To share, not surrender: Indigenous and settler visions of treaty making in the colonies of Vancouver Island and British Columbia

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10

"The Last Potlatch" and James Douglas's Vision of an Alternative Settler Colonialism

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On April 27, 1864, William McColl, a retired royal engineer turned contract surveyor, was still working with Fraser Valley Indigenous leaders to identify lands to be included as Indian reserves when an editorial appeared in the *British Columbian* under the headline "The Last 'Potlatch.'" In the article, John Robson directs vitriol at the man who had provided McColl with his instructions – the outgoing governor, James Douglas.[1] Setting himself up as the voice of British Columbia's emergent settler colonial population, Robson works his prose to undermine Douglas's authority by suggesting the governor's well-known empathy and sympathy for Indigenous peoples had caused him to betray the interests of white colonists and, by extension, the future of British Columbia:

> The Last "Potlatch" – It is pretty generally known that shortly before vacating Government House Sir James Douglas held a grand "Potlatch" at which most of the Indians living in the Lower Fraser were present, and amongst whom, as was his Excellency's wont, "biscuit and molasses" were distributed. But it would appear that on this occasion something more was *potlatched*, as several of the Sumas white settlers are down, who aver that seven or eight miles square, including their ranches, were given to the Indians on that day! We hope this affair is susceptible of a satisfactory explanation; but certainly it wears an awkward aspect at the present time. Several thousand dollars have been expended upon the ranches by some of the settlers in the district, and by one fell swoop, to throw so large a tract of settled country into the hands of the Indian would almost seem like seeking to create trouble between the white settlers and natives.[2]

Imbedded in the editorial are not only thinly veiled threats that Douglas's policies, if left unchecked, would provoke white settlers to violence but also what contemporary political analysts would call "dog whistle" call-outs

to British Columbia's rising settler colonial political base. In accusing Douglas of "potlatching" to Indians property that settler colonial logic regarded as properly belonging to whites, the newspaper editor (and, it should be noted, future provincial premier) was implying that the old Hudson's Bay Company (HBC) trader had "gone Indian"; he was also implicitly reminding readers of the governor's African ancestry and the Cree and Métis genealogy of his wife, Amelia Connolly.

In the eyes of the disgruntled white settlers of Sumas and those of the editor of the colony's leading newspaper, Douglas had attempted to chart a course antithetical to securing their financial fortunes, and that course was inconsistent with the advancement of British society and civilization. And, of course, as has been well documented, under Douglas's successor, Frederick Seymour, the settler colonial base consolidated control over the formal instruments of government to such a degree that within three years Douglas's personal commitments to Indigenous peoples had been dismissed, his directives to McColl (who died shortly after completing the work) discredited, and the legitimacy of the Indian reserves disavowed. By 1867, Fraser Valley Indian reserves had been reduced by 92 percent (and even larger reductions occurred to Indian reserves in the Interior).

Today, with classic settler colonialism firmly entrenched and its handmaiden, racism, having consistently enabled its goals, it can be difficult to imagine a time when alternatives were genuinely possible. The fragility of white racial identity implicit in Robson's comments, however, hints at a profound insecurity in the minds of colonial settlers in the early 1860s.[3] This is not to suggest that Douglas was any less interested than Robson in attracting immigrants to British Columbia to build the colony's economy or that he resisted the idea of white British immigrants gaining access to, and control over, lands and resources. As Robert Cail, Peter Carstens, Paul Tennant, and Cole Harris have each persuasively argued, Governor James Douglas worked to implement a liberal political and economic order, and he believed in that order's inherent superiority to other economic and political systems – including Indigenous ones. Rather, what caused anxiety among settlers was Douglas's vision of a settler colonialism that was not predicated on assumptions of Indigenous peoples' racial inferiority serving as a structural barrier to their meaningfully engaging with modernity.

Douglas was attempting to create an alternative expression of settler colonialism in British Columbia that was distinct from any other that had

been attempted elsewhere in North America, and it was profoundly different from what would ultimately be implemented in British Columbia after his retirement. Understanding the personal and the political factors that enabled and empowered his vision, as well as the forces that thwarted it, puts us in a position to contribute to contemporary conversations aimed at dismantling settler colonialism and building meaningful reconciliation between Indigenous and non-Indigenous residents located on the geography and within the polity referred to as Canada.

