sherwood 5 September 1916 LAC RG 13 A-2 Volume 203 File 1045.

to use soldiering as means to direct Native men's behaviour is also clear in their pursuit of Native deserters.

Desertion

While the restrictions contained within the Indian Act followed a Native soldier off the reserve, Stephen Shawkeence and Joel Pewaush of Kettle Point hoped the Department would keep the white soldiers away from their reserve. Unlike the Blackfoot who wanted to keep recruiters away however, the soldiers who concerned Shawkeence and Pewaush entered Kettle Point looking for a very specific target: the deserter Moses Wolfe. Wolfe had enlisted in the 149th Overseas Battalion on 28 December 1915, and was described as of "very good" in "conduct and character."⁹⁹ When at home on leave in the fall of 1916, Wolfe found his baby very ill and his wife apparently dying. He decided to stay with his ailing family after his leave ended. When the soldiers arrived on the reserve in early November to arrest Wolfe, they shot the reticent now-deserter in the shoulder. One witness claimed a soldier shot Wolfe as the result of a confrontation, while *The Globe* reported that Wolfe had been shot while the soldiers pursued him.¹⁰⁰ Later evidence suggested Wolfe and the two officers spoke to Wolfe at his home for at least an hour and a half, in perfect peace. When Wolfe continued to refuse to leave the reserve, Pte Robert Finnigan drew his revolver. Frightened, Wolfe ran and Finnigan shot him

⁹⁹ Attestation Paper and Proceedings on Discharge LAC RG 150 Accession 1992-93/166 Box 10519-18.

¹⁰⁰ Stephen Shawkeence & Joel Pewaush to the Department of Indian Affairs 7 November 1917 LAC RG 10 Volume 3180 File 452,124-1A; Indian Agent T. Maxwell to Secretary J.D. McLean 2 December 1916 LAC RG 10 Volume 3180 File 452-124-1A; "Shot Trying to Escape," *The Globe* 11 November 1916, p. 14.

through the shoulder. Wolfe was able to get away and when he returned home wounded (and still free), Wolfe laid complaint against Finnigan.¹⁰¹

In the wake of the shooting, Shawkeence and Pawaush demanded to know from the Department whether “an Army officer or Private from some company or Regiment have any rights to enter into [an] Indian Reservation to shoot an Indian Private or to force an Indian to go with them overseas.”¹⁰² The two men considered the soldiers’ actions an unacceptable breach of the separation between reserves and the rest of Canada, and of the century-old agreement between the Chippewa and the British Crown that the latter would never force the former to go to war. They asserted “we don’t want a white man or any other man to enter into our reservation to shoot Indians like beasts,” or like the 19th century Indian hunters of the United States, to chase Native men like prey. To emphasize the violence of this violation, they lamented that the soldier’s bullet “is inside of the Indians body yet” as a physical reminder of the soldiers’ trespass.¹⁰³ Shawkeence and Pawaush demanded an explanation from the Department as to why the soldiers claimed they had the authority to enter the reserve and shoot a member of the band. Why had Wolfe been treated like a white deserter, and the constitutional protection of the reserve been denied to him?

Upon hearing of this “serious” matter, McLean insisted on a report from his Agent in Sarnia. Subsequently, in January 1917, McLean informed Shawkeence and Pawaush that “the fault lay partly with Moses Wolfe himself,” for an enlisted soldier

¹⁰¹ “Soldier Shot Indian Deserter From 140th Bn,” *The Globe* 20 November 1916 p.3.

¹⁰² Stephen Shawkeence & Joel Pawaush to the Department of Indian Affairs 7 November 1917 LAC RG 10 Volume 3180 File 452,124-1A.

¹⁰³ *Ibid.*

“must conform to the laws and rules under which he lives” as a member of the CEF.¹⁰⁴

While Finnegan might have overreacted, McLean asserted Wolfe was still at fault as a deserter. Finnegan was to be tried in a civilian court however, and McLean asserted “there was not [an] excuse for their [the soldiers] acting in this manner, and no doubt the court will mete out to them such punishment as is just and right.”¹⁰⁵

Finnegan was tried for the shooting – not for entering the reserve. Therefore the trial only dealt with the most extreme of Shawkeence and Pewaush’s concerns. The trial failed to address the foundational questions of the separation of Native and non-Native, and of who could act as gatekeeper between those two worlds. Unfortunately for Wolfe, when he attended Finnegan’s arraignment in November two weeks after Shawkeence and Pewaush wrote to the Department, the Provost Marshall of the London military camp arrested him for desertion. Both Finnegan and Wolfe were held at the military camp in London.¹⁰⁶

The Department did not endorse Wolfe’s desertion, regardless of his motive. However, Departmental officials believed that meddling white people -- one of a set of common refrains used to explain away Native resistance to Departmental authority -- or a Native agitator incited Native soldiers to desert, rather than genuine familial concerns, or even simply a dislike of service and homesickness. While there is no complete record of

¹⁰⁴ Secretary J.D. McLean to Stephen Shawkeence and Joel Pewaush 3 January 1917 LAC RG 10 Volume 3180 File 452,124-1A.

¹⁰⁵ Ibid.

¹⁰⁶ “Soldier Shot Indian Deserter from 140th Bn,” *The Globe* 20 November 1916, p. 3. Wolfe’s service records are ambiguous on this point, noting that he deserted on 18 April 1917, although this was after he was reassigned to a Special Services Battalion. It is possible that he took advantage of an amnesty for deserters, as his records indicate he was on leave after surgery for tonsillitis and quinsy in the fall of 1916 and then deserted again when specified in his records and that the incident with Robert Finnegan occurred before Wolfe was official struck from the 149th Bttm records as a deserter. Regardless of when he official deserted however, Wolfe was not pardoned until the General Amnesty for Deserters on 20 December 1916. LAC RG 150 Accession 1992-93/166 Box 10519-18.

the reasons why individual Native soldiers deserted, limited evidence suggests common motives: the pressing family concerns they found at home while on legitimate leave (as in the case of Wolfe), dissatisfaction with life in the CEF, and confusion about the nature of their commitment to the CEF (for example, some deserters believed they could stay home to seed their fields and would return when that was done).¹⁰⁷ There is little evidence that these motives were unique to Native soldiers, and because this evidence is scant, it would be inappropriate to make a conclusion about a general pattern of Native desertion.

Moreover, military authorities pursued very few of these deserters. Additionally, unlike many of those on the battlefield, none of these Native deserters was sentenced or shot for leaving the service, whereas 222 Canadian soldiers were sentenced to death for desertion or cowardice and 25 were shot.¹⁰⁸ This suggests a certain lax approach among the military authorities towards Native deserters, and that the wounding of Private Wolfe was an unfortunate exception.

Indian Affairs nonetheless actively sought to stop Native soldiers from deserting. In September 1916, McLean sent a circular to the Department's Indian Agents to counteract the rumors spread by "ill-disposed persons" that "Indians who have enlisted are not bound as whitemen to continue in the service."¹⁰⁹ A number of Native volunteers had left their battalions and McLean asked his Agents that they "make [it] known amongst your Indians that any such idea is erroneous, and that Indians are subject to the

¹⁰⁷ Richard Dunwoodie (on behalf of Joe Friday) to the Department of Indian Affairs 19 June 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1; Acting Indian Agent J. Russell McGregor (on behalf of Alex Debosky) to Secretary J.D. McLean 5 March 1918 LAC RG 10 Volume 6767 File 452-16 Pt. 1; Pte Alfred Stinson to Secretary J.D. McLean 10 January 1917 LAC RG 10 Volume 3181 File 452,124-1A.

¹⁰⁸ Teresa Iacobelli, "Arbitrary Justice?: A Comparative Analysis of Canadian Death Sentences Passed and Commuted during the First World War," *Canadian Military History* 16.1 (2007): 23-36.

¹⁰⁹ Secretary J.D. McLean to Indian Agents 25 September 1916 LAC RG 10 Volume 3181 File 452,124-1A.

same penalties for desertion and with be punished accordingly.”¹¹⁰ Indian Agents did not have the power to arrest deserters, but their position within the Native communities did allow them to spread information about the penalties for desertion and collect data on deserters themselves.¹¹¹ Two months later Inspector W.E. Ditchburn of Southwestern British Columbia had heard “a number of Indians from one of the eastern provinces,” had deserted from their units and been prosecuted. Ditchburn understood that Indian Agents or Native-hired counsel argued that as wards Native men were “not considered responsible persons,” under the law, and ergo they could not be considered guilty of desertion. Ditchburn disagreed with the line of argument but he found that the military authorities in his province refused to prosecute Native deserters.¹¹²

Scott also rejected the deserters’ wardship defense on the basis that the Indian Act only applied on the reserves, and that *any* action a Native person took off reserve was outside the Indian Act’s jurisdiction.¹¹³ This was in contradiction to the stance that the Department took on the issue of Native soldiers going to pubs. Yet, although the question and answer might have been different, that the Indian Act (specifically the Department’s interpretation of that document) and the limitations it placed on Native soldiers influenced how war programs worked on reserves.

In December 1916, the CEF declared that it would pardon deserters, “provided they surrender themselves to the officer commanding the unit to which they belonged,” if still in Canada and otherwise to the district commanding officer of any of the country’s

¹¹⁰ Ibid.

¹¹¹ D.C. Scott to Indian Agent F.W.R. Colclough 22 August 1916 LAC RG 3181 File 452,124-1A.

¹¹² Inspector W.E. Ditchburn to D.C. Scott 3 November 1916 LAC RG 10 Volume 3181 File 452,124-1A.

¹¹³ D.C. Scott to Inspector W.E. Ditchburn 16 November 1916 LAC RG 10 Volume 3181 File 452,124-1A.

military districts within two weeks, by 15 December 1916.¹¹⁴ When Indian Affairs translator and clerk Charles Cooke was recruiting for the 256th Railway Construction Battalion among the Iroquois of southern Quebec in the winter of 1917, he collected information about deserters living around both Caughnawaga and St. Regis, and approximately forty living in the United States. Agent Taillon at St. Regis believed these men were willing to surrender and join a Railway Construction Battalion, although Cooke later admitted he only heard of these men from their families and could not be certain of either their locations or intentions.¹¹⁵

The ever pessimistic and disparaging Surgeon-General Fiset pointed out, “as they have specified [joining] a non-fighting Unit it would not appear that they are imbued with a great amount of courage.”¹¹⁶ Reluctantly, Militia authorities agreed to adjust the Militia’s policy and deadline on the deserter amnesty specifically for Native men to join Construction, Railway or Forestry Battalions “where there is evidence of a bona fide intention on the part of any Indians, now deserters, to return to the Service.”¹¹⁷ Cooke found few with any “bona fide” intention to rejoin the service, for while he “did all I could as becometh an officer of the Department in trying to get these men acquainted with the fact of the amnesty, but my offers either failed to reach them or were deliberately scorned [sic].”¹¹⁸ At St. Regis only one man, Angus Lazore of

¹¹⁴ Selection from the *Canada Gazette* 6 December 1916 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

¹¹⁵ Surgeon-General Eugene Fiset to the Department of Indian Affairs 1 February 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1; Charles Cooke to D.C. Scott 10 February 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1; Charles Cooke to D.C. Scott 10 February 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1; Indian Agent Taillon to D.C. Scott [undated] January 1917 LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Major Harold Daly 31 January 1917 LAC RG 10 Volume 6766 File 452-13.

¹¹⁶ Surgeon-General Eugene Fiset to the Department of Indian Affairs 1 February 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

¹¹⁷ Surgeon-General Eugene Fiset to D.C. Scott 9 February 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1; Major Harold Daly to D.C. Scott 2 February 1917 LAC RG 10 Volume 6766 File 452-13.

¹¹⁸ Charles Cooke to D.C. Scott 28 February 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

Caughnawaga, took advantage of the amnesty and joined the 256th Railway Construction Battalion, while two men, Frank Muscle and Joe Hall, fled to the United States' side of the reserve rather than reenlist.¹¹⁹ Muscle and Hall were arrested as deserters, but were released after paying ten dollars – it is unclear if this was bail or a fine – because no military representatives appeared at their hearing. Two men at Caughnawaga, Joe Jacobs and Peter Bourdeau, sought out the amnesty, while five other known deserters living and working around Oka, including two working at the munitions factory at Lachine, knew of and refused to take the amnesty.¹²⁰

Cooke attributed this general disinterest in the amnesty to “the rebellious and impudent attitude of the Oka Indians who goad these men on to continue to defy the law of the land by desertion.” This was not only a dangerous attitude due to the penalties deserters could face if caught. It also represented a general disregard for Canadian law, which Cooke believed eroded the Department of Indian Affairs' authority at Oka and therefore he argued,

it would be in the interest of the Department...to have these deserters apprehended and dealt with by the proper military authorities. Such a course of action on the part of the authority of the Government in the minds of these Indians...[would] bring back their senses to respect the law of the land.¹²¹

Peter Delisle of Caughnawaga also welcomed prosecutions for deserters, but as he explained to Lt. Smith of the 256th he wanted a Native soldier tried as a “test case.” Delisle argued this individual would be a minor under the law – according

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Charles Cooke to D.C. Scott 28 February 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

to the Indian Act – and should therefore be “exempted from carrying out the obligations of his attestation papers on enlistment.”¹²²

Delisle wrote directly to Superintendent General of Indian Affairs Roche, explaining that he and like-minded individuals at Caughnawaga wanted a judicial opinion on the status of Indian men, as wards or minors, in Military service “to test this case once and for all.”¹²³ However, Scott argued that Native peoples’ status as wards of the Government, under the care of Indian Affairs, did not have an effect on their responsibility as military volunteers. Instead, Scott stated that it was “impossible” for the Department to defend those Native men who “are not amenable to military discipline after having enlisted and taken the required oath of allegiance.”¹²⁴ However, Fiset believed it would be “useless” to prosecute deserters at Caughnawaga as the military officials believed they would be unable to collect any evidence against the deserters among the population.¹²⁵

Try as it might, the Department could not wash its hands of Native deserters. Chief Skeet of No. 60 Rat Portage had three sons who deserted from the 141st Overseas Battalion. Both he and Agent R.S. McKenzie had tried unsuccessfully to convince the three boys to return to their unit at the end of their furlough. McKenzie projected this failure uniquely on Chief Skeet, however, whom the Agent assessed “does not appear to have any control over them [his sons].”¹²⁶ Now Agent McKenzie wondered if the Skeet

¹²² Ibid.

¹²³ Peter Delisle to Superintendent General of Indian Affairs Dr. Roche 2 April 1917 LAC RG 10 Volume 6767 File 452-16. P.1.

¹²⁴ D.C. Scott to Peter Delisle 3 April 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

¹²⁵ Surgeon-General Fiset to the Superintendent General of Indian Affairs 14 May 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

¹²⁶ Indian Agent R.S. McKenzie to Secretary J.D. McLean 2 March 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1; Indian Agent W.R. Brown sent a list of the deserters from the 141st Overseas Battalions, but tried to balance the cost of catching them with the detriment to their authority that letting deserters escape

brothers could collect their treaty payments while on the lam from military officials.¹²⁷

Technically the Indian Act contained no provision that would deny an entitled Indian his treaty payments if he deserted from the CEF, but McLean warned that all deserters should nevertheless take advantage of the amnesty.¹²⁸

In the summer of 1916, Frank Ennis, originally of Perth, New Brunswick, deserted from the 140th Overseas Battalion. A year later, Ennis was living with six or seven other Native deserters in Caribou, Maine. Agent Wotten, under whose jurisdiction Ennis' family fell, believed "it would be much better for the families of these men if they were allowed to return home, and earn a living."¹²⁹ The Department would have to support their families if the deserters did not return home and to work. Yet, a year later, Florence Ennis wrote to Scott begging for his help. Her husband Frank had been arrested, and she had lost her separation benefits, "but that is not my fault and I must have some food for myself and my small family."¹³⁰ Agent Wotten had done nothing to help Frances and her six children, so she looked to Scott, for "the only help I can get is from the Indian Department."¹³¹ McLean confirmed that Frank Ennis had deserted, and his wife was now without any support outside what the Department could offer.¹³² Other women and Agents appealed to the Department with similar dilemma.¹³³ The disruption

might mean. Indian Agent W.R. Brown to Secretary J.D. McLean 5 March 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1, Indian Agent W.R. Brown to D.C. Scott 9 March 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

¹²⁷ Ibid.

¹²⁸ Secretary J.D. McLean to Indian Agent W.R. Brown 29 March 1917 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

¹²⁹ Indian Agent W.J. Wotten to Secretary J.D. McLean 24 March 1917 LAC RG 6762 File 452-4.

¹³⁰ Mrs. Florence Ennis, Perth New Brunswick, to D.C. Scott 9 July 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹³¹ Ibid.

¹³² Secretary J.D. McLean to Indian Agent N.J. Wotten 28 August 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹³³ Indian Agent Wheatley to Secretary J.D. McLean 8 September 1917 LAC RG 10 Volume 3181 File 452,124-1A; Indian Agent Bertrand (in reference to John Bonspille) to Secretary J.D. McLean 7 November

of loosing a breadwinner was further exacerbated when that breadwinner left the forces, and the only safety net was the Department.

Conclusion

A soldier by the name of Johnson wrote to Secretary McLean from France in December 1917. After two years at the front, Johnson wanted the Department to bring him home to Canada to see his wife and children. Johnson told McLean “I think I deserve consideration on the ground that I am not a Citizen of Canada but an Indian a ward of the Government.”¹³⁴ Johnson’s plea for an early release from service derived not only from his homesickness and disillusionment with life at the front, but also from his belief that as a ward of the Government, his legal status made him different from non-Native soldiers, and thus should not be held to the same standards of contractual service.

Native soldiers found themselves caught between a pre-military identity as Indians living on reserve and their new role as Canadian soldiers. When the rights and restrictions contained in these two identities clashed, Native men discovered their Indian identity trumped their position as soldiers. When someone found themselves on the wrong side of the Indian Act, their uniform provided little or no protection, as demonstrated in the case of James Chum. Others, both Native and non-Native, looked to the Indian Act’s provisions to protect themselves from unwanted outsiders, whether those intruders were seeking recruits or hunting deserters. These two responses to the

1917 LAC RG 10 Volume 6767 File 452-16 Pt.1 Mrs. Mathilda Nash, Oromeate, New Brunswick, to the Department of Indian Affairs 30 August 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Acting Indian Agent J. Russell McGregor to (re Noah Deboskey) to Secretary J.D. McLean 5 March 1918 LAC RG 10 Volume 6767 File 452-16 Pt. 1.

¹³⁴ [unknown first name] Johnson to Secretary J.D. McLean 8 December 1917 LAC RG 10 Volume 3181 File 452,124-1A.

opportunity to leave the reserve as an enlistee highlights a tension between the hope for equality within the CEF and the separateness of Indian-ness, from those who sought to shirk their different status and those who sought it as a protection. Although these goals are almost oppositional, the Indian Act's prominence in the resolution of both conflicts underlines that legislation's central role in defining Native participation in the new challenges and opportunities the war offered, as it did in questions over donations to war funds. Native men in uniform were Indians first, and soldiers second.

Chapter 3:

Support for Soldiers' Dependents

James Cope, a Mi'kmaq inventor living in Truro, Nova Scotia, created splints to facilitate basket weaving among his "other improvements on other Indian works." His white neighbours considered the "very intelligent" James to be among "a better class of Indians" in the province.¹ Since the declaration of war, Cope had turned his enterprising mind to the development of innovative weaponry about which he wrote to the Department of Indian Affairs, the Patent Office in Ottawa, and the War Office in Washington. Cope reported to the Department his work on a bulletproof vest, and offered his drawings for further development; additionally, Cope mused, "could not a very high powered magnet be made and employed to deflect or change the course of torpedoes"?"² Nothing came of Cope's ideas, and he enlisted in December 1915.

On 7 December 1915, Joseph Cope and his sons James, the inventor, and John joined the 106th Overseas Battalion, the Nova Scotia Rifles.³ James wrote to the Department again in January 1916; James wanted something he could wear on his uniform to identify himself, and presumably his brother and father, as Native, and he asked if Native soldiers had any special privileges. Indian Affairs Secretary J.D. McLean explained to the soldier "there is no distinctive badge that the Department of Indian Affairs could give you." Native soldiers should not expect special treatment, but "you

¹ E.A. Saunders, Secretary of the Halifax Branch of the Canadian Patriotic Fund to the Secretary of the Department of Indian Affairs 27 May 1918 LAC RG 10 Volume 6773 File 452-61.

² J.C. Cope to the Department of Indian Affairs, 7 November 1914 LAC RG 10 Volume 3180 File 452,124-1; E.A. Saunders, Secretary of the Halifax Branch of the Canadian Patriotic Fund to the Secretary of the Department of Indian Affairs 27 May 1918 LAC RG 10 Volume 6773 File 452-61.

³ Joseph Cope (715125), Attestation Paper, LAC RG 150 Accession 1992-93/166, Box 1982-50.; James Cope (715126), Attestation Paper, LAC RG 150 Accession 1992-93/166 Box 1982-40; John Peter Cope (715560) Attestation Paper LAC RG 150 Accession 1992-93/166 Box 1982-48.

will be treated with the same courtesy and consideration as other members of the regiment to which you belong.”⁴ While some Native soldiers might have disputed this claim, McLean applauded the Copes’ decision to enlist and hoped that the three would enjoy “favourable” records in the service.⁵

With the Copes family so well represented at the front, Sarah, Joseph’s wife, and the rest of the Cope children needed help from the Militia’s assigned pay and separation allowances. The Cope family – like so many Native families who said goodbye to their husbands, fathers, and sons – found themselves relying on both the Department of Indian Affairs and the Department of Militia and Defense. The former was responsible for Native peoples’ welfare generally, but when a Native man enlisted, his family also entered the Military’s own, albeit temporary, support system. These new arrangements reinforced the Departmental role as a gatekeeper for both information and money, balanced between unwanted overseer and sought-after protector. These new supports also highlighted the contradiction between Indian Affairs’ structures that forced dependency on its Agents, and its stated concern to encourage self-sufficiency among Native peoples.

The Cope family’s effort to sustain themselves throughout the war illustrated common elements of many Native families seeking support while their husbands and sons were overseas. The family fought with multiple government and charitable organizations to improve their condition; the Copes present a superbly documented case, and their story contains pieces of hundreds of other Native families’ experiences. They are not so much exceptional, but an exceptionally well-recorded example of the many

⁴ Secretary J.D. McLean to J.C. Cope 11 January 1916 LAC RG 10 Volume 3180 File 452,124-1.

⁵ Ibid.

difficulties and resultant arrangements between Native families, the Departments of Indian Affairs and the Militia. An Indian Agent controlled the Cope family's Militia support payments, and to receive them the Copes opened themselves to serious outside scrutiny. The matriarch of the Cope family, Sarah, openly challenged her family's treatment at the hands of the government as contrary to the patriotic language and promised equality for Native soldiers and their dependants. The Cope family's struggles detail the cooperation between the Departments of Indian Affairs and Militia and Defense on the issue of soldiers' dependents, juxtaposed with the negotiations Native women and families performed to try to survive the war intact.

Support for Soldiers' dependants

Historian Robin Brownlie argues that although it was “mostly illusory,” Indian Affairs provided a “rudimentary safety net” in exchange for certain economic, social, and political freedoms – although the floor was low, it did exist.⁶ The Department designed this floor with specific goals in mind. Hugh Shewell argues the Department's paternalistic control of funds and relief structures served as a method of control and assimilation, the reserve system produced dependency by undermining economic independence, and suppressing Native peoples' cultural and political identity.⁷ The Department controlled band funds, and the flow of relief for infirmity, illness, or extreme poverty, in order to direct Native peoples towards thrift as a moral as well as economic virtue, individualism, and by association away from any form of resistance to

⁶ Brownlie, “‘A Better citizen than lots of white men’,” 33.

⁷ Shewell, *Enough to Keep them Alive*, 4-5, 9.

Departmental control.⁸ Both the Military's soldier dependent support payments and the Canadian Patriotic Fund encouraged and maintained single families as economic units, even as the latter pooled donations to support these families. This goal for all recipients (Native and non-Native) overlapped with the Department's effort to push Native peoples towards nuclear family economies rather than communal wealth. Both the CPF and the Department associated thrift with morality and, inversely, poverty with moral corruption. Additionally, the Department linked the economic control of Native peoples' lives with other such restrictions, most notably on mobility and alcohol, as parallel initiatives directed towards "the eradication of 'heathen' cultural practices."⁹ The new soldiers' dependents' supports matched Indian Affairs' goal of controlling Native peoples' economic activities as a method of changing their behaviours.

The war disrupted the economic situations of families and communities across the country, but uniquely for Native families, access to new supports needed to be negotiated within an existing debate over the character of relief. While historians have considered the social implications of the temporary programs instigated for soldiers' families' maintenance, the situation for Native women cannot be separated, either in its ideological considerations and its practicalities, from the Department's pre-war economic policies.¹⁰ Wartime supports largely mirrored Indian Affairs' pre-war mixture of economic controls and social restrictions meant to recast Native women as men's dependents. Both war-

⁸ Ibid., 89-95.

⁹ Shewell, *Enough to Keep Them Alive*, '91; Tough, 199, 217-8, 233; Campbell, 105-126; Brownlie, *A Fatherly Eye*, 99, 123, 143. The rhetoric against the potlatch reflect the Department's linkages between Native cultural practices and unacceptable economic and moral behaviour, Loo, 139-141, 143.

¹⁰ Examples of these studies include: Alison Prentice et al, *Canadian Women: A History* (Toronto: Harcourt Brace Jovanovich, 1988), 203-207; Veronica Strong-Boag, *The New Day Recalled: Lives of Girls and Women in English Canada, 1919-39* (Toronto: Copp Clark, 1988); Joan Sangster, "Mobilizing Women for War," in *Canada and the First World War: Essays in Honour of Robert Craig Brown*, ed. David MacKenzie (Toronto: University of Toronto Press, 2005), p. 157-193, 158; Morton, *Fight or Pay*.

related support and Indian Affairs' work was informed by the presumption that Native women were easily morally corruptible, and that it was the Department's job to correct this.¹¹

As discussed in chapter one, the Department of Indian Affairs did not want to alienate Native peoples, particularly potential recruits, by giving the impression that their families would be denied access to the sources of temporary support for white soldiers' families. Additionally, as discussed in chapter two, the Department hoped that enlisting Native men for military service would provide a new mechanism for assimilating them into Canadian society. Support for Native soldiers' families presented an excellent recruiting tool. The Department sent a circular to its Agents detailing military Separation Allowance payments of \$20 a month and CPF payments of up to \$42 per family per month depending on the number of children under 15.¹² Agents reassured Native men that their status as soldiers would be "the same as the white men...they will receive the same benefits and consideration."¹³ Equal support was an important promise, as evidenced in chapter one by the Bloods' fight for parity of access to the CPF.

Even under ideal circumstances, support for soldiers' families was conditional on a variety of factors. The Fund's Assistant Secretary Philip Morris informed Scott that the figures the Department had forwarded to its Agents were the CPF's maximum payments. Morris assumed or believed that because of Native peoples' pre-existing dependent

¹¹ Brownlie, *A Fatherly Eye*, 141-144; Joan Sangster, "Criminalizing the Colonized: Ontario Native Women Confront the Criminal Justice System, 1920-60," *Canadian Historical Review* 80.1 (March 1999): 32-62, 34; Perry, 49, 52; McGrath & Stevenson, 37-53.

¹² Circular from D.C. Scott 12 February 1916 (regarding pensions to be paid to soldiers' widows, families) LAC RG 10 Volume 6762 File 452-4; To All British Columbia Indian Agents from D.C. Scott 1 February 1917; Militia Circular for Separation Allowances of Forestry Battalions 1 February 1917; Circular to Indian Agents from D.C. Scott 7 February 1917 LAC RG 10 Volume 6766 File 452-13.

¹³ To All British Columbia Indian Agents from D.C. Scott 1 February 1917 LAC RG 10 Volume 6766 File 452-13.

relationship with the Canadian government, “the conditions under which the Indians of Canada live are, of course, exceptional,” and given their circumstances, without husbands, brothers or sons, “it is quite improbably that allowances at that maximum rate would be made to their families.”¹⁴

Native soldiers’ concern for equal access to Militia-based support for their families was not only a question of familial feeling, but part of their contractual entitlements as members of the CEF. When Joseph Cope and his son James enlisted on 7 December 1915, and a second son, John Peter, on 30 December, all in the 106th Overseas Battalion, they could expect a wage of \$1.10 per day, \$1.00 pay plus a 10 cent field allowance, as privates.¹⁵ This was more than four times a British private’s pay, the equivalent to a Canadian quarter, but only half of the daily earnings of average Canadian labourer. James, despite his inventions, entered his occupation a labourer on his attestation papers, as did his father; John Peter Cope declared himself a farmer.¹⁶ Under the CEF’s pay regulations, a soldier could divert or “assign” up to half of his pay to his family – hence the term assigned pay.¹⁷ Initially at least, all three of Sarah Cope’s soldiers, her husband and two sons, intended to assign her the maximum of fifteen dollars of their monthly pay while overseas.¹⁸

¹⁴ Assistant Secretary CPF Philip Morris to D.C. Scott 15 February 1917 LAC RG 10 Volume 6766 File 452-13.

¹⁵ James Copes, 715126, Attestation Papers LAC RG 150 Accession 1992-93/166 Box 1982-40; John Peter Cope, 715560, Attestation Papers, LAC RG 150 Accession 1992-93/166 Box 1982-48; Joseph Cope, 715125, Attestation Papers, LAC RG 150 Accession 1992-92/166 Box 1982-50; Morton, *Fight or Pay*, 23, 29.

¹⁶ Morton, *Fight or Pay*, 23, 29.

¹⁷ *Ibid.*, 30.

¹⁸ Mrs. Sarah Cope to the Assistant Deputy and Secretary of the Department of Indian Affairs 26 January 1917 LAC RG 10 Volume 6773 File 452-61; Indian Agent Daniel Chisholm to Secretary J.D. McLean 27 November 1917 LAC RG 10 Volume 6773 File 452-61.

While a soldier could assign a portion of his pay to anyone he chose, on 4 September 1914, the federal government approved a Separation Allowance program separate from a soldier's pay, meant specifically for wives and widowed mothers, to be run through the Militia: a private's wife would receive twenty dollars, going up to sixty dollars for a Major-General's wife.¹⁹ The rush of paperwork and a lack of qualified staff meant that the first wave of soldiers' dependents waited months for payments, and thanks to Minister of Militia and Defence Sam Hughes's preference for locally-based recruiting paymasters were slow to be appointed and trained. Thus payments could be slow in coming to soldiers' dependents.²⁰ To obtain a Separation Allowance for their mothers, unmarried sons had to prove they were their widowed mother's only support, and that they had no family of their own. Whereas a soldier could divide his assigned pay to multiple family members, a soldier could obtain only one Separation Allowance.²¹ After 1 April 1915, however, non-commissioned ranks whose dependents received a separation allowance would automatically have half their pay assigned to their dependents as well.²²

Additionally, the government looked to the Canadian Patriotic Fund, a private charity, administered through local branches and run largely by members of Anglo-Protestant Canadian society, to make up the difference between what they provided and what soldiers' families needed. These local volunteers made up the relief committees that evaluated, or failed to evaluate, the Blood women's claims for support, as discussed in chapter one. The CPF needed to create a monthly payment scale "that would not

¹⁹ Separation Allowances were initially denied to those who maintained their civilian salaries, and the allowance was only open to those soldiers overseas, not those serving in the Home Service. Home Service soldiers were also not eligible for help from the CPF. Morton, *Fight or Pay*, 32, 37

²⁰ Desmond Morton, "Supporting Soldiers' Families: Separation Allowance, Assigned Pay and the Unexpected," in *Canada and the First World War: Essays in Honour of Robert Craig Brown*, ed. David MacKenzie (Toronto: University of Toronto Press, 2005), pp. 194-229, 200-201, 207-208.

²¹ Morton, *Fight or Pay*, 39.

²² Morton, "Supporting Soldiers' Families," 205.

demoralize the poorer class nor impose too many restrictions on the customs of those who had lived at a higher standard,” which they eventually deemed to be \$30 for a wife, \$7.50 for a child between the ages of 10 and 15, \$4.50 for a child ages 5 to 10, and \$3 for a child under 5, and \$35 for a widowed mother.²³ The CEF and CPF worked closely together, and receipt of separation allowance eventually became required for the receipt of CPF money, which actually reduced the amount that a woman received from the CPF \$30 to \$25.²⁴ The CPF for most of the war ignored the difficulties inflation caused; only in 1918 did it increase a woman’s monthly entitlement to \$50.²⁵ Cost of living varied across the country, and so too did the support from the CPF, so that payments could vary significantly from city to city.²⁶ Unfortunately, these differences could not make up the loss of a breadwinner to the cost of living, and the difference between CPF and military benefits and the estimated cost of living ranged from as low as 70 cents a month in Ontario and Quebec, to as high as \$13.66 a month in British Columbia.²⁷ According to {who made the calculation that Morton is citing} Mrs. Cope’s fellow Nova Scotian soldiers’ wives’ support fell an average of \$3.44 short of their needs.²⁸

In early 1917, Joseph Cope contracted a severe cold, which left him with partial paralysis and rheumatism.²⁹ Joseph was subsequently invalided out of the CEF on 7 February 1917 and his assigned pay ended. Sarah was left with a husband unable to work and at least four children to care for – officials’ estimates varied significantly from four

²³ Morris, 30

²⁴ Morton, “Supporting Soldiers’ Families,” 199, 205.

²⁵ Morris, 32.

²⁶ Morton, “Supporting Soldiers’ Families,” 199; Morris, 31.

²⁷ Morton, “Supporting Soldiers’ Families,” 218.

²⁸ Ibid.

²⁹ Mrs. Sarah Cope to the Assistant Deputy and Secretary of the Department of Indian Affairs 26 January 1917 LAC RG 10 Volume 6773 File 452-61; Indian Agent Daniel Chisholm to Secretary J.D. McLean 27 November 1917 LAC RG 10 Volume 6773 File 452-61.

to eight, between the ages of fourteen and infancy – on the thirty dollars she received from her two sons fighting overseas.³⁰ To put this thirty dollars into some perspective, according to immediate pre-war (1914) statistics, and therefore not taking into consideration wartime inflation (which reached almost 20% nationally) and internal variation, a pound of beef cost 24 cents, a pound of butter cost 35 cents, a loaf of bread cost 5 cents and a quart of milk cost 10 cents. The Copes found the Department of Indian Affairs unwilling to help their fight for sufficient support while their primary breadwinners were in France. The Department of Indian Affairs officials in Ottawa were hesitant, even resistant, to aid the Copes to influence the Militia. These officials doubted both the degree of the Copes' need and of Joseph Cope's infirmity. The family did not stay on one reserve or in one agency, and the Department chastised the family both for its nomadic lifestyle and for a perceived failure to live thriftily.

Initially, the Department of Indian Affairs told the CPF that they had no arrangement with Native people that would affect CPF support for Native soldiers' families.³¹ Yet the Department's role in Native peoples' lives, particularly its Agents' ability to control the financial lives of their reserves and their ability to collect information in these remote locations segued easily with the needs and responsibilities of both the Militia and the CPF. Agents evaluated Native soldiers' families' need and eligibility for a separation allowance, and dispensed these supports. Control over both information and funds – essentially as a middleman – reinforced the Department's place

³⁰ Dr. W. B. Moore, Kentville Nova Scotia (certificate of discharge for Joseph Cope) 7 February 1917 LAC RG 10 Volume 6773 File 452-61; Department of Indian Affairs Accountant F.W. Paget to D.C. Scott 22 February 1917 LAC RG 10 Volume 6773 File 452-61; Indian Agent Daniel Chisholm to Secretary J.D. McLean 27 November 1917 LAC RG 10 Volume 6773 File 452-61.

³¹ Assistant Secretary for the CPF Philip H. Morris to D.C. Scott 27 August 1915 LAC RG 10 Volume 6762 File 452-4; D.C. Scott to Assistant Secretary for the CPF Philip H. Morris 30 August 1915 LAC RG 10 Volume 6762 File 452-4.

in Native peoples' lives even in these temporary Militia-based programs. Managing the Militia's payments suited the Department's dual efforts to direct Native peoples' lives and activities and to save money; when doling out separation allowances, they spent the other department's money while furthering Indian Affairs' policy agenda. Yet Sarah Cope, like many Native women, did not sit idly by as her present circumstances and the survival of her family hung in the balance. Sarah used her sons' participation in the war as a tool to challenge the authorities controlling her financial situation.