To that end, at least two questions emerge. How did Douglas come to conceive of such a drastically alternative vision of settler colonialism, and what convinced him that his ideas would be workable in British Columbia and acceptable to imperial authorities back in London? Finding answers requires an appreciation of the extent to which Douglas interpreted the Colonial Office's approval of his innovative actions to mitigate violence between Indigenous people and miners during the summer of 1858 as signalling its confidence not merely in his ability to protect British sovereignty from American expansionists but also its support for his vision of a colonial society in which Indigenous peoples would hold and exercise distinct Indigenous rights as well as racial equality with white settlers. Helping to contextualize this examination, historian Adele Perry has examined Douglas's biography to shed light on the way race was negotiated on the fringes of the British Empire.[4]

In this essay, I posit that in the eyes of Governor James Douglas (and, indeed, in the eyes of most of the Indigenous population on the Mainland with whom he directly conversed), British Columbia between April 1858 and May 1864 was not yet understood to be a settler colonial society. Rather, it was at most a nascent settler colonial society, one pregnant with settler colonial potential but whose settler colonial fate had yet to be sealed. British Columbia during Douglas's tenure as governor was, in other words, liminal (in a state of transition; a state of *becoming* – but where what it was becoming was still uncertain and filled with possibilities that caused worry among those who took settler colonialism for granted).[5]

For colonists such as Colonel R.C. Moody, Colonial Secretary Arthur Birch, Chief Commissioner of Lands and Works Joseph Trutch, and others of their ilk, there was no question that British Columbia was destined to be a settler colony, and as good settler colonists who stood to profit from that transition, they sought to hasten its arrival. But for Douglas, evidence suggests that while the liminality was apparent (i.e., he recognized that

the territory of British Columbia was certainly *becoming* something), the specific form and expression of what was emerging was less clear and less certain. More to the point, he genuinely believed that he possessed both the insight to design the structure and the political power to implement the systems that the new colonial society would assume. And he was confident that the Colonial Office approved, or at least did not disapprove, of his vision.

Thus, what appears increasingly clear is that Douglas's power and authority was representative of not only a peculiar set of circumstances (American miners on the lower Fraser) but a particular time in British imperial history (one that was rapidly passing by the time he was put in charge of British Columbia). Historians of the British Empire have long made the case that the global expansion of British military and economic power allowed all sorts of people who did not fit into English "proper" society to find an avenue for advancement and social recognition in the periphery – from the Scots who dominated Indian administration to the ne'er do wells who made money in Jamaica. But Douglas's story reveals that a more accurate version of this would be to say that it was the long era of empire pursued by commercial mercantile companies that provided this opportunity. These companies – the East India Company, the West Africa Company, the Hudson's Bay Company, and others – relied on whomever they could find to run their enterprises. They were often little concerned with the race and class (and sometimes even character) of the people they inserted into various levels of administrative authority. And, of course, they were well accustomed to engaging with Indigenous peoples, either as allies with whom political agreements were needed or as independent contractors with whom predictable labour policies were required to help ensure corporate profits. Neither of these arrangements mitigated the increased tendency towards regarding Indigenous peoples largely as obstacles who needed to be displaced or assimilated.

This was the context of empire that enabled someone with James Douglas's social and racial background to achieve the particular authority he did in 1858. But by the time Douglas was being ushered into retirement in 1864, such a milieu was rapidly waning. The increasingly racialized idea of a natural order in which white British society sat atop a pyramid of civilization to which those relegated to the lower rungs were expected to aspire was now providing a moral authority to those who sought to undo what Douglas had established. In this way, settlers' views of the inherent correctness and inevitability of a settler colonial order where Indigenous

peoples were displaced from their lands and marginalized from decision-making processes that affected Indigenous bodies and lands were given a cloak of moral authority. Douglas, therefore, existed as a liminal figure in a liminal world where non-Indigenous settlers felt comfortable dismissing him as anachronistic and his vision of the future as hopelessly fantastic and contrary to the economic interests of colonial society.