Native Families in Need

Indian Affairs' officials were deeply suspicious of both Joseph's inability to work and the Cope family's general degree of need. D.C. Scott received a doctor's report that authorized Cope's discharge and which argued in favour of giving him a pension, but which also indicated that his rheumatism might be cured with a few months' treatment.³² After having met the family however, Indian Agent Daniel Chisholm of Halifax County emphasized Cope's disability and his family's need.³³ While the family resided near his agency in Kings County Nova Scotia, Indian Affairs instructed Indian Agent C.E. Beckwith not to "give relief to this family" while they received the thirty dollars of assigned pay. Based on his own observation however, Beckwith gave the family half a barrel of flour and an unspecified amount of pork.³⁴

³² Department of Indian Affairs Accountant F.W. Paget to D.C. Scott 22 February 1917 LAC RG 10 Volume 6773 File 452-61; Indian Agent Daniel Chisholm to Secretary J.D. McLean 27 November 1917 LAC RG 10 Volume 6773 File 452-61.

³³ Indian Agent Daniel Chisholm to the Department of Indian Affairs 27 November 1917 LAC RG 10 Volume 6773 File 452-61.

³⁴ Indian Agent C.E. Beckwith to the Department of Indian Affairs 12 February 1917 LAC RG 10 Volume 6773 File 452-61; Department of Indian Affairs Accountant F.W. Paget to D.C. Scott 22 February 1917 LAC RG 10 Volume 6773 File 452-61; Indian Agent Daniel Chisholm to Secretary J.D. McLean 27 November 1917 LAC RG 10 Volume 6773 File 452-61.

Reluctantly, McLean endorsed Beckwith's support, although he instructed Beckwith that the value of the supplies should not exceed ten dollars a month, and that these supplies should "consist of necessaries" only, and emphasized that "payment for luxuries will not be made."³⁵ The Department of Indian Affairs stood staunchly against any plan that extended beyond "a few months," particularly any form of soldier's pension for fear that "[Joseph] Cope will take it for granted that he is entitled to receive aid from this Department for the rest of his life in view of the fact that he enlisted for military service."³⁶ Though a military pension was considered a possibility, Joseph's recovery was the department's preferred solution; it rejected the entitlements promised to citizen soldiers in favor of the goal of instilling thrift and discouraging dependence.³⁷ McLean asserted, "it is not clear to the Department [of Indian Affairs] why this family should require any assistance" when they received thirty dollars from the Department of Militia and Defence.³⁸ Despite Beckwith's assurances, McLean suggested that Joseph Cope was not ill enough to "prevent him exerting himself towards supporting his family."³⁹ That the Copes might consider any money an entitlement was unthinkable for those who sought to wean Native people from their support – McLean argued "if he [Joseph] knows that he will be assisted whenever he asks for help no doubt he will continue to remain

³⁵ Secretary J.D. McLean to Indian Agent C.E. Beckwith 28 February 1917 LAC RG 10 Volume 6773 File 452-61.

³⁶ Department of Indian Affairs Accountant F.W. Paget to D.C. Scott 22 February 1917 LAC RG 10 Volume 6773 File 452-61; Indian Agent Daniel Chisholm to Secretary J.D. McLean 27 November 1917 LAC RG 10 Volume 6773 File 452-61.

³⁷ Department of Indian Affairs Accountant F.W. Paget to D.C. Scott 22 February 1917 LAC RG 10 Volume 6773 File 452-61; Secretary J.D. McLean to Indian Agent Daniel Chisholm 15 November 1917 LAC RG 10 Volume 6773 File 452-61.

³⁸ Secretary J.D. McLean to Indian Agent Daniel Chisholm 15 November 1917 LAC RG 10 Volume 6773 File 452-61.

³⁹ Ibid.

idle.”⁴⁰ McLean did not want the Copes to rely on aid, but rather “if possible the Copes should be made to support themselves.”⁴¹

A separation allowance provided a solution to the Cope family’s need that respected the Department of Indian Affairs’ desire to limit their permanent assistance to the Copes, and all Native peoples, and to save money, as it was a temporary payment made through the Militia’s coffers. While Sarah Cope received thirty dollars in assigned pay from her two sons, she did not receive any separation allowance. McLean suggested to the Department of Militia and Defence’s Separation Allowance and Assigned Pay Branch that the Copes be allowed a separation allowance from at least one of their sons. McLean encouraged the Militia to cover the cost of the Copes’ maintenance, although regardless of which government body paid, McLean suggested his department ought to administer the funds.⁴² McLean did not discuss his previous belief that Joseph was able to work, as any bread-winning ability on Joseph’s part would ruin the family’s chances of receiving such an allowance. The Militia agreed to allow Mrs. Cope an additional twenty-five dollars as a separation allowance from her older son James, the inventor.⁴³

The Copes were not the only Native family who found themselves in dire circumstances during the war. Despite best intentions, once soldiers left the country, many deserving families did not receive full support from the separation allowances and assigned pay system. These failures represented the practical problems of the new Militia support networks, as families slipped through the cracks in the system. Mrs. Jemima

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Secretary J.D. McLean to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 21 February 1918 LAC RG 10 Volume 6773 File 452-61; Secretary J.D. McLean to the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 23 March 1918 LAC RG 10 Volume 6773 File 452-61.

⁴³ Secretary J.D. McLean to Indian Agent Daniel Chisholm 3 May 1918 LAC RG 10 Volume 6773 File 452-61.

Tanner of the Keeseekoowenin reserve in Manitoba received a letter in May 1917 that the CEF was terminating her assigned pay and would only pay her twenty dollars in separation allowance in future.⁴⁴ Coupled with the news that her husband John Tanner of the 107th Overseas Battalion was in hospital, this was both financially and emotionally crippling. After investigating on Mrs. Tanner's behalf, Secretary McLean explained to her that "in many cases it was found that men had assigned such a large portion of their pay" to their families that the soldiers "were left without any ready cash to meet their requirements while overseas."⁴⁵ McLean suggested to Mrs. Tanner that she write to her husband "if you find it impossible to get along on the separation allowance alone," to "arrange with him to have a smaller portion of his pay reassigned to you."⁴⁶

Other individuals found their separation allowances or assigned pay stopped for less bureaucratic reasons. Privates Louis and John Jacobs of Caughnawaga had both assigned their pay and allowances to their mother, but in early 1918 she passed away. Now Louis and John's father Nolan found himself without any form of financial support.⁴⁷ Secretary McLean acted as a go-between for Nolan's interests, as the bureaucrat contacted both Private Louis Jacobs and the Director of the Separation Allowance and Assigned Pay in the Militia Department, to whom McLean appealed to change the recipient of the Jacobs boys' assigned pay. Louis could redirect his assigned pay and if he was slow in his response, his officers could force the issue. McLean even arranged to have the Department of Indian Affairs forward Nolan Jacobs five dollars

⁴⁴ Lake Manitoba Inspector S.J. Jackson to D. C. Scott 18 May 1917 LAC RG 10 Volume 3181 File 452, 124-1A.

⁴⁵ Secretary J.D. McLean to Mrs. Jemima Tanner 26 May 1917 LAC RG 10 Volume 3181 File 452,124-1A.

⁴⁶ Secretary J.D. McLean to Mrs. Jemima Tanner 26 May 1917 LAC RG 10 Volume 3181 File 452,124-1A; Secretary J.D. McLean to Lake Manitoba Inspector S.J. Jackson 26 May 1917 LAC RG 10 Volume 3181 File 452,124-1A.

⁴⁷ Secretary J.D. McLean to Pte Louis T. Jacobs 24 April 1918 LAC RG 10 Volume 3181 File 452,124-1A.

from the Caughnawaga band funds to allow him to travel back to the reserve; the secretary suggested that the Separation Allowance and Assigned Pay Branch could repay the Department from Nolan Jacobs' first assigned payment.⁴⁸

Several Native soldiers' families had their separation allowances and assigned pay stopped, or supports promised but never paid.⁴⁹ Jack Lute of St. Regis had two brothers, Richard and Thomas, in the service. Unable to support himself, Jack initially received fifteen dollars a month from both brothers, but he lost half his support when Richard died overseas.⁵⁰ Jack's Chief, John Jacobs, found the now destitute Jack Lute a home near his own while Indian Agent Taillon and McLean appealed to the Militia to secure Jack a

⁴⁸ Secretary J.D. McLean to the Director of the Separation Allowances and Assigned Pay Branch of the Department of Militia and Defence, 26 April 1918 LAC RG 10 Volume 3181 File 452,124-1A.

⁴⁹ Lieutenant John R. Stacey (on behalf of Mike McGregor) to the Governor General of Canada 10 October 1916 LAC RG 10 Volume 6762 File 452-4; Indian Agent J.M Brosseau (on behalf of the father of Mitchell Douglass) to Secretary J.D. McLean 1 September 1916 LAC RG 10 Volume 6773 File 452-26; Indian Agent J.M. Brosseau (on behalf of the Depeaus) to Secretary J.D. McLean 14 October 1916 LAC RG 10 Volume 6773 File 452-60; Indian Agent McCamus (on behalf of Mrs. Mary Johnson) to Secretary J.D. McLean 15 December 1916 LAC RG 10 Volume 6773 File 452-63; Southeastern British Columbia Inspector Megraw (on behalf of the children George McLean) to Secretary J.D. McLean 13 December 1916 LAC RG 10 Volume 6773 File 452-70; Noel Augustine to Secretary J.D. McLean 15 March 1916 LAC RG 10 Volume 6781 File 452-292; Paymaster General of the Department of Militia and Defence to Mrs. Baptiste Gaspé 14 December 1915 LAC RG 10 Volume 6781 File 452-295; D.C. Scott (on behalf of Mrs. Peter Senepas) to S.W. Raven of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 28 October 1915 LAC RG 10 Volume 6781 File 452-297; Indian Agent Brosseau (on behalf of Mitchell Douglass' father) to Secretary J.D. McLean 1 September 1916 LAC RG 10 Volume 6773 File 452-56; Secretary J.D. McLean to Indian Agent J. Russell McGregor (regarding Mrs. Daniel Nagonwinah/Nagonwanah) 26 June 1917 LAC RG 10 Volume 6773 File 452-65TY; Indian Agent Card (on behalf of Mrs. William Wilson) to Secretary J.D. McLean 5 July 1917 LAC RG 10 Volume 6775 File 452-17; Indian Agent Van Loon to Secretary J.D. McLean (regarding Mrs. Adam Secord) 19 October 1914 LAC RG 10 Volume 6776 File 452-129; J. Waninte Jocks to Indian Agent Brosseau 28 January 1918 (regarding Mrs. Angus Phillips) LAC RG 10 Volume 6776 File 452-145; Indian Agent Beattie to the Department of Indian Affairs (regarding Mrs. Snake) 31 July 1917 LAC RG 10 Volume 6776 File 452-154; Chief Joseph Wabegijig (on behalf of Mrs. Moses Fox) to Secretary J.D. McLean 26 December 1917 LAC RG 10 Volume 6777 File 452-168; Indian Agent Charles Perry to Secretary J.D. McLean (regarding the parents of Albert Leighton) 3 March 1918 LAC RG 10 Volume 6778 File 452-191; Secretary J.D. McLean to the Director of the Separation Allowance and Assigned Pay (regarding George Copegog) 10 April 1918 LAC RG 10 Volume 6778 File 452-200; Mrs. Isaac Paul to "Sir" 22 April 1918 LAC RG 10 Volume 6778 File 452-203; Mrs. Mathilda Nash to the Department of Indian Affairs 16 November 1918 LAC RG 10 Volume 6779 File 452-206; Mrs. John Debasige to Secretary J.D. McLean 27 May 1918 LAC RG 10 Volume 6779 File 452-212; Pte Ben Simcoe to Secretary J.D. McLean 24 July 1916 LAC RG 10 Volume 6782 File 452-303

⁵⁰ Secretary J.D. McLean (on behalf of Jack Lute) to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 1 February 1917 LAC RG 10 Volume 6773 File 452-69.

separation allowance from his remaining living brother, Thomas.⁵¹ Unfortunately for Jack, whose case McLean described as a “deserving one,” the Separation Allowance and Assigned Pay Branch rejected his appeal because their regulations “do not make any provisions for brothers.”⁵² This case underlines the gendered nature of support during the war. McLean was aware of that Lute might fall through a gap in the Separation Allowance Program, as “I know this case does not come strictly within the legal wording of your regulations,” but he still hoped there might be something to do for Lute as “it seems to me a deserving case.”⁵³

The Militia authorities did not interpret their responsibilities for Jack Lute in the same terms as the Department of Indian Affairs, and they stuck to the strict interpretation of their mandate that did not include such male relatives as brothers. Agent John MacDonald was frustrated with a similar failure to help Peter Francis, soldier Peter J. Francis’ grandfather, living on Lennox Island, PEI. Agent argued that “there are persons in receipt of Separation Allowances who are not in so much need,” and that if such a grant could not be made, “I think the whole system needs revision.”⁵⁴ This was not a question of lack of compassion however, but a gendered prejudice within the policy. Fund administrators (public and private) defined women and minors as the primary supportable dependants, and implicitly men as the normal sources of familial support; these boundaries were impermeable. Jack Lute’s or John MacDonald’s need, no matter

⁵¹ Secretary J.D. McLean (on behalf of Jack Lute) to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 1 February 1917 LAC RG 10 Volume 6773 File 452-69; Chief John Jacobs to Secretary J.D. McLean 15 January 1917 LAC RG 10 Volume 6773 File 452-69; Secretary J.D. McLean to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 1 February 1917 LAC RG 10 Volume 6773 File 452-69.

⁵² Colonel Mack, Officer in Charge of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 8 February 1917 LAC RG 10 Volume 6773 File 452-69.

⁵³ Secretary J.D. McLean to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 1 February 1917 LAC RG 10 Volume 6773 File 452-69.

⁵⁴ Indian Agent John MacDonald to Major Leigh 27 April 1917 LAC RG 10 Volume 6774 File 452-92.

how deserving they might be, did not fall under the Militia's support system because an adult male did not fit its definition of a dependant.

In some cases, a family's appeal for help from an errant soldier reflected a preexisting family breakdown, and feminized poverty. Mrs. William Ginnish had to survive on five dollars a month from the CPF, as her husband, who enlisted under the assumed name of James Muwes, "does not wish to support his wife."⁵⁵ Samuel Chapais refused to support his wife as he believed she was unfaithful, as she had already had a child with another man before their marriage; Acting Agent Godprey defended Mrs. Chapais as chaste and "deserving of better treatment by him whatever she may have done before her marriage."⁵⁶ Godprey generally thought little of Chapais, whom the Agent described as "a wild and selfish man."⁵⁷ The Rolands of Six Nations provided an exceptional spousal conflict; Jack told all the Ohsweken grocers not to supply his wife Maggie and threatened to cancel her Militia pay.⁵⁸ Maggie fumed that Jack's behaviour "is now unbearable," and argued, "this allowance belongs to the wife and family of a soldier and not to the soldier at all. In stopping this money he will not get a cent of it,

⁵⁵ Indian Superintendent John Sheridan to Secretary J.D. McLean 11 June 1917 LAC RG 10 Volume 6773 File 452-77.

⁵⁶ At the time of this appeal, Chapais was still in Canada and therefore his dependant was not entitled to a separation allowance; he had assigned twenty dollars of his pay to his brother Jacob and "it is entirely within the soldier's power to assign his pay." Acting Indian Agent Godprey to Secretary J.D. McLean 23 March 1917 LAC RG 10 Volume 6774 File 452-85; Secretary J.D. McLean to Acting Indian Agent Godprey 3 April 1917 LAC RG 10 Volume 6774 File 452-85.

⁵⁷ Acting Indian Agent Godprey to Secretary J.D. McLean 23 March 1917 LAC RG 10 Volume 6774 File 452-85. Similar to Godprey, Agent G.M. Campbell sought some sort of support for a woman at Deseronto who married a man from St. Regis who subsequently abandoned her and their family. In Brantford this same man enlisted, deserted and reentered the service; Campbell appealed for some sort of Militia support for the abandoned family, although instead the Militia paid this man's current partner; Indian Agent G.M. Campbell to Secretary J.D. McLean 29 March 1918 LAC RG 10 Volume 6778 File 452-194; Indian Agent G.M. Campbell to Secretary J.D. McLean 17 January 1919 LAC RG 10 Volume 6778 File 452-194. James Thompson, also known as John Deer, of St. Regis, enlisted on the other side of the Ottawa River at Smith Falls and Agent Taillon sought some support for his family, whom he doubted knew anything about Thompson's decision; Indian Agent Taillon to Secretary J.D. McLean 31 May 1915 LAC RG 10 Volume 6781 File 452-298.

⁵⁸ Mrs. Maggie Roland to Indian Superintendent Gordon Smith 8 July 1919 LAC RG 10 Volume 6783 File 452-342.

while it will injure me and cause his little children to suffer want and hunger.”⁵⁹

Although Maggie correctly identified the Militia’s goal in creating these supports, control over these supports, particularly assigned pay, was not nearly as assured as Maggie argued, as evidenced in the above struggles.

Agents and Assigned Payments

Among all the above-discussed Native families, there were two common denominators: their hope of obtaining aid from the Militia’s support programs and their appeal for help to the agents of Ottawa office of the Department of Indian Affairs. Indian Agents played a central role in managing information and money between these dependants and the Militia, which reinforced the Department of Indian Affairs’ role as middleman between Native peoples and the outside world. As Militia authorities and officers appealed to the Department of Indian Affairs for help enlisting Native men (see chapter two), members of the Militia’s Separation Allowance and Assigned Pay Branch utilized the Department’s reach into Native communities to collect information. The Militia appealed to the Department of Indian Affairs for baptismal and marriage certificates, addresses, and evaluative conclusions about an individual or a family’s degree of need, which could influence decisions over separation allowances and the direction of assigned pay.⁶⁰ This assessment was particularly important for obtaining a

⁵⁹ Ibid.

⁶⁰ Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to the Secretary of the Department of Indian Affairs 31 July 1918 LAC RG 10 Volume 6779 File 452-228; Acting Deputy Superintendent General S. Stewart to Indian Agent J. M. Brosseau (regarding the father of William Depeau) 21 October 1916 LAC RG 10 Volume 6773 File 452-60; The Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Secretary J.D. McLean (regarding Margaret Paul) 13 December 1918 LAC RG 10 Volume 6780 File 452-256; Paymaster General, Department of Militia and Defence (regarding Mrs. Mary Johnson) to Secretary J.D. McLean 28 October 1916 LAC RG 10 Volume 6773 File 452-63; Director of Separation Allowance and Assigned Pay

separation allowance, as the Militia could deny such a payment if the soldier in question's father was still alive and considered able to earn a living.

The Agents' and Department's subjective powers were evident in the case of the Copes, where the two Agents concerned and the Department debate the character of Joseph Cope's illness and whether he was unable or unwilling to work. If they decided against him, and informed the Department of Militia and Defence that Joseph was able to work, his family would not be eligible for the Separation Allowance, which increased their economic resources significantly. The Agents' and the Department's control over information about Native people – crucial details that informed Militia decisions over Native soldiers' dependants – easily translated to practical control over the dependants' financial supports.

Branch of the Department of Militia and Defence (regarding Mrs. Charlotte Jacobs) to the Accountant of the Department of Indian Affairs 4 March 1919 LAC RG 10 Volume 6781 File 452-283; Paymaster General of the Department of Militia and Defence to D. C. Scott (regarding Mrs. E. Muskelouge) 29 June 1916 LAC RG 10 Volume 6781 File 452-287; Secretary J.D. McLean to Indian Agent Charles F. Bertrand (regarding Mrs. James Gaspé Jr.) 11 January 1916 LAC RG 10 Volume 6781 File 452-295; J.W. Booder of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Indian Agent Gauthier (regarding John Baptiste Koko) 5 October 1916 LAC RG 10 Volume 9235; Paymaster General to Secretary J.D. McLean (regarding Mary Johnson) 28 October 1916 LAC RG 10 Volume 6773 File 452-63; Secretary J.D. McLean to Superintendent John Sheridan (PEI) (regarding Mrs. Sarah Ginnish) 17 May 1917 LAC RG 10 Volume 6773 File 452-77; Colonel Mack, Officer i/c of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to the Department of Indian Affairs 13 February 1917 (regarding Mary Mailleboust) LAC RG 10 Volume 6776 File 452-122; Paymaster General to Secretary J.D. McLean (regarding the female residents of Pte. P.K. Fraser) 11 July 1916 LAC RG 10 Volume 6776 File 452-123; Lt.-Col Ingalls for the Officer i/c of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Secretary J.D. McLean (Mrs. Angus Phillips) 9 November 1917 LAC RG 10 Volume 6776 File 452-145; Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to D.C. Scott (regarding Mrs. George Spence) 5 March 1918 LAC RG 10 Volume 6777 File 452-173; Indian Agent Charles Perry to Secretary J.D. McLean (dropping the case for a Separation Allowance for Albert Leighten's parents) 3 April 1918 LAC RG 10 Volume 6778 File 452-191; Lt. Race for the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Secretary J.D. McLean (regarding Mrs. Mary G. Williams) 31 July 1918 LAC RG 10 Volume 6779 File 452-228; W.H. Thompson for the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Secretary J.D. McLean (regarding Mrs. Christine John) 12 August 1918 LAC RG 10 Volume 6782 File 452-302; Secretary J.D. McLean to Indian Agent Gauthier (regarding the father of Pte Joseph Otijick) 3 April 1919 LAC RG 10 Volume 6782 File 452-317; William Banks for the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Secretary J.D. McLean (regarding Mrs. A. Matheson) 19 April 1919 LAC RG 10 Volume 6782 File 452-327

Although he was much more willing to believe Joseph Cope was disabled and the family in need, Indian Agent Daniel Chisholm, near whose Halifax County jurisdiction the family lived in November 1917, shared many of the Department's negative views about Native peoples' spending habits. While Chisholm sought to increase the amount of money the Militia sent the Copes, he asserted to his superiors that, "I have always noted that an Indian with cash has no conception of economy."⁶¹ The Agent had a solution to the incongruence between the Copes' need and his prejudice against giving money to Native peoples. Chisholm suggested the Militia send the Cope soldiers' assigned to the Department rather than Sarah Cope directly, and the Agent could then establish an agreement with a "reliable" local merchant to supply the Copes with the necessities of life.⁶² McLean endorsed Chisholm's plan – he wanted to stop the Copes' "flagrant mismanagement" of their money (which McLean believed was demonstrated by their mobility, that they "frequently applied for relief," and "have been a source of trouble") – and requested this change of the Separation Allowance and Assigned Pay Branch of Militia and Defence.⁶³ After a brief resistance, the Separation Allowance and Assigned Pay Branch agreed to pay both Mrs. Copes' separation allowance and assigned pay to the Department of Indian Affairs.⁶⁴

⁶¹ Indian Agent Daniel Chisholm to Secretary J.D. McLean 27 November 1917 LAC RG 10 Volume 6773 File 452-61.

⁶² Ibid.

⁶³ Secretary J.D. McLean to Lt-Col. Ingall, Officer i/c of the Separation Allowance and Assigned Pay Branch, 15 November 1917 LAC RG 10 Volume 6773 File 452-61; Secretary J.D. McLean to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 6 December 1917 LAC RG 10 Volume 6773 File 452-61; Secretary J.D. McLean to Lt.-Col. Ingall 22 December 1917 LAC RG 10 Volume 6773 File 452-61; Secretary J.D. McLean to the Paymaster Military District No. 6 23 January 1919 LAC RG 10 Volume 6773 File 452-61.

⁶⁴ Separation Allowance and Assigned Pay Branch to Secretary J.D. McLean 28 March 1918 LAC RG 10 Volume 1918 LAC RG 10 Volume 6773 File 452-61.

McLean authorized Agent Chisholm to furnish relief supplies for the Cope family, and instructed Chisholm that, “this Department leaves it to your judgment to decide as to the amount of assistance which should be afford monthly on behalf of the Cope family.”⁶⁵ McLean told the Agent “it was most desirable” to economize as much as possible so that the rest of the Militia pay could create “a small reserve fund” the Department could hold for the family “for future use.”⁶⁶ This was not a unique arrangement, as McLean explained to Indian Agent Edwin Beattie of Moravian of the Thames a few months later that, “it is quite within the power of the Militia Department to pay separation allowance, assigned pay, &c. through this Department, and in many cases it is done.”⁶⁷

⁶⁵ Secretary J.D. McLean to Indian Agent Daniel Chisholm 3 May 1918 LAC RG 10 Volume 6773 File 452-61.

⁶⁶ Ibid.

⁶⁷ Secretary J.D. McLean to Indian Agent Edwin Beattie 3 July 1917 LAC RG 10 Volume 3181 File 452,124-1A. Other cases include: Secretary J.D. McLean to Indian Agent Gauthier 31 August 1918 LAC RG 10 Volume 6762 File 452-4; Indian Agent Beattie to Secretary J.D. McLean 16 July 1917 LAC RG 10 Volume 3181 File 452,124-1A; J.D. McLean (for the son of Joseph John Baptiste) to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 23 December 1918 LAC RG 10 Volume 6780 File 452-258; Superintendent (PEI) John A. McDonald (on behalf of Mrs. Joseph Tuplin) to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 3 October 1918 LAC RG 10 Volume 6780 File 452-242; Indian Agent J.M. Campbell (on behalf of the children of John Maracle) to Secretary J.D. McLean 5 December 1916 LAC RG 10 Volume 6773 File 452-59; Acting Deputy Superintendent General S. Stewart to Indian Agent W.J. Dilworth (on behalf of enlisted Bloods) 17 October 1916 LAC RG 10 Volume 6773 File 452-52; Secretary J.D. McLean (on behalf of Joney and Elsie Lewis) to Indian Agent P. Byrne 9 August 1918 LAC RG 10 Volume 6779 File 452-228; Secretary J.D. McLean (on behalf of Lizzie Job) to the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 31 January 1919 LAC RG 10 Volume 6781 File 452-276; Secretary J.D. McLean (on behalf of the wife of George Jobson) to the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 31 January 1919 LAC RG 10 Volume 6781 File 452-277; Secretary J.D. McLean (on behalf of Clara Sutherland) to the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 31 January 1919 LAC RG 10 Volume 6781 File 452-278; Secretary J.D. McLean (on behalf of the children of John Labrador) to the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 26 December 1918 LAC RG 10 Volume 6780 File 452-249; Solicitor A.G. Chisholm (on behalf of Mrs. R.A. Solomon) to Secretary J.D. McLean 19 December 1918 LAC RG 10 Volume 6780 File 452-259; The Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Secretary J.D. McLean (regarding the children of D. Paul) 8 January 1919 LAC RG 10 Volume 6781 File 452-261; Secretary J.D. McLean (regarding Mrs. Amos Johnson) to Indian Agent McCamus 26 December 1917 LAC RG 10 Volume 6773 File 452-63; Indian Agent F.E. Taillon (on behalf of Mrs. Louisa McDonald) to Secretary J.D. McLean 21 November 1914 LAC RG 10 Volume 6781 File 452-293; D.C. Scott (regarding Mrs. Peter Senepas) to S.W. Raven of the Separation Allowance and

While Agents' control over separation allowances, assigned pay, and even CPF payments fell short of a declared policy, there was a distinct pattern of behaviour. Agents were the Militia's primary information gatherers, and were the chief distributors of non-war-related moneys and aide within the reserves. The war-related supports often flowed down preexisting structures cut in Native peoples' economic lives. Although occasionally the Department took over control of a Native family's Militia pay because of a specific transgression, in other cases an Agent simply decided whether a dependant wife or mother was "capable of managing her own affairs," and if she spent her family's "money judiciously for food and clothing."⁶⁸

Assigned Pay Branch of the Department of Militia and Defence 16 November 1915 LAC RG 10 Volume 6781 File 452-297; Director of the Separation Allowances and Assigned Pay Branch of the Department of Militia and Defence to Indian Agent Gauthier (regarding A. Ohyick) 19 December 1918 LAC RG 10 Volume 9235; Director of the Separation Allowances and Assigned Pay Branch of the Department of Militia and Defence to Indian Agent Gauthier (regarding Pte. Jacko) 17 February 1919 LAC RG 10 Volume 9235; E.S. Green, Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Indian Agent Gauthier (regarding Mrs. John Baptiste Koko) 2 December 1916 LAC RG 10 Volume 9235; Director of Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Indian Agent Gauthier 6 April 1918 LAC RG 10 Volume 9235; Indian Agent Campbell (regarding the children of John Maracle) to Secretary J.D. McLean 5 December 1916 LAC RG 10 Volume 6773 File 452-59; Secretary J.D. McLean to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence (regarding Mary Johnson) 26 December 1917 LAC RG 10 Volume 6773 File 452-63; Director of the Separation Allowance and Assigned Pay Branch to Secretary J.D. McLean (regarding the children of George Abram) 25 January 1918 LAC RG 10 Volume 6774 File 452-83; Indian Superintendent Charles McGibbon (regarding Mrs. Levi Hope) to Secretary J.D. McLean 10 April 1916 LAC RG 10 Volume 6776 File 452-121; Secretary J.D. McLean to Covener of Auxiliary, CPF Helen R.Y. Reid (regarding Mary Dailleboust) 19 February 1917 LAC RG 10 Volume 6776 File 452-122; Secretary J.D. McLean to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 18 September 1917 LAC RG 10 Volume 6776 File 452-136; Indian Agent S.L. MacDonald to Secretary J.D. McLean (regarding Mrs. Jane Thomas) 27 November 1917 LAC RG 10 Volume 6776 File 452-157; Indian Agent J.W. Waddy to the Paymaster of the Department of Militia and Defence (regarding Mrs. Anna McGilliveray) 16 October 1919 LAC RG 10 Volume 6776 File 452-158; E. Barker for the Director of Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence (regarding Margaret Sioux) to Secretary J.D. McLean 31 March 1918 LAC RG 10 Volume 6777 File 452-181

⁶⁸ Secretary J.D. McLean to Indian Agent W.R. Brown 26 December 1917 LAC RG 10 Volume 6775 File 452-109, Secretary J.D. McLean to the Separation Allowance and Assigned Pay Branch (regarding Mrs. Mary Johnson) 26 December 1917 LAC RG 10 Volume 6773 File 452-63; Indian Agent Wheatley to Secretary J.D. McLean 3 November 1917 LAC RG 10 Volume 6776 File 452-136; Assistant Director, Pay Services, Demobilisation to Secretary J.D. McLean (regarding Mrs. J.H. Elliott) 12 July 1920 LAC RG 10 Volume 6784 File 452-391; N.M. Lindsay for the Assistant Director, Pay Services, Demobilisation to Secretary J.D. McLean (regarding Mrs. Alex Stoney) 23 July 1920 LAC RG 10 Volume 6784 File 452-392

Both government and private organizations deferred to the Department's knowledge about and authority in Native communities. W.B. MacCoy of Nova Scotia's Returned Soldier Commission exemplified this attitude of acquiescence in discussion with J.D. McLean: "I quite agree with you that as a rule it is probably better for the Department to make arrangements for the maintenance of Indians who may be entitled to Separation Allowance and Assigned Pay."⁶⁹ These benefits, tied to the decision to enlist, often served to reinforce the intimate and lopsided relationship between Native peoples and their Agents. Where Agents were not present, other pre-war support networks, namely fur trade companies, substituted. In the case of James Bay in Northern Ontario, one recruiter had his volunteers give him power of attorney over their accounts and arranged to have their separation allowance and assigned pay sent to the Revillon Frères, the primary white employer and supplier for the families of the soldiers in question, at the company headquarters in Montreal.⁷⁰

Therefore, while separation allowances and assigned pay sought to maintain the male breadwinner economic family structure across Canada, it similarly reinforced pre-existing economic relationships on reserves and in Native peoples' lives. Controlling an individual or a family's financial circumstances was a method of directing their behaviour through restriction. McLean's insistence that Joseph Cope might simply be

⁶⁹ W.B. MacCoy, Secretary of the Nova Scotia Returned Soldier Commission to Secretary J.D. McLean 24 September 1918 LAC RG 10 Volume 6773 File 452-61.

⁷⁰ The recruiter seems to have done this without the express authority of the Militia headquarters, but when trouble arose over which trading company received the Separation Allowance and Assigned Pay checks, the Militia quickly looked to the Department of Indian Affairs to sort out the mess. Simply put, Separation Allowances and Assigned Pay seemed to make its way into the hands of white authorities to be dispensed to Native women either in money or in goods as that authority saw fit; LAC RG 24 Volume 1842 G.A.Q. WI File 10-43. The CPF and the Militia agreed to pay their supports for Patrick Katakabit's child through the Montreal headquarters of the Revillon Frères. LAC RG 10 Volume 6779 File 452-232.

idle and therefore did not deserve support can be construed as part of this Departmental effort to control Native peoples' behaviour with purse strings.

While the Department watched Joseph's physical condition carefully, mothers and wives in reserves across the country were similarly subject to significant scrutiny of their moral and economic behaviour. The separation allowance and CPF programs sought to substitute for absent male breadwinners, but also encouraged patterns of behaviour, or rather punished others, usually defined in a middle class milieu and applied to working class families (as discussed in chapter one).⁷¹ Yet whereas non-Native women faced examination from middle class volunteers, Native women faced their Agents.⁷² The enforcement of the male breadwinner economic family structure on reserves during the war fit within the Department's assimilative vision for Native women as dependents of Native men.⁷³ An Indian Agent could threaten women who failed to act accordingly with punishments ranging from financial deprivation to imprisonment if they moved around too much or sought to divorce their husbands.⁷⁴ Indian Agent MacDonald of the Pas in Manitoba connected the war's disruption of the family unit with an increase of problematic female behaviour under his purview: "the wives of the enlisted men from the reserve seem to be the worse, in nearly all cases, all money received is simply squandered around the town and with a few exceptions, very little of the money goes for necessities."⁷⁵ The Agent dismissed prison as "absolutely useless as a corrective method,

⁷¹ Prentice 203-207; Strong-Boag, 1-3; Sangster, "Mobilizing Women for War," 158; Nancy Christie, *Engendering the State: Family, Work, and Welfare in Canada* (Toronto: University of Toronto Press, 2000), 3-4, 7, 46-7; I. Miller, *Our Glory & Our Grief*, 120.

⁷² Brownlie, *A Fatherly Eye*, 141-144.

⁷³ McGrath & Stevenson, 37-53.

⁷⁴ Brownlie, 142-3; Sangster, "Criminalizing the Colonized," 34; Perry, 49, 52.

⁷⁵ Indian Agent S.J. MacDonald to the Department of Indian Affairs 27 November 1917 LAC RG 10 Volume 6776 File 452-158.

as any that go are worse when they get back,” and he suggested instead they be sent to the Salvation Army Home of Correction.⁷⁶

Indian Agent Edwin Beattie told his superiors in Ottawa that his reserve on the Thames River in Ontario was flooded with liquor whenever the Militia checks arrived; he suggested that Indian Affairs take over the administration of separation allowances and assigned pay to control the recipients' behaviour.⁷⁷ Beattie had Catherine Jacobs in mind, who he argued was “not expending her separation allowance and assigned pay to advantage.” McLean and Beattie felt they should control Catherine Jacob's money “in order that we may see that the money is properly expended.”⁷⁸ Beattie believed withholding her Militia payments had a “good effect on [the] Reserve as a whole,” including Mrs. Jacobs, who “since then has been more discrete and careful.”⁷⁹ Similarly, Superintendent John McDonald of Prince Edward Island decried Mrs. Joseph Tuplin's behaviour, who “like a good many others,” had “quit work entirely” as soon as she received her Militia and CPF payments, and moved to Dorchester, New Brunswick to better spend her money.⁸⁰ Indian Agent Lennox of Cape Croker and McLean sought to

⁷⁶ Ibid.

⁷⁷ Indian Agent Edwin Beattie to the Department of Indian Affairs 25 June 1917 LAC RG 10 Volume 3181 File 452,124-1A.