Setting the Scene

The scholarship on colonial-era Indian policy in British Columbia is both deep and robust. Starting in earnest with the works of the anthropologist Wilson Duff in the 1960s, James Douglas's Indian policies on the Mainland have been the subject of careful study and reflection. Both Duff and historian Robin Fisher (who mentored under Duff at UBC) have each explored what they both determined was the distinguishing feature separating Douglas's policies on Vancouver Island from those on the Mainland – that is, the governor's abandonment of treaty making. Without sufficient financial reserves to extinguish Aboriginal title, Duff and Fisher argue, the generally well-meaning Douglas instead opted to create larger reserves, the geographic extent of which Indigenous peoples could identify for themselves. This good will, however, quickly dissolved in the early 1860s, when nefarious representatives of settler development interests took over the reins of power and conveniently argued that Indigenous peoples neither deserved nor required extensive tracts of agricultural land. These interests, led subtly by Arthur Birch, the colonial secretary, and boldly represented by Joseph Trutch, the chief commissioner of lands and works, quickly undermined Douglas's directives by disavowing the actions of those who enacted them.[6]

Conducting research at roughly the same time, Robert Cail was more interested in the social systems and the bureaucratic institutions that gave shape and expression to colonial society and expressions of colonial power than to the personality or private corporate interests of the men who alternatively collaborated and bickered within those systems. In his assessment, the differences between Douglas's policies and those of Joseph Trutch were ones of degree not direction. For Cail, "both Douglas and Trutch … merely reflected trends in the status quo" – a status quo characterized by nineteenth-century liberalism designed to defend the priorities of settler colonial society. Similarly embracing a structuralist approach to British Columbia's history, Peter Carstens picked up where Cail left off

(Cail died tragically while completing his PhD) to conclude that "the personality of Douglas should not be considered relevant, and we should look to the wider socio-economic implications of colonial rule for insights" if we want to understand the way Indian policy unfolded in British Columbia's colonial era.[7]

In 1990 political scientist Paul Tennant charted an interpretive path that drew from both these historiographical genealogies. He recognized, for example, the power of the socioeconomic forces of liberalism while acknowledging examples of meaningful individual agency within this system. His assessment of the evidence suggested that Douglas had actually abandoned the idea of dealing with Indigenous title long before the 1858 Fraser River Gold Rush propelled him into the governor's chair on the Mainland and that, as governor, Douglas was much more susceptible to the pressures of the colony's emerging economic elite than Duff and Fisher had been willing to concede. Early efforts to create relatively large reserves for Indigenous peoples on the the Mainland were abandoned without much resistance from Douglas, Tennant posited, once it became clear that colonial society wanted all Indigenous lands and would be satisfied with nothing less.[8]

More recently, Cole Harris has shown that "even [Douglas's] mainland policies evolved during his few years as governor" and that how they have been interpreted has been complicated by the fact that Douglas's "statements about them were not always consistent."[9] What is most innovative about Harris's approach is that he situates British Columbia's colonial-era Indian policies within the body of theoretical postcolonial literature to highlight the multiple ways in which power was projected (discursively, administratively, cartographically, militarily, and so on).

As a historical geographer, Harris is principally concerned with assessing the ways in which power was mustered to displace Indigenous peoples from their territories so as to consolidate their actions and influence onto tiny Indigenous spaces (Indian reserves). Harris recognizes the way social, cultural, and economic systems restricted people's ability to act, but he is likewise attuned to the agency people had within those systems, especially figures such as James Douglas who, Harris argues, believed in a universal humanity that rendered race, culture, and ethnicity porous. Douglas's views reflect "liberal humanitarian values" that, unfortunately for Douglas, were a waning philosophical force within London's Colonial Office when he assumed the governorship.[10] James Douglas believed that regardless of (he would likely have phrased it "despite") skin colour or pedigree, all

people had the ability within the span of a single lifetime (as opposed to the potential over multiple generations of evolution) to become meaningful participants in colonial society. Harris is careful to point out that Douglas's relatively liberal views did not erase the fact that he carried prejudices common to British traders and settlers; rather, even with these prejudices, Douglas could envisage a future world where assimilated Indigenous peoples participated successfully within colonial society.[11]

Harris's work and the growing body of postcolonial scholarship of which it is a part inform my discussion here. I accept, for example, the premise of Patrick Wolfe and Lorenzo Veracini that settler colonialism is an expression of colonial power distinct from other forms of colonialism (such as the extraction colonialism that occurred under British colonial rule in India or Italian colonial rule in Ethiopia). In settler colonialism, Indigenous peoples were valued less for how their labour could be exploited to enrich colonists back in imperial metropolises than for how their land and resources could enrich an inevitably growing resident population of colonial settlers. These first-generation settlers knew and understood that they were taking land and resources from Indigenous peoples, so they designed and implemented tactics that would alienate Indigenous peoples from their territories and disenfranchise them from politics. "Indians," to early settler colonists, were a problem, an impediment to accessing coveted agricultural lands and mineral and forest resources. Over time, subsequent generations of settlers came to regard themselves not as creating a colonial society but as inheriting a settler colonial one. For them, Indigenous peoples who had already been displaced and marginalized were less a problem than they were people with problems. Consequently, an important insight emerging from settler colonial studies is the recognition that settler colonialism is an ongoing structure of domination that has not ended. Thus, to the extent that contemporary non-Indigenous Canadians (and Americans, and Australians, and New Zealanders, and so on) do not regard Europe or Asia or Africa as homes to which they can return, settler colonialism is intractable.[12]

Settler colonialism was additionally built upon a convenient myth. Historian Brian Dippie has shown that North American Indian policy prior to the early twentieth century was based on the premise that Indigenous peoples were a doomed race destined either to physically disappear or, at a minimum, to culturally and legally assimilate. And politicians and developers did not necessarily need to point to the steadily declining Indigenous demographics throughout the nineteenth century to justify

their assumptions. "Proof" of the myth's veracity could be found in the novels, poetry, and art that settler colonial society created to characterize itself.[13]

In British Columbia, where in 1862 a smallpox epidemic devastated Indigenous populations in almost all parts of the colony, except the lower Fraser River where Catholic missionaries had been able to administer vaccinations, settler colonists were emboldened to take a host of actions and inactions that, in turn, served to accelerate Indigenous population decline and political and economic marginalization. Unanticipated Indigenous population rebound since the 1930s has thus disrupted and confounded one of the key logics of settler colonialism and exposed as cruel self-serving hypocrisies the rationales that were used to justify residential schools, Indian reserves, the banning of cultural traditions, the denial of the franchise, and a host of other initiatives. The implications of this today are that the dubious legal and ethical means used to displace Indigenous peoples from their lands cannot be swept away or forgotten in a world where Indigenous peoples continue to survive and find new ways to exist not only as individuals but as collectives with distinct cultures and worldviews intact.

Historical studies that reveal the complexities and nuances of how settler colonialism came to be imposed in different geographies and among different Indigenous groups, therefore, can shed light on the fissures and fracture lines within contemporary settler colonialism. Understanding the structural flaws within the bricks and mortar of settler colonialism can, in turn, contribute to creative ways of thinking about and innovative ways of strategizing the dismantling of it, ideally in ways that need not be stymied by the conundrum that, today, both Indigenous and non-Indigenous peoples have a sense of belonging in the territory known as Canada. It is hoped that this essay contributes in some way to such conversations.