⁷⁸ Secretary J.D. McLean to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 18 September 1917 LAC RG 10 Volume 3181 File 452,124-1A; Officer i/c of Separation Allowance and Assigned Pay to Secretary J.D. McLean 31 July 1917 LAC RG 10 Volume 6775 File 452-114.

⁷⁹ Indian Agent Beattie to Secretary J.D. McLean 23 November 1917 LAC RG 10 Volume 6775 File 452-114.

⁸⁰ Indian Superintendent John A. McDonald to the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 3 October 1918 LAC RG 10 Volume 6780 File 452-242. Indian Agent Wheatley similarly asked Secretary McLean to hold Mrs. John Black's Separation Allowance and Assigned Pay in Ottawa as “she has not been making good use of the money and not say any of it,” which was frustrating to the Agent as Mrs. Black was “a big strong woman and is quite able to make a living for herself,” and her daughter asserted she was a bit sexually adventurous; Indian Agent Wheatley to Secretary J.D. McLean 8 September 1917 LAC RG 10 Volume 6776 File 452-136. Mrs. Jane Thomas lost control of her separation allowance and her children when she was charged with fifteen days hard labour for unbecoming conduct with a man who was not her husband; Indian Agent S.L. MacDonald to Secretary J.D. McLean 27 November 1917 LAC RG 10 Volume 67776 File 452-157. Indian Agent Beattie asserted Mrs.

divert Mrs. Ed Akewenzie's Militia payments to her children's grandfather, Phillip Proulx, with whom the children lived after their mother left the reserve for Owen Sound.⁸¹ The Department wanted to hold the money Akiwenzie sent his wife in trust for her children. They interpreted the money as exclusively for the maintenance of the Akiwenzie family, intact and on the reserve, as Scott wanted to ensure "the children of men who are overseas should be properly cared for and well-treated during their absence."⁸² D.C. Scott instructed Agent Lennox to ascertain the number of children with fathers overseas, the amount of money their mothers received, and, importantly to "instruct the mothers that, if proper care is not taken of the children, the Department will take steps to remove them [their children] from their control."⁸³

The Copes presented the Department with a problem in terms of delivering aid as the family did not live in one agency. In the winter of 1917-1918 they lived at Windsor Junction because a physician in Bedford was treating Joseph Cope for his rheumatism – the family was able to secure "shelter" at Windsor Junction while their patriarch received treatment.⁸⁴ McLean interpreted the family's living conditions not as a medical necessity

Stonefish was "not handling her funds properly," and argued "it is time for the Department to put an embargo on her Military checks." He believed only war would force Mrs. Stonefish to manage her money, "so I would ask you to take charge of her checks or stop them in order to make her do a little thinking" Indian Agent Beattie to Secretary J.D. McLean 1 March 1918 LAC RG 10 Volume 6778 File 452-199.

⁸¹ Joseph Akiwenzie to D.C. Scott 12 November 1917 LAC RG 10 Volume 3198 File 502,077; D.C. Scott to Indian Agent Lennox 15 November 1917 LAC RG 10 Volume 3198 File 502,077; D.C. Scott to Joseph Akiwenzie 10 December 1917 LAC RG 10 Volume 3198 File 502,077; Indian Agent I. Lennox to Secretary J.D. McLean 31 May 1918 LAC RG 10 Volume 6780 File 452-238; Secretary J.D. McLean to Indian Agent Lennox 5 June 1918 LAC RG 10 Volume 6780 File 452-238; Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence to Secretary J.D. McLean 24 December 1918 LAC RG 10 Volume 6780 File 452-238. Other instances where a woman was accused of neglecting her children include Mrs. Anna McGilliberary; Indian Agent S.J. MacDonald to the Department of Indian Affairs 27 November 1917 LAC RG 10 Volume 6776 File 452-158.

⁸² D.C. Scott to Indian Agent Lennox 10 December 1917 LAC RG 10 Volume 3198 File 502,077.

⁸³ Ibid.

⁸⁴ Joseph Cope to the Superintendent General of Indian Affairs 17 October 1917 LAC RG 10 Volume 6773 File 452-61.

but that “these people have wandered from one Agency to another and they have frequently applied for relief and have been a source of trouble.”⁸⁵

Many Native families were denied support, either from the Militia, the Department of Indian Affairs, or the CPF for what observers deemed inappropriate behaviour. Conversely, if an Indian Agent felt an individual was worthy, he could campaign in support of the soldier’s dependent’s quest for support. Agent Taillon of St. Regis, Quebec, appealed to his superiors in Ottawa to help him obtain either CPF or Militia payments for Mrs. Louisa McDonald, whom he described as “a good Christian woman and I think deserving of some assistance.”⁸⁶ An Agent’s intimate knowledge of the lives of those in their agencies informed how they approached soldiers’ dependents, both in favour and against financial support.

Patriotic Language and Native Soldiers’ Dependents

In an attempt to defend her right to support as a soldier’s dependant, Sarah Cope engaged in a form of moral suasion. In an extremely forceful letter to the Department of Indian Affairs, she challenged their authority to take her money:

I dont think you [the Department of Indian Affairs] have any authority to bother yourself what I am getting and therefore if you think that I have no right to that money you tell the Department of Militia and Defence to transport my boys home.⁸⁷

⁸⁵ Secretary J.D. McLean to Indian Agent Daniel Chisholm 15 November 1917 LAC RG 10 Volume 6773 File 452-61.

⁸⁶ Indian Agent F.E. Taillon to Secretary J.D. McLean 9 December 1914 LAC RG 10 Volume 6781 File 452-293; Indian Agent F.E. Taillon to Secretary J.D. McLean 8 January 1915 LAC RG 10 Volume 6781 File 452-293. Other examples include: Indian Agent C.F. Bertrand (on behalf of James Gaspé) to Secretary J.D. McLean 18 May 1915 LAC RG 10 Volume 6781 File 452-295.

⁸⁷ Mrs. Sarah Cope to the Assistant Deputy and Secretary of the Department of Indian Affairs 26 January 1917 LAC RG 10 Volume 6773 File 452-61.

Sarah Cope's protest intimated that if her boys could not support their family while in service as white men could, they ought not to be expected to fight. Mrs. Cope took her challenge a step further, emphasizing her sons' patriotism and sacrifice juxtaposed with her and her family's suffering here in Canada. Sarah Cope underlined that "my poor boys" were in France "fighting for Canada and they [sic] King and willing to die for the cause of freedom."⁸⁸

Sarah Cope resisted any external attempt to control her finances; she even appealed to the Canadian Patriotic Fund's Halifax branch, although she did not mention to them the Departments of Militia and Defence and Indian Affairs' arrangement to provide supplies to the Copes but not to pay them directly.⁸⁹ Her complaint to the CPF sparked an investigation into her family's circumstances. Suddenly dismissing her right to ask anything of the Department, Agent Chisholm described Sarah as "a white woman," although he did not clarify if she was ethnically Native or had obtained her status through marriage. In addition to questioning her ethnicity, Chisholm derided Sarah as thinking of herself as "a lay lawyer."⁹⁰ Additionally, and somewhat paradoxically, Chisholm asserted Sarah did not want the Department's help. Chisholm claimed he was able to talk Sarah out of her conviction, although she continued to dispute Agent Chisholm's control over her finances to authorities outside the Department of Indian Affairs.⁹¹ McLean did not forget this exchange however, and told the Nova Scotia Returned Soldiers Commission that she had "given considerable trouble" to those who wanted to help her

⁸⁸ Ibid.

⁸⁹ Secretary E.A. Saunders of the Halifax Branch, Canadian Patriotic Fund to Secretary J.D. McLean 27 May 1918 LAC RG 10 Volume 6773 File 452-61.

⁹⁰ Indian Agent Daniel Chisholm to Secretary J.D. McLean 10 June 1918 LAC RG 10 Volume 6773 File 452-61.

⁹¹ The Secretary of the Board of Pension Commissioners for Canada to Secretary J.D. McLean 29 July 1918 LAC RG 10 Volume 6773 File 452-61; Paymaster to the Superintendent General of Indian Affairs 9 September 1918 LAC RG 10 Volume 6773 File 452-61.

family (the Department of Indian Affairs) and suggested she fell into the group of “Indians [who] are extremely difficult to please, and prone to grumble.”⁹²

The rhetoric of sacrifice provided those Native families and communities with a tool to challenge unequal treatment. Their sons, husbands and brothers had joined the CEF on a supposedly equal footing with non-Native Canadian men; why should their dependants be treated differently than non-Native dependants? Agent Dilworth and the Bloods employed this argument when they challenged the MacLeod CPF branch’s refusal to even consider appeals for money for Blood families, as discussed in chapter one. The Blood community had been so generous to the CPF that the MacLeod branch could not justify continued denial of Blood claims. In an appeal to the Governor General, Lieutenant John R. Stacey, originally of Caughnawaga, argued the Militia worked hard to convince “my people” to enlist but then refused to compensate either those soldiers or their families on an equal footing with non-Native soldiers.⁹³ Not only had the Militia violated its contract with Native soldiers, but Stacey argued that Native people carried an inordinate burden compared with Francophone Canadians, and that “lot of people in Canada are doing nothing...I see myself in [the] city [of] Montreal and here to Cornwall.”⁹⁴

Approximately a dozen women from the James Bay area were temporarily relocated to Elk Lake to ensure they could receive separation allowances and assigned pay directly rather than through the Revillon Frères or HBC.⁹⁵ These women found

⁹² Secretary J.D. McLean to W.B. MacCoy, Secretary of the Nova Scotia Returned Soldier Commission 20 September 1918 LAC RG 10 Volume 6773 File 452-61.

⁹³ Lieutenant John R. Stacey to the Governor General of Canada, 10 August 1916 LAC RG 10 Volume 6762 File 452-4.

⁹⁴ Ibid.

⁹⁵ Captain C.M. McCarthy to Dr. W.J. Roche, Superintendent General of Indian Affairs 21 August 1916 LAC RG 10 Volume 6766 File 452-13; Captain C.M. McCarthy to Reverent R.J. Renison 14 April 1917

themselves the subject of severe prejudice from their new neighbours. Painted as immoral, physically dirty, harbingers of disease both sexual and otherwise, with little if any evidence to substantiate such accusations, the town's prejudice did not translate into scrutiny, the James Bay women challenged their accusers' patriotism and therefore their right to act as judges,

all the Indians at the front, and all married Scotchmen in Elk Lake that should of been at the front... We promised to stay in Elk Lake until out [sic] husbands come home and James Bay Indians are just as clean as anyone in Elk Lake... If our husbands was here we wouldn't need any money from anyone. By rights all white men should have went to the front before the Indians.⁹⁶

The women at Elk Lake inverted the racial stereotypes used against them. If Native people were truly lesser people, with a weaker sense of responsibility, morality, and propriety, why did they volunteer before the white people of Elk Lake? Further, the women emphasized that the only reason they were in Elk Lake, and needed Militia support, was because their husbands had enlisted, their position of financial need was borne uniquely of temporary separation rather than any perpetual poverty.

Ben Simcoe of Rama married his wife after he enlisted in January 1916, which caused infinite confusion with the Separation Allowance and Assigned Pay Branch.⁹⁷ Simcoe refused to return to camp from furlough at the end of the summer of 1916 as the Militia had yet to sort out his wife's financial support; when he did return to Camp,

LAC RG 10 Volume 6766 File 452-13; D.C. Scott to Captain C.M. McCarthy 1 October 1917 LAC RG 10 Volume 6766 File 452-13; Rural Dean J. C. Popey to George Algoma, Archbishop Sault Ste Marie, 20 October 1917 LAC RG 10 Volume 6766 File 452-13.

⁹⁶ James Bay Indians to the Elk Lake Ladies Institute, included within a correspondence between Rural Dean J.C. Popey to George Algoma, Archbishop Sault Ste Marie 20 October 1917 LAC RG 10 Volume 6766 File 452-13.

⁹⁷ Indian Agent Myers to Secretary J.D. McLean 12 August 1916 LAC RG 10 Volume 6782 File 452-302.

Simcoe was arrested as a deserter.⁹⁸ Agent Charles Myers came to Simcoe's defence, as he explained to McLean that Simcoe had not intentionally deserted but instead had decided stayed home to protest the Militia's repeated failure to produce his wife's promised separation allowance.⁹⁹ Although Myers described this protest disparagingly as "Indian like" in its ill humour and self-centeredness, the Agent considered "Simcoe has been very harshly dealt with, and it made a bad impression with the Indians here."¹⁰⁰ Given that the Department wanted Native populations engaged in the war effort, Myers believed his superiors ought to both help the soldier out of prison and affirm his wife's separation allowance.¹⁰¹ In addition, Myers lamented that "the Military Authorities should make some allowance for an Indian as it seems nature for him to sulk and not be aware that this is a serious action in war time."¹⁰²

McLean followed Myers' suggestion and forwarded the Agent's information if not necessarily his opinion to the Militia. The two government bodies sorted out the twin issues by December 1916.¹⁰³ While this was by no means a quick turn around, Simcoe had Agent Myers as an advocate, which no doubt added significant weight to the Private's arguments – Sarah Cope fought both the Department of Indian Affairs and the Militia Department. She was not however the only individual who challenged an Agent's decisions. Mrs. Robert A. Solomon of Chippewa Hill wrote to the solicitor A.G.

⁹⁸ Pte. Ben Simcoe to Secretary J.D. McLean 24 July 1916 LAC RG 10 Volume 6782 File 452-303; Lt.-Col. i/c 157th Overseas Battalion to Indian Agent Myers 5 September 1916 LAC RG 10 Volume 6782 File 452-303.

⁹⁹ Indian Agent Myers to Secretary J.D. McLean 5 September 1916 LAC RG 10 Volume 6782 File 452-303.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Secretary J.D. McLean to the Secretary of the Militia Council 25 September 1916 LAC RG 10 Volume 6782 File 452-303; Lt.-Col. Ingall for the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 29 December 1916 LAC RG 10 Volume 6782 File 452-303.

Chisholm of London, Ontario in November 1918 for help as her Indian Agent, Thomas A. Stout, the same Agent some men had accused of forcing or attempting to force them into service, (see chapter two), had withdrawn her separation allowance and assigned pay for neglecting her children.¹⁰⁴ She wanted her children back and needed the financial support her Agent withheld; Mrs. Solomon denied ever neglecting her children, and Chisholm assured military authorities “the agent makes no charge against her of any other misconduct.”¹⁰⁵

Chisholm appealed the Department’s decision to deny Mrs. Solomon her separation allowance, assigned pa, both of which the Militia informed him were paid to Indian Affairs, and annuity money, as he argued “it scarcely seems fair to deprive her of everything, even the interest money which belongs to herself.”¹⁰⁶ Chisholm applied again to the Department of Indian Affairs just over a week after his first letter to obtain Mrs. Solomon’s annuity payments as she was in great need by the tenor of her letters to her lawyer, and “you can determine afterwards how far you will go in withholding her S.A. [separation allowance] from her.”¹⁰⁷ Chisholm told the Separation Allowance and Assigned Pay Branch in a separate correspondence that he had heard “some rather surprising stories” about the Agent’s treatment of soldiers’ wives at Chippewa Hill “from different sources,” shedding some doubt on the Agent’s negative evaluation of Mrs.

¹⁰⁴ Solicitor A.G. Chisholm to the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 19 November 1918 LAC RG 10 Volume 6780 File 452-259. A.G. Chisholm petitioned on behalf of another Native mother denied the guardianship of her children during her husband’s absence, a Mrs. Lucinda Sprague of Muncey Ontario. LAC RG 10 Volume 6780 File 452-260.

¹⁰⁵ Ibid.

¹⁰⁶ Solicitor A.G. Chisholm to Secretary J.D. McLean 19 December 1918 LAC RG 10 Volume 6780 File 452-259.

¹⁰⁷ Solicitor A.G. Chisholm to Secretary J.D. McLean 27 December 1918 LAC RG 10 Volume 6780 File 452-259.

Solomon and on his continued stewardship of Militia payments for his reserve.¹⁰⁸ Mrs. Solomon also appealed to the law firm Robertson and McNabb in Walkerton to argue her case with the Department of Indian Affairs, presumably because after three months Chisholm had yet to provide any results.¹⁰⁹

Agent Stout defended his control over Mrs. Solomon's money as a mutual decision between the two of them. Stout claimed that Mrs. Solomon had approached him at the beginning of July 1918 to say she was leaving the reserve and would need someone to take care of her children. Stout had found homes for her children, whom he claimed to have found in a pitiful state, and used Mrs. Solomon's militia pay to support her family in her absence; he found what many Native and non-Native families had discovered, that "it takes the separation allowance and more too, to keep them going."¹¹⁰ Additionally, and somewhat contradictorily, Stout wanted to economize as much as possible so that Solomon would come home to a nest egg, and "Mrs. R. A. Solomon would spend every cent and then she would have nothing."¹¹¹

Stout claimed authority over the Solomon children based on their father's instructions against leaving them in their mother's care.¹¹² Unfortunately for Mrs. Solomon, Stout had McLean's personal assurance that "the course which you have adopted in this case is considered to be in the best interests of the children, and it [is] therefore approved."¹¹³ McLean echoed this assessment to Mrs. Solomon's two lawyers,

¹⁰⁸ Solicitor A.G. Chisholm to the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 19 November 1918 LAC RG 10 Volume 6780 File 452-259.

¹⁰⁹ Robertson & McNab, Solicitors, to the Superintendent General of Indian Affairs 23 January 1919 LAC RG 10 Volume 6780 File 452-259.

¹¹⁰ Indian Agent Stout to Secretary J.D. McLean 30 December 1918 LAC RG 10 Volume 6780 File 452-259.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Secretary J.D. McLean to Indian Agent Stout 27 January 1919 LAC RG 10 Volume 6780 File 452-259.

and added, “I am not inclined to give much credence to Mrs. Solomon’s sentences,” given the disparity between her version of events and that of Stout (McLean gave the latter preference).¹¹⁴

While Chisholm asserted he had never seen Mrs. Solomon himself, he raised doubt about any investigation Agent Stout might make into herself or her children as biased and unreliable, and therefore questioned Robert Solomon’s desire to have his children out of his wife’s care, which he attributed to the Agent’s dubious reports.¹¹⁵ The lawyer questioned the Agent’s refusal to pay Mrs. Solomon her annuity money without a proper investigation to ensure the case warranted this measure allowed to the Superintendent General under section 92 sub-section c of the Indian Act.¹¹⁶ McLean dismissed this appeal to the legislation as Agent Stout claimed Mrs. Solomon told him she was leaving the reserve and therefore had passed through the permeable barrier between the world defined by the Indian Act and the outside.¹¹⁷

Conclusion

The tension between the Indian Act’s authority structures that encouraged dependency and the Department of Indian Affairs’ goal to limit Native peoples’ dependency is evident in the debates around the practical application of support for

¹¹⁴ Secretary J.D. McLean to Solicitor A.G. Chisholm 27 January 1919 LAC RG 10 Volume 6780 File 452-259; Secretary J.D. McLean to Solicitor David Robertson 27 January 1919 LAC RG 10 Volume 6780 File 452-259.

¹¹⁵ Solicitor A.G. Chisholm to Secretary J.D. McLean 29 January 1919 LAC RG 10 Volume 6780 File 452-259.

¹¹⁶ Ibid. According to the 1906 version of the Indian Act, Section 92 subsection c allows the Superintendent General to “stop payment of the annuity and interest money of, as well as deprive of any participation in the real property of the band, any woman who deserts her husband or family and lives immorally with another man, and apply the same to the support of the family so deserted.”

¹¹⁷ Secretary J.D. McLean to Solicitor A.G. Chisholm 4 February 1919 LAC RG 10 Volume 6780 File 452-259.

Native soldiers' dependants. In theory, as Native soldiers had hoped, their families ought to have had equal access to separation allowances and assigned pay as their non-Native comrades. Reality proved significantly more complicated. Native families had to prove themselves to both their Agent and the Militia or the local CPF to receive the aid to which they believed themselves entitled. This meant navigating an additional structure to the Department's "rudimentary" safety net system, with all the pre-war stereotypes of their inherent lack of economy, moral corruptibility, and inborn idleness. The Copes faced all these assumptions, and found that even those prepared to advocate on their behalf did so only to a limited extent – Agents may have been prepared to give them provisions, or seek a separation allowance but they were not about to allow Sarah Cope the ability to control the money her sons sent her.

Sarah and others fought to protect and defend their access to Militia pay. The Agents reinforced their own position in Native peoples' life through their control on information and monies traveling between families and the Militia. This was partially the result of the Department's physical and informational infrastructure. If the Militia needed baptismal certificates or a description of someone's family circumstances on a reserve, the simplest method of collecting this information was to approach Indian Affairs. Additionally, many Native peoples appealed for help through the Department or its Agents. This was likely in part a question of familiarity and expediency, as the Department and its employees provided Native people with the easiest, most direct link with the government. Regardless of the motive however, these mutual appeals from inside and outside reserves reinforced the Department's place in Native peoples lives, through the temporary war policy of separation allowances.

Unfortunately for the Copes, neither son James nor Sarah survived the war. James was killed in action in July 1918 and Sarah succumbed to influenza in October of that year.¹¹⁸ In the wake of these tragedies, the family's circumstances remained so poor that the Department of Indian Affairs successfully petitioned the Director of the Separation Allowance and Assigned Pay Branch to transfer Sarah's Militia pay from her remaining son to Joseph, as "the family are badly in need of these allowances."¹¹⁹ To improve his family's financial circumstances, and to secure regular payments for himself and his family, Joseph applied for a military pension.¹²⁰ Although he described Joseph as "a chronic complainer," McLean assured the Board of the Pension Commissioners that "this man is really incapacitated, as we have received several medical certificates to that effect," although he insisted, based on passed precedent, that Joseph's pension be paid to the Department of Indian Affairs, to be held in trust for the Copes.¹²¹

The Militia awarded Joseph (who still supported five children) fifteen dollars a month, to be paid through Indian Affairs.¹²² His son's war-ending inventions may have come to little, but that did not douse his desire to serve. While his mother's fighting spirit was directed towards her family's preservation, she and the male members of the Copes all fought and wanted their sacrifice appropriately rewarded. That tenacity, it seems, may have paid off in the end as a pension.

¹¹⁸ The Secretary of the Board of Pension Commissioners for Canada to Secretary J.D. McLean 29 July 1918 LAC RG 10 Volume 6773 File 452-61; Indian Agent Daniel Chisholm to Secretary J.D. McLean 23 November 1918 LAC RG 10 Volume 6773 File 452-61.

¹¹⁹ Secretary J.D. McLean to the Director of the Separation Allowance and Assigned Pay Branch of the Department of Militia and Defence 18 November 1918 LAC RG 10 Volume 6773 File 452-61; Director of Military Estates to Secretary J.D. McLean 14 November 1918 LAC RG 10 Volume 6773 File 452-61.

¹²⁰ The Secretary of the Board of Pension Commissioners for Canada to Secretary J.D. McLean 19 February 1919 LAC RG 10 Volume 6773 File 452-61.

¹²¹ Secretary J.D. McLean to the Secretary of the Board of Pension Commissioners 20 February 1919 LAC RG 10 Volume 6773 File 452-61.

¹²² The Secretary of the Board of Pension Commissioners for Canada to Secretary J.D. McLean 10 March 1919 LAC RG 10 Volume 6773 File 452-61.

Chapter 4:

The Native Fight against Conscription¹

In late November 1917, the Tsimshian of Port Simpson and the Nisga'a on the Naas River (present day Nass River) sent identical petitions directly to Prime Minister Borden, leader of the opposition Wilfrid Laurier, and the Department of Indian Affairs. The two bands used their status as Indians under the Indian Act to protest their inclusion in the Military Service Act. Individually, men in the two bands could apply for exemption from military duty as fishers, farmers, as workers in other essential industries, or if they had significant family responsibilities. They could not apply for an exemption because they were Native men – wards of the Crown without the rights (and obligations) of citizenship – a situation the petitioners denounced as unjust.

The Port Simpson and Nisga'a protesters decried the Military Service Act's inclusion of Native men on the constitutional ground that Native peoples were unrepresented in Canadian governance. "At no time", they wrote in their petitions, "have our Indians had any say in the making of the laws of Canada."² In addition, the Nisga'a argued specifically, as wards of the Government, that "Department at Ottawa" had been wrong to apply the Military Service Act "to the Indians in the same manner as it does to White people who are British subject[s]." If they were to be conscripted, the petitioners wanted some reciprocal move towards citizenship and away from Indian Act-based

¹ A version of this paper appeared in the Autumn 2010 edition of *BC Studies*, "Until We Receive Just Treatment": The Fight against Conscription in the Naas Agency, British Columbia," *BC Studies*

² Petition of the Port Simpson Band to Prime Minister Robert Borden, Wilfrid Laurier and the Indian Department 2[?] November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

dependency, and they “beg[ged] the Government to open the Door for us to come forward and to fulfill our duty to our King and Country.”³

These protests against conscription must be understood in the context of these communities’ prewar challenges to the Department of Indian Affairs and the authority of the Indian Act. The members of the Naas Agency were not the only Native protestors in British Columbia, but they were a focal point of the political activity that informed much of the debate against conscription in Native communities. The chapter illustrates the importance of an historical perspective in understanding the conscription debate, and reveals how the contents and contours of that debate shaped the larger struggle over Native administration and land ownership in British Columbia. Its focus on Native groups not among His Majesty’s Indian Allies also offers a detailed counterpoint to the usual historians’ narrative that emphasizes Native groups’ appeals to traditional relationships between themselves and the British Crown to justify their political positions.

Tsimshian and Nisga’a peoples living along the Naas River had resisted white encroachment on their land as well as the authority of the Department of Indian Affairs for a generation prior to the introduction of conscription in 1917. The government insisted that Native men were subject to conscription; Native peoples countered with the specific legal status of Indian described in the Indian Act, or with treaties that prohibited, or seemed to prohibit, forced military service. The Nass and Port Simpson protests belonged had no basis in treaty language because they had no treaties. They deployed the discourse of the Indian Act to test the Military Service Act. This was both offence and

³ Petition of the Nisga’a Tribe to D.C. Scott [undated, before the 29th] November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

defence from the perspective of Native political activists, who acted to protect what rights and privileges they could claim against the very real threat of forced overseas military service, and simultaneously sought to expand or legitimize other claims, particularly aboriginal land title unsecured by treaty.

The Port Simpson Tsimshian and Nisga'a argued that Indians under the Indian Act should not be obliged to perform the duties of citizenship, even in times of war, if they were denied all of its privileges. The petitioners used their unresolved appeal for the recognition of Aboriginal title as an exclamation point to their conscription protests. The two bands asserted that their "land case" had languished in the Government's hands for "a very considerable time" without any result or resolution.⁴

A broad spectrum of groups and individuals across Canada contested conscription with a range of arguments that usually followed existing fault lines within Canadian society. Whether examining wartime relations between French and English Canadians, urban and rural dwellers, residents of different Canadian regions, or labour and capital, historians have typically couched these battles over conscription in terms of the powerful or influential dictating to the weak.⁵ James Walker has noted that Native peoples nearly

⁴ Petition of the Nisga'a Tribe to D.C. Scott [undated, before the 29th] November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

⁵ Granatstein and Hitsman asserted that "no single issue has divided Canadians so sharply as conscription," partially as it always seemed "imposed on one segment of the population by the other." Indeed the above noted divisions do not include the complete list of divisions for and against conscription, which also include religious division, conscientious objectors, immigrants (or rather anti-immigrant sentiment). More recently, Granatstein has reconsidered his negative analysis on conscription, introducing the military needs to the socio-political debate, but historians have generally focused on how conscription exacerbated existing fissures in the country's social fabric. Additionally, historians have investigated other groups than Native people who offered more than simply a rejection of conscription; labour interests [Is "labor" an "interest?" How about writing "radical unionists" or "working-class militants?"] for instance argued for "conscription of wealth", and farmers a conscription of workers to perform for essential farm labour. J.L. Granatstein & J.M. Hitsman, *Broken Promises: A History of Conscription in Canada* (Toronto: Oxford University Press, 1977), 1; J.L. Granatstein, "Conscription in the Great War," in *Canada and the First World War: Essays in Honour of Robert Craig Brown*, David MacKenzie, ed., (Toronto: University of Toronto Press, 2005), 62-75; Carl Berger, "Introduction," in *Conscription 1917*, Ramsay Cook, Robert

universally opposed conscription, regardless of their participation in other war programs, on the basis that they were disenfranchised and were parties to treaties that prohibited conscription.⁶ Yet, the asymmetries contained within the Indian Act predated the war, and the Port Simpson and Nisga'a petitioners used conscription as a new platform from which to address and press long-standing grievances.

Two Generations of Political Culture and Protest in the Naas Agency (1880-1915)

The Port Simpson and Nisga'a arguments against conscription were part of a generation-old effort by the Native peoples along the Naas and Skeena Rivers to protect both their land against white encroachment and their rights against non-Native authorities. Beginning in the 1880s, groups from both nations sent delegations to major non-Native centres of power. These parties included Nisga'a Chief Mountain's protest to Victoria in 1881, and that of the three Tsimshian Chiefs – John Tait, Edward Mathers and Herbert Wallace – who along with missionary William Duncan met with Prime Minister Macdonald in Ottawa in 1885 to discuss the question of their land ownership. Petitions

Craig Brown & Carl Berger, eds., (Toronto: University of Toronto Press, 1969), viii; Elizabeth Armstrong, *The Crisis of Quebec, 1914-1918*, (New York: AMS Press, 1937); John Dickinson & Brian Young, *A Short History of Quebec*, 2nd ed. (Montreal: McGill-Queen's University, 200), 241-243; Rutherford, *Hometown Horizons: Local Responses to Canada's Great War*, 165-177; Thompson, 115-146; W.R. Young, "Conscription, Rural Depopulation, and the Farmers of Ontario, 1917-1919," *Canadian Historical Review* 53 (1972): 289-319; Robert Craig Brown & Ramsay Cook, *Canada 1896-1921: A Nation Transformed* (Toronto: McClelland & Stewart, 1974), 221.

⁶ Walker, 18. Brian Titley largely compares the outcome of the conscription debate – the eventual exemption of Native men from conscription – with the estimated 3,500-4,000 Native recruits to underline the voluntary nature of Native soldiering in *A Narrow Vision*, 39. The best discussion of the fight against conscription to date remains in L. James Dempsey's *Warriors of the King*, 39-41. P. Whitney Lackenbauer acknowledges the tensions and bitterness over conscription among members of the Six Nations that affected their post war activities (and again when compulsory service was introduced in the next war) in *Battle Grounds*, 88, 99. Other works that focus on conscription of Native men in the Second World War largely follow this argument that conscription violated Native peoples' rights and relationships with the Canadian government include: Dempsey, "Alberta's Indians and the Second World War," 39-52; Stevenson, 205-226; Shewell, "James Sioui and Indian Political Radicalism in Canada," 211-243; Sheffield & Foster, 53-74; R. Scott Sheffield, *The Red Man's on the Warpath: The Image of the "Indian" and the Second World War* (Vancouver: University of British Columbia Press, 2004), 46, 49, 51, 57.

from the Chiefs of both the Nisga'a and Tsimshian demanding that non-Native authorities recognize Aboriginal title, sign treaties with Native bands, and allow for and recognize the establishment of self-government among these bands drew the federal-provincial Commission to Inquire into the State and Condition of the Indians of the North West Coast of British Columbia to Kincolith, Naas Harbour and Port Simpson in 1887. There, Native witnesses argued unsuccessfully for equal treatment with white men under the law because they were already equal in God's eyes.⁷

This mixture of Christianity with Aboriginal political activism illustrated missionary influence in the area before the growth of white settlements in the late 19th century. The original missionary model settlements of Metlakatla, Greenville (Laxgalts'ap) and Kincolith (Gingolx) entrenched a Christian presence in the area that would become the Naas Agency.⁸ Anglican missionaries established the Nisga'a language (and later English) newspaper *Hagaga: The Indians' Own Newspaper*, at Aiyansh in 1891. Over time, the paper's staff included a growing number of local Nisga'a, and *Hagaga* offered local white and Nisga'a writers an avenue for discussing issues of local interest, while encouraging English proficiency among the Nisga'a.⁹

While those along the Naas and Skeena rivers adjusted to the changing social and religious world, their physical world was being redrawn over one thousand kilometers to the south in Victoria. Governor Sir James Douglas created reserve allotments in the 1850s, but British Columbia's colonial administrators significantly reduced those initial

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

⁸ Perry, 107; Daniel Raunet, *Without Surrender, Without Consent: A History of the Nisga'a Land Claims* (Vancouver: Douglas & McIntyre, 1996), 47-61.

⁹ Tennant, 85; Raunet, 132.

land parcels in the two decades before Confederation. The ten acres per family policy of the colonial government was inconsistent with the Dominion's promise of 160 acres per family in the numbered treaties signed across the Prairies.¹⁰ British Columbia and Canada began an awkward dance over jurisdiction. The two governments clashed over who controlled reserve land, who was entitled to resources found on or under reserves, and who should decide how much territory could and should be allotted to the province's original inhabitants.¹¹

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

¹⁰ The Dominion later reduced its provision to 80 acres per family and the province raised its allowance to 20 acres – both eventually abandoned the hard per family method of designing reserves. *Final Report for the Royal Commission on Indian Affairs for the Province of British Columbia* (Victoria: Acme Press for the Dominion of Canada, 1916), 16; Shewell, 'Enough to Keep Them Alive,' 29; Cole R. Harris, *The Resettlement of British Columbia: Essays on Colonialism and Geographical Change* (Vancouver: University of British Columbia Press, 1997) 85-86.

¹¹ The Provincial government believed it had not given up the right to surface and sub-surface resources on Native land, who were under Dominion jurisdiction. The province also wanted all land to revert to itself when Native people surrendered it. Deidre Sanders, Naneen Stuckey, Kathleen Mooney and Leland Donald, "What the People Said: Kwakwaka'waka, Nuu-Chah-Nulth, and Tsimshian Testimonies Before the Royal Commission on Indian Affairs for the Province of British Columbia (1913-1916)," *The Canadian Journal of Native Studies* 19.2 (1999): 213-248, 214; Cole R. Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: University of British Columbia Press, 2002) 217. See Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890* (Vancouver: University of British Columbia Press, 1977).

¹² *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, p. 4, 22.

maintaining Nisga'a traditions, they wore business suits in an effort to command attention from non-Native authorities; this showed the Nisga'a awareness of their adversary, and an effort to overcome or challenge any negative expectations white authorities' had about Native peoples.¹³

The Nisga'a Land Committee worked with the neighbouring Port Simpson Tsimshian to defend Native ownership and use of land as the town of Prince Rupert grew around the Agency.¹⁴ Building on this collaboration, members of the Nisga'a Land Committee also looked to nations away from the Naas River for allies, and with the Coast Salish formed the Indian Rights Association in 1909.¹⁵

Immediate Pre-Conscription Attitudes about Land and Identity at Naas

In 1915, two years before the introduction of the Military Service Act, Chief Nelson of the (Tsimshian) Kitsumkalum stood among his fellows and faced the BC Royal Commission on Indian Affairs (hereafter, the McKenna-McBride Commission, 1912-1916) during their visit to the Naas Agency. Nelson demanded one simple thing of the assembled provincial and federal representatives: "a paper saying that this land is yours and here is your title, and when you want to dispose of this land you can sell it to anyone who wants to buy it." Nelson wanted to own his land "just like a white man"; he did not want a reserve, and he certainly did not want the Government to hold his land in trust for him.¹⁶ The Kitsumkalum's life on the reserve was "not [a] free life," and another band

¹³ Tennant, 86.

¹⁴ Ibid, 87.

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

¹⁶ *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, p. 11.

member demanded that the Commissioners “let us be free; that is what we want because God gave us and to live on.”¹⁷ According to Nelson, the separate legal, economic, and physical existence that the Indian Act and the Department had created was unjust and harmful to Native peoples’ present and future success. The Chief’s declaration challenged the McKenna-McBride Commissioners’ goal of confirming permanently the sizes of reserves across British Columbia, and undermined the authority of Indian Affairs administration as immoral, illegal and unwanted.¹⁸

Many residents of the area between the south bank of the Skeena and the headwaters of the Naas River rejected reserves as an infantilizing and restrictive method of managing their lives and affairs. One Native witness who spoke before the McKenna-McBride Commission at Port Essington remarked that the reserve system might work elsewhere in the country but he certainly did not think it worked at the Naas Agency. Rather he believed that living on reserves kept Native peoples “babies all the time.” “We want to grow,” he told the commissioners, “and these reserves are a hindrance to our growth.”¹⁹

¹⁷ Ibid., 2.