Douglas was familiar with the establishment of settler colonialism in other parts of the Pacific Slope and sensitive to the social consequences that accompanied it. From his time as chief factor at Fort Vancouver on the Columbia River, Douglas carried with him memories of the displacement experienced by Indigenous peoples at the sudden arrival of American homesteaders on the Oregon Trail. Douglas witnessed the aggressive actions of American settlers arriving under the dubious and constitutional legality of the Donation Land Act, which sparked a war between the United States military and Indigenous communities in Puget Sound and the

Columbia Plateau in 1855–56. Additionally, we also know that Douglas was aware of both the threat posed by American miners and the fact that most miners were by definition transient and tended to abandon a region once the gold fields had played out.[14] And fresh in Douglas's mind was the difficulty he had experienced as governor of Vancouver Island in attracting British agricultural settlers to populate the new colony. These factors undoubtedly raised questions in Douglas's mind as to the pace with which mainland British Columbia *might* become a bustling agricultural and industrial society with a large and permanent non-Indigenous population, as well as concerns about what burgeoning settler colonialism might imply for the future of British Columbia as a British space.

Historian Adele Perry has illustrated that Douglas's life story, though distinctive in many details, reveals him to have been a typical man of the fur trade who grew up inculcating sensibilities that were common of biracial families located on the geographic fringe of the British Empire. Her work allows us to be increasingly confident in regarding Douglas's sense of liberal humanism as having been informed at least in part by the fact that his grandmother Rebecca Ritchie was a British Guyana woman of African descent who, through initiative and a skilful navigation of Caribbean colonial economics, went on to own black slaves herself.[15] Likewise, both Perry's and historian Sylvia Van Kirk's analyses of the written records Douglas and his family left to posterity reveal the extent of his love for his wife, Amelia, and his respect for his mother-in-law, Miyo Nipay (a Cree woman raised on the bison hunts of the prairies who, after a strategic marriage, saw her children become prominent figures in the bicultural world of Red River Métis society).[16] We know from Perry's review of documents associated with court proceedings that Douglas shared deeply the pain his wife experienced when her prominent father (and Douglas's early mentor) sought to disavow his country marriage to Miyo Nipay so that he could disinherit his children and then, as a Roman Catholic, (re)marry a (second) wife, who was white.[17] And together, Perry's and historian Jean Barman's examination of Douglas's diary and personal papers reveal the extent to which he agonized over whether his daughters, Cecilia and Martha, would be disqualified from respectable British society because of their father's and mother's ancestry.[18]

It is these disjunctures that make Douglas's efforts to shape Indigenous-settler relations in colonial British Columbia so compelling and revealing. But such personal biographical insights tell only part of the story.

Complimenting and complicating Douglas's position is the exceptional scope of executive authority bestowed on him by the Colonial Office as well as the feedback Douglas received from top Colonial Office officials in the early years of his tenure highlighting their confidence in what they regarded as Douglas's unique ability to steer British Columbia into the future. These matters, I believe, enabled Douglas's sense of his own ability as someone who could create a new and different settler colonialism than existed elsewhere.

This situation gave Douglas a sense that the present and future of British Columbia could be different from the past and present of California, Oregon, and Washington – settler colonial sites where violent wars had recently been waged by settler militias and the American army alike to ensure the displacement and marginalization of Indigenous peoples. For Douglas, from his liminal position, there were opportunities to imagine different British Columbias – alternative settler colonialisms. He rejected the inevitability of a future in which Indigenous peoples would be restricted to merely huddling on tiny Indian reserves. Rather, his vision was for a society where self-governing Indigenous peoples would continue to hunt and fish on unclaimed forests, meadows, streams, lakes, and ocean beyond their reserves and, importantly, where Indigenous peoples would become self-sufficient, prosperous Christian farmers, labourers, property owners, and, eventually, business leaders, people who would participate meaningfully in the colony's political and economic life.[19]

Others have pointed out that Douglas envisaged Indigenous people acquiring fee-simple title to farm lands, but overlooked are his successful efforts to protect certain mining lands for Indigenous people's exclusive use. Insights into this aspect of Douglas's historical consciousness are provided through colonial-era documentary records as well as through Indigenous oral histories – oral histories that have too often been ignored.