¹⁸ The Royal Commission on Indian Affairs in the Province of British Columbia’s work arose from a dual assumption that Aboriginal title was extinguished and that the needs of British Columbia’s Native populations on reserve would not increase in the future (suggesting both governments’ faith in the completion of Native peoples’ assimilation into white society, or in those peoples’ dying out). Unlike land sales in the previous century, any territory the McKenna-McBride Commission removed from reserves would be divided and sold at public auction with profits divided between the province (for their exclusive use) and the Dominion (to be held in trust for the Native people whose land had been sold). Any land sales however could only occur after, in theory, the band council in question had approved all the Commission’s adjustments as per the Indian Act. Given the Commissioners’ direct authority from the Governor General (a declaration of which opened public forums on the respective reserves), and the dual assumptions that their decisions would be the final word on Native land issues in the province and that general sense of white superiority to Native peoples’ backwardness that pervaded the provincial and dominion governments, this consideration of band council decisions seems less like an obstacle and more of a technical formality or legal nicety. Harris, *Making Native Space*, 129; *Final Report for the Royal Commission on Indian Affairs for the Province of British Columbia* (Victoria: Acme Press for the Dominion of Canada, 1916), 19; Shewell, ‘*Enough to Keep Them Alive*,’ 28.

¹⁹ *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, 6. These anti-Indian Act or Indian Affairs’ sentiments were not unique to he

William Leighton of Metlakatla pointed out that he and his fellow Native men could not vote and that Native peoples were not recognized as persons under the Indian Act. When the Commission Chairman pointed out that Native people enjoyed several unique privileges under the Indian Act, such as not having to pay taxes, Leighton asserted that the burdens of non-enfranchisement far outweighed such benefits, and that he believed members of his community were generally too poor to pay taxes.²⁰ The large bureaucratic system of the far-off Department of Indian Affairs that had been so recently imposed on British Columbia's Native peoples, with its reserves of ever-changing borders and dubious legitimacy, did not have the historical antecedents of reserve elsewhere in Canada, or the legal foundations of the numbered treaties. When Chief Nelson asked for a piece of paper, he spoke for a people who knew that they were the original occupants of the land, but who had no treaty or document to define and defend their title.

Frustratingly for numerous witnesses across British Columbia who attempted to raise this issue, the Commissioners would not even discuss Aboriginal title. Angered by this refusal to address what indigenous people perceived as the fundamental issue of land, one witness dismissed the Commission as futile: "We are sorry that we expected to go more fully into the land question but seeing that they [the Commissioners] are not

Naas Agency. Residents of the Babine Agency requested the Government repeal the Indian Act, and they challenged the idea that the Government held their land in trust in the form of reserves, as "we know the Reserves are only temporary and don't belong to us and they go back again to the Government." *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Babine Agency, 15 April 1915, p. 1 LAC RG 33 M104 78903/15.

²⁰ The issue of taxation here ought to be clarified; they were discussing principally point of sales tax as personal income tax had yet to be introduced in Canada. *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, p. 27-28 LAC RG 33 M104 78903/15.

empowered to do so it would be useless for us to say any more on the subject.”²¹ At Port Simpson, disaffected and disappointed witnesses proved so reticent to answer the Commissioners’ questions that the Chairman concluded the hearings with the warning, “if members of this Tribe later on discover that some of the other Tribes have fared [sic] better than they themselves at the hands of the Commission,” it was their own fault “for not having answered our questions more clearly.”²²

One group of anonymous petitioners from the Naas Agency argued that they were “the lawful and original inhabitants and the possessors of all the lands” along the Naas River, “from time immemorial.” Appealing to the recognition of Aboriginal claims to land by the British in the Royal Proclamation of 1763, they believed they were “standing well within...[their] constitutional rights,” to “forbid” the non-Native authorities staking “off land in this valley, and do hereby protest against your proceeding further into our country with that end in view.”²³ The petitioners insisted their circumstances differed from those in other areas covered by treaties, rendering baseless the authority of the

²¹ *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, p. 38 LAC RG 33 M104 78903/15.

²² *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, p. 49 LAC RG 33 M104 78903/15. Some Native witnesses may have been concerned with what their Agent said of questions of land and water usage on the reserve. Agent Perry presented a very biased account of an exchange between the Naas Agency residents and the city of Prince Rupert over a water pipeline to the commissioners in his private examination in Victoria in December 1915 where he described the \$200,000 price (and a \$500/year rent for the right of way) the Native representatives put on the land and access to the watershed for a new pipeline to the city as a “ridiculous figure.” Perry argued the city representatives had been “high-handed” in their decision to lay the pipeline regardless of the feelings or consent of the Native people, who had lodged a complaint against the city with Inspector A.M. Tyson. Yet despite his admonishment of the city’s behaviour in the interim, Perry sided with the city, and asserted that the Native peoples should sell the land around the pipeline. While the protest against the commission on the grounds it failed to address the question of Aboriginal title – the basis for all land questions – was a valuable and important one, on questions such as the pipeline, the commissioners had only the Agent’s testimony, and that was not in the Native peoples’ favour. “Examination of Agent Charles Perry of the Naas Agency at the Bard Room in Victoria,” *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, p. 22-33 LAC RG 33 M104 78903/15.

²³ *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency Notes from the Examination of Agent Charles Perry of the Naas Agency, p. 76-77 LAC RG 33 M104 78903/15.

Department of Indian Affairs in British Columbia. While Chief Nelson wanted to own his land outright rather than have it administered by another party, the anonymous petitioners argued that any discussion of land between Native peoples and the Government in the Naas Agency was based on a false foundation and ignored Native peoples' rights as original occupants. Both complainants wanted to take back control of the land, and challenged the federal and by extension provincial government's right to dictate how land was distributed and the restrictions the government placed upon Native peoples' legal rights within the province.

The debates over land ownership and rights extended beyond the Naas Agency. Anticipating the McKenna-McBride Commission's report, Andrew Paull, political organizer and community leader from the Squamish reserve North of Vancouver, held a conference on his reserve in June 1916 at which sixteen Native groups (from both the coast and interior) formed the Allied Indian Tribes of British Columbia when they united the Indian Rights Association with the Interior Tribes.²⁴ They immediately sought to bring land claims through the Canadian court system to the Judicial Committee of the Privy Council in London, arguing the existence of Aboriginal title and seeking treaties with Canada and self-government within their own communities.²⁵ Therefore, the McKenna-McBride Commissioners arrived in communities that were already

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

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

participating in inter-nation political activism with the goal of achieving and expanding their title and land rights.

Conscription and the Naas

In the spring of 1917, Prime Minister Borden determined to supplement Canada's over-extended volunteer soldiers with conscripts. In July, Parliament passed a selective service (conscription) bill, the Military Service Act.²⁶ Over the summer and fall of that year, beginning before the act passed into law, Native Chiefs, Councils and other interested parties flooded the Department of Indian Affairs, the Department of Militia and the Department of Justice with petitions, inquiries and opinions about whether Native men were subject to the Military Service Act.²⁷ It was a necessary question, since

²⁶ Frances W. Harbour, "Conscription and Socialization: Four Canadian Ministers," *Armed Forces & Society* 15 (1989): 227-247, 229-230; Rutherford, 156.

²⁷ These appeals included: Inquiries about whether the MSA applied to Native men: Agent W.R. Brown (Port Arthur Ontario) to Secretary J.D. McLean 24 May 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Agent Colcleugh (Clandeboye Agency Manitoba) to Secretary J.D. McLean 13 June 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Agent G. Cockburn (Sturgeon Falls Agency Ontario) to Secretary J.D. McLean 16 October 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; President of the Grand Council of the Chippewa Nation of Western Ontario F.W. Jacobs to D.C. Scott 27 June 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; J. Waniente Jocks of Caughnawaga to Secretary J.D. McLean 15 October 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Agent McKenzie (Kenora Agency Ontario) to Secretary J.D. McLean 19 October 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Agent Laird (Grouard Alberta) to D.C. Scott 8 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent David Philip (Roberval, Que) to the Department of Indian Affairs 8 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; S.J. McKinlay of the Revillon Frères Trading Co. to the Department of Indian Affairs 6 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Garnet C. Neff, Solicitor of Grenfell, Saskatchewan (on behalf of the Saskamay Reserve) to the Department of Indian Affairs 8 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2. Appeals made on the grounds of wardship include: Chief William P Assamee of the Christian Island Council to Agent Picotte 1 June 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Tom Longdeer (Caughnawaga) to D.C. Scott [?, after 5 November] 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief Inspector of the British Columbia Agencies W.E. Ditchburn to D.C. Scott 30 October 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Noel Domemi of the Sheshegwaning (Ontario) to Secretary J.D. McLean 30 October 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief George Fisher (Caradoc Agency Ontario) to Secretary J.D. McLean 6 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent David Philip (Roberval, Que) to the Department of Indian Affairs 8 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent F. E. Taillon (St. Regis) to D.C. Scott 10 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent Charles Cox (Alberni, BC) to D.C. Scott 13 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent Graham (Lytton, BC) to D.C. Scott 13 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent George

Deputy Minister of Justice Edmund Leslie Newcombe explained to D. C. Scott, that his ministry had not considered Native men when it drafted the Act. Now faced with argument that Native men ought to be exempt because of their unique status as wards

Race (Edmonton) to D.C. Scott 13 November 1917 LAC RG 10 Volume 452-20 Pt 1; Indian Agent W.R. Robertson (Duncan BC) to D.C. Scott 13 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent S.A. Milligan (Leask, Saskatchewan) to D.C. Scott, 13 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent Murrison (Punnichy, Saskatchewan) to D.C. Scott 13 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; C.M. Tate (Barrister in Victoria, BC) to D.C. Scott 12 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Rev. Canon P. W. Gibbon (on behalf of the Blackfoot) to D.C. Scott 16 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Petition of the Kitkatla Band to the Robert Borden, Wilfrid Laurier, and the Indian Department 10 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Eric Montizambert (of Sucker Creek) to the Archbishop of Little Current, Ontario 12 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief Councilor Francis L. King and Councilors of the Mississaugas of New Credit to D.C. Scott 22 October 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief George Andrew of Michipigoten Harbour Mission to the Department of Indian Affairs 5 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief of the Indian Lorette to the Duke of Devonshire, the Governor General 10 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2. Appeals on the grounds of treaty arrangements include: Chief Meeshe Keepinai and Councilors of the Swan Lake Reserve to D.C. Scott 2 July 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Ptes Luke Bouche, J.F. Crowe & D. Blais & L/C Singleton to the Commander of the Canadian Forces 18 July 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief Shot Both Sides (Cardston Alberta) to D.C. Scott 5 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief Peter Strength (Gibson Reserve Ontario) to Deputy Minister of Justice E.L Newcombe 2 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent Wright (Fort Frances) to D.C. Scott 8 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Acting Indian Agent S.L. MacDonald (The Pas, Manitoba) to Secretary J.D. McLean 15 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Tohrewaeagah, Chief of the Mohawks to King George 2 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Parry Island Indians to W.W. Cory, Deputy Minister of the Interior 22 June 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief John Sayers, Councilors John Hope and William Bird to Indian Agent Colcleugh [?] November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief John Prince (Clandeboye) to D.C. Scott 27 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Manitoba River Reserve Council to the Department of Indian Affairs 21 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief Peter Angus (Lake of the Two Mountains) to Deputy Minister of Justice E.L. Newcombe 8 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Chief and Councilors of the Rousseau Rapids Reserve to the Department of Indian Affairs 5 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2. Appeals on the grounds of both treaties and wardship/disenfranchisement: Chief William Mann, Jake W. Henderson, William Burere and John Henderson, Councilors of Fort Alexander to the Department of Indian Affairs 20 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Garden River Council to the Governor General 4 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent Campbell (Deseronto) to Secretary J.D. McLean 24 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1. Appeals on unspecified/other grounds: ex-Chief Joseph Whetung (Curve Lake Ontario) to D.C. Scott 8 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Mud lake Chemong Indian Band (Ontario) to D.C. Scott 7 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief Peter Crorier, John Lake and John Sunday to the Department of Indian Affairs 13 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; W.R. Haynes for the Band of Bocket, Alberta to D.C. Scott 18 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief Barney Morrison (Restigouche, Que) 19 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; John LeCarrie (Wood Mountain, Saskatchewan) to Indian Agent J.H. Thompson 15 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Councilors of the Brokenhead Ojibway Reserve to the Department of Indian Affairs LAC RG 10 Volume 6768 File 452-20 Pt. 1.

within the Indian Act, and/or because of specific treaty provisions, Newcombe sought Scott's advice.²⁸

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

Native men were expected to register with the military authorities, as were all other Canadian men, by 17 November. Native men between the age of 20 and 45 (initially) were to fill out a form available at the local Post Office, present themselves to the local Medical Board to be evaluated for combat readiness, and (if they could) present to the local tribunal their case for a domestic, work or conscientious exemption from combatant service.³¹ The Ministry of Justice eventually extended the deadline for Native registration to 1 February 1918 in response to a series of miscommunications with Agents

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

²⁹ D.C. Scott to the Deputy Minister of Justice E.L. Newcombe 1 October 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

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

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

and difficulties overcoming the practical problems of language barriers, the geographic isolation of reserves (a particular problem in many of the remote areas of British Columbia), and the fact that many Native men worked as hunters and loggers in far-flung corners of the country.³² Indian Affairs informed its Agents “it is not practicable and you are therefore not expected to take any special action to call in the Indian hunters who are maintaining themselves in their aboriginal way.”³³ Through all these practical difficulties and against Scott’s determination to silence Native protests, Chiefs and band members across the country engaged in fierce legal and moral battles with government officials over whether they and their men could be forced to fight for Canada.

A week before the Port Simpson signatories posted their petition, Naas Agency Indian Agent Charles Perry told Scott that he had received death threats over the possible imposition of conscription (which he dismissed as common during land claim debates on the Agency).³⁴ Regardless of his feelings about the threats against him, Perry admitted the feeling around the Agency was “very bitter.”³⁵ Members of the Naas Agency had left their work in the lumber camps of Swanson Bay, where they cut spruce timber for military airplanes, and returned to home in apparent anticipation of conflict over

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

³³ Memorandum from D.C. Scott to all Indian Agents 31 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

³⁴ Indian Agent C.C. Perry to D.C. Scott 11 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

³⁵ Ibid.

conscription.³⁶ The Agency was a hive of anti-conscription activity, with “frequent and lengthly [sic] meetings,” whose participants made “statements [that] are quite hostile and drastic.”³⁷ Attendees asserted that their Indian status excluded them from the Canadian political process, and hence from conscription. Talk even turned to conspiracy theories that “the war was started on purpose [so] that the Government might bring the Indians into it and kill them.” The assembled men said they would rather fight against the British forces than for them, if this assertion were true.³⁸

The strong reaction against conscription in the Naas Agency communities contrasted with previous, more enthusiastic participation in other aspects of the war effort. As early as November 1914, Native women in Metlakatla were “busy making socks for the troops,” in cooperation with the local non-Native women’s Auxiliary, socks meant for the Prince Rupert Canadian Patriotic Fund.³⁹ At a March 1916 Metlakatla band meeting, which (a not disinterested) Perry described as marked by “a spirit of dignified loyalty,” “leading Indians” spoke of the Canadian and Imperial governments with “most graceful and pleasing sentiments throughout.”⁴⁰ Perry took credit for this enthusiasm, that “to date the response has been most loyal where it has been possible for

³⁶ Inspector W.E. Ditchburn to D.C. Scott 20 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

³⁷ Indian Agent C.C. Perry to D.C. Scott 11 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1. Bitter conflicts around Metlakatla land disputes had occurred at the time of Duncan fall from grace among the Anglicans, Raunet, 84.

³⁸ Indian Agent C.C. Perry to D.C. Scott 11 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1. This was not the first time members of the Naas Agency asserted the government sought to kill them off through soldiering. While on a Native-specific recruiting trip, former Indian Inspector A.M. Tyson reported he has been told while at the Naas Agency that “the Indians had been told by White men that the reason for enlisting Indians was to get them all killed off.” Inspector A.M. Tyson to the Department of Indian Affairs 19 March 1917 LAC RG 10 Volume 3181 File 452,124-1A.

³⁹ On 21 November 1914, despite a bad year of tuberculosis, the Metlakatla band resolved to donate \$50 from its band funds to the CPF, in addition to \$90 the women of the reserve had already collected at a village basket social. Indian Agent C.C. Perry to Secretary J.D. McLean 23 November 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1915* (Ottawa: King’s Printer, 1915), 332.

⁴⁰ Indian Agent C.C. Perry to D.C. Scott 17 March 1916 LAC RG 10 Volume 6762 File 452-2 Pt.1.

me to interest the Indians” in the wider Canadian war effort.⁴¹ Because some speakers expressed a desire to place the money they donated to the war effort and the baskets and socks the band’s women had produced literally at King George’s feet, Perry sought some “imperial acknowledgment,” as he believed the band wanted recognition of their generosity. Perry took personal amount of credit for this enthusiasm, that “to date the response has been most loyal where it has been possible for me to interest the Indians” in the wider Canadian war effort.⁴² Despite the self-congratulatory nature of his statement, Perry’s report suggests that the Agency’s activities were legitimate and sincere evidence of sympathy for the war effort.

The Metlakatla donations, and the associated patriotic pronouncements, were mirrored elsewhere in the province. The Department recorded \$5,047.36 from British Columbia and \$1,140.00 from the Naas Agency.⁴³ From Bella Coola, Indian Constable Charles Tucker for Bella Coola claimed “several” young men in the area had asked him what they could do “towards helping King George in this fight.”⁴⁴ Yet, enlistment among Native peoples in British Columbia drew mixed reactions from several sources. As mentioned in chapter two, several military officials disparaged Native men in the province. In the Department’s 1919 report, Scott wrote that Native peoples in the

⁴¹ Indian Agent C.C. Perry to Secretary J.D. McLean 17 March 1916 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

⁴² Ibid.

⁴³ The additional \$1,090.00 from the Agency went to local Patriotic Funds [caps because this is a proper noun]. The Department’s records overlooked individual donations that went unrecorded or unnoticed by Agents. For instance, the Department recorded no donations from the Maritimes. *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1919* (Ottawa: King’s Printer, 1919), 25-26.

⁴⁴ Indian Constable Charles Tucker to Secretary J.D. McLean 24 November 1914 LAC RG 10 Volume 6762 File 452-20 Pt. 1. Other examples of British Columbian bands’ willingness to contribute funds include: Indian Agent Halliday to Secretary J.D. McLean 11 September 1914 LAC RG 10 Volume 6762 File 452-20 Pt. 1; Ahousaht Band to the Department of Indian Affairs 25 December 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2; George E. Darby, Medical Superintendent of the Bella Bella Rivers Inlet Hospital to D.C. Scott 18 January 1918 LAC RG 10 Volume 6762 File 452-2 Pt. 3.

province were “somewhat less warlike in character than those of the plains and in the eastern provinces, and are by nature averse to leaving their homes upon any unfamiliar venture.”⁴⁵ However, the report provided contradictory evidence in its descriptions of the two soldiers: Distinguished Conduct Medal winner Pte George McLean from the Head of the Lake band, and Military Medal winner Dan Pearson of the 143rd Overseas Battalion from Metlakatla, who had died of pneumonia. There was discussion of a possible all-Native Brass Band from the province.⁴⁶ Inspector Andrew Mann Tyson traveled the province seeking (at least) 170 Native volunteers for a Forestry Battalion in the spring of 1917.⁴⁷ Tyson visited the Naas Agency among others, but found attitudes about soldiering among the Native men less than encouraging. He reported that some of those he encountered on this trip believed the government wanted Native men to enlist so that they might die overseas, but he attributed this conviction to the work of white agitators.⁴⁸

Resistance to enlistment is compatible with donating to war funds. Active service in the military represented a greater demand on and invasion into Native peoples’ lives

⁴⁵ *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1919* (Ottawa: King’s Printer, 1919), 20.

⁴⁶ *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year Ended 31 March 1919* (Ottawa: King’s Printer, 1919), 20; Indian Agent Deasy to D.C. Scott 23 May 1916 LAC RG 10 Volume 6766 File 452-13; Inspector A.M. Tyson to D.C. Scott 25 November 1915 LAC RG 10 Volume 6766 File 452-13. For a discussion of the role of Brass Bands more broadly on the North Coast, please see Susan Neylan, “‘Here Comes the Band!’: Cultural Collaboration, Connective Traditions, and Aboriginal Brass Bands on British Columbia’s North Coast, 1875-1964,” *BC Studies* No. 152 (Winter 2006/07): 35-66.

⁴⁷ D.C. Scott to Inspector A.M. Tyson 15 January 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent Fougner to D.C. Scott 5 February 1917 LAC RG 10 Volume 6766 File 452-13; “B.C. Indians Will service as Foresters: Capt. D.A. Tyson Authorized to Raise Overseas Draft – Will be sent to France as Separate Unit,” *Victoria Daily Colonist* 6 April 1917; Adjutant General to OC MD 11 4 April 1917 LAC RG 24 Volume 4645 MD 11 File 99-4-103.

⁴⁸ Inspector A.M. Tyson to the Department of Indian Affairs 19 March 1917 LAC RG 10 Volume 3181 File 452,124-1A. Indian Agent Thomas Deasy, who wanted to establish a Home defence unit on the Queen Charlotte Islands, asserted there “was not a general feeling to enlist, for active service, away from the Province.” Indian Agent Deasy to Secretary J.D. McLean 1 December 1915 LAC RG 10 Volume 6766 File 452-13. One unnamed Chief sent a written warning that “it would be best to leave us alone” lest “the thousands of Indian tribes who might in anger rise against the nation, and fight as old against the whites.” Inspector Graham to D.C. Scott 8 February 1917 LAC RG 10 Volume 6766 File 452-13.

than financial or other in-kind contributions, and some Native communities in British Columbia and across the country offered donations in lieu of sending men, as discussed in chapter one.⁴⁹ Foreshadowing future problems, Indian Agent Loring of the Babine Agency expressed thanks that he and Tyson had only had to deal with recalcitrant elders and “met with none of the usual contexts on the line of the loss of their land and similar refrains,” although a month later he complained that “the general question on their land ‘taken away’ had been cited” at a recruiting meeting.⁵⁰ Tyson praised Indian Agents Perry, Loring and McAllan for helping his work, but he could convince few members of any Agency in the province – and he recorded none from Naas - to enlist, and had marked success only at the Stuart Lake Agency.⁵¹ Officials of Military District 11 (British Columbia) cancelled his efforts in June 1917 as Tyson had enlisted only seventeen men, mostly from Stuart Lake, and his journeys to remote reserves proved too expensive for such paltry results.⁵²

⁴⁹ Indian Agent Byrne to Secretary J.D. McLean 20 March 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2; Ahousaht Band to the Department of Indian Affairs 25 December 1917 LAC RG 10 Volume 6762 File 452-2 Pt. 2; George E. Darby, Medical Superintendent Bella Bella Rivers Inlet Hospital to D.C. Scott 18 January 1918 LAC RG 10 Volume 6762 File 452-2 Pt. 3; Indian Agent W.J. McAllan to Secretary J.D. McLean 5 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁵⁰ Indian Agent Loring to Inspector A.M. Tyson 16 February 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent Loring to D.C. Scott 12 March 1917 LAC RG 10 Volume 6766 File 452-13. Tyson encountered appeals for enfranchisement during his recruiting meetings, and residents of Camp Mudge dismissed recruitment on the grounds they had not been consulted “wither with regard to the taking away of their original heritage, or in the formation of any of the laws they did not feel called upon to take up arms for the flag.” Inspector A.M. Tyson to D.C. Scott 16 April 1917 LAC RG 10 Volume 6766 File 452-13; Indian Agent Halliday to Secretary J.D. McLean 17 January 1916 LAC RG 10 Volume 6766 File 452-13.

⁵¹ Inspector A.M. Tyson to the Department of Indian Affairs 19 March 1917 LAC RG 10 Volume 3181 File 452,124-1A. This success eventually turned on itself however, as deserters left the service and told of the poor circumstances in which many found themselves. As Tyson’s was a separate draft, uniforms, pay sheets and other important logistical questions were unresolved when the first group of recruits arrived in New Westminster. Tyson paid for their clothing and food out of his own pocket and complained bitterly about his men’s “very bad treatment,” and mentioned hostility among the white soldiers to serve with Native men. Inspector A.M. Tyson to D.C. Scott 21 March 1917 LAC RG 10 Volume 6766 File 452-13; Inspector A.M. Tyson to D.C. Scott 16 April 1917 LAC RG 10 Volume 6766 File 452-13.

⁵² Indeed the Military realized only after Tyson was given the rank of Captain and began recruiting that he did not pass the necessary physical exam and was too old to serve, thereby dashing any hope the Inspector

Opposition to conscription, however, was nearly universal among the native people of the province. The Kwakwaka'wakw at Alert Bay asked why "they should be called on to fight for their country," when Canada was not their country but "their country has been taken away from them."⁵³ Other members of the Allied Tribes of British Columbia sent petitions to Borden, Laurier and the Department in November and December of 1917, objecting to the MSA in words very similar to those used by the petitioners from Port Simpson and Naas: "that at no time have our Indians had any say in the making of the laws of Canada."⁵⁴ While not explicitly self-identified as part of an organized effort, the similarity in language between the petitions, the travels of J.A. Teit, the secretary of the Allied Tribes around the province, and meetings held at his home in Spences Bridge, all point to a level of collective interest and concerted action articulated through earlier-established links among the Native groups of British Columbia.⁵⁵ The Prime Minister's office and the *Victoria Colonist* both received a similar but more general petition from the Committee of Allied Tribes of British Columbia. This petition argued that given British Columbian Native peoples' outstanding land claims and their status as Indians, conscription would be equal to enslavement - and warned that any attempt to enforce conscription on Native men would "probably cause bloodshed."⁵⁶

had of leading his men into battle in France. Major Reynolds Tite for the OC 23rd Infantry Brigade to AAG i/c Administrative MD No. 11 13 June 1917 LAC RG 24 Volume 4645 MD 11 File 99-4-103.

⁵³ Indian Agent Halliday to D.C. Scott 13 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

⁵⁴ Albert Argyle, Solomon Brown, James Lewis, Samson McDonald, William Lewis and Joseph White of the Kitkalta Band to Prime Minister Robert Borden, Wilfrid Laurier and the Department of Indian Affairs 10 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1. Other petitions from the Naas Agency include the Ketzesh Band Petition to the Department of Indian Affairs 4 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Kitsumkatlum Band Petition to the Department of Indian Affairs 4 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

⁵⁵ J.A. Teit to D.C. Scott 20 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Southeastern Inspector (BC) A.M. Megraw to Secretary J.D. McLean 18 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁵⁶ P.R. Kelly and J.A. Teit, Committee of Allied Tribes of British Columbia, to Prime Minister Robert Borden, 17 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

The petition further argued that the British Empire's stated rationale for the war – {repeat this rationale succinctly here to remind your readers} -- was in direct conflict with Canada's oppression of a "weak race."⁵⁷ The Committee of Allied Tribes contrasted patriotic language against the war's practical and unpleasant realities; how could a government committed to fighting oppression and militarism force a small, disadvantaged and disenfranchised population into uniform? Beyond the legal arguments against conscripting people who were the Crown's wards, the Committee petition argued that conscription was culturally foreign to the Coastal peoples – even "repulsive to the Indian mind" – as it clashed with the practice of chiefly power that was based on persuasion rather than coercion.⁵⁸ A Chief would not and could not force his warriors to fight against their will, hence the general support (or at least toleration) of voluntary enlistment even if the Chiefs preferred that their men not enlist.⁵⁹ Committee secretary

⁵⁷ Ibid.

⁵⁸ Ibid. It would be dangerous [misleading?], indeed inaccurate, to suggest that one form of Chiefly arrangements dominated the various nations of British Columbia. Although more hierarchical than many eastern groups (whose warfare practices, both pre- and post-contact have continued to interest scholars) Northwest Coast Chiefs did not have absolute authority over free individuals (unlike their slaves); much literature focuses on the warriors' obtaining of status through warfare (both through exploits and the collection of slaves). The degree of political organization among the Coast Salish has been hotly debated, and made more problematic by the contact barrier, but kinship groups were absolutely crucial for raiding and defense, particularly above the village level. David M. Schaepe argues that oral history records suggest a degree of supra-village chiefdom among the Stó:lō (as well as a more nuanced valuation of warriors than previously suggested as hot-headed). Robin Fisher, "Indian Warfare and Two Frontiers: A Comparison of British Columbia and Washington Territory during the Early Years of Settlement," *The Pacific Historical Review* 50.1 (February 1981): 31-51; Donald Mitchell, "Predatory Warfare, Social Status, and the North Pacific Slave Trade," *Ethnology* 23.1 (January 1984): 39-48; Kenneth M. Ames, "Slaves, chiefs and labour on the northern Northwest Coast," *World Archaeology* 33.1 The Archaeology of Slavery (June 2001): 1-17; Katherine L. Reedy-Maschner and Herbert D.G. Maschner, "Marauding Middlemen: Western Expansion and Violent Conflict in the Subarctic," *Ethnohistory* 46.4 (1999): 703-743; David M. Schaepe, "Rock Fortifications: Archaeological Insights into Pre-Contact Warfare and Sociopolitical Organization among the Stó:lō of the Lower Fraser River Canyon, B.C.," *American Antiquity* 71.4 (2006): 671-705.

⁵⁹ J.A. Teit to D.C. Scott 20 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Examples of such concerns over loosing their sons include Chief Anaham Bob of Alexis Creek, BC to D.C. Scott 28 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Chief Councilor William Mathews, Alfred Adams of Massett BC to the Department of Indian Affairs 29 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 2; George E. Darby, Medical Superintendent Bella Bella Reserve to D.C. Scott 18 January 1918 LAC RG 10 Volume 6762 File 452-2 Pt. 3;

J.A. Teit held a number of private meetings with “leading Indians” and several public meetings on unspecified reserves, at which Teit claimed that he had not encountered one individual among the Coastal peoples who was in favour of conscription.⁶⁰

The Institutional Response to the Conscription Ultimatum

This was primarily a political and legal dispute between Native peoples, and by extension the Committee, and the Department, rather than strictly a question of military necessity at a time of war. Despite its auspicious name, Scott believed that the Committee of Allied Tribes was less representative of British Columbia Native people’s opinion than its members claimed it to be. Deputy Minister of Justice Newcombe received a telegram from a Victoria lawyer on behalf of fourteen unnamed chiefs who neither endorsed the Committee’s petition nor supported its violent threats and who generally did “not want to be associated with the matter.”⁶¹ In rebuttal, Committee secretary Teit speculated that these Chiefs might have separated themselves from the Committee’s petition because they disagreed with the threatened violent resistance to conscription, pointing out that the Cowichan “do not believe in bloodshed” of any kind.⁶²

Scott disagreed with the Committee of Allied Tribes’ claim that “[their] land question [is] not settled and [their] citizenship [is] withheld,” and he defended the McKenna-McBride Commission’s conclusions, which he thought presented “a very fair offer...and they are aware of the proposed terms of settlement,” even as he attributed the report’s dilatory implementation to the slow movement of both the provincial and

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

⁶¹ Deputy Minister of Justice E.L. Newcombe to D.C. Scott 21 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

⁶² J.A. Teit to D.C. Scott 20 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

dominion governments.⁶³ In a further effort to discredit the Committee of Allied Tribes' work, Scott questioned the authenticity of its Chairman, P.R. Kelly and Teit as voices for Native people. The Department chose to ignore the fact that Kelly was a Haida, and instead identified him as (tacitly white) Methodist Minister and teacher on Vancouver Island; they emphasized that Teit was only married to a Native woman and not Native himself.⁶⁴

This *ad hominem* attack on members of the Committee's leadership as a method of delegitimizing the content of the organization's protests was in keeping with the government officials' penchant to blame white interference for Native activism in British Columbia and elsewhere in Canada. They attributed such interference either to organized efforts or occasional contact with "loggers, fishermen, and foreigners."⁶⁵ Scott gave little credit to petitions sent from various bands echoing the concern expressed by the Committee but bearing the signatures or marks of band members.⁶⁶ Similarly, Scott ignored Agent Perry's warning of the growing unrest over conscription and the concentration in the Naas of frustrated young men home from work in the forest and angry over conscription.

Perhaps due to his proximity to the issues at hand, Southwestern British Columbia Inspector W.E. Ditchburn was far more open to the Committee's concerns. Ditchburn allowed that the land question was "far from settled at present," and genuinely feared a

⁶³ P.R. Kelly and J.A. Teit to the Prime Minister Robert Borden 17 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; D.C. Scott to Deputy Minister of Justice E.L. Newcombe 23 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

⁶⁴ Ibid.

⁶⁵ Tennant, 87-88; Indian Agent Thomas Deasy to D.C. Scott 31 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; A.M. Tyson to the Department of Indian Affairs 19 March 1917 LAC RG 10 Volume 3181 File 452,124-1A; Inspector Graham to D.C. Scott 8 February 1917 LAC RG 10 Volume 6766 File 452-13; Inspector A.E. Megraw to D.C. Scott 14 February 1917 LAC RG 10 Volume 6766 File 452-13.

⁶⁶ These petitions likely arose out of Teit's travels as the Allied Tribes did not officially meet after their initial founding in 1916 until 1919. Tennant, 99.

violent outcome. As the Indian Act necessitated that a majority of adult male band members approve any land sales (including those recommended by the McKenna-McBride Commission), the Inspector believed “it would be in the national interest that when Indians had registered and asked for exemption [from conscription], this exemption should be granted.”⁶⁷ Scott rejected Ditchburn’s argument for a general exemption due to the British Columbia bands’ “alleged claims against the Crown,” because “it would savour of an acknowledgement that they occupied a different position from the other Indians of the Dominion.”⁶⁸

Southeastern British Columbia Inspector A.E. Megraw suspected that the Indian Rights Association (the precursor to the Committee of Allied Tribes) was spreading anti-conscription “propaganda” among his Agencies, and was “responsible for much of the unrest among the Indians.”⁶⁹ At the Allied Tribe meetings in Spences Bridge, an informant claimed that secretary Teit had encouraged his listeners to refuse to register, regardless of any possible exemptions. The Inspector argued unsuccessfully for the arrest of members of the Committee under the British Defence of the Realm Act for inciting Native people to disobey a Canadian law designed to ensure “public safety in [a] time of war.”⁷⁰ Instead Teit was allowed to continue to advocate on behalf of Native men in uniform (although on an individual basis) until the McKenna-McBride Commission’s report emerged on the provincial legislative agenda in 1919 and Native political organizations shifted their attention accordingly.⁷¹

⁶⁷ Inspector W.E. Ditchburn to D.C. Scott 20 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

⁶⁸ D.C. Scott to Inspector W.E. Ditchburn 1 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

⁶⁹ Inspector A.M. Megraw to Secretary J.D. McLean 18 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁷⁰ Ibid.

⁷¹ J.A. Teit for Jim Tesxesket & the Salmon River Band to D.C. Scott 23 July 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

Regardless of the talk about legal status and historical relationships, Scott privately told Newcombe that since Native men in the province – including the Naas Agency – were largely fishermen, their work was important enough to the province’s economic livelihood that they would likely largely be exempt from conscription.⁷² Yet to cede to Native demands openly, and to acknowledge the legitimacy of their pre-war arguments, meant appearing to collapse in the face of Native threats. He might have been “besieged by letters, telegrams, and applications for exemption,” but Scott would not yield. He wanted all Native men of eligible age and fitness to register with the Military authorities.

Despite the protests Scott received from the Naas Agency, British Columbia, and other regions of the country -- “naturally the Indians apply to me for advice,” was how Scott put it -- it was not the Department of Indian Affairs’ responsibility to implement the Military Service Act.⁷³ Indian Affairs was still responsible for civilian affairs of Native peoples, however. Scott used this power to urge compliance with the Military Service Act. With the men home from the lumber camps, and therefore not drawing salaries, late year floods had seriously interrupted the fishing activities crucial to the livelihood of the Native families at Naas. Knowing of their economic distress, Scott relayed a message through the Allied Tribe secretary Teit to the population in the Naas Agency. The Department was sending help and Scott told Teit, whose organization’s petitions attacked

⁷² D.C. Scott to Deputy Minister of Justice E.L. Newcombe 23 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

⁷³ This distant relationship would not last as it would eventually fall to Indian Agents to apply for exemptions for status Indians. D.C. Scott to Chief Anaham Bob of Alexis Creek, BC 14 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

the nature of Native-government relations, “I hope they will realize what it means to them to have the Department to appeal to under circumstances of this kind.”⁷⁴

The questions the Naas and Allied Tribe petitioners raised over conscription extended to the wider question of Native peoples’ place in the Canadian legal system, and the role of the Department of Indian Affairs in their lives. Scott’s help to the Naas Agency residents shows how dependence on the Government was both a method and an outcome of the effort to assimilate Native peoples and to suppress their independence. When given the opportunity at the McKenna-McBride Commission hearings, members of the Naas Agency had lamented how reserves infantilized them, and they took advantage of the debate over conscription to challenge the Department’s authority in their lives. Yet when the Agency faced serious economic upheaval, the Department offered aid, albeit with Scott’s assertion that he “hope[d] they will realize what it means to them” to have the Department to give such help. While the Committee of Allied Tribes’ petitions challenged both the power of the Indian Act (specifically the legal status of Indian) and the Military Service Act, Scott responded by emphasizing the rudimentary safety net the Indian Act provided.

Conclusion

On 17 January 1918, the Clerk of the Privy Council published an Order in Council, P.C. 111, that alluded to the overwhelming volume of petitions and inquiries that Native peoples and their advocates had sent to various government bodies, “pointing out that in view of their [Native peoples] not having any right to vote,” so Native men should “not be compelled to perform military service.” P.C. 111 also cited a dispatch

⁷⁴ D.C. Scott to J.A. Teit 14 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

from 14 October 1873 during the negotiations of the North West Angle Treaty that exempted Native people from service in the military. This was a rare acknowledgment of treaty agreement as a form of legal precedent and repudiated Scott's previous dismissal of treaties to the conscription debate.⁷⁵

Unless they were enfranchised (the proclamation included Japanese- and German-Canadian residents without the right to vote as well as Native men), Native men in Canada could not be compelled to serve overseas, although the exemption still left home service open as a possibility for Native conscripts. However, as a method of ensuring that only those under the jurisdiction of the Department of Indian Affairs – Indians – could claim this exemption, the proclamation insisted that Indian Agents would make the exemption applications on behalf of Native men on their reserves (see chapter five).⁷⁶ Therefore, although they were not forced overseas, Native men still had to register with their Indian Agent, rather than individually with the Military authorities. Because the exemption only applied to status Indians, Indian Agents and their treaty pay lists became crucial arbiters of exemption from conscription. It was a man's inclusion in the Indian Affairs' legislative umbrella rather than his heritage that determined eligibility for an exemption from conscription as an Indian.⁷⁷

⁷⁵ Order in Council 111 from the Governor General of Canada in Council (signed by the Clerk of the Privy Council) 17 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁷⁶ Ibid.

⁷⁷ This is an important distinction, and Indian Agent's decisions actually trumped the question of voting in the process of obtaining exemptions and occasionally brought the Department and the Militia in conflict over differing interpretations of PC 111, but in the end the Agents' power to decide who was and was not eligible for this exemption from conscription remained intact. Circular to Indian Agents 30 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; D.C. Scott to Captain Tyndale, Secretary of the Military Subcommittee 20 February 1918 LAC RG 10 Volume 6778 File 452-197; D.C. Scott to All Indian Agents (Circular) 22 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean to All Indian Agents (Circular) 23 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Memorandum to D.C. Scott 3 July 1918 LAC RG 10 Volume 3181 File 452,124 – 1A; Secretary J.D. McLean to the Secretary of the Military Service Council 16 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3;

Scott curtly informed Teit on 23 January 1918 that (status) Indians were now exempt from conscription for overseas service. Native groups, individuals, and outside advocates forced a debate on conscription after the Department had made their initial, although Scott thought final, decision that Native men ought to be eligible for conscription. Importantly, band councils and individuals challenged Scott's rationale and even advanced their interpretation of Native people's place in Canada and the country's legal system. The sheer number of band members who independently, persistently, and clearly articulated arguments centered on Indian status and treaties, eventually achieved their desired ends.

Petitioners from the Naas Agency challenged conscription using the language and logic of Indian status and the Indian Act. Yet by their success – because achieving the exemption, reversing Departmental policy and avoiding forced overseas military service was certainly a victory – petitioners reinforced those aspects of the Indian Act that they had so long and vociferously denounced. Considering the Naas' repeated appeals over two generations against non-Native encroachment and control of their lives and land, clearly articulated by the witnesses at the McKenna-McBride Commission, the conscription question's resolution was bittersweet. True, they would not lose any sons to overseas combat; but they were still to be counted among Canada's population, still under the Indian Act and yet still without "any say in the making of the laws of Canada."

The exemption from conscription for Native men was a partial victory for those who sought to challenge the Indian Act. Three years prior to P.C. 111, at the McKenna-McBride Commission hearings at the Naas Agency, Benjamin Bennett of Port Essington

Secretary J.D. McLean to Chief Peter Strength 20 August 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

declared, “this reserve is no good to us,” because while “we are living on a reserve we cannot make any money -- we are under the Indian Act.”⁷⁸ The conclusion of the debate over conscription confirmed -- rather than undermined -- this assertion. Although the Committee of Allied Tribes, and other petitioners’ claims that they suffered from “citizenship withheld,” the specific plan laid out in applying the exemption from conscription for Native men, that they would have to apply through their Agent, reinforced the importance of the Indian Act and the Department of Indian Affairs. This protection from conscription (and the aid for the flooded Naas Agency), underlined the ambiguous reality of what it meant to live “under the Indian Act.” More than any war program before it, the Native response to conscription and the eventual exemption clearly reinforced the role of the Indian Act and the power of Indian status for Native people.

⁷⁸ *Transcript of the Hearings of the Royal Commission on Indian Affairs for the Province of British Columbia*, Naas Agency, p. 5, LAC RG 33 M104 78903/15.

Chapter 5:

Applying the Conscription Exemption on Reserves

Chief Meshakepeness (Meeshe Keepinais) and the Councilors of the Swan Lake Reserve, in South Central Manitoba, wrote to D.C. Scott in July 1917 to protest their inclusion in the Military Service Act, about which they had learned from newspaper reports. The Swan Lake Chief and Councilors argued “according to our treaty agreement with the Government we are not compelled to go to war for the Government and we object to having our young men taken to the war.”¹ This protest was initially ineffectual, as discussed in chapter four. In November 1917 Indian Agent A. Ogletree and the Winnipeg Military Service Registrar E.R. Chapman arranged to register the estimated 275 men between ages 21 and 65 living on the reserve during the Agent’s annuity payment trip. No registrar or tribunal would otherwise be available to the remote Native populations under his purview, so Agent Ogletree advanced the trip from March to January.²

As the registration/annuity party traveled the Portage La Prairie and Manitowapah Agencies (of which Swan Lake was a part), Chief Meshakepeness and the Councilors demanded to know if the Department “had given any authority [to] our Indian Agent Ogletree to conscript Indians.”³ The Swan Lake Council heard that Ogletree asked boys from the Roseau and Roseau Rapids to join, but “off [sic] course he hasn’t been here yet

¹ Chief Meshakepeness/Meeshe Keepinais, Councilors Geesis Pomesett, John Daniels (Interpreter George Tanner) to D.C. Scott 2 July 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

² Indian Agent A. Ogletree to Secretary J.D. McLean 23 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; D.C. Scott to Captain J.D. Jenkins, Military Service Council 29 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Deputy Minister of Justice E.L. Newcombe to D.C. Scott 3 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Indian Agent A. Ogletree to Secretary J.D. McLean 12 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

³ Chief Meshakepeness and Councilors of the Swan Lake Band to D.C. Scott 31 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

in Our reserve.”⁴ Rumors spread so quickly through the Agencies that Ogletree found the process of registration incredibly difficult. Even after the exemption’s introduction, band councils “would not allow any of the young men to appear before me,” and some Chiefs and Headmen tried to block the entry of Registrar’s medical board and exemption tribunals into their community.⁵

While Agents could not conscript men on reserves, as the Swan Lake Council feared, they were the officially recognized adjudicator of Native men’s applications for exemptions and the chief distributor of exemption certificates. The Order in Council exempting Native men from conscription did not so much remove them from the scope of the Military Service Act as it gave them a new category from which to apply for an exemption. Unlike those exempt from conscription because of their work (farmers, munitions workers, i.e.) or because of domestic concerns, however, Native men did not have the authority to apply for this exemption themselves, or the responsibility to appear independently before exemption tribunals. The Ministry of Justice’s exemption for Native men specified that Indian Agents were responsible for applying for exemptions for “any Indian attached to the Reserve over which such Agent has jurisdiction,” and the Registrar would issue exemption certificates based solely on the Agent’s information.⁶

The Department informed the Military that “any application made by an Indian Agent may be taken as correct,” and that any individual applying without the intermediate Indian Agent ought to have their cases routed through the Department – to

⁴ Ibid.

⁵ Indian Agent A. Ogletree to Secretary J.D. McLean 26 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent A. Ogletree to Secretary J.D. McLean 26 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁶ Order in Council from the Governor General of Canada in Council (signed by the Clerk of the Privy Council) 17 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Circular to Indian Agents 30 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

Ottawa and thence to the Agent in question and back again.⁷ McLean asserted that only those who came under section 2 (f) of the Indian Act (1906) could be included on the lists for the exemption to conscription.⁸ The Order in Council's exemption saw Agents employing the Indian Act as a standard of determining who could or could not be exempt from conscription as a "bona fide Indian" – the exemption relied not on local or ethnic definitions of Native but the legal category of Indian as described in the Indian Act.

Despite the Swan Lake band's suspicions of the Department's motives, many individuals and reserve communities sought to take advantage of the exemption since "we received word that the Indians could not be conscripted."⁹ While this is not

⁷ D.C. Scott to Captain Tyndale, Secretary of the Military Subcommittee 20 February 1918 LAC RG 10 Volume 6778 File 452-197; D.C. Scott to All Indian Agents (Circular) 22 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean to All Indian Agents (Circular) 23 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁸ McLean was likely referring to the 1906 Indian Act (An Act Pertaining to the Indians) as it is the only one where section 2 (f) details who qualifies as an Indian. The Act states that an Indian is a male member of a (regular) band, their legitimate child or a woman married to such a man. Such a band, as detailed in section 2 (d) of the same act are those that "share alike in the distribution of any annuities or interest moneys which the Government of Canada is responsible," and who own or are interested in Indian lands "in common, or which the legal title is vested in the Crown." A non-treaty Indian however may be of Native heritage, belong to an irregular band (who have no reserve land, possess no common fund managed by the Government or have no treaty with them) or who "follows the Indian mode of life." *The Indian Act (An Act respecting Indians)* R.S. c. 43 s. 1 (1906) Assented to 13th July 1906. Secretary J. D. McLean to Councilor Frank Pelletier 8 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁹ Individuals appealed to Indian Agents and the Department to be included in the exemption as Indians. The following include examples for across the country where individuals and communities identified as Indians according to the Indian Act to take advantage of the exemption. Daniel Otter (on behalf of his grandson) to the Department of Indian Affairs 20 January 1918 LAC RG 10 Volume 6768 File 452-20 pt. 2; Indians of Onion Lake Saskatchewan to the Superintendent General of Indian Affairs 19 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Chief Councilor Alfred Adams of the Massett Reserve, to Indian Agent Thomas Deasy 2 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Chiefs of the Kenora area to the Superintendent General of Indian Affairs 4 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent W.J. McAllan (on behalf of the Stuart Lake band) to Secretary J.D. McLean 5 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Inspector S. J. Jackson (on behalf of a delegation of chiefs from around Lake Winnipeg) to D.C. Scott 27 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Denis Herbert to Secretary J.D. McLean (regarding Becancour, Quebec reserve) 26 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Reverend A.R. McDonald (on behalf of the members of Grand Narrows, NS) to D.C. Scott 30 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent John F. Smith (regarding members of the Cook's Ferry and Lower Nicola Band) to Secretary J.D. McLean 2 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Van Loon (on behalf of members of the Mississauga of New Credit) to D.C. Scott 7 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Chief John George McBride to Secretary J.D. McLean 13 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent W.M. Halliway

surprising given the number of protests against conscription, it had significant implications. When Native men appealed to be recognized as Indian and therefore exempt from conscription, they embraced “Indian” as more than simply a social or ethnic identity: they accepted, tacitly or otherwise, their place as part of the legislative régime of the Indian Act.

While Scott hoped “a blanket exemption” effectively “deals with the Indians’ complaints,” the reality of the exemption’s application proved problematic.¹⁰ This was most evident at moments when the community’s definition of membership and that of the Agent were at variance. The following chapter considers how individuals and communities tried to negotiate this (re)enforcement of Indian Act-based identity. These individuals wanted to take advantage of the exemption, but found that their understanding of Native identity did not match the Indian Act’s Indian status.

Five cases illustrate the wide variation in definitions of identity. These challenges include individual appeals for protection at Maniwaki; an internal dispute over band membership at Parry Island; the conflict between band-defined and legislative identity at Fort William, including the question of status mothers and non-status fathers; the Department and the Militia’s conflict over whether residents of Gibson, who could vote, were eligible for an exemption meant for the disenfranchised; and an appeal from an Aboriginal community outside Edmonton. These cases distinguish between ‘Native’ and

(regarding members of Camp Mudge) to Secretary J.D. McLean 7 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Waniente Jacks to D.C. Scott 25 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Chief Peter Strength to D.C. Scott 19 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Chief Ernest Couchia to the Department of Indian Affairs (regarding obtaining a certificate to indicate being a treaty Indian) 29 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; John D. Paul (regarding Peter Joe Silleboy) to Superintendent A.J. Boyd 10 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Stoney of Maple Creek to Secretary J.D. McLean 13 June 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

¹⁰ D.C. Scott to Sir [circular to Agents] 22 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

‘Indian,’ the latter specifically derived from the Indian Act. Importantly, these conflicts were not universally between Native communities against the government or tradition against legislation, but instead involved individuals and groups seeking a definition of the limits of different identities. The common thread, however, was the question of who determined identity and what grounds decision-makers used when they decided who was a member of the reserve community.

Individual attempts at exemptions on the Maniwaki Agency

In November 1917, former constable and sub-chief Leon Bernard of Maniwaki expressed concerns over the local white officials’ recent behaviour. Both an unnamed priest and the Indian Agent Ernest Gauthier of the Maniwaki Agency were “causing trouble,” in their mutual insistence that the Agency’s men sign Military Service papers. Bernard felt assured that he and his fellow Algonquin had no business signing those papers “as we are not enfranchised.” Bernard asserted his Chief was “too ignorant” to advise his people, for “although he [the Chief] had the Indian Act,” he “does not attend to the provisions of [the] said act.” The Chief’s failure to protect his people from the threat of conscription, by inattention or by inability, forced Bernard to appeal to Scott directly and demand “the Full protection of the Indian Affairs Department as provided in [the] Indian Act.”¹¹ While Bernard’s complaint predated Native men’s exemption from the Military Service Act, the exemption’s implementation hinged on the conflict Bernard

¹¹ Leon Bernard to D.C. Scott 17 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1. At this point in time, the Department was not exempting Native men based on their legal identity and McLean informed him as much; Secretary J.D. McLean to Leon Bernard 21 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

identified in his complaint – the legal distinction of Indian and its associated protection from the Department as defined in the Indian Act.

Before he received news of Native men's exemption from compulsory active service, Agent Gauthier appealed the local Military Tribunal's rejection of several Maniwaki men's exemption applications, and sought the discharge of two men already conscripted and in training.¹² With introduction of the Indian exemption, Gauthier and the men of his Agency had a specific set of criteria upon which they could avoid forced military service. Yet, in employing the conscription exemption, the legal definition of Indian and the personal and public identification as Native at Maniwaki diverged sharply.

Victory Bodge lived at Maniwaki with his widowed mother where he pursued his studies and supported his family through logging and trapping. These were common economic activities at Maniwaki. Up to a third of the reserve's able-bodied adult men were involved in hunting and trapping during the war years, and Gauthier identified the importance of logging, both in the lumber camps and driving logs, for the reserve economy.¹³ The annual march of men, including Bodge, into the forests to support their families through hunting or waged work marked a pattern of life among those at Maniwaki. In the spring of 1918, Victor returned from the bush to find he had been considered a deserter for missing his call to compulsory military service.

Bodge applied for an exemption as an Indian, but while he and his family lived on the reserve and his neighbours recognized him as part of their community, Agent

¹² Indian Agent E.S. Gauthier to D. C. Scott 25 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

¹³ *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year ended March 31, 1914* (Ottawa: King's Press, 1914), 103; *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year ended March 31, 1915* (Ottawa: King's Press, 1915), 103, Part II 22; *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year ended March 31, 1916* (Ottawa: King's Press, 1916), 95; *Dominion of Canada Annual Report of the Department of Indian Affairs for the Year ended March 31, 1917* (Ottawa: King's Press, 1917), 25.

Gauthier could not apply for Victor's exemption because he was "a non-treaty Indian."¹⁴ Suddenly Bodge was distinctly separate from his fellows, singled out as not Indian enough, legally speaking, to be exempt from conscription. Gauthier was sympathetic to Victor's plight, but the young man would have to apply for an exemption from military service on domestic rather than legal grounds.¹⁵ Secretary McLean intervened on Victor's behalf to a limited but important extent, appealing to the Military Registrar in Hull to cancel the arrest warrant for Bodge. McLean supported Bodge's assertion he was in the bush at the time he was called up and therefore was a deserter by accident rather than intent.¹⁶

Like Bodge, Camille Descartie (or Decantie) received his notice to appear before the Military Tribunal too late to avoid getting in trouble. Again similar to Bodge, he was able to apply for an exemption on domestic grounds as the sole supporter of his mother. Unlike Bodge however, Descartie was arrested as a deserter in September 1918.¹⁷ Although Descartie lived on the Maniwaki reserve most of the time and met the Indian Act's qualifications of "Indian," Agent Gauthier had not included Descartie in his list of eligible Native men entitled to the exemption, likely because he was working off reserve at the time. Descartie languished in prison.¹⁸ In Descartie's case, a failure on the part of the Agent translated into practical conscription. Secretary McLean assured the Military

¹⁴ Secretary J.D. McLean to Indian Agent Gauthier 12 June 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹⁵ Indian Agent Gauthier to Secretary J.D. McLean 12 June 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹⁶ Secretary J.D. McLean to Military Registrar Labelle 12 June 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹⁷ Secretary J.D. McLean to Registrar Labelle 18 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹⁸ Registrar Labelle to Secretary J.D. McLean 20 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

authorities that regardless of their Agent's information, Descartie was "a bona fide Indian," and therefore exempt from conscription.¹⁹

The Military authorities accepted Indian Affairs' description of Descartie's legal status, released him from jail and issued him an exemption certificate.²⁰ Home safe again in early October, Descartie thanked McLean for the bureaucrat's intervention on his behalf.²¹ Yet, another member of the Maniwaki reserve, Louis Cooko, was conscripted in October 1917.²² He was imprisoned throughout October 1918.²³ Cooko appealed to Indian Affairs for some document to prove he was Indian and that he should be released from compulsory service.²⁴ Although Gauthier was prepared to defend Cooko's identity as an Indian man, the Agent raised doubts about Cooko's activities, particularly whether he had voted in the last general election, which the wording of the exemption within the Order in Council suggested might exclude him from the exemption (see the discussion below).²⁵

Agent Gauthier applied for exemptions for those under his authority caught by Military authorities, but his comments and omissions in Descartie and Cooko's cases are

¹⁹ Secretary J.D. McLean to Registrar Labelle 18 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

²⁰ Registrar Labelle to Secretary J.D. McLean 20 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Secretary J.D. McLean to Indian Agent Gauthier 25 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

²¹ Camille Descartie to J.D. McLean 2 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

²² Louis Cooko, 3037785, "Attestation Papers," RG 150, Accession 1992-93/166, Box 1959 – 10.

²³ Louis Cooko to the Department of Indian Affairs 21 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

²⁴ Louis Cooko to the Department of Indian Affairs 21 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Captain Bond, Military Service Act Officer for the Officer Commanding 1st Depot Battalion to Indian Agent Ernest Gauthier 29 September 1918 LAC RG 10 Volume 9235.

²⁵ Assistant Secretary of the Department of Indian Affairs S. Stewart to Indian Agent Ernest Gauthier 4 November 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; C. Leslie Wilson, Ontario Registrar to Indian Agent Ernest Gauthier 29 October 1918 LAC RG 10 Volume 9235; Indian Agent Ernest Gauthier to C. Leslie Wilson, Ontario Registrar 2 November 1918 LAC RG 10 Volume 9235.

telling.²⁶ Despite his defense of non-treaty (not status) individuals living on his reserve, Gauthier's failure to include individuals who were on the treaty pay list because they were not currently in residence underlines the importance of the barriers between reserve and off-reserve life. Leaving the reserve could expose Native men to scrutiny over their identity, particularly when they did not have any proof of their exemption from conscription as a "bona fide Indian."²⁷

Two members of Maniwaki Agency were riding the train to Gatineau when Military authorities approached them and demanded to see their registration papers, which they did not have. The two men were arrested and brought to Ottawa to be detained because they did not have the necessary paperwork to prove they were either

²⁶ Besides the above-discussed examples, Gauthier applied for individual exemptions for "treaty Indians" James Chabot, Paul Descantie and Moise Beaudoin, in addition to the over 100 able-bodied men of the Maniwaki population. Notice of a Hearing For James Chabot at Tribunal 305 at Maniwaki, 22 November 1917 LAC RG 10 Volume 9235; Indian Agent Ernest Gauthier to F.A. Labelle, Deputy Registrar, Hull 20 June 1918 LAC RG 10 Volume 9235; Mrs. Vaughan to D. C. Scott 11 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean to Captain Tyndale, Secretary of the Military Service Sub-Committee (re Pte. Charles Eagleman) 20 June 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

²⁷ Other examples of men caught off the reserve and requiring direct intervention include: John D. Paul (for Peter Joe Silleboy) to Superintendent for Eastern Nova Scotia and Prince Edward Island A.J. Boyd 10 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Superintendent Boyd to Secretary J.D. McLean 16 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent John E. Campbell to the Department of Indian Affairs 4 July 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Dominick Bradford (on behalf of his brother) to the Department of Indian Affairs 14 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Waniente Jacks to Deputy Minister of Justice E.L. Newcombe 25 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean (on behalf of Pte Louis Vatache) to the Officer Commanding 2nd Depot Battalion 16 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; M. Rene Amalécite to the Department of Indian Affairs 5 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Indian Agent J.A. Renaud (on behalf of Peter Hunter) 9 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean (on behalf of Frank Day) to Brigadier-General T.D.R. Hemming, Officer Commanding Military District No. 3 22 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean (on behalf of Pte. J. Lavalley) to the Officer Commanding 2nd Depot Bttn 18 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Director of the Military Service Branch Colonel Machin (on behalf of Victor Loyie) 9 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; South Saskatchewan Inspector W.R. Graham to D.C. Scott 10 June 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; D.C. Scott to Chief Matt Bernard (regarding Vasseau Ambine) 25 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Reverend G. Leonard, Principal of the Indian Industrial School (Camperville, Manitoba) (on behalf of Arthur and Charles Dufault) to Secretary J.D. McLean 26 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Overseer J.H. Thompson, Overseer at Wood Mountain Indian Reserve (on behalf of Jim Wounded Horse) to Secretary J.D. McLean 2 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean to Chief Whetong (regarding Albert Taylor of Mud Lake) 30 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Director of the Military Service Branch Colonel Machin (on behalf Samuel Laroque) 7 August 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

exempt from conscription, and or that they were legally Indians.²⁸ The Military refused to release the men because had no proof that they were Indians and not simply of Native ancestry. An anonymous complainant to the Department argued “unless Indians are supplied with some certificate showing their status they are going to get into continual trouble the moment they step off the reserve.”²⁹ This observer suggested the Department issue small certificates printed on linen for Agents to issue to those under their jurisdiction.³⁰

The concept behind the proposed linen identity card – the identification with the Indian label – became a major dividing point inside reserves in the wake of conscription’s application. If the fight to gain exemption affirmed the authority of the Indian Act across the country, the implementation of the exemption solidified and affirmed the difference among Native peoples, separating those who fell under the Indian Act’s definition of an Indian and those who did not. Unlike the cases in Maniwaki, not all those Native men who suddenly found they were not Native enough, or rather not an Indian, found sympathy from a nearby Indian Agent, the Department of Indian Affairs, or even their fellows on reserves.

Factions clash over identity and exemption on Parry Island

During the debate over conscripting Native men, Stanley/Starling Kelso Ritchie protested conscription on behalf of the Parry Island band Council. Ritchie demanded to

²⁸ Anonymous letter to D.C. Scott, 3 July 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Unsigned Memorandum to D.C. Scott 3 July 1918 LAC RG 10 Volume 6768 RG 10 Volume 3181 File 452,124-1A.

²⁹ Anonymous letter to D.C. Scott, 3 July 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

³⁰ Anonymous letter to D.C. Scott, 3 July 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Chief Ernest Couchia of the Nipissing Reserve similarly asked that the Department issue his band certificates to prove they were “treaty Indians,” although Couchia sought these documents as a safeguard against the Agent’s interference. Chief Ernest Couchia to the Department of Indian Affairs 29 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

know “if the fair and just terms of their Treaty Agreements were still respected by the present Administration.”³¹ Balanced with this pointed legal question, Ritchie asserted the Parry Islanders did not believe the government was capable of taking “extreme measures” against the “diminishing Indians by depriving them of their young Males,” through conscription. If the government did conscript Parry Islanders however, it would stir their “awakening and silent wrath,” as these men were “wards of Canada and it is the sacred duty of the Administration to protect them.”³²

Ritchie warned that if the Government persisted in its plan to conscript Native men, the country would be publicly shamed on the international stage as “the helpless Indian population will raise their voices before all nations of the World, to acknowledge what treatment they have received from the Administration.”³³ While Ritchie challenged the federal government’s treatment of Native men, he dismissed the promise of franchise, which was “a dead letter to the Young Indian mind today.”³⁴ Ritchie insisted the vote was for the affluent and well educated, and was out of reach of the regular wage-earning Native men. He simply wanted the treaties recognized and followed.

Unsatisfied when McLean rejected his treaty argument, Ritchie consulted the solicitors’ firm Weeks and Jackson in Parry Sound. They in turn asked the Department to explain why the Native treaties did not apply to the question of conscription, for “as you probably are quite well aware, they [the Native peoples of Parry Island] are very loyal but

³¹ Stanley Ritchie to Deputy Minister of the Interior 16 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

extremely jealous of their ancient rights and privileges.”³⁵ The band had contributed one hundred dollars to the 23rd Regiment’s Contingent Fund as a recognition and celebration of Parry Islander Francis Pegahmagabow’s decision to enlist in that unit.³⁶ The lawyers forwarded Ritchie’s reproductions of Alexander Morris’ *Treaties of Canada with the Indians* (1880), particularly the North-West Angle Treaty (later cited in the Order in Council that exempted Native men from the Military Service Act), to the Department for its consideration and opinion.³⁷ McLean instead suggested to the solicitors that the documents contained “certain additions made by the copyist.”³⁸ Regardless, the Department firmly stated that the North-West Angle treaty did not apply to the Parry Islanders.³⁹

Despite its strong language and threats, Ritchie’s protest was not significantly different from the throng of protests and petitions Native bands and individuals sent to the Department at the end of 1917 and the beginning of 1918 before the passage of P.C. 111 (the exemption). Ritchie’s arguments about the role of treaties, the government’s duty of care, and the threat of exposing the contradictions of Canada’s war aims through its treatment of Native men represented a wide range of the protestors, whom in their volume and content had forced the exemption of Indian men. Yet Ritchie himself found

³⁵ Secretary J.D. McLean to Stanley Ritchie 23 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Weeks and Jackson, Solicitors, to Secretary J.D. McLean 3 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

³⁶ Minutes of the Parry Island Band Council 15 September 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Indian Agent Logan to D.C. Scott 17 September 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Agent Logan to D.C. Scott 5 October 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1.

³⁷ Weeks and Jackson, Solicitors, to Secretary J.D. McLean 6 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

³⁸ Secretary J.D. McLean to Weeks and Jackson, Solicitors, 17 December 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1.

³⁹ *Ibid.*

himself a victim of the consequences of Native peoples' success in arguing their status differentiated themselves from Canadians.

As he and his solicitors inquired about the Parry Islanders' treaty rights, Ritchie actively sought to strengthen his political protests against conscription through a union of bands along Georgian Bay. From late November to early December 1917, Ritchie traveled to Wikwemikong on Manitoulin Island as a representative of the Union Council of Parry Island. He attended the Council meeting on 3 December regarding a petition against conscription, and he promised Chief Peter Megis of Parry Island that the Chiefs and Councilors at Wikwemikong "are doing their best to helpu [sic] us to carry that question to a successful end."⁴⁰ Agent R. Lewis attended the same meeting and complained to his superiors in Ottawa that he was unable to impress upon the gathered band members the importance of registering with Military authorities.⁴¹ Instead, the assembled Chiefs, Councilors, and individuals declared their intention to present the Department with a resolution requesting a general Native exemption from conscription.⁴² Lewis encountered Ritchie on Manitoulin and, according to Ritchie, the Agent "tried to snub" him "with hot question[s]," but Ritchie told Lewis he was the acting Secretary of Chief Peter Megis, President of the Parry Island Union Indian Council and was traveling under Megis' instruction.⁴³

Ritchie had misplaced his trust however, as Chief Peter Megis disputed Ritchie's work, his authority to act as a Parry Island advocate and even Ritchie's identity as a

⁴⁰ Starling Kelso Ritchie to Chief Peter Megis 30 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁴¹ Indian Agent R. Lewis to D. C. Scott 18 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁴² Ibid.

⁴³ Starling Kelso Richtie to Chief Peter Megis 30 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

Native man. A month after Ritchie's trip to Wikwemikong, Megis explained to Scott that neither he nor the Union Indian Council had authorized Ritchie's trip, his anti-conscription petition, or the collection of funds to fight the Military Service Act, and the Chief indicated Ritchie had amassed a significant (undisclosed) amount for his campaign.⁴⁴ The Chief claimed that he and the Council had been entirely unaware of Ritchie's plans and his discussions with Weeks and Jackson. Beyond this misrepresentation, Megis dismissed Ritchie as only "a nontreaty Indian living on my reserve."⁴⁵

This distinction became particularly important to Ritchie and Megis after the government introduced the exemption from conscription for Native men. In February 1918, Megis wrote to Scott again warning that Ritchie was on his way to Ottawa but "he has no authority from me or [the] Indian Agents" to act as an advocate for Parry Island or the Union Indian Council. Ritchie "has no authority to interfere," and the Chief asked Scott to "please tell him [Ritchie] you have given all Indian Agents authority to look after there [sic] Indians."⁴⁶ Besides the acknowledgment of the Department's legitimacy in life on the reserve, Megis' effort to undermine Ritchie's efforts to Scott matched a similar exclusion occurring on Parry Island. Parry Island had forty-two Christian Island band members living on the reserve in 1916. The Department had hoped to amalgamate them into the Parry Island Band. Twenty years earlier, the Parry Island Council had decided to let the Christian Islanders stay on the island but not incorporate them into the Parry Island band. An increased population would have meant a drop in the band payments for each of the band members while eviction would mean the Parry Islanders would have to

⁴⁴ Chief Peter Megis to D.C. Scott 9 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁴⁵ Ibid.

⁴⁶ Chief Peter Megis to D. C. Scott 18 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt 2.

compensate the outgoing non-band members for any improvements they had made.⁴⁷

The question of membership in the Parry Island band was a long-simmering issue among the Native population on the Island, and now the conscription exemption further distinguished those residents of the Island who belonged to the band and received treaty money from the Department through the reserve's Agent, and for those whose occupancy did not translate into belonging to that band.

Agent Logan warned the Department that Cape Croker and Christian Islanders living on Parry Island and Shawanaga Reserves intended to refuse to identify themselves for any military purpose, even to receive the Indian exemption. A rumor circulated on the Island that the Militia planned to conscript Native men as non-combatants after they had received exemptions from active service.⁴⁸ Ritchie told the Military Registrar in Ottawa that it was unjust to cede the authority for exemptions on reserve to Indian Agents, and asked if there were "any special instruction given for them to show partiality to certain Indians living upon the Reserves."⁴⁹ Ritchie asserted that certain individuals living on the Parry Island reserve could not obtain exemption certificates depending on the will of the Agent. This might not have been nefarious, as the families from Christian Island and Cape Croker living on Parry Island were neither members of that band nor collecting treaty money from Agent Logan. As a result, it was not Logan's responsibility to apply for these men.

⁴⁷ D.C. Scott to Dr. Roche 24 February 1916 LAC RG 10 Volume 2841 File 172,325; Indian Agent Thomas Walton to Deputy Superintendent General Hayter Reed 3 July 1896 LAC RG 10 Volume 2841 File 172,325; Indian Agent Thomas Walton to Deputy Superintendent General Hayter Reed 6 August LAC RG 10 Volume 2841 File 172,325.

⁴⁸ Indian Agent Logan to Secretary J.D. McLean 8 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁴⁹ Starling Kelso Ritchie to the Military Registrar 30 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

The Ontario Registrar dismissed Ritchie's accusations against the Agents, and replied that those Native men not living under an Agent's jurisdiction would have to apply individually for an exemption and prove they were indeed a Native person to the satisfaction of the local Military Tribunal.⁵⁰ Yet, Military officials in Ottawa presented Ritchie's complaint to the Department of Indian Affairs, with concerns about his assertion that Agents were playing favourites with exemption certificates.⁵¹ If the Christian Islanders or Cape Croker members decided to register however, they would have to appeal to the Agents of their home reserves, underlining the link between identity and place contained within the structure of the Indian Act. If Ritchie was not on any treaty list, Agents would not have to bend the rules to excuse their failure to exempt him – he simply would not be eligible for the Indian exemption. For Chief Megis and the Parry Islanders, who were concerned with reinforcing band membership, conscription reinforced the relationship between Agents and those within their specific agencies.

Community-defined identity at Fort William

Across the country, the power of determining who was a “bona fide Indian” fell to the Department's employees.⁵² In the face of such a top-down, formalized test of

⁵⁰ Ontario Registrar to Starling Kelso Ritchie 4 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁵¹ C. Leslie Wilson to the Department of Indian Affairs 30 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; C. Leslie Wilson to Starling Kelso Ritchie 4 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁵² Secretary J.D. McLean to Superintendent A.J. Boyd (Eastern Nova Scotia) 16 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Superintendent John Sheridan to Secretary J.D. McLean 2 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean to Nicholas Brandford 28 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Secretary J.D. McLean to Stafford Elgin (Walpole Island) 14 February 1918 File 452-20 Pt. 2; Indian Agent Joseph F.X. Bosse to Secretary J.D. McLean 2 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Narcisse LeBel to the Department of Indian Affairs 28 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean to Chief John George McBride 16 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent McKenzie to D.C. Scott 24 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; D.C. Scott to Inspector W.B. Crombie 22 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; D.C. Scott to Indian

membership across Native communities, the Fort William Band Council collectively tried to explain to the Department that they understood membership in their band differently. The Fort William Band Council did not reject the exemption, but wanted it applied based on their definition of who belonged to their band.