Power and Authority in the Summer of 1858

Officials in the Colonial Office in London were well aware that the earlier contestation with Mexico had facilitated the 1848 annexation of Mexican Alta California by the United States (and that the 1849 Gold Rush had then sparked massive American migration to the region). Likewise, fresh in their memory was the unprecedented influx of American farmers into the Oregon Territory in the 1840s, which had resulted in Britain losing

rights to more than half of what had previously been jointly claimed territory with the United States. Thus, the arrival along the lower reaches of the Fraser and Thompson Rivers of more than thirty thousand mostly American gold miners from California in the spring and summer of 1858 caused the secretary of state for the colonies, Sir Edward Bulwer-Lytton, not a little anxiety. But if, as historian James Hendrickson has noted, the rush presented the Colonial Office with "both a threat and an opportunity," less well understood is how that perception also created possibilities for James Douglas.[20]

Lytton was not displeased when he learned that James Douglas, from his base in Victoria where he held the dual positions of governor of the Colony of Vancouver Island and chief factor of the Hudson's Bay Company's vast Columbia District on the mainland north of the United States,[21] had started issuing proclamations asserting the Crown's domain over the territory's gold and requiring miners to acquire licences. Although his legal authority to do so was dubious, the quick action reminded Lytton of Douglas's competencies and convinced him of the merits of appointing him governor of the new Colony of British Columbia and of investing in him special authority no longer associated with senior administrators of settler colonies within the British Empire. That is to say, unlike on the neighbouring Colony of Vancouver Island, where his executive authority was constrained by both a legislative and an executive council, in British Columbia Douglas was about to be appointed the colony's sole executive as well as its sole legislator.

One particular initiative by Douglas especially caught Lytton's attention, and his positive reaction to Douglas's recounting of it perhaps did more than anything else to convince Douglas not only that he had Colonial Office support for his Indian policies but also that the British government approved of his taking creative steps to shape the future of the colony in ways that would potentially distinguish it from emerging settler colonial societies elsewhere in western North America. The incident occurred in early June 1858. Writing to Lord Stanley on the fifteenth of that month, Douglas described his actions relating to a dispute that had broken out between white miners and Indigenous people at a site on the Fraser River that the miners had informally christened "Hill's Bar." Arriving on the scene just as violence was erupting, Douglas interceded by refusing the miners exclusive rights to the land and affirming the rights of Indigenous people. He also appointed Indigenous people as government agents and magistrates on terms that provided them

agency and a meaningful degree of responsibility and authority as interlocutors with colonial society:

> The quarrel arose out of a series of provocations on both sides, and from the jealousy of the savages who naturally feel annoyed, at the large quantities of gold taken from their country by the white miners …
>
> I lectured them soundly about their conduct on that occasion, and took the leader in the affray, an Indian, highly connected in their way, and of great influence, resolution and energy of character,[22] into the Government service, and found him exceedingly useful in settling other Indian difficulties …
>
> I also appointed Indian Magistrates, who are to bring forward when required any man of their several Tribes, who may be charged with offences against the Laws of the country, an arrangement which will prevent much evil …
>
> I also spoke with great plainness of speech, to the white miners … I refused to grant them any rights of occupation to the soil and told them distinctly that Her Majesty's Government ignored their very existence in that part of the country which was not open for the purposes of settlement, and they were permitted to remain there merely on sufferance; – that no abuses would be tolerated, and that the Laws would protect the rights of the Indians no less than those of the white man.[23]

Several weeks later, at a different gold bar, Douglas intervened in another skirmish between Indigenous people and miners that had resulted in the deaths of two Americans and was threatening to escalate into a wider affray. On this occasion, as he explained to Lytton, the Indigenous people "made no secret of their dislike of their white visitors." The "Indians," he explained, had

> laid claim to a particular part of the river, which they wished to be reserved for their own purposes … a request that was immediately granted, the space staked off, and the miners who had taken claims there, were immediately removed and public notice was given that the place was reserved for the Indians, and that no one could be allowed to occupy it without their consent.[24]

Together, these two incidents suggest the potential breadth of Douglas's emerging vision for a colonial society where Indigenous peoples would be meaningful players in both economics and politics. In the first letter,

Douglas waited until the last paragraph to discuss the geopolitical issues of British sovereignty and the land rights of non-British miners – issues that would have been forefront among the concerns of officials in the Colonial Office. In the initial paragraphs, Douglas (who at this time was still without official jurisdiction) highlights two innovative actions that would have been regarded as provocative by any Brit or American familiar with the recent Indian wars in Washington and California. By adopting an influential Indigenous leader into the government's service, Douglas was undeniably seeking to co-opt Indigenous power, but more than that, he was also signalling to Indigenous peoples that, at least to some extent, he respected their existing governance structures and saw them as being not incompatible with colonial governance.