Less than a week after the Order in Council exempted Native men was passed, the Fort William Band Council wrote to the Department. The Council balanced an excellent, if draining, record of voluntary enlistment that “practically fifty per cent of the young men have volunteered and gone to the front.”⁵³ The Council requested, “full information” on the new Order in Council, as “we wish to observe the law in every particular.”⁵⁴ This desire to follow the law did not mean the Council wanted to lose more of their precious young men, who “perform our necessary tasks” and “provide for the old and infirm people who have sons now at the Front.”⁵⁵

The Order in Council did not provide the protection that the Fort William Council hoped. They wired Scott in February in hopes of having some of their young men released from the military authorities.⁵⁶ An undisclosed number of young men from Fort William conscripted before the Order in Council. They were not released from service when they established themselves as a “bona fide Indian.”⁵⁷ Those already in service were offered three options: they could remain with their unit, join a non-

Agent J.H. Thompson 22 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent J. Butlin to Secretary J.D. McLean 5 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent John Cameron to Secretary J.D. McLean 8 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁵³ Fort William Band Council to Secretary J.D. McLean 21 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Fort William Band Council to D. C. Scott 17 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean to Indian Agent W.R. Brown 26 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁵⁷ Secretary J.D. McLean to Indian Agent W.R. Brown 26 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; D.C. Scott to Captain Tyndale, Secretary of the Military Subcommittee 20 February 1918 LAC RG 10 Volume 6778 File 452-197.

combatant unit, or receive leave or absence without pay until such time as non-combatant units were called up.⁵⁸ At least one anonymous observer described this discrepancy between the promise of exemptions and the reality of forced (if limited) service as “apparent discrimination.”⁵⁹ Neither officials at the Department’s Ottawa headquarters nor Agent Brown in Port Arthur dealt with this contradiction, but the Fort William Council had not given up its defense of its internal integrity.

Fort William Council members wrote to the Department again in early March. The Council argued that a few of their members had received a non-transmissible title in their treaty with the Crown. The Council recognized their children as members, and they were educated at reserve schools and lived on the reserve. These individuals were not on the annuity or treaty pay roll, however, and the Council sought to clarify these non-payroll members’ status vis à vis the exemption (with the tacit suggestion they thought all members of the reserve ought to be exempt).⁶⁰ The Councilors pointed out that their young men had enlisted voluntarily in great numbers. As a result, “we are now reduced to a very low percentage of men able to do work,” and a rigorous implementation of conscription “would be a hardship to us if we are deprived of the few young men left at home.”⁶¹

A specific rule about women’s status in the Indian Act was at the centre of at least two of the cases that concerned the Fort William Council. According to the 1869

⁵⁸ Secretary J.D. McLean to Indian Agent W.R. Brown 26 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁵⁹ Anonymous letter to D.C. Scott 26 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁶⁰ The children in question were children of parents with non-transmissible title, but the council did not indicate if this failure of transmission was because the children’s mother had status and their father did not. Fort William Councilors Frank Pelletier and Alex McCoy to Secretary J.D. McLean 4 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; P.G. Delisle of Caughnawaga similarly wrote to D.C. Scott suggesting that the best people to decide who was or was not the member of a band was a chief or Council member, not the Indian Agent. LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁶¹ Ibid.

Enfranchisement Act, if a status Indian woman married a non-status man, Native or non-Native, she lost her status, her children would not be recognized as status Indians, and neither she nor her children could claim treaty annuity or band membership.⁶² It seems however that the Fort William Council had not followed, at least in practical terms, the latter of these restrictions. One of the young men in question, Paul Dick, had never on the treaty list because his mother had been struck from the list, presumably when she married Paul's father, who was enfranchised and therefore did not hold Indian status.⁶³ Another young man, Robert Howard, was "Indian from his mother's side," and had married a status woman on the reserve.⁶⁴ Yet, these men were considered band members and all of the Fort William band's young men, on the treaty list or not, were needed on the reserve. Hence, the Council sought to defend its economic integrity, its internal cohesion, and its power to determine the parameters of community membership.

Secretary McLean informed the Fort William Councilors that, regardless of whatever rules they had employed for their own community, the specifications contained in the Indian Act were the only recognized method of determining eligibility for the conscription exemption. McLean was specific in his correspondence with the Fort William Band's Agent, W.R. Brown; the secretary informed the Agent that the conscription exemption applied only to those individuals the band recognized and who

⁶² Miler, *Skyscrapers Hide the Heavens*, 114. Other instances of men specifically citing their mother's status to receive the exemption from conscription were rare, although questions about "half-breeds" were not uncommon, as illustrated on Parry Island and Lac La Biche within this chapter. One of the few examples of a non-status man appealing to his mother's previous status is the case of Stewart Iserhoff, a Cree from the Nottaway River in Quebec, whose paternal grandfather was a Russian. Secretary J.D. McLean to Lt.-Col. D.R. Street, Military Service Branch 11 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁶³ Councilor Frank Pelletier to Secretary J.D. McLean 18 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent W. R. Brown to Secretary J.D. McLean 18 March 1918 LAC RG 10 Volume 452-20 Pt. 2.

⁶⁴ Councilor Frank Pelletier to Secretary J.D. McLean 18 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

received annuity money.⁶⁵ Further marginalizing the band's role in determining their own membership, McLean instructed Brown to "be guided by the Indian Act, in determining the standing of applicants, and in case of doubt, refer the matter, with full particulars to the Department."⁶⁶

Brown complained to McLean that some individuals on his reserve were "'white' on election day and 'Indian' when they want special privileges," and the Agent did not intend for this fluidity to continue.⁶⁷ Agent Brown told Councilor Pelletier "that the Indians should be satisfied to get treaty Indians exempted without bothering about half-breeds." Brown suggested to Scott that Pelletier had interested himself personally in expanding the definition of exemptible Indian men as Pelletier was "only a quarter-breed," although on the treaty list, and thought he would be conscripted.⁶⁸ While Pelletier was entitled to the exemption, the Agent's introduction of blood-quantum-style language into the discussion of Native and Indian identity underlines the constructed and contested character of those labels: that law, heritage and custom came into direct conflict.

Agent Brown investigated his freedom to grant or refuse exemptions from conscription, and thereby through to include them under conscription's umbrella through acts of omission. Brown was disappointed with the legislation-based exemption, as he had planned to arrest one man on the Fort William reserve as soon as the 31 January deadline to register. This individual had taken up with a soldiers' wife and had refused to

⁶⁵ Secretary J.D. McLean to Indian Agent W. R. Brown 8 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁶⁶ Ibid.

⁶⁷ Indian Agent W.R. Brown to D.C. Scott 15 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁶⁸ Indian Agent W.R. Brown to D.C. Scott 11 April 1918 LAC RG 10 Volume 3181 File 452,124 – 1A.

register with the Military authorities.⁶⁹ The Agent intended to use the conscription regulation to control the moral and political behaviour on the reserve, both in the case of this offending individual and more generally, as he judged “most of the Indians of this agency do very little work,” and therefore wanted to conscript the less industrious to work.⁷⁰

McLean offered some solace to the Agent, as he assured Brown that anyone who refused to register, regardless of the exemption, “will have to be dealt with by the Department of Justice,” as no matter how much the Department of Indian Affairs or its Agents were involved, conscription was ultimately not their jurisdiction.⁷¹ While the Agent could impose the tenets of the Indian Act on the community through the conscription exemption, he could not pick and chose which members of his reserve he protected with absolute impunity, if they were on the treaty list. Those who failed to register would find little sympathy in Ottawa however, as Secretary McLean declared the Department was “unable to get them [Native men] out of trouble should they be arrested sometime as evaders of the Military Service Act.”⁷²

Only in the case of volunteers, such as Ambroise Fisher, was Brown able to keep those he deemed troublemakers in the CEF and out of Fort William. Fisher had enlisted voluntarily when offered an ultimatum between arrest for stealing furs from others’ traps and soldiering. Now that Fisher was a deserter, Brown claimed that he had convinced others to desert, stolen money from his comrades, and had not offered his parents any

⁶⁹ Indian Agent W.R. Brown to Secretary J.D. McLean 24 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁷⁰ Ibid.

⁷¹ Secretary J.D. McLean to Indian Agent W.R. Brown 28 January 1918 LAC RG 10 Volume 6768 File 452-2 Pt. 2.

⁷² Secretary J.D. McLean to Indian Agent Thomas McCallum 14 June 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

separation allowance or support.⁷³ Two months later the Department informed Fisher that regardless of being a treaty Indian with the Long Lake Band, “the Department did not propose to intervene in his case.”⁷⁴ As Fisher had enlisted voluntarily, being a status Indian did not preclude him from service. Brown and the Department chose not to advocate for Fisher.

In the immediate wake of the Order in Council’s exemption, P.G. Delisle of Caughnawaga offered the Department of Indian Affairs a possible alternative to Indian Agents as adjudicators of Indian identity. Delisle suggested to Scott that a member of the band Council in question might be best qualified to determine who was a member of their band.⁷⁵ As internal authorities, these individuals would be intimately aware of who belonged and who did not, but made no mention of previously-status Indian mothers.⁷⁶ Delisle only received a telegram confirming that the exemption applied to all eligible Indians. Therefore, while Delisle and the Fort William band Council independently wanted their communities to take advantage of the exemption, both sought to push or challenge the Department’s control over how Native (Indian) identity was defined, particularly within their respective communities. They offered alternative methods of determining membership than that contained within Indian Act and a different authority from the Agent, and ultimately failed in the face of cooperation between two centralized bureaucracies who sought standardization over dispersed local authorities.

⁷³ Amrboise Fisher to the Department of Indian Affairs 12 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent W.R. Brown to Secretary J.D. McLean 23 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁷⁴ Secretary J.D. McLean to Indian Agent 16 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁷⁵ P.G. Delisle to D.C. Scott 25 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁷⁶ Ibid.

Conflicts over the exemption between Military Authorities and Indian Affairs

One of the fundamental points contained in the various protests against conscripting Native men was that Native men were not enfranchised. According to the Indian Advancement Act, a male individual sacrificed his status as an Indian as part of the transition to enfranchisement and citizenship.⁷⁷ The Order in Council specifically discussed Native peoples' inability to vote as a crucial point in differentiating them from non-Native peoples. That the Order also included exemptions for other unenfranchised groups underlines the importance of the right to vote, or rather its absence, in the rationale to exempt these groups from conscription. Yet, some Native men were enfranchised, were still on treaty lists, and were considered Indian by the Department of Indian Affairs' standard. This discrepancy between the rationale for exemption presented in the Order in Council, and its assumption that all those who qualified as Indians were not enfranchised, was dramatically displayed in the unique situation of the Gibson Mohawk.

Each of the above sections has examined moments at which the difference between Indian and Native became clear when those who did not meet the Indian Act's definition applied for an exemption. In the case of the arrested men from Maniwaki, the Military reasoned they could not excuse Native men without exemption papers on the grounds of their ethnicity as "in many places, particularly in the West, there would be a considerable difficulty in determining who is an Indian and who is a half-breed."⁷⁸ Just as the Fort William Band Council had questioned the Department's categorization of their own members, the Military disagreed with the Department of Indian Affairs as to

⁷⁷ Brownlie, "A better citizen than lots of white men," 31-34.

⁷⁸ Memorandum to D.C. Scott 3 July 1918 LAC RG 10 Volume 3181 File 452,124 – 1A.

who could be deemed eligible for the Indian exemption; the Military believed any Native man who had voted could not be exempt from conscription based on the wording of the Order in Council.

The residents of the Gibson reserve were “a bit anxious,” as they watched “constables are rounding up the conscripts” on the farms around Gibson, and “some of the Indians are getting rounded up too.”⁷⁹ Chief Peter Strength did not rely on the intervention and advocacy of Superintendent Logan (Parry Island) however, and he wrote directly to Scott, demanding help for ten of his young men who had been brought before the local Military Tribunal.⁸⁰ The Military authorities began arresting young men at the Mohawk community as deserters in the summer of 1918.⁸¹ Chief Strength demanded an explanation as to why “the Military authorities is [sic] still bothering the young men in this Reserve,” despite the fact the band “were once told by the Department [of Indian Affairs] that all Indian were exempt.”⁸² Strength had heard from Oka that they were exempt and he asserted, “We are not any different with the Oka Indians.”⁸³

The reason for the difficulties at Gibson rose specifically from the one circumstance that separated that community from their cousins at Oka. The original residents of Gibson had migrated from Oka in 1881. The transplants’ original patent of land was based on their settlement duties, that they had cleared the land, and that as settlers, they had been included on Ontario’s provincial voters’ list.⁸⁴ It was “a very short

⁷⁹ Superintendent Logan to C. Leslie Wilson 8 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁸⁰ Chief Peter Strength to D.C. Scott 19 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2;

⁸¹ Chief Peter Strength to the Department of Indian Affairs 12 August 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Secretary J.D. McLean to Superintendent Alexander Logan 16 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

time ago,” that the Ontario government recognized Gibson as a reserve.⁸⁵ The Department recommended that the Registrar at Toronto recognize Indian Affairs as overriding any historical relationship between the Gibson residents and the province, as the final and only authority on Native peoples, although Secretary McLean also chastised Chief Peter Strength for not having his young men register in the first place.⁸⁶

The Department advocated for the young men on the Gibson reserve, defending their status as Indians against other governmental departments and agencies whose working definition of Indian did not derive specifically from Indian Affairs. This specialized government body suddenly had other government officials on the defensive, confused by what they perceived as inherent contradictions in policy and practice. C. Leslie Wilson, the Ontario Registrar, demanded confirmation of the Department of Indian Affairs that Gibson was in fact a reserve at all. He doubted the members of Gibson ought to come under the Order in Council if they voted “as white men.”⁸⁷ Wilson also defended himself, arguing that he had never withheld an exemption from “Indians who are entitled to them, but of course if an Indian has voted, he is not entitled to exemption under regular procedure.”⁸⁸

While Wilson explained himself to Colonel Machin, Director of the Military Service Branch, his was not the point of view that decided on the question of exempting

⁸⁵ The reserve Ontario recognized was physically smaller than the original land grant they had offered the Oka settlers. Secretary J.D. McLean to the Secretary of the Military Service Council 16 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁸⁶ Secretary J.D. McLean to the Secretary of the Military Service Council 16 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Secretary J.D. McLean to Chief Peter Strength 20 August 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁸⁷ C. Leslie Wilson, Ontario Registrar, to Secretary J.D. McLean 23 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; C. Leslie Wilson to Colonel Machin, Director of the Military Service Branch 23 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁸⁸ C. Leslie Wilson to Colonel Machin, Director of the Military Service Branch 23 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

young men from Gibson. Machin defended the Registrar's office on the "possibility" that the individual "was not aware of the departmental ruling...hence the fact of his having treated them as non-Indians."⁸⁹ McLean dismissed the Military's insistence on using voting as a benchmark, telling the officials at the Military Service Branch that voting could not "in any way prejudice their status as Indians."⁹⁰ Instead, just as with the Fort William Band Council, the Department referred to the Department of Indian Affairs' records and the contents of the Indian Act as the essential litmus tests for whether an individual was an Indian and their employees the only valid judges.⁹¹

Brothers Charles Edwin Benedict and Alex Benedict spent the summer of 1918 in the military's custody, arrested for desertion. Despite pleas from both the Benedicts' father Solomon and from secretary McLean, Major H. P. Cooke refused to release the brothers because Charles and Alex both "admit voting at [the] last dominion election," and therefore the officer asserted the men did not fall under the exemption as per the Order in Council.⁹² McLean sought to correct that conclusion, and demanded that the Director of the Military Service Branch release the Benedicts and "return them to their homes," on the Pierreville reserve.⁹³ The Department official was far less diplomatic in his exchange with Major Cooke. McLean asserted his authority, almost patronizingly, with the officer: "allow me to point out that the fact that these men voted is not the

⁸⁹ Colonel Machin, Director of the Military Service Branch to Secretary J.D. McLean 17 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁹⁰ Secretary J.D. McLean to Director of the Military Service Branch Machin 30 September 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Secretary J.D. McLean to Director of the Military Service Branch Machin 4 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁹¹ Secretary J.D. McLean to Director of the Military Service Branch Machin 4 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁹² Secretary J.D. McLean to Major H.P. Cooke 4 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3; Colonel Machin, Director of the Military Service Branch to the Department of Indian Affairs 3 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

⁹³ Secretary J.D. McLean to Colonel Machin, Director of the Military Service Branch 4 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

determining factor in the question as to whether they are Indians or white men.”⁹⁴

McLean asserted “these men are clearly members of the Pierreville (Abenaki) band,” which the secretary identified as the only relevant measure of Indian identity according to the Indian Act, and so McLean concluded “I do not see how, even if they did vote it can be claimed that they are not Indians.”⁹⁵

There is no evidence from the extant correspondence that Cooke’s investigation into the Benedicts’ Indian-ness extended beyond asking if they voted and receiving an affirmative. McLean corrected not only the Major’s perception that this was a satisfactory test of Indian identity, but also who had the authority to perform any such test. The secretary explained to Cooke that “some time ago” the Department of Indian Affairs and the Department of Militia and Defense “came to an understanding” that “anyone claiming to be an Indian should have his case referred to Headquarters for [a] decision.” McLean assessed that “apparently in this instance this had not been done,” and as a result of this negligence the Benedict brothers “have been improperly ordered to report for duty.”⁹⁶ McLean demanded of Cooke, as he had done of the Director of the Military Service Branch Colonel Machin, that the brothers be released immediately and that any future cases of their type be referred to Ottawa for a more appropriate evaluation.

Cooke countered McLean’s proclamation with a reiteration of his interpretation of the Order in Council. The officer reassured the Department of Indian Affairs official that he had not been performing “an evaluation of Indianness,” and he did not “contend that if

⁹⁴ Secretary J.D. McLean to Major H.P. Cooke 4 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt.

3.

⁹⁵ Ibid.

⁹⁶ Ibid.

an Indian votes, he is not an Indian.”⁹⁷ Cooke argued that the Order in Council would not exempt a “bona fide Indian” who “exercised his franchise,” because a Native man was exempt not because he was Indian but “by reason of the fact that he has been deprived of a vote.”⁹⁸ The issue was quite simple to the Major, as both the Benedict boys had voted, and had acknowledged such. Further, they had “deliberately disobeyed” the order to report for military duty, which the Major asserted they had received.⁹⁹

Like Secretary McLean, D.C. Scott differed with Major Cooke on the latter’s interpretation of the Order in Council, distinguishing between the document’s discussion of Japanese men for instance, who were legally denied the vote, and Native men -- Indians -- whose disenfranchisement was one element of their separation from white society.¹⁰⁰ Interestingly, and entirely inconsistent with his previous behaviour on this and other issues, Scott referenced treaty agreements as one of the things barring conscription of Indian men. Importantly however, he underlined his Department’s role in obtaining exemptions for Native men, that according to the Order in Council itself “Any Indian Agent may make application for the exemption for ANY Indian attached to the reserve &c.”¹⁰¹ This mechanism for obtaining exemptions meant that exercising the franchise was not the key question as to whether Native men were exempted from conscription, but whether those men fell under the Department’s authority – through treaty payment lists or band memberships as to whether they were Indian. Whereas the Major suggested the

⁹⁷ Major H.P. Cooke to Secretary J.D. McLean 7 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ While this letter was never sent to Cooke, it is in keeping with the general arguments presented by McLean and Scott himself and is therefore useful in explaining the Department of Indian Affairs’ point of view on the issue. D.C. Scott to Major H.P. Cooke 9 October 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹⁰¹ *Emphasis in original*, Ibid.

Order in Council distinguished within the Native population under the administration of the Department of Indian Affairs, Scott and his Department argued the Order in Council's exemption followed the divisions between those Native people under his auspices (Indians) and those not living under the authority of Indian Affairs. While Scott may have allowed space for treaties in this line of argument, those documents and agreements were of historical, not modern legal, significance largely as precursors to the Indian Act in establishing a relationship between Native peoples and the Crown. The Department of Indian Affairs could not and would not have an army officer supersede their authority or monopoly on the power to decide an individual's Indian identity.

Although it seems to have no influence on McLean's position on the Gibson men's claim to the exemption from conscription, service in the CEF offered Native soldiers voting rights, without losing their Indian status. After the introduction of the Military Voters Act of 1917, which enfranchised all members of the CEF, the federal government sought to establish special polls on reserves for Native veterans, as reserves were otherwise not included in electoral maps.¹⁰² However, the vote's extension to Native women, through the Military Voters Act and the Wartime Elections Act, was contingent on the provincial laws against Native women's voting.¹⁰³ Additionally, the Six Nations Council actively fought against the establishment of a polling station on the

¹⁰² Privy Council Resolution 3277 27 November 1917 RG 10 Volume 6770 File 452-24; W.F. O'Connor, Office of the Secretary of State of Canada, to D.C. Scott 1 December 1917 LAC RG 10 Volume 6770 File 452-24; Morton, *A Military History of Canada*, 155.

¹⁰³ W.F. O'Connor, Office of the Secretary of State of Canada, Memorandum for the Secretary of the Department of Indian Affairs 13 December 1917 LAC RG 10 Volume 6770 File 452-24; Secretary J.D. McLean to Agent Race 13 December 1917 LAC RG 10 Volume 6770 File 452-24; Secretary J.D. McLean to Agent James Wells 13 December 1917 LAC RG 10 Volume 6770 File 452-24

reserve, as a challenge to their sovereignty.¹⁰⁴ The full right to vote in federal elections without losing status was not extended to all Native people until 1960.¹⁰⁵ The war contributed to the patchwork of practices surrounding Native peoples voting (or not) across the country. The conflict between Military officials and Indian Affairs over the role of voting in determining Native men's status as status Indians illustrates the uneasy entry of "Indians" into a broader Canadian context.

An appeal from an Aboriginal community at Lac La Biche to be exempt from conscription

Whereas the difference between exemptible and not exemptible could cut swaths among the people on a reserve, many of those with Native ancestry found themselves completely outside the protective umbrella of the Indian exemption. These men were not Indian enough to be exempt from conscription, yet they did not perceive themselves as part of Canadian society. In the summer of 1918, Military officials had taken a number of men living in a settlement to the east of Edmonton. Some were willing to serve, conscripted or not. Many were not. The men's rationale for not wanting to serve in the CEF arose partially out of a question of language skills, as only a few of the men could understand either English or French enough to follow commands.¹⁰⁶

The men petitioned the Prime Minister as the "Half Breed Residents of the District of Lac La Biche," expressing their "great dismay" over conscription, and

¹⁰⁴ Minutes of the Six Nations Council 18 November 1921 LAC RG 10 Volume 6770 File 452-24; Secretary J.D. McLean to Superintendent Gordon Smith 3 December 1921 LAC RG 10 Volume 6770 File 452-24

¹⁰⁵ Dickason, 400.

¹⁰⁶ H.A. Mackie, MP for the East Edmonton Riding, to Prime Minister Robert Borden 26 August 1918 LAC OC 499 MG 26 H1 (a) Volume 100.

asserting “we are a simple people...unfitted in every respect for warfare.”¹⁰⁷ The petitioners argued that “we are regarded as being on a lower plane of civilization than the white man,” and therefore they believed white men should exhaust their own numbers before the Military looked to themselves for soldiers. If the Prime Minister believed sending them overseas was absolutely necessary, the Lac La Biche men requested they do some sort of non-combat work, and “that, if it be possible, they may not be sent into the trenches.”¹⁰⁸

Two weeks before his comrades sent their petition, Samuel Laroque of Lac La Biche was arrested for failing to report for duty. To stop his prosecution, Laroque argued he was “Half Cree,” and therefore ought to be exempt from conscription. Colonel Machin asked the Department of Indian Affairs if “in your view, this man [Laroque] is an Indian, as if he has not the status of an Indian I have no doubt a consent to his prosecution will be accorded.”¹⁰⁹ Secretary McLean asserted that as Laroque did not “take treaty” he did not fall under the Department’s jurisdiction and “cannot be classed as an Indian.”¹¹⁰ Upon request of the Prime Minister’s Office however, the Military did consider exempting the Lac La Biche men and other “half breeds” as a class, similar to the Indian exemption. However, the Military Service Council deemed such a categorization would not be practical as these men made up an “indefinite proportion of the population.”¹¹¹ The Military could, however, always “dispense with the services of any men of whom

¹⁰⁷ Petition to Prime Minister Borden, sent via H.A. Mackie, 26 August 1918 LAC OC 499 MG 26 H1 (a) Volume 100.

¹⁰⁸ Ibid.

¹⁰⁹ Director of the Military Service Branch Machin to Secretary J.D. McLean 7 August 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹¹⁰ Secretary J.D. McLean to Director of the Military Service Branch Machin 12 August 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹¹¹ Military Secretary to the Minister of Militia to G.W. Yates of the Prime Minister’s Office 11 September 1918 LAC OC 499 MG 26 H1 (a) Volume 100.

they cannot make effective use.”¹¹² Any of the Lac La Biche men who could not understand English (or French) might be freed from duty.

Conclusion

While the debate over conscripting Native men hinged on the relationship between Native peoples and the Canadian government, the implementation of the exemption for Native men underlined a greater negotiation, albeit an extremely one-sided discussion, about who could be included in that relationship. The question was not whether an individual was Native, but whether he was an Indian, a category defined through legislation, not heritage, or custom. Although the Department’s own criteria might not always have been internally consistent – under the Indian Act, Indians could not vote but members of the Gibson Reserve could both vote and be Indians – but the Department defended its authority to make the distinction of identity.

Many men found themselves suddenly placed outside a community of which they had always been a part. Even if rules contained within the Indian Act and its associated legislation had previously been largely ignored, such as the situation with children of previously-status Indian mothers at Fort William, the conscription exemption enforced one definition of membership on all reserves in Canada. Specific local factors in Maniwaki, Parry Island, Fort William, Gibson and Lac La Biche influenced the nature of their debate over identity and conscription, but there was one response from the government: “The Department is prepared to ask the exemption only of Indians as defined by the Act, and half-breed[s] who cannot be classed as such are not entitled to

¹¹² Ibid.

benefit by the Order in Council of January 17.”¹¹³ The discussion leading to this exemption may have been a successful negotiation on the part of the assembled Native communities across the country, but the implementation of that exemption (re)enforced a standardized definition of Native identity – that of Indian.

Conscription affirmed the Indian Act’s role in the war, as it provided the benchmark for judging whether a man was an Indian, and therefore exempt from conscription, or simply a Native, who was not. Although Agents did not have the specific authority to conscript men, an agent’s decision to exclude an individual left him liable to conscription, and to the possibility of five years of imprisonment as a deserter if he did not respond when conscripted.¹¹⁴ Whereas leaving the reserve and joining the mass of the CEF overseas tested the Indian Act’s reach, bands and individuals appealed to the Department to recognize their unique status within Canadian society and its legal framework. While some Native veterans challenged the Department’s role in Native peoples’ lives, the contingency of wartime conscription served to cement rather than disentangle that relationship.

Being an Indian, more than being Native, became the crucial point in the quest for exemption. Appearance on a pay list was the deciding factor for inclusion in the Indian exemption, not lifestyle, heritage, or even residence on reserve. A “bona fide Indian,” belonged to a separate legal category than their relatives and neighbours who did not appear on treaty lists or have the recognition of an Indian Agent. The insistence on the Indian Act as the yardstick to measure an individual’s eligibility for the exemption

¹¹³ Secretary J.D. McLean to Indian Agent W.R. Brown 21 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

¹¹⁴ Chiefs of the Kenora Agency to the Superintendent of Indian Affairs 4 Feb 1918, LAC RG 10 Volume 6768 File 452-20 Pt. 2; Secretary J.D. McLean to Agent Logan 3 July 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

undermined the power of the Council and community to determine its own membership, and placed that authority firmly in Agents' and the Department's hands. This standardization of Indian was not wholly rejected at some reserves across the country, as evidenced by Chief Megis of Parry Island, who used the exemption to impose his conception of membership on a contested community. Many communities and individuals sought to use the category of Indian to be exempted from conscription, without the conflict exemplified in the Parry Island case, however. While they were specifically concerned with freedom from conscription, these declarations embraced, at least in part, the Indian identity and its legal implications contained in the Indian Act.

Chapter 6:

Protests Against Registration

In May 1918, Secretary McLean informed John Pollock of Jordan Station, Ontario, that to obtain the Indian exemption he needed to register with his Indian Agent. In addition, McLean informed Pollock that registration would also become part of a national census concerning work performed and food consumption. McLean reassured Pollock, “your Indian Agent will give you any particulars, but I might add that it is the wish of the Department to have all Indians registered faithfully and promptly.”¹

This new registration, under the Canada Registration Board, focused on economic activity, “to make registration a true reflection of man power and woman power of Canada,” in which effort “Indians are essentially a part of that power.”² This was a massive economic census meant to obtain a complete list of military prospects who had “evaded their responsibilities” under the Military Service Act, to increase the country’s industrial production and direct employment, to determine the number of workers doing non-essential jobs, and to measure food consumption for possible rationing.³ Those who refused to register faced fines and possible imprisonment.⁴ They could be unable to secure employment or collect wages, hire any workers, secure contracts, purchase a train or boat ticket, buy meals at hotels or restaurants, and could be refused rations should

¹ Secretary J.D. McLean to John Pollock, 28 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

² Simon C Pierce, Secretary and Interpreter, Keatye Reserve, Port Hammond BC to D.C. Scott 8 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Indian Agent Tessier (Point Bleue) to Secretary J.D. McLean 24 August 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Chairman Murray of the Canada Registration Board to A.J. Wilkes, Crown Attorney of Brant County 9 July 1918 LAC RG 13 A-2 Volume 225 File 1605.

³ Canada Registration Board to Secretary J.D. McLean 15 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁴ Superintendent Gordon Smith to D.C. Scott 22 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

rationing be introduced.⁵ The Canada Registration Board suggested Indian Agents be made Deputy Registrars for their reserves, again assigning authority through familiar bureaucratic structures and relationships, and again overlapping registration with treaty payment meetings. Indian Affairs was given until the 22nd of June 1918 to complete this registration.⁶

Logistical and political problems with the conscription exemption registration process meant that it was frequently done at the same time as this broader, particularly when the eligible age under the Military Service Act dropped from twenty to nineteen in late May.⁷ Hunting and logging proved almost as frustrating to Agents-turned registrars as active political opposition. Agents were still registering for conscription into the early summer of 1918.⁸ As these two registration programs coincided, Native observers, as Secretary McLean had, conflated the registration for conscription with that for the Canada Registration Board. Dempsey is the only historian to have considered this

⁵ Ibid.

⁶ Reserves were not co-terminus with electoral districts, the basic framework for the registration. Although the Canada Registration Board had no interest in nomadic groups, Agents whose reserve members still lived largely nomadic lives requested to overlap registration with the date of Treaty Payment. This was the only time of year that the whole reserve assembled. Superintendent Gordon Smith to D.C. Scott 22 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; D.C. Scott to D.G. Robertson, Chairman of the Canada Registration Board 17 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; A.J. Manley, Registrar for the District of East Algoma Canada Registration Board to the Superintendent of the Department of Indian Affairs 20 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Indian Agent MacKenzie (Kenora) to D.C. Scott 20 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Indian Agent John P. Wright to D.C. Scott 22 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Indian Agent F.W.R. Colcleugh to D.C. Scott 20 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Indian Agent Dr. H.C. Narquay to Secretary J.D. McLean 1 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Secretary J.D. McLean to D.G. Robertson, Chairman of the Canada Registration Board 27 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; D.G. Robertson, Chairman of the Canada Registration Board to Secretary J.D. McLean 30 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁷ Circular to All Indian Agents, 31 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

⁸ Indian Agent W. Scott Simpson to D.C. Scott 15 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent J. Pitre to D.C. Scott 22 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt.2; Indian Agent W.J. McAllan to D.C. Scott 26 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Narcisse LeBel to the Department of Indian Affairs 28 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2. The following Agents planned to register for the exemption at treaty annuity payment meetings to ease the process: Indian Agent McKenzie to D.C. Scott 24 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2.

program, and has categorized it as an increase in government oversight in Native peoples' lives.⁹ While some Native men sought to be identified as Indian in order to qualify for the exemption from conscription, others refused to register with the government for either purpose. Protest against the registration was the least common of three responses to the exemption from conscription. A larger minority openly accepted registration (see chapter five), and the largest group expressed no specific opinion for or against registration – they registered, or their Agent simply registered them and obtained their exemptions.¹⁰

Native peoples were not the only group within Canada who protested the imposition of conscription, and, as J.L. Granatstein asserted, these protests have been generally described as the majority forcing a less-powerful minority into uniform.¹¹ Many authors have pointed to the pre-war tensions that lay behind protests against conscription, whether those tensions were between French-English, or rural depopulation and the

⁹ Dempsey, "The Indians and World War One," 3-5; Dempsey, *Warriors of the King*, 36.

¹⁰ Examples of this passive acquiescence included: Indian Agent Reverend A.R. McDonald to D.C. Scott 30 January 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent John F. Smith to Secretary J.D. McLean 2 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent George Cockburn to Secretary J.D. McLean 28 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Van Loon to the Department of Indian Affairs 27 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Charles Myers to Secretary J.D. McLean 28 February 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Picotte to D.C. Scott 1 March 1918; Indian Agent Stout to Secretary J.D. McLean 1 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; ; Indian Agent Jones to Secretary J.D. McLean 2 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Campbell to the Department of Indian Affairs 4 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent McKenzie to D.C. Scott 5 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Wright to Secretary J.D. McLean 6 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Pankins to Secretary J.D. McLean 9 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Thomas McCallum to Secretary J.D. McLean 26 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent R.J. McCamus to the Department of Indian Affairs 29 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Coyle to Secretary J.D. McLean 30 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Beattie to the Department of Indian Affairs [?] March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent Maxwell to Secretary J.D. McLean 31 March 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2; Indian Agent McNabb to Secretary J.D. McLean 1 April 1918; Acting Indian Agent Godprey to Secretary J.D. McLean 3 April 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 2

¹¹ Granatstein, *Broken Promises*, 11.

associated drop in rural political power, or organized labour's political resistance.¹²

Native attitudes surround conscription similarly hinge on how Native peoples fit into the Canadian system, both during wartime and in peacetime. Those Native men who continued to register, regardless of the exemption, did not elicit the same degree of response as the Quebec City Easter Riots of 1918, in which the Canadian government feared mass revolt and suppressed the rioters to both prevent political upheaval and enforce conscription.¹³ Yet, those Native men who continued to challenge this extension of federal power, although few in number, also questioned the legitimacy of the Canadian government, particularly Indian Affairs, as the chief authority in Native peoples' lives.

Wesley Martin of Six Nations in Ontario and Gaston Louie of Head-o-the Lake in British Columbia, and their defenders, contextualized their failure to register within the wider question of the Department of Indian Affairs' authority in Native peoples' lives. The former based his resistance on treaties and Six Nations' sovereignty, and the latter argued on the basis of God-given Aboriginal title that the government could not override. Both men used the Canada Registration Act as an opportunity to present their arguments in court. Each questioned the authority of the Canadian government to include Native people within its political realm. Those who challenged their inclusion in registration articulated a distinct view of their political relationship with Canada. Barrister A.G. Chisholm argued Native peoples were neither citizen nor subject,

¹² Armstrong, 225, 246; Dickinson & Young, 242; Young, 289-320; Martin F. Auger, "On the Brink if Civil War: The Canadian Government and the Suppression of the 1918 Quebec Easter Riots," *Canadian Historical Review* 9.4 (December 2008): 503-540; Martin Robin, "Registration, Conscription, and Independent Labour Politics, 1916-1917," *Canadian Historical Review* 47.2 (June 1966): 101-118, 106; Tarah Brookfield, "Divided by the Ballot Box: The Montreal Council of Women and the 1917 Election," *Canadian Historical Review* 89.4 (December 2008): 473-501; Adam Crerar, "Ontario and the Great War," in *Canada and the First World War: Essays in Honour of Robert Craig Brown*, ed. David MacKenzie (Toronto: University of Toronto Press, 2005), pp. 230-271, 239-243; Margaret Conrad & James Hiller, *Atlantic Canada: A Concise History* (Oxford: Oxford University Press, 2006), 158-159.

¹³ Auger, 506, 512, 525, 538.

A Canadian Indian Maintaining his tribal relationship is a member of a distinct political community, between which and the British or Canadian Government certain international relations are maintained, and which community allowing for the mutations of time, has existed intact and unchanged since the Conquest of Canada [1760].¹⁴

This statement is extremely important to understand the purpose of examining two specific challenges to wartime registration. While so many Native groups and individuals fought conscription on the grounds of treaty restrictions and/or the Indian Act, most sought to be included in the subsequent exemption. Wesley Martin and Gaston Louie refused to accept the Department's authority to label them Indian. In their view, the continued effort of the Department of Indian Affairs to include Native people within the Canadian state through wartime registration had to be fought absolutely.

The Department clearly understood this dimension of Wesley Martin's and Gaston Louie's fights and opposed them ever mindful of wider political debates. Speaking candidly, Scott explained to the Canada Registration Board members "if the Indians find out they are able to defy the registration law without being made to suffer therefore, it will tend to weaken the control which the Department of Indian Affairs exercises over them."¹⁵ Indian Affairs would not tolerate the opposition of the Native groups who sought to undermine Departmental authority over the question of wartime registration programs.

Registration, Sovereignty and the Six Nations:

¹⁴ This appeal was specifically in reference to conscription, but this chapter will trace a coherent line of argument between the protests against either registration plan (conscription and economic) as part of a greater question over the origin and exercise of authority in Native communities. Barrister A.G. Chisholm to Minister of Justice Arthur Meighen 15 May 1918 LAC RG 10 Volume 6768 File 452-20 Pt. 3.

¹⁵ Chairman Murray of the Canada Registration Board to A.J. Wilkes, Crown Attorney of Brant County 9 July 1918 LAC RG 13 A-2 Volume 225 File 1605.

In the spring of 1918, members of the Six Nations appealed twice to the Department, “and I [Scott] anticipate many more,” asking whether the reserve had to participate in this latest effort to document Canada’s population and direct its collective energy towards the war effort.¹⁶ Meanwhile, Six Nations’ Superintendent Gordon Smith appealed to Indian Affairs for information on the Canada Registration Board in time for the 7 May Council meeting and subsequent Sunday Church Services “in order to overcome the opposition which is sure to be made by certain elements.”¹⁷ Smith believed that the Six Nations would only comply with the new regulations if they knew the penalties for failing to register, and he suggested to Scott that the Department consider additional penalties specifically for unregistered Native people.¹⁸

To achieve this end, Smith created a circular for Chiefs, missionaries and teachers, “pointing out the respective duties of each as men working for the best interest of the Indians.”¹⁹ The circular established the penalties for failure to register, but it also addressed and rejected some of the concerns that arose in the debate around conscripting. The circular unequivocally stated, “the British Crown has never broken any treaty with its Native population and has never forced any of them to serve in the army.”²⁰ The circular praised the “splendid response made by the Canadian Indians from the Atlantic to the Pacific” in volunteering and fighting “to secure for Canada freedom from the German

¹⁶ D.C. Scott to G.D. Robertson, Chairman of the Canada Registration Board 7 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁷ Smith later confirmed his anticipation of opposition at the Council meeting, for “as I expected some of the Chiefs objected to any registration taking place on the Reserve.” Superintendent Gordon Smith to Secretary J.D. McLean 2 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Superintendent Gordon Smith to Secretary J.D. McLean 15 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁸ Superintendent Gordon Smith to Secretary J.D. McLean 15 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Superintendent Gordon Smith to D. C. Scott 22 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁹ Superintendent Gordon Smith to D.C. Scott 22 May 1918 LAC RG 10 Volume 6770 File 452-26 Pt.1.

²⁰ Circular to the Chiefs, Missionaries, School Teachers, and members of the Six Nations, June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

yoke and to the Indians the peaceful occupation of their Reserve.”²¹ This statement might have left a bitter taste in the mouths of some among the Six Nations, as they had asserted repeatedly and forcefully that they were sovereign nations distinct from the Canadian state.²² Rather, according to Smith, a registered Six Nations member had demonstrated that he “is willing to place himself on the side of the King and to prove that he is a law abiding resident of Canada, the country in which he lives and which protects him.”²³

Smith warned Chiefs and Councilors to “not fail in your duty at this critical hour,” to use their influence and respect in the community to ensure the reserve’s population registered. If they did not help the registration process however, the Superintendent warned, “very much hardship and suffering may occur on your Reserve.”²⁴ To the reserve’s teachers and missionaries, Smith suggested that the registration program offered them a chance “as true patriots” to ensure that “no false conception, erroneous [sic] ideas, or misleading stores gain ground and jeopardize [sic] its success.” These educators were to instruct their audiences to “unite with their white brother all over Canada,” to display their “sympathy and steadfast purpose to our soldier boys at the front.”²⁵ In addition to the circular, Smith brought in E.A. Ball, the Superintendent for the Registration Board of

²¹ Ibid.

²² Beyond the question of whether the Military Service Act violated treaties the Six Nations made with the British Crown, the Six Nations Council initially refuse to donate money to any Canadian war fund but rather to their allies, the British Imperial government, and the Council rejected an early plan to create an all-Six Nations unit as it would be part of the CEF rather than an independent force. The Council did not bar its individual members from joining CEF units, and the 114th Overseas Battalion did eventually target Six Nations men, but the Council’s initial concern was that a group of Six Nations warriors should have a separate identity from the Canadian forces, allies rather than citizens. Thorewaeagah, Mohawk Chief to King George 2 November 1917 LAC RG 10 Volume 6768 File 452-20 Pt. 1; Six Nations General Council Minutes 6 October 1914 LAC RG 10 Volume 6762 File 452-2 Pt. 1; Six Nations General Council Resolution No. 11 24 March 1915 LAC RG 10 Volume 6766 File 452-13.

²³ Ibid.

²⁴ Circular to the Chiefs, Missionaries, School Teachers, and members of the Six Nations, June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

²⁵ Ibid.

Southern Ontario and A.F. Scott, the Registrar for District into which the reserve fell, to discuss the registration program's purpose and operation to the Six Nations Council on 4 June, which Ball did "at some lengths."²⁶

A rumour on the reserve suggested this latest registration program was associated directly with conscription, forced enfranchisement (which was viewed as a challenge to the Six Nations' sovereignty and a possible back door to assimilation and loss of status) and "curtailing present treaty rights."²⁷ The Department sent its Agents a message to circulate on their reserves, asserting that this national registration was unrelated to military service, but rather that "IT COMMITS [any] MAN OR WOMAN REGISTERING TO NOTHING THAT HE WOULD NOT [D]O FOR HIMSELF, HIS FARM, HIS PRODUCE, HIS LABOUR OR HIS TIME."²⁸ The Department wanted Native communities to understand that CEF soldiers, both Native and non-Native, could no longer produce but continued to consume Canadian goods, and the whole country needed to ensure efficient production and limited consumption in order to support the forces.

The Ontario Gypsum Company employed between 20 and 30 members of the Six Nations. The company considered these workers important, but worried about rumors that the Six Nations Council opposed registration.²⁹ When the Department of Justice informed the company's lawyers that "Indians who do not register [are] disqualified from

²⁶ Six Nations Council Resolution No. 24 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

²⁷ Ibid.

²⁸ Emphasis in original, The Department of Indian Affairs to all its Agents/Deputy Registrars 11 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

²⁹ Harrison Arrell, County Crown Attorney for the Haldimand County of the Minister of Justice 20 June 1918 LAC RG 13 A-2 Volume 225 File 1605.

employment and any person who employs them while unregistered is liable to penalty,”³⁰ Ontario Gypsum fired its unregistered Native employees.³¹ Company officials believed that the Six Nations’ reticence towards registration was the direct result of lawyer J.W. Bowlby’s interference.³² A fortnight before the company wrote to the Ministry of Justice, Bowlby had addressed the Six Nations Council suggesting to the assembled Chiefs and Councilors that their treaty rights freed them from having to register, but also suggesting that the reserve should go along with the program “to save trouble.”³³

The Council appealed directly to the Governor General, to whom they argued they were Britain’s Allies and not citizens of Canada. In addition, the Council referred to a clause in the Six Nations’ treaty with the Crown that promised to “remove all reasonable cause of discontent.” The Council assured the Governor General that “to say that the Indians are discontented would be putting it very mildly,” and therefore they requested the Governor General exempt the Six Nations from having to register with the Canada Registration Board.³⁴ Following the path of so many similar appeals, the Council’s message made its way to D.C. Scott, who simply reiterated that this registration had nothing to do with military service.³⁵

Speakers at the Council’s meetings advised people not to sign their registration cards, while some advocated placing men at the schoolhouses to intimidate Deputy

³⁰ Deputy Minister of Justice E.L. Newcombe to Arrell & Arrell 21 June 1918 LAC RG 13 A-2 Volume 225 File 1605.

³¹ Arrell & Arrell to the Minister of Justice 16 July 1918 LAC RG 13 A-2 Volume 225 File 1605.

³² Chairman Murray of the Canada Registration Board to A.J. Wilkes, Crown Attorney of Brant County 9 July 1918 LAC RG 13 A-2 Volume 225 File 1605.

³³ Superintendent Gordon Smith to Secretary J.D. McLean 5 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

³⁴ Six Nations Council to the Governor General, the Duke of Devonshire 5 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

³⁵ D.C. Scott to the Six Nations Council 12 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

Registrars and disrupt the registration process.³⁶ According to J.W.M. Elliott, a chief more sympathetic to the process, those opposed to registration gathered at the Longhouse schools, Smith Corners (a town in the South-west of the reserve) and the lower longhouses to plan their resistance. To those who did not see themselves as Canadians, and who fiercely guarded all things tangible and symbolic that maintained that independence, this centralized program to document and control the economic activity of all Canadians could easily be construed as a threat.

The conflict on the reserve became violent, as unknown but presumably anti-registration individuals beat and shot at ex-Chief A.G. Smith on the assumption he was involved in the registration. In response to this attack, Smith declared his intention to employ constables to guard the schools on registration day.³⁷ On 18 June, Secretary McLean approved Smith's plan to protect the registration process; that same day the anti-registration faction held a raucous and well-attended meeting at the Council House where some made threats of "obstruction and bodily injury" against the Deputy Registrars.³⁸ The anti-registration meeting drew a crowd too large for the Council House, and attendees could not fit in the building itself crowded in the doorway and gathered at the windows to hear the discussion. If this sign of interest in the anti-registration movement did not scare Smith, the Superintendent received an anonymous letter that threatened him

³⁶ Chief Elliott to Superintendent Gordon Smith 13 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1. This was not Elliott's first problem with his fellow chiefs. In 1914, he accused his fellows on the Six Nations Council of taking a Wolf Clan Peace Pipe (of which he, as De-yon-heh-kwen or Chief of the Wolf Clan, claimed unique ownership). Elliott described these fellow chiefs as having "forefathers [who] may not even have fought for this country [Canada] and the British in order to satisfy the cheap ambition of such a person." Chief J.W.M. Elliott to D.C. Scott 28 December 1914 LAC RG 10 Volume 3018 File 220,155.

³⁷ Superintendent Gordon Smith to Secretary J.D. McLean 14 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

³⁸ Superintendent Gordon Smith to D.C. Scott 19 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Superintendent Gordon Smith to the Haldimand County Registration Board 19 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Secretary de Wolfe of the Canada Registration Board to the Department of Indian Affairs 19 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

with bodily harm and promised the use of force to prevent Smith from using the schoolhouse if registration went ahead.³⁹

Chief Elliott dismissed his fellow Six Nations members who opposed registration as ignorant and acting “simply [out of] a desire to oppose the Department and the Government.”⁴⁰ Elliott claimed the Chiefs were impotent against the threat of the anti-registration movement, and though he personally believed that one third of Chiefs favoured registering, they “act as if they were muzzled.” Whereas Superintendent Smith blamed Bowlby for inciting the anti-registration sentiment on the reserve, Elliott’s assessment of those who challenged registration follows a general pattern of reserve politics. An earlier study of this process argued that the Six Nations’ responses to the war fell along preexisting sectarian and political conflicts between Christian and Longhouse reserve members and Chiefs on the Council.⁴¹ Those who openly challenged registration met in Longhouse facilities or in largely Longhouse portions of the reserve, reinforcing the perception that Longhouse members were the force behind opposition to war programs.

Despite the violence, Smith registered a number of willing Six Nations residents at his office. He claimed to have seen and dealt with the majority of Ohsweken, the

³⁹ Superintendent Gordon Smith to the Department of Indian Affairs 19 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁴⁰ Chief Elliott to Superintendent Gordon Smith 13 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁴¹ In particular, Lackenbauer and McGowan demonstrate how the appeal of recruitment campaigns divided between Christians in favour and Longhouse members generally against, where the Hereditary Council was cautious in its engagement with various elements of the war effort as it tried to manage this internal sectarian tension. At least one observer questioned the Council’s asserted alliance with the British Crown when contrasted with this reticence to commit to enlistment, but the members of Six Nations struggled with internal division over expressions of sovereignty and loyalty to the British, efforts to maintain unique cultural practices and a need to function in the modern surroundings. In the end however, although most chiefs opposed enlistment, more than three hundred Six Nations men enlisted (most of whom were Christian), and many of these veterans actively advocated for an elected council after the war. Support for or resistance to the war reflected extant sectarian and political tensions on reserve. Lackenbauer & McGowan, 90, 106, 110.

largest town on the reserve – the Superintendent claimed Smith Corners’ housed the anti-registration faction.⁴² The conflict at Six Nations had drawn outside attention, however, as the *Ottawa Journal Press* reported that the Six Nations had taken “a decided stand against registration.”⁴³ Chief Constable Slemin of the Brantford Police Force and Colonel Sherwood of the Dominion Police swore in six Special Constables to aide reserve registration on 22 June.⁴⁴ Smith’s informants told him that Bowlby intended to defend the Longhouse members should any of them be arrested for failing to register.

Yet, somewhat anti-climatically, and despite the significant number of Six Nations who refused to register, Smith reported to Secretary McLean two days after the Special Constables came onto the reserve that registration was going “very quietly.”⁴⁵ The Superintendent excused the low level of registration with the rationale that some of the reserve’s population had registered in Brantford and at the Ohsweken Post Office. He blamed the registrars for failing to publicize accurate information about the registration, as he received innumerable phone calls from confused or inquiring members of Six Nations.⁴⁶ Additionally it was rumored that the local postmaster declared a thirty-day extension to register for the Six Nations population, which Smith believed had caused

⁴² Superintendent Gordon Smith to the Department of Indian Affairs 19 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁴³ In the article, Mayor McBride of Brantford chalked up the problems on the reserve to meddling whites and that it would resolve itself if “certain people will mind their own business and permit the Indians to settle their own problems.” He opposed his police force taking any action on Six Nations. “Six Nations Refuse to Register; Have Taken a Decided Stance Against Doing so,” *Ottawa Journal Press* 22 June 1918.

⁴⁴ Superintendent Gordon Smith to D.C. Scott 21 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁴⁵ Superintendent Gordon Smith to Secretary J.D. McLean 24 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁴⁶ Superintendent Gordon Smith to D.C. Scott 21 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

people to delay registration.⁴⁷ Smith asserted that “on the whole I am pleased with the results as there was no open attempt to obstruct or intimidate,” would-be registrants.⁴⁸

On 29 June, while in Brantford, Six Nations member Wesley Martin was arrested for not having or not presenting his registration certificate when asked to do so. J.W. Bowlby promised to defend him. The Six Nations Council agreed to “furnish money to make this a test case,” in their opposition to the registration program.⁴⁹ Bowlby asserted Martin’s arrest was unjustified as Native peoples had a thirty-day extension to register.⁵⁰ The lawyer presented the bewildered and unbelieving Police Magistrate with newspaper reports as proof. As Bowlby defended Martin’s lack of registration papers, Smith worried that “this puts me in a very false position as they are laughing about it on the reserve and it will be a very serious matter if the agitators in this recent attempt to obstruct the wishes of the Government escapes scot [sic] free.”⁵¹

The feeling at the first Council meeting after Martin’s arrest was “very bitter.”⁵² Late one night two unidentified but self-declared unregistered young men drove up to the home of the deliveryman for McHutcheon’s bakery and threatened the deliveryman if he refused to bring bread to the unregistered families on the reserve. Brantford-area police had warned McHutcheon not to sell bread to unregistered residents and the baker

⁴⁷ Superintendent Gordon Smith to D.C. Scott 21 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Superintendent Gordon Smith to Secretary J.D. McLean 24 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁴⁸ Superintendent Gordon Smith to Secretary J.D. McLean 24 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁴⁹ Six Nations Council Resolution No. 6 1 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1

⁵⁰ Superintendent Gordon Smith to D.C. Scott 29 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁵¹ Ibid.

⁵² Superintendent Gordon Smith to Secretary McLean 3 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

declared he would rather stop delivering goods to the reserve completely than be threatened into breaking the law.⁵³

In late June (it is unclear if this was before or after Martin's arrest), the Council began registering the reserve population with their own special cards, on the backs of which they had printed an extract from the 1763 Treaty of Paris stating that Native people are not to be molested.⁵⁴ The Council declared they were wards according to the Indian Act, a surprising declaration considering the Six Nations' repeated assertions of sovereignty, and that the Canada Registration Act "requiring enumeration" violated the Treaty of Paris between the Six Nations and the British Crown, hence they decided not to register with the Canadian authorities.⁵⁵ Despite the contradiction of both appealing to the authority of the Indian Act and the supranational power of a treaty between Native peoples and the British Crown, the Council made their continued displeasure with registration clear.

With the exception of Wesley Martin, unregistered Six Nations members seemed to have no trouble moving around Brantford freely or buying meals in town. Smith fumed that this "laxity" brought the entire Canada Registration Board "into contempt and makes things very unpleasant on the reserve for those who worked hard to secure the registration of the Indians."⁵⁶ Yet, an individual did not have to produce their registration before purchasing a meal or train ticket unless asked, therefore according to the Canada

⁵³ Superintendent Smith to Secretary J.D. McLean 3 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁵⁴ Superintendent Smith to Secretary J.D. McLean 8 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁵⁵ Six Nations Council Resolution 23 20 June 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁵⁶ Superintendent Smith to Secretary J.D. McLean 8 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1. Other examples of lax enforcement and Agent/Native tension include: Agent Tessier to Secretary J.D. McLean 24 August 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

Registration Board “the Six Nations Indians are not peculiar in the freedom from inconvenience which they have enjoyed.”⁵⁷

From Ottawa, D.C. Scott declared the Six Nation Council’s special registration was “quite worthless and will not protect them from the penalties which the law imposes.”⁵⁸ The Canada Registration Board believed the Six Nations Council’s actions merited some special attention and they put the matter in front of the Crown Attorney of Brant County and were prepared to follow up with Ontario’s Attorney General and even the Deputy Minister of Justice if necessary.⁵⁹

With Martin’s court date fast approaching, William Jamieson of Six Nations wrote to D.C. Scott on 6 July to express his concern with the Council’s decision and to question Wesley Martin’s general character and his image as a martyr. Jamieson told Scott that Wesley was the son of George W. Martin, whom Jamieson described as one of the “ringleaders” of the anti-registration faction, and Jamieson felt it was wrong that the Martins and their followers were going to use band funds to defend Wesley. Jamieson believed band funds should not pay “the Bill for the ignorance of those people when others are complying [with] the Laws of the Country,” and he demanded that Scott “set your foot down firmly saying this will never be done using [the] Nations money for that purpose.”⁶⁰ Despite Jamieson’s concerns, the Council had officially decided to hire an additional lawyer, Mr. Kelly of Simcoe, to work alongside J.W. Bowlby.

⁵⁷ R.G. Robertson, Chairman of the Canada Registration Board to Secretary J.D. McLean 16 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁵⁸ D.C. Scott to Superintendent Gordon Smith 5 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; D.C. Scott to Superintendent Gordon Smith 8 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁵⁹ The board usually left enforcement to provincial authorities with the exception of moments of open defiance. Graham Murray of the Canada Registration Board to D.C. Scott 9 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁶⁰ William Jamieson to D.C. Scott 6 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

Meanwhile, the Council sought to solidify its anti-registration stance. Chief Lawrence Jonathan interviewed the women who had appointed the Chiefs with the goal of replacing those men that had participated in the registration. He expelled all eight registered Chiefs.⁶¹ Three Chiefs (it is not clear from the Superintendent's record of events if these men were among the eight ejected chiefs) came to Smith criticizing the Council's support for Martin. They told the Superintendent the Mohawk and Cayuga were split on the issue while the largely Longhouse Onondaga represented the strongest support for Martin and his case.⁶² Chief G.W. Hill explained how he was stripped of his chiefdom for registering. Hill threatened to leave the country all together if the Canadian Government continued to support such behaviour, even passively, and pointed specifically to Seth Newhouse as one of the Council's most heinous leaders. Hill wanted the non-registered members punished, and asked the Superintendent why when he "have obeyed the government now shall I put up with the insults and persecutions of those who will not register?"⁶³

Smith acknowledged what the statements of Chief Elliott and William Jamieson had already suggested, that the registration debate "appears to have narrowed down to a fight between the Long House people and the Christians."⁶⁴ The Superintendent believed the Council had ceased to function in any meaningful capacity, and focused its attention solely on the political debate over registration.⁶⁵ The Superintendent believed the dissatisfaction with the Council was widespread if less vocal, which presented "an

⁶¹ Superintendent Gordon Smith to D.C. Scott 5 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Superintendent Gordon Smith to D.C. Scott 6 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁶² Superintendent Gordon Smith to D.C. Scott 6 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁶³ (ex)Chief G.W. Hill to Superintendent Gordon Smith 3 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁶⁴ Superintendent Gordon Smith to D.C. Scott 6 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁶⁵ Superintendent Gordon Smith to D.C. Scott 5 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

opportune time to have the system changes to an elective Council.”⁶⁶ The 1880 revision to the Indian Act and the 1884 Indian Advancement Act allowed the Department to replace traditional councils with elected ones, although these compulsory powers were later curtailed when many bands refused to recognize the legitimacy of elected councils, or simply elected their hereditary leaders.⁶⁷

Complicating the sectarian divisions on the Six Nations reserve discussed above, the Christian factions tended to support elected leaders while Longhouse members preferred the traditional leadership. Those opposed to the traditional leadership styles eventually became the Progressive Warriors or Dehorner party, referring to [the removal of] the Six Nations Chiefs’ deer antler headdress.⁶⁸ Some Six Nations soldiers, many of whom had been affiliated with the Dehorner in their pre-war civilian lives, wrote home from the front in support of an elected rather than hereditary council.⁶⁹ Smith believed that if the Six Nations soldiers returned home immediately, the general reserve opinion would swing in favour of registration.⁷⁰ If Superintendent Smith’s assertion that the registered persons were “disgusted with the present display of lack of patriotism and duties,” on the part of the Council, no matter how self-serving that view might have been, this displeasure should be considered a mark against the traditional council.

Scott wanted Brantford lawyer W.S. Brewster, whose firm the Department used to prosecute liquor trafficking on reserve, to attend Martin’s trial as a Departmental representative to emphasize the fact they were aware of and dismissed the Six Nations’

⁶⁶ Ibid.

⁶⁷ Miller, *Skyscrapers Hide the Heavens*, 189-190; Dickason, 284-286; Weaver, “The Iroquois,” 234.

⁶⁸ Moses, 117-128; Weaver, “The Iroquois,” 243.

⁶⁹ Weaver, “The Iroquois,” 247.

⁷⁰ Superintendent Gordon Smith to D.C. Scott 5 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

arguments of sovereignty.⁷¹ Scott denied the legitimacy of the Six Nations' anti-registration faction when he blamed J.W. Bowlby for inciting the anti-registration sentiment in the oft-repeated refrain pointing to meddling whites as the cause of Native activism.⁷² Scott perceived his Department's authority posed on a slippery slope at Six Nations, since "if they [the Six Nations Council] are allowed to defy the Government with impunity in this matter they will be encouraged to defy the Government in the Administration of Indian Affairs generally."⁷³ Scott suggested to Smith that they depose Chiefs and Councilors, using a power delineated in the Indian Act.⁷⁴

For all the posturing, mutual challenges to authority and legitimacy, and threats of violence, the key question of Wesley Martin's actions relied on neither the Six Nations Council nor the Department for its resolution. Instead, Martin, his supporters and detractors waited on the results of a court hearing in Brantford. The *Brantford Expositor* presented an extensive description of Martin's trial, whom the paper's reporter described as "a young Six Nations brave," who "chose in a defiant manner, to be a martyr to the cause" of anti-registration.⁷⁵ Bowlby presented the court with the Six Nations' argument, that the promises in the Treaty of Paris and Native peoples' status under the Indian Act exempted the Six Nations from the registration. Throughout the lawyer's speech, Seth Newhouse sat directly behind Bowlby, with large historical volumes and wampum belts,

⁷¹ Ibid.

⁷² D.C. Scott to Secretary de Wolf of the Canada Registration Board 8 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁷³ Ibid.

⁷⁴ D.C. Scott to Superintendent Gordon Smith 10 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁷⁵ "Six Nations' Indians Should Have Registered, is Finding; Wesley Martin, Still Defiant, Was Fine \$100 with Option of a Month in Jail for Refusal to Register by June 22," *The Brantford Expositor* 12 July 1918.

representing the written record and historical exchange of the Six Nations’ and the British, on full display for the legal officials and the civilian observers.⁷⁶

The documents and representations that reflected the foundational relationship between Six Nations and the British Crown proved to be more relics than relevant legal precedent in the case of Wesley Martin. The judge pointed out that some of the Indian Act’s tenets directly challenged the principle that Native people were not to be molested. In particular, Native people could be arrested for being drunk.⁷⁷ The judge and Bowlby engaged in a discussion of whether Native people were persons under the law, which the latter claimed to be unprepared to discuss. The judge countered that according to Chief Justice Sir William Meredith “an Indian was not a person in the law only as far as the Indian Act applied,” and the judge suggested the Act did not cover registration. Crown Attorney Wilkies pointed to the practical evidence that over one hundred reserve residents had registered. Despite Bowlby’s declaration that Wilkie’s insistence on registering Native peoples “made him sick,” the Crown Attorney held that he must uphold the law.⁷⁸

Incensed, Seth Newhouse received permission to address the court. Referring to the treaties and wampum bands he brought, Newhouse argued that the Six Nations “have never sworn to be British subjects.” The special Six Nations registration cards, with the Treaty of Paris on the reverse, were presented to the Court, including one with Wesley Martin’s signature.⁷⁹ Martin refused the judge’s offer to register now, so the judge fined

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

Martin one hundred dollars.⁸⁰ Superintendent Smith assured Ottawa that those members of Six Nations who had registered welcomed the judgment.⁸¹ Secretary de Wolf of the Canada Registration Board believed the conviction “had a salutary effect and caused more of them [on Six Nations] to comply with law.” In addition, unregistered Six Nations men’s inability to secure employment in the flax fields and the ejection of those employed at the Ontario Gypsum Company had shown them “it is in their own interest to comply with the law,” believed de Wolf.⁸² Therefore, he believed there was no need to take further punitive measures.⁸³

With the image of Seth Newhouse holding the wampum belts and treaties in court in mind, Mayor McBride inquired of the Governor General about the Six Nations’ vehement claim that they were not British subjects. Scott assured McBride that the Six Nations’ claim was “quite without foundation,” which fact the Six Nations “have been many times so informed.”⁸⁴ Scott reassured Mayor McBride that the opposition to Canada Registration Board and the Military Service Act were “not general among the band.”⁸⁵ The bureaucrat told the Mayor that if McBride wanted to help register the rest of the Six Nations, he should emphasize that all those living in and around Brantford, Native and non-Native, must “recognize that our birth-right as British subjects is the best

⁸⁰ Superintendent Gordon Smith to D.C. Scott 13 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁸¹ Superintendent Gordon Smith to D.C. Smith 13 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁸² Secretary de Wolf of the Canada Registration Board to Secretary J.D. McLean 31 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁸³ The Ontario Gypsum Company believed many of those it had been forced to fire found employment easily with the railroad or local farmers. They complained bitterly to the Minister of Justice. Secretary de Wolf of the Canada Registration Board to Secretary J.D. McLean 31 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Arrell & Arrell, Brant County to Minister of Justice 16 July 1918 LAC RG 13 A-2 Volume 225 File 1605.

⁸⁴ D.C. Smith to Mayor McBride of Brantford, 22 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁸⁵ Ibid.

possession we have,” but that it holds specific privileges and responsibilities, one of which was the “obligation that the laws of the country must be obeyed.”⁸⁶

The Six Nations Council had intended Wesley Martin’s case to be a test for their anti-registration stance, and they did not generally accept Martin’s fine as the final word in the matter. Less than two months after Martin’s trial, Brantford Police arrested his father, George Martin, and Seth Newhouse for failing to register. Bowlby promised to defend the two men and declared he would get the entire reserve exempt from registration through an Order in Council.⁸⁷ The Superintendent might have taken some solace in the fact that some on the Six Nations expressly did not support Newhouse and Martin, the “ringleaders of the anti-registration party,” including re-instated registered Chiefs on the Council. Smith believed an Order in Council would be disastrous for the Department “as the Indians would acclaim it as a great victory over me and the Department, and when any trouble arises in the future, as it is sure to do, our influence would be weakened.”⁸⁸

Bowlby visited D.C. Scott in Ottawa in early September to argue the Six Nations’ case against registration. Scott rejected the lawyer’s petition, and warned the Minister of Justice Doherty against Bowlby’s appeals.⁸⁹ Scott shared Superintendent Smith’s serious view of the issue of ensuring the registration program continued on Six Nations, and by association the fear of losing face against persistent protests. To Scott’s relief and to the dismay of Bowlby and the anti-registration faction, the Ministry of Justice refused to grant an Order in Council exempting Native people from the Canada Registration Act.⁹⁰

⁸⁶ Ibid.

⁸⁷ Superintendent Gordon Smith to D.C. Scott 4 September 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁸⁸ Ibid.

⁸⁹ D.C. Scott to Minister of Justice Doherty 5 September 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁹⁰ D.C. Scott to Superintendent Gordon Smith 9 September 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

George Martin was fined one hundred dollars or a month in jail. He chose the month in jail.⁹¹ Martin Sr. believed “he would lose his birthright,” if he registered, that the registration program was essentially a backdoor for enfranchisement and the loss of Indian status.⁹² Newhouse however did not appear in court and Brantford police issued a warrant for his arrest. Two weeks later, at the beginning of October, Newhouse and another man, George Everette, resurfaced at the Hagersville Indian Agent’s Office to register. They explained they had been misinformed about the purpose of registration and fearful of its interference with some of their treaty rights and now “they are quite willing and anxious to register.”⁹³ The influenza pandemic that began in the fall of 1918 further undermined the anti-registration movement, as families needed supplies, which they could not purchase if they were not registered. The need for that rudimentary safety net temporarily quieted protests.

Gaston Louie, James Christie, Inspector Megraw and Registration in the Okanagan Agency

The members of the Six Nations who opposed registration did so in an effort to protect their foundational relationship with the British Crown. Across the country, a handful of men chose to use the publicity of registration and the spectacle of arrest to continue their fight over land ownership, another basic tenet of the Department’s relationship with Native people, especially in British Columbia (as discussed in chapter

⁹¹ Superintendent Gordon Smith to D.C. Scott 19 September 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Agent Van Loon to Secretary J.D. McLean 2 October 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁹² Superintendent Gordon Smith to D.C. Scott 19 September 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁹³ Ibid.

four). In Blacktown in the Okanagan Valley, Gaston Louie, Tomasket, Speed Powers, and two other unidentified men “had obtained the largest following in opposition to it [registration].”⁹⁴ Louie in particular (alternately described as a Chief by those who defended him, see below) opposed the registration on a question of principle, as his lawyer described him as “one of the Indians who hold peculiar ideas regarding two subjects, his lands and conscription.”⁹⁵ On the one hand, Louie “holds strongly to the belief that the lands were given to the Indians by the Almighty and that no one could take them from them [the Native owners],” and on the other “in common with many other Indians he believed that if he registered under the Military Service Act that in some way or other he forfeited his rights as an Indian.”⁹⁶ The linkage between land control, war plans and the defense of Native identity provided the basis for Louie’s personal challenge to the registration process and the Department’s control of the Okanagan Agency.

While Agent Robert Brown registered about half of the population of the Okanagan Agency by the 22 June deadline, the Head-o-the Lake Indians “showed the most pronounced opposition,” among the Agency, whose population Inspector A.E. Megraw described as having “the poorest showing” at registration day “as usual.”⁹⁷ Agent Brown subsequently traveled around his reserve to register the delinquents, of which only eighteen evaded his efforts.⁹⁸ Megraw and J.D. McLean both felt the penalty for failing to register should depend on the individual’s socio-political position. Where a Chief refused to register “and thus was the means of deterring others in his Band,” the

⁹⁴ Southeastern British Columbia Inspector Megraw to D.C. Scott 6 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁹⁵ Mr. MacIntyre [?] for Gaston Louie to D.C. Scott December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

Department should given that Chief a “reprimand.”⁹⁹ For the more general populace however, Megraw insisted that no goods be sold on the Agency before the buyer produced their registration card. With the real threat of going hungry “the balance of them would have been registered within a week.”¹⁰⁰

McLean acknowledged that there was nothing in the registration regulations that would absolutely prevent merchants from selling goods to unregistered Native people, but he believed “it would have a very good affect,” if the police took action against the key players against registration.¹⁰¹ The police eventually arrested six “ringleaders” for failing to register. All but two paid the necessary ten-dollar fine.¹⁰² Gaston Louie and Tomasket (whom one supporter described as “the martyr and champion of the band’s rights”) refused to pay, and waited in the Provincial Gaol as the Solicitor General appealed to Department for advice on whether or not to show the two men clemency.¹⁰³ Repeating the refrain about interference by meddling whites, Megraw attributed Louie and Tomasket’s refusal to the advice of local white man and former Mountie James H. Christie, who was threatening to take legal action for the two men’s lost crops.¹⁰⁴

The conflict between Gaston Louie, James Christie, and Inspector Megraw long preceded the question of registration. The title of Chief, employed by Louie’s defenders, was both appropriate and not. Louie was elected Chief in 1915, but was deposed the next

⁹⁹ Inspector Megraw to D.C. Scott 6 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Secretary J.D. McLean to Inspector Megraw 16 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁰⁰ Inspector Megraw to D.C. Scott 6 July 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁰¹ Secretary J.D. McLean to Inspector Megraw 16 July 1918 LAC 10 Volume 6770 File 452-26 Pt. 1.

¹⁰² Inspector Megraw to D.C. Scott 5 August 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; J.D. Clark for the Solicitor General to D.C. Scott 15 August 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁰³ J.H. Christie “Okanagan Indians Non-Registered: The Reason Why” LAC RG 10 Volume 6770 File 452-26 Pt. 1; Inspector Megraw to D.C. Scott 5 August 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; J.D. Clark for the Solicitor General to D.C. Scott 15 August 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁰⁴ Inspector Megraw to D.C. Scott 5 August 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

“by the proper authorities” for “incompetence and insubordination” according to Megraw, or because of “he opposed the Inspector in his unlawfully having forced the presence of outsiders upon our reserve...and the Department’s decision to remove this man, is proof that our chief was right” according to some of Louie’s supporters.¹⁰⁵ In particular, Louie reopened certain land deals Megraw considered closed and not only refused to co-operate with police trying to arrest a band member, but tried to force the officers off the reserve as trespassers.¹⁰⁶ At the time, Christie promised Louie he would get the Chief reinstated. Although Louie was still not a chief in 1918, no one else had been elected or appointed in his stead.¹⁰⁷

The now former Chief Gaston Louie, Tomasket, Christie and “a few more of the irreconcilables,” (according to Megraw) formed the Okanagan Indian Defence League, with Christie as their paid secretary.¹⁰⁸ The League wrote to Scott on 20 August 1916 with a list of complaints and demands, including the removal of “Germany Enemy Aliens” from the reserve, that the Agent ought not and will not interfere in band voting (likely related to Louie’s removal) and non-band members would not vote, and that they generally did not trust Megraw, “that they resent his invasion of their rights, his unreasonable interference with our Chief,” and they wanted him fired.¹⁰⁹

¹⁰⁵ Inspector Megraw to John Kennedy 25 January 1917 LAC RG 10 C-II-2 Volume 11032; J.H. Christie, Secretary of the Okanagan Indian Rights Defence League to the Governor General, Statutory Declaration of Tomasket, Papa Chin, Pte. Bazett, Stead Powers, George Bazett, 4 June 1917 LAC RG 10 C-II-2 Volume 11295.

¹⁰⁶ Inspector Megraw to John Kennedy 25 January 1917 LAC RG 10 C-II-2 Volume 11032; Statutory Declaration of Provincial Constable E.C. Graham, Kelowna, Taken 16 July 1917 LAC RG 10 C-II-2 Volume 11295.

¹⁰⁷ Inspector Megraw to John Kennedy 25 January 1917 LAC RG 10 C-II-2 Volume 11032. The Okanagan Indian Rights Defense League also accused the Department of deposing Chief Baptiste Logan for opposing the “illegal” Long Lake surrender. Speech by MP Frank Oliver (Edmonton), House of Commons Debates, Official Reports, unrevised edition Vol. LI No. 55 14 June 1917 LAC RG 10 C-II-2 Volume 11295.

¹⁰⁸ Inspector Megraw to John Kennedy 25 January 1917 LAC RG 10 C-II-2 Volume 11032.

¹⁰⁹ Okanagan Indian Rights Defence League to D.C. Scott 20 August 1916 LAC RG 10 C-II-2 Volume 11295.

On 20 April 1917, Christie sent a pamphlet containing of his and Gaston Louie's correspondence with the Department to members of the House of Commons and the Senate. This inspired a question by Dr. W.J. Roche, Minister of the Interior (and therefore political head of the Department of Indian Affairs) in the House. Although Roche told his colleagues in the House of Commons that Christie did not represent the Okanagan population, and was "not an angel," and that his complaints would be examined and "when investigated, [they will] be shown to be figments of the imagination, if not of Christie, at least of some others on that reserve."¹¹⁰ In response, Frank Oliver of Edmonton retorted that it was not a question of character but of events, and as

the welfare of the Indians and the good faith and good name of Canada are in my hon. friend's hands. I hope that he [Roche, and by extension the department] will not treat this matter lightly simply because Mr. Christie may be, in some degree, an undesirable person.¹¹¹

Although the Department's original plan had been to have James McKenna of the McKenna-McBride Commission investigate the Okanagan Indian Rights League complaints, Chief Inspector Ditchburn took over the inquiry when McKenna was superannuated.¹¹²

In January 1917, Megraw wrote to his friend, former Inspector John Kennedy, to ascertain details about the latter's dealings with Christie.¹¹³ Kennedy told Megraw that Christie had convinced a number of Native people to claim (falsely, according to Kennedy) they had voted against a proposed land surrender at the Long Lake reserve.

¹¹⁰ Speech by Dr. Roche, House of Commons Debates, Official Reports, unrevised edition Vol. LI No. 55 14 June 1917 LAC RG 10 C-II-2 Volume 11295.

¹¹¹ Speech by MP Frank Oliver (Edmonton), House of Commons Debates, Official Reports, unrevised edition Vol. LI No. 55 14 June 1917 LAC RG 10 C-II-2 Volume 11295.

¹¹² Chief Inspector Ditchburn to J.H. Christie 27 June 1917 LAC RG 10 C-II-2 Volume 11295.

¹¹³ Inspector Megraw to John Kennedy 18 January 1917 LAC RG 10 C-II-2 Volume 11032.

Kennedy accused Christie of debauching Native women and using whiskey to influence the Okanagan population. He wondered at Christie's ability to gain the Department's ear, for "they know his character from various sources," but he allowed, "perhaps they are giving him plenty of role to enable him to properly hang himself."¹¹⁴ Kennedy advised Megraw to bring Christie in front of Leonard Norris, Stipendiary Magistrate, for selling whiskey to Native people.¹¹⁵

Megraw also wrote to the Commissioner of the Royal North West Mounted Police in Regina to inquire about Christie's record with that organization. Megraw identified Christie as "a squawman [married to a Native woman] here," who was "causing much trouble among the Indians."¹¹⁶ Megraw was particularly interested in verifying a rumor that Christie had shot off his own thumb "in a fit of cowardly malingering" to avoid a difficult patrol during his tenure as an officer (1876-1880).¹¹⁷ Unfortunately for Megraw's attempt to tar Christie's reputation, the force reported that its "records contain no reference to the shooting incident referred to."¹¹⁸

Chief Inspector Ditchburn traveled around the Okanagan Agency in July 1917 and held public meetings at each reserve included in Christie's petition to the House of Commons. Although he gave Christie an opportunity to speak, the Chief Inspector pointed out that some Native people had paid Christie \$200 to appear at the inquiry, which Ditchburn treated as suspicious. Ditchburn publically rejected Christie's interpretation of the Indian Act, from which "the Indians gave him a dressing down after

¹¹⁴ John Kennedy to Inspector Megraw 20 January 1917 LAC RG 10 C-II-2 Volume 11032; John Kennedy to Inspector Megraw 7 February 1917 LAC RG 10 C-II-2 Volume 11032

¹¹⁵ John Kennedy to Inspector Megraw 29 January 1917 LAC RG 10 C-II-2 Volume 11032.

¹¹⁶ Inspector Megraw to the Commissioner of the Royal Northwest Mounted Police 18 January 1917 LAC RG 18 Volume 3320 File 118.

¹¹⁷ Ibid.

¹¹⁸ Assistant Commissioner of the Royal Northwest Mounted Police 23 January 1917 LAC RG 18 Volume 3320 File 118.

the meeting was over...as one of the Indians expressed it ‘They’re raising hell with Christie for not giving them the proper dope’.”¹¹⁹ Ditchburn explained to Scott that Christie felt his case was materially weakened when some Native witnesses refused to repeat in public what they had told Christie in private.¹²⁰ The Chief Inspector did not completely dismiss the Okanagan complaints, as he reported the local Agent Brown “had a poor conception of what the duties of an Indian Agent are,” which had led to several serious problems in the Agency’s management, including prostitution and questionable land payments to possible non-band members.¹²¹ Despite his exoneration, Megraw spoke bitterly to Kennedy about Ditchburn’s treatment of Christie, particularly given that Ditchburn sided against Megraw on the failed Long Lake surrender, as “He [Ditchburn] says he is killing him [Christie] with kindness, but I prefer to do it with a club.”¹²²

Now a year later, and neither dead nor undeterred, Christie created a new pamphlet to argue that Louie and Tomasket were martyrs to the cause of self-preservation rather than criminals under the Canada Registration Act. In his pamphlet “Okanagan Indians Non-Registered: The Reason Why,” Christie asserted the Okanagan faced “invading hordes of stray, foreign Indians, half-breeds that drift from the United States with an added quota from the reserve of B.C.,” and “negligent, ignorant and intently harsh officials,” who tried to secure land surrenders “in an underhand manner” and rented

¹¹⁹ Chief Inspector Ditchburn to Inspector Megraw 14 July 1917 LAC RG 10 C-II-2 Volume 11295.

¹²⁰ Chief Inspector Ditchburn to D.C. Scott 18 July 1917 LAC RG 10 C-II-2 Volume 11295.

¹²¹ Despite the fact Ditchburn accused Brown of allowing child prostitution through inaction among his other failures, a crime regardless of the Indian Act, the Chief Inspector believed that Brown was “willing and energetic enough” to become a better agent if properly informed of his duties and had not been under three different Inspectors (Kennedy, Cumminskey and now Megraw). Ditchburn blamed part of the problem on the state of the reserve when Brown took over in 1909-1910, as it was “badly run down,” and now “there is a general complaint that the Indians are not nearly as progressive as they were over twenty years ago.” Chief Inspector Ditchburn to D.C. Scott 24 August 1917 LAC RG 10 C-II-2 Volume 11295.

¹²² Inspector Megraw to John Kennedy 15 July 1917 LAC RG 10 C-II-2 Volume 11032.

reserve land in the fashion of a “comic opera.”¹²³ Had the McKenna-McBride Commission been genuinely interested in the Okanagan’s concerns, it might have been useful, but instead Christie decried the Commission as partisan. Even the current registration process was entrusted to “two prominent enemies of the peace of the Okanagans – both intruders and both prime movers in all things affecting the peace of the Okanagans.”¹²⁴ When compared with the Department of Indian Affairs’ institutional corruption, Christie asked how “the chief’s objection to crooked work, constituted insubordination in a Canadian department of public affairs!”¹²⁵ Christie suggested registration was the last straw:

it is time for a showdown between the department of Indian Affairs of the Dominion of Canada...and the Okanagan band of British-born Indians – industrious and honestly striving for a chance to live in peace under the flag their men have done their duty fighting for.¹²⁶

Christie’s reference to “British-born Indians” strengthened the linkage he made between the Okanagan bands’ fight against oppression and popular war rhetoric, as well as underlined the suggestion the valley and Agency were overrun with American interlopers.

Of the Native men arrested for failing to register, Stipendiary Magistrate Leonard Norris decided those who pleaded guilty would pay a five-dollar fine (rather than the

¹²³ H. Christie “Okanagan Indians Non-Registered: The Reason Why” LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹²⁴ H. Christie “Okanagan Indians Non-Registered: The Reason Why” LAC RG 10 Volume 6770 File 452-26 Pt. 1. In his list of complaints to the House of Commons, Christie provided a list of individuals who he wanted expelled from the band, all of whom had been witnesses (many identified as Chiefs) at the McKenna-McBride Commission. Gaston Louie told the later Ditchburn inquiry that he did not support this call for expulsion. Speech by MP Frank Oliver (Edmonton), House of Commons Debates, Official Reports, unrevised edition Vol. LI No. 55 14 June 1917 LAC RG 10 C-II-2 Volume 11295; Chief Inspector Ditchburn to D.C. Scott 21 July 1917 LAC RG 10 C-II-2 Volume 11295.

¹²⁵ Christie decried any chance of justice from Megraw and claimed “I have the sworn evidence in my possession that he fully approved of the murdering of my humble self at the hands of the brute Godfrensen [one of the Registrars], at any time, convenient if found around the reserve.” H. Christie “Okanagan Indians Non-Registered: The Reason Why” LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹²⁶ Ibid.

\$250 maximum fine) and those who pleaded not guilty would pay ten dollars or serve a month in jail.¹²⁷ Both Gaston Louie and Tomasket refused to plead guilty or to pay any fine; both found themselves in the Kamloops jail.¹²⁸ Thanks to “the folly of the Jailer” however, both men were released early, and Megraw asserted they returned to the reserve “swaggering around, jeering at the other Indians who registered, telling them that the registration was all wind.”¹²⁹ Megraw also criticized the Provincial Police’s “loose manner” that had reduced the question of registration to “a mere farce.” This laxity made the position of the Department, who had emphasized the importance of registration, “almost intolerable.”¹³⁰

Megraw again questioned Christie’s motives in his efforts for the Louie and the Okanagan bands. At the end of the harvest, the bands of the Okanagan Agency “are flush with money...it is a good opportunity for Christie to get busy and obtain his share,” as the Inspector asserted the Head-o-the Lake Band had already paid Christie one thousand dollars and the Penticton Band paid him four hundred “for his campaign of trouble-making.”¹³¹ Scott shared this negative opinion of Christie, whom he described as “a man whose character is in every way doubtful,” which meant he was “likely to support the Indians at any time in illegal or contumacious conduct.”¹³²

On 23 October 1918, George A. Carter, Acting Police Chief of the Provincial District into which the Agency fell, “accosted” Louie and “several other unregistered

¹²⁷ Inspector Megraw to D.C. Scott 7 September 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ It is not clear from Megraw’s letter whether any of this money included the \$200 Christie received for his appearance at the Ditchburn inquiry in 1917. Ibid.

¹³² D.C. Scott to J.D. Clark 16 August 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

Indians” in a potato field.¹³³ Louie refused to show the officer any documentation or answer any questions. Carter met Louie again a few hours later when the latter drove home on a private road. Louie again refused to answer Carter’s questions, and the officer followed the Chief into an adjacent field where Louie claimed he was going to eject a white lessee working the land; Louie declared, “he did not care what the law was, he was going to obey his own law.”¹³⁴ Carter disagreed and arrested Louie – Carter believed himself specifically justified as he described Louie’s behaviour as “high-handed and insolent...on this occasion he [Louie] went to violent extremes and resisted arrest with every power at his disposal.”¹³⁵ During the altercation, Louie cried “in Indian” to his son in the other field to help him, and “this boy then ran off to get a rifle and was ultimately turned back by another Indian else damage might have been done.”¹³⁶ Later, Carter claimed Louie’s tubercular wife and son physically assaulted him during Louie’s arrest. The officer asserted Louie’s son did not stop his threatening behaviour until Megraw fired a shot at his feet.¹³⁷ Christie presented the conflict in a different light in his editorial in the *Vancouver Sun*, where he asserted Louie’s son believed the constable and his associates were murdering his parents, and that “one of the gang” shot at the boy before

¹³³ Cochrane & Ladner, Barristers of Vernon, British Columbia to Inspector Major A. Megraw 20 December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹³⁴ Ibid.

¹³⁵ Carter arrested Louie under the Order in Council’s registration regulations, paragraphs 33 and 34, that stated every citizen had to answer truthfully as to his registration when asked, and paragraph 38 that allowed anyone who refuses to do so to be taken by a Peace Officer and brought before a Justice of the Peace. Because of his behaviour, Louie was also charged with resisting arrest and sentenced to five months in the goal. Ibid.

¹³⁶ Ibid.

¹³⁷ Evidence of Inspector Major Megraw, in *Rex vs. Gaston Louie*, Appeal from Summary Conviction under Section 169, County Court, Vernon, BC, 17 December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

he could intervene.¹³⁸ Christie informed his white audience, “Gaston Louie got Canadian department of Indian affairs’ justice.”¹³⁹

Although Magistrate Norris sentenced Louie to five months in prison for resisting arrest, a county court judge J.D. Swanson decided on appeal that Louie’s resistance was lawful because Carter had had no right to arrest him. The judge argued that Louie’s refusal to answer did not equate lying or evasion.¹⁴⁰ In private correspondence with his friend Kennedy, Megraw declared Swanson “a narrow brute” who excused Louie as part of his continual battle with Magistrate Norris, whom Megraw unsurprisingly endorsed as the superior of the two judges on questions of criminal law.¹⁴¹ Megraw suggested to his friend that all was not lost however, as Swanson presented his own rationale for acquitting Louie, namely that Louie did not lie about his registration, so “it was no victory for MacIntyre [Louie’s lawyer] or Christie, although the public are left to infer it from Christie’s letter and the rotten editorial of the filthy Sun.”¹⁴²

The lawyers who authored the Departmental report on Louie’s trial reflected that the most troubling element of Louie’s acquittal was the possible erosion of the Department’s authority in Native peoples’ eyes, with the possible result that “they might be thus encouraged, or some of them, to further high-handed acts that may result not only in difficulty for the Department but in danger to life or limb of those with whom the

¹³⁸ J.H. Christie, “Justice to the Indians,” *Vancouver Sun* 2 March 1919 LAC RG 10 C-II-2 Volume 11032.

¹³⁹ *Ibid.*

¹⁴⁰ Cochrane & Ladner, Barristers of Vernon, British Columbia to Inspector Major A. Megraw 20 December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Inspector Megraw to D.C. Scott 24 December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Appealed filed by Gaston Louie at the County Court of Yale, British Columbia, 7 November 1918 (witnessed by A. Noble, Gaoler), represented by Macintyre & Chalmers, Kamloops, British Columbia LAC RG 10 Volume 6770 File 452-26 Pt. 1; Memorandum for Mr. E.L. Newcombe 27 April 1920 LAC RG 13 Volume 241 File 1919-2232.

¹⁴¹ Inspector Megraw to John Kennedy 4 March 1919 LAC RG 10 C-II-2 Volume 11032.

¹⁴² Inspector Megraw to John Kennedy 4 March 1919 LAC RG 10 C-II-2 Volume 11032.

Indians come in contact.”¹⁴³ Judge Swanson underlined the need to obey the registration law in English, and the lawyers believed this undid the benefit of the pronouncement to his Native audience because few understood the language.¹⁴⁴ Agent Brown similarly believed that Louie’s victory would make registration difficult and asserted he was “quite peeved” at the judge’s decision.¹⁴⁵

While Indian Affairs stewed over the potential threat to their authority and the registration program, Gaston Louie placed the question of his arrest in a very different light. The Chief’s lawyer, Alec MacIntyre of Kamloops, presented his case against the Inspector to the Department, which consisted of a “flagrant violation of his rights.”¹⁴⁶ The Inspector leased Louie’s land to Vernon hardware merchants Galbraith and Speer, without the Chief’s consent, of which “everything in connection with this leasing was done by Inspector Megraw in a way calculated to rouse the ire of the Indian, to touch his pride and to humiliate him in the eyes of his fellow Indians.”¹⁴⁷ Officer Carter testified that Megraw told him the land was uncultivated and therefore leased under the War Measures Act (of which the police and Megraw claim to have informed Louie), and Louie’s local Native supporters physically threatened and intimidated the SOS (Soldier of the Soil) farmer – a teenager – who attempted to work the land.¹⁴⁸ As part of a concern

¹⁴³ Cochrane & Ladner, Barristers of Vernon, British Columbia to Inspector Major A. Megraw 20 December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁴⁴ Ibid.

¹⁴⁵ The Agent wanted the case brought to the attention of a cabinet minister (he did not specify if it was the minister in charge of Indian Affairs or the Minister of Justice), but as there was no chance of appeal, Secretary McLean did not see the point of such an action. Inspector Megraw to D.C. Scott 24 December 1918 LAC RG 10 Volume 6770 File 452-20 Pt. 1; Secretary McLean to Inspector Megraw 17 January 1919 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁴⁶ Alec D. MacIntyre to D.C. Scott [?] December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁴⁷ Ibid.

¹⁴⁸ The SOS (Soldiers of the Soil) program, begun in February 1918, trained more 20,000 boys aged 15-19 in farming and alleviate the farming labour shortage. Evidence of George Albert Carter, in Rex vs. Gaston Louie, Appeal from Summary Conviction under Section 169, County Court, Vernon, BC, 17 December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1. Megraw also cited the power of the War Measures Act,

for idle or underproductive lands during a time of increased demand for Canada's foodstuffs, the Canadian government had turned its attention to reserve especially and amended the Indian Act in the spring of 1918 to allow the Department to lease land without band consent.¹⁴⁹ Megraw's assertion that he needed to lease the land "on the grounds that Gaston Louie was not producing from what the land is capable of," aligned with the Department of Indian Affairs' rhetoric in altering the Indian Act.¹⁵⁰

Louie decried both the decision to take his land and the rent Megraw collected, which the Chief's lawyer described as "scandalously [sic] out of proportion to its value."¹⁵¹ The lawyer pointed out that Megraw asked Officer Carter and Assistant Constable McDonald onto the reserve to threaten the Chief not to interfere with the white leasees of his land – not to check the reserve population's compliance with the registration regulation. To a limited extent, Megraw and Carter supported this assertion, as Megraw and one of the lessees asked Carter to help him prevent Louie from perpetually interfering with the lessees' farming.¹⁵² According to a Ministry of Justice memorandum, it was only after finding Louie unmovable on the land question that "Constable [Carter], presumably with the object of finding some excuse for removing the Indian from the place, began to question him as to whether he registered."¹⁵³ Registration had been the tool to remove Louie. Similarly, Louie's challenge to Megraw's actions and

as well as individual agreements with certain Native men, when he endorsed a lease for his friend and former Inspector John Kennedy. Inspector Megraw (declaration for file) 11 May 1918 LAC RG 10 C-II-2 Volume 11032.

¹⁴⁹ The change also allowed the Department to purchase farming implements from band funds. Carter, "Infamous proposal," 9-21.

¹⁵⁰ Alec D. MacIntyre to D.C. Scott [?] December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁵¹ Alec D. MacIntyre to D.C. Scott [?] December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁵² Memorandum for Mr. E.L. Newcombe, 27 April 1920 LAC RG 13 Volume 241 File 1919-2232.

¹⁵³ The memorandum specifically mentioned the Military Service Act, not the Canada Registration Act, which underlines the conflation of the two registration programs in these disputes. Ibid.

his resultant successful appeal was more than a simple challenge to registration; it also challenged the Department's increased powers and incursions during the war.

Contrary to the story that Louie had incited all the violence of his arrest, MacIntyre claimed it was “with something like brutal violence and after a fierce struggle Gaston Louie was arrested and with his wife and two or three other Indians taken to Vernon to the Goal.”¹⁵⁴ Louie believed this confinement was the indirect cause of his wife's death a few months later, as the living conditions in the prison aggravated her preexisting tuberculosis. To add insult to injury, Louie's lawyer pointed out that the Chief had been tried under the Order in Council of the Registration “but with no offence in connection with the lands.”¹⁵⁵ MacIntyre's suggestion was that authorities wanted to direct attention towards the straight-forward question of whether Louie had complied with registration, the Chief and other Native defendants at the trial wanted to focus attention on their case for land ownership. During his trial, Louie and some of his fellow unregistered band members “said in Court the God gave them land and it wasn't in the big Book to be registered.”¹⁵⁶ This view closely follows those expressed among the Naas Agency during the McKenna-McBride Commission and underlines the continued fight over how the war would influence the conflict between Native groups and the Department of Indian Affairs over the overall legitimacy of Indian administration, not simply over specific wartime questions.

¹⁵⁴ Alec D. MacIntyre to D.C. Scott [?] December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1; Evidence of George Albert Carter, in Rex vs. Gaston Louie, Appeal from Summary Conviction under Section 169, County Court, Vernon, BC, 17 December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁵⁵ Emphasis in original, Alec D. MacIntyre to D.C. Scott [?] December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁵⁶ Evidence of George Albert Carter, in Rex vs. Gaston Louie, Appeal from Summary Conviction under Section 169, County Court, Vernon, BC, 17 December 1918 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

Alec MacIntyre asserted the Inspector “has not a solitary qualification for the office [of Inspector] and consequently is distrusted and detested by the Indians generally throughout his whole Inspectorate.” Specifically, the lawyer claimed Megraw’s “lack of tact is amazing” and “as to [the] Conscription Act he has exhibited towards the Indians as arrogant insolence that they find intolerable.”¹⁵⁷ The lawyer demanded Megraw be fired immediately, for “from his nature and temperament he is entirely unfit to be in a position of authority and it is dangerous to the peaceable relations between the white people and the Indians that he should continue any longer to exercise authority over them.”¹⁵⁸ Scott rejected what he interpreted to be conspiracy theory on the part of Louie and his lawyer,

it is intimated that this arrest [of Louie] was a put up job by Inspector Megraw and Constable Carter, but the evidence in my opinion does not bear this out...It does not seem possible that Mr. Carter would arrest a man on the mere suggestion of Mr. Megraw.¹⁵⁹

An internal Ministry of Justice consideration of MacIntyre and Louie’s arguments found “there is no evidence whatsoever that Megraw directed or ordered the arrest [of Louie]...I do not think the petitioners have made out a sufficient case to warrant an enquiry into the conduct of Megraw” and endorsed Scott’s decision not to fire the Inspector.¹⁶⁰ This mutual rejection of Louie’s case against Megraw tacitly swept aside the Chief’s larger argument against the amendments in the Indian Act concerning leases and the Government’s control of Native peoples’ land in British Columbia generally.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Although the file indicates this letter was never sent, there is no evidence to suggest this was not Scott’s opinion. D.C. Scott, 5 September 1919 LAC RG 10 Volume 6770 File 452-26 Pt. 1.

¹⁶⁰ Memorandum for E.L. Newcombe 27 April 1920 LAC RG 13 Volume 241 File 1919-2232; Deputy Minister of Justice E.L. Newcombe to D.C. Scott 27 April 1920 LAC RG 13 Volume 241 File 1919-2232.

While he may have been acquitted for the specific conflict over registration, Louie's greater argument, made to the people whom it challenged, ultimately failed.

Conclusion

Wesley Martin fought registration in a Brantford court and failed, and Gaston Louie was acquitted of refusing to register, but failed to achieve his broader aim of toppling the Department of Indian Affairs' control of Native land and its refusal to recognize Aboriginal title. While both men had allies within their own communities, Wesley Martin's trial in particular displayed a stark division within the Six Nations between those who would stand for no incursion into their authority and those who challenged these individuals' control over the communities' political institutions. Apparently, not everyone evaluated the wartime registration programs as an existential threat to Native identity.

While Departmental authorities framed Martin's and Louie's cases as issues incited by a few troublemakers, both Martin and Louie offered fundamental challenges to the Department's place in Native peoples' lives. Despite their dismissive remarks, the Department's employees clearly and correctly perceived Martin and Louie's challenges to registration in exactly this way: as assaults on the Department's authority. Whereas both the Indian Act's definition of an Indian and the counter-definition provided at the beginning of this chapter point to a historical relationship between Native peoples and the British Crown/Canadian Government, the former treated that relationship as a historical antecedent to the present ward-protector situation, whereas the latter placed the inter-nation agreements firmly in the present tense. These two men and their causes placed

Native peoples outside the Canadian state, unlike the tacit acknowledgement of those who registered and were exempt as Indians under the Indian Act.

Conclusion: Under the Indian Act

The First World War was a catalyst on Native reserves in their interactions with the federal government. This catalyst did not create a new situation – the Indian Act and its restrictive regime long predated the war – but war programs that arrived on reserves favoured the path offered by the legislative structure of the Act and the Department of Indian Affairs over others. The war offered necessary pushes to grow the Native-government relationship based on the Indian Act rather than treaties; this was an acceleration and affirmation of a new tradition, largely at the expense of an old one. Sarah Oak found out too painfully that the route her parents and ancestors had easily walked was now closed to her; the resolution of her ordeal brought her situation and future more closely under the Indian Act's umbrella. The war did not erase those traditions, but war programs presented crises and opportunities whose resolutions favoured the Indian Act over other solutions.

Native involvement in the First World War strengthened the Department of Indian Affairs' place on reserves. Although the Indian Act predated the war, Native peoples' and the Department of Indian Affairs' navigation of the new expectations, possibilities and constraints of the war programs affirmed the Indian Act as the basic organizational principle in reserve life. This does not question that the Department of Indian Affairs created and imposed the concept of the status Indian on reserves. The above narrative neither disputes this, nor does it wish to simply repeat it. Instead, this narrative follows this imposition and asks the possibly more important question of what happened after, of

how Native peoples sought to determine the parameters of their lives within and against the restraints of the Indian Act.

Therefore, the First World War was a crucial moment in the Native-government relationship. The many responses to war programs contributed to and cemented crucial debates about the legal identity of Indian. Across the country, Native peoples' participation in the war brought the structures of dependency and political authority on reserves into sharp relief. This was a transition from broad principle into day-to-day practice, an important shift in the basic interactions between Native communities and the Department of Indian Affairs. This change was not a sudden, abrupt and discreet transition, but the many resolutions of crises, the results of many local and personal strategies in a time of change and upheaval. In some cases, this was an acceleration of existing trends, where new powers flowed through (and strengthened) existing channels. Agents took on new powers and responsibilities associated with recruitment, soldier family supports and registration programs. In others, new crises forced responses, choices and declarations of those actively seeking to secure their best interest in the short term. The implementation of programs such as the conscription exemption ensured that the legal identity of Indian was assured as a fundamental organizational principle of reserve life and determine Native peoples' place Canada.

Native peoples experienced the First World War's role as a key catalyst of modern state building in both immediate and grand terms – in how their identity was defined, and ultimately controlled, and in how they as individuals and groups interacted with the Canadian state. Service in the CEF and the exemption from conscription contributed to the question of what Indian identity entailed, both in terms of its

prohibitions and protections. In addition to the restrictions and protections of Indian identity, the war emphasized who had authority on the reserve and what that authority could achieve. Indian status, and specifically its possible protection, offered the Department of Indian Affairs a key tool to solidify its hegemony.

These were not new issues but the ways Native peoples and the Department of Indian Affairs accommodated war programs favoured one type of Native-government relationship over others and the effects of those choices lasted long after the Armistice. In some cases, Native peoples' part in this process was an unintentional outcome of a specific fight. The campaign to gain exemption from conscription because Native people were wards of the government and not citizens was successful. However, it also entrenched the role of the Indian Act and the authority of the Indian Agent as the final arbiter on Native peoples' legal status and membership in the reserve community. These battles illustrate the difference between agency and outcome; Native peoples individually and in groups tried and succeeded to get exempted from conscription. This short-term victory however projected itself into the medium and long term as it influenced the parameters of Native-government interactions.

The Native responses to war programs were ultimately relevant to wider Native-government relations. Historians have generally presented the war as leaving a Janus-faced legacy in Native communities. Some point to the benefits acquired by Native veterans through the equality they experienced in uniform. As discussed above, historians argued this brief sense of equality invigorated nascent political activists and provided the essential catalyst to create inter-reserve organizations, such the League of

Indians of Canada.¹ Yet, many of the same historians pointed to the ultimate futility of post-war enthusiasm in the face of the Department of Indian Affairs' insurmountable authority.² Dempsey argued the power the Department of Indian Affairs enjoyed after the war was a return to an *antebellum* status quo, that "the Indians were relegated to their pre-war status as wards of the federal government, under the domination of the Indian Department."³ Winegard comes to a similar conclusion in his comparative analysis.⁴

Suggesting that Native communities returned to a pre-war legal arrangement once the soldiers demobilized overlooks the important aspects of the war that changed the basic relationship between reserve communities, Native people and the Canadian government. The war did not cause a brief pause in the Native-government relationship but was an important phase that shaped the relationship. Again, this is a reminder that agency and outcome are not interchangeable. Agency former exists in a context with restraints and opportunities, which influence actors' behaviour, and the results of those decisions can determine a path completely unintended by the actors themselves. The relationship between Native peoples and the government contained many such avenues for action, restraints and opportunities, many of which did not disappear during the war, but war programs serves to override or temporarily alter some, and strengthen others.

Some of these restrictions were painfully clear in the treatment of Native soldiers and their families. Native soldiers did not simply blend into the ranks of their non-Native

¹ Miller, *Skyscrapers Hide the Heavens*, 217-9; Titley, 111-135; Dempsey, "Problems of Western Canadian Indian Veterans," 1, 13; Walker, 26; Moses, 117-128; Joelle Rositkowski, "The Redman's Appeal for Justice: Deskahé and the League of Nations," in *Indians and Europe: An Interdisciplinary Collection of Essays*, ed. Christian F. Feest (Aachen: Edition Herodot with Rader-Verlag, 1987), pp. 435-53.

² Carter, 9-10. Lackenbauer described the narrative of Native treatment under the Soldier Settlement Act represented the "bitterness of broken promises and shattered dreams," Lackenbauer, "The Irony and the Tragedy of Negotiated Spaces," 185; Dempsey, "Problems of Western Canadian Indian Veterans," 7,9; Dempsey, "The Indians and World War One," 8; Poulin, 4; Brownlie, ix, 10.

³ Dempsey, *Warriors of the King*, 81.

⁴ Winegard, 248.

comrades. While many observers have pointed to Native soldiers' warrior-based interpretation of their experiences in Europe, these soldiers carried a number of prohibitions unique to their *Indian* identity, such as being forbidden from drinking alcohol. Their families similarly found accessing soldiers' family supports complicated by the Department of Indian Affairs' authority structures that encouraged economic dependency on Agents and the Department. The associated belief that Native people – particularly women – were unreliable with money and in need of constant supervision further complicated soldiers' wives attempt to get support in their husbands' absence. Rather than a largely meaningless moment in time, Native peoples spent the rest of the century fighting the conclusion of these First World War debates that affirmed the Indian Act.

The debate over the introduction of conscription, and the conscription exemption's implementation both hinged on the question of Native peoples' legal status in Canada. This was a success for Native peoples, but with consequences. While conscription was a specific wartime policy, it held implications for Native peoples' dual identities, as members of distinct political bodies within Canada and as wards of the Canadian state. The Native exemption from involuntary military service was based upon both Native peoples' incomplete citizenship, as exemplified by the lack of the franchise and at least one treaty arrangement.

However, the exemption's implementation shed a particular light on the balance between those two legal arguments. While treaties were mentioned in the exemption decision, they played no role in its implementation as Agents were charged with obtaining exemptions only for (status) Indian men under their charge, and these men were still

expected to register with military authorities. These men were treated as a subgroup of Canadian society, rather than members of politically distinct political entities. This linkage between the war programs, such as the Canada Registration Board's economic registration, and their long-term outcomes is evident in the cases of Wesley Martin and Gaston Louie. Both men challenged the registration process by explicitly focusing on foundational questions about Native peoples' relationships with the government, either as sovereign powers or the unresolved question of Aboriginal title (particularly although not exclusively in BC). Louie and Martin felt these questions were not historical anachronisms but of immediate modern relevance. Although their failure was ultimately unsurprising, their individual attempts underline the importance of specific war issues to the broader Native-government relations.

To return briefly to the discussion of the Indian Act's place in Native peoples' lives, and the concept of a Janus-faced war. Historians may have celebrated types of Native participation in the war effort, but they have generally been quick to condemn the government, either as racist in the face of Native loyalty, enthusiasm and skill, or opportunistic in the face of crises. So the government took land used the guise of the war effort or soldier settlement when they could not coerce bands to sell according to the Indian Act. The Department used wartime fears about sedition to further its campaign against the potlatch. Although both these accusations are true, they are reminiscent of the argument the poverty Native peoples experienced in the Depression provided the Department with the opportunity to push their control on Native peoples. No doubt the Depression was disruptive, even devastating, which made that rudimentary safety net the Indian Act provided more attractive.

Yet to simply emphasize a black and white Native-government relationship is incorrect, and the hint of this was already evident in many histories of Native involvement in the war. Mike Mountainhorse's conditional soldiering experience clearly mixed his traditional practices and beliefs with modern technology and practices.⁵ Strategies Native communities employed to ensure they controlled, at least in part, how they contributed to the war effort point to a political sophistication not immediately apparent in either the outcome of many of these same war policies, or in the narrative that pits loyal Native peoples against a cruel government. The story of this complicated relationships between Native peoples and the government, marked by imbalances in power, different motivations, and wide variation between intent and outcome for both partners, is much broader. Consider again the story of Sarah Oak, where the war changed her physical surroundings with a terrible outcome. The bridge Sarah crossed had little risk of being taken by the Germans, and she intended no political comment or protest when she crossed. Her parents looked to the Indian Agent for some form of resolution (as the most present and familiar government representative), and he responded by both advocating for Sarah and controlling her settlement.

There are many relationships between Native peoples and the government, as Robert Talbot was correct to point out. The war is an independent variable or catalyst in those relationships, changing the terrain in which they worked, necessitating both partners to change their movements, and moving them towards a specific endpoint. This catalyst brings many of these relationships closer together, standardizing Native expectations of the Canadian government, or more specifically of the Department of Indian Affairs. This is particularly clear in the mass use of the concept of status Indian,

⁵ Dempsey, "A Warrior's Robe."

wards of the Canadian state, in the debate over conscription. Although the use of “Indian” was clearly a strategy, rather than necessarily a heartfelt assertion that Native peoples were wards, the outcome(s) of that debate was national in scope and implication. To be exempt was to be counted and recognized as Indian by the Department, from British Columbia to the Maritimes. Treaties and history clearly did not disappear, as illustrated in the cases of Gaston Louie and Wesley Martin. Yet the question of status emerged as a national standard in the interaction and expectations between Native peoples and the Canadian government.

Across Canada, there was no one Native strategy to participate in the war effort. In many ways and in many different venues, Native peoples tried to shape the nature and outcome of their participation in the war effort, both in the immediate and long term. Several groups clearly enjoyed success talking back to Indian Affairs and Military officials, particularly in the short term. Yet, even in moments of victory, the Indian Act and Indian Affairs’ hegemony was affirmed on reserves. Economic family structures, band membership, and individual rights and restrictions, some of the most basic elements of everyday life, were placed unambiguously under the authority of the Indian Act.

As Sarah Oak sat in her hospital bed, her Indian Agent determined his future importance in her financial life, and although her experience was certainly unique in particulars, its outcome would have seemed familiar to women like Sarah Cope, or to those men actively seeking protection against conscription. There was a common government response during the war – look to the Indian Act for the answer to any question, to determine the hierarchy of authority for Native peoples, and for the resolution to any dispute. By offering (or at least initially ceding) the protection of Indian

status against such massive intrusions as conscription, Indian Affairs ensured its central role in Native peoples lives. The Department of Indian Affairs used the Indian Act to interpret new war policies, to justify their authority to direct the Native war effort(s), and to determine the freedoms (and limitation) of Native peoples. The First World War fundamentally enforced the reality of the hegemony Indian Act as the basic organizational principle of Native reserve life in Canada.

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