His second action, appointing Indigenous people as magistrates, was even more creative. While there can be little doubt that in doing this Douglas was motivated in large part by a desire to gain influence within Indigenous communities by arming certain individuals with authority derived from the British Crown, his action additionally spoke to Douglas's sense of the competencies of Indigenous peoples at that moment in time, and not merely to their aptitude for acculturation.

In the second letter, Douglas describes his creation of what for all intents and purposes was the first Indian reserve on the Mainland (and what in the broader context of the history of British colonialism on the Pacific Coast was the first Indian reserve not associated with the negotiation of a treaty). The bargain that Douglas struck to resolve the conflict on the shore of the Fraser River illustrates his sense of the legitimacy of Indigenous peoples' interests in land and resources (in this case, gravel bars and gold) beyond their immediate village sites, cultivated fields, and subsistence-associated harvesting and provisioning sites. Indigenous peoples' interests, for Douglas, should not be considered only when their traditional hunting, fishing, and gathering interests were being threatened but also when their interests in a commercial commodity were being compromised. Likewise, Douglas's effort to recognize Indigenous peoples' stake in protecting as-yet untapped gold for themselves, and in adapting Western technology (e.g., sluices and gravel rockers) to allow them to partake in commercial resource extraction, indicated a recognition on his part that Indigenous rights need not be tied to precontact subsistence or cultural activities. Indeed, prior to the gold rush, Douglas had suggested to HBC officials that it would be in both Britain's and Indigenous peoples' interests to leave gold mining in Indigenous hands.

Meanwhile, back in London, news of the American miners' bellicosity was trickling in from a variety of sources. Sensitivity to Mexico's recent inability to stay American expansion in California, and memories of the HBC's impotence in stemming the flow of Yankee pioneers to Oregon, highlighted for London officials just how tenuous was Britain's ability to project power against a large and growing American population. If largely transient American men were the problem, loyal British settler families were, for officials in the Colonial Office, the first and most obvious solution. In a letter dated July 1, 1858, Lytton told Douglas, all "claims and interests must be subordinated to that policy which is to be found in the peopling and opening up of the new country, with the intention of consolidating it as an integral and important part of the British Empire."[25]

Additionally, on July 31, 1858, having become aware of Douglas's innovative actions in creating reserve lands for Indigenous miners and appointing Indigenous people as government agents and magistrates, Lytton penned a dispatch to Douglas encouraging him to follow a humane policy towards "the Natives." Significantly, in the letter, Lytton explains to Douglas that, ultimately, it would be Douglas who would have to determine how best to interpret and apply imperial instructions on the ground:

> I have to enjoin upon you to consider the best and most humane means of dealing with the Native Indians. The feelings of this Country would be strongly opposed to the adoption of any arbitrary or oppressive measures towards them.
>
> *At this distance and with the imperfect means of knowledge I possess, I am reluctant to offer as yet any suggestion as to the prevention of affrays between the Indians and the Immigrants. This question is of so local a character that it must be solved by your knowledge and experience, and I commit it to you in the full persuasion that you will pay every regard to the interests of the Natives which an enlightened humanity can suggest* … Above all it is the earnest desire of Her Majesty's Government that your early attention should be given to the best means of diffusing the blessings of the Christian Religion and of civilization among the Natives.[26]

If after reading this letter, Douglas retained doubt as to whether officials in London would approve of his actions towards Indigenous peoples, a second letter, dated August 14, 1858, must have allayed any remaining anxieties. In it, Lytton confirms that he approves of Douglas's policies and assures the soon-to-be governor of the British government's support in whatever reasonable measure he devises to protect Indigenous peoples,

regulate their relations with non-Indigenous people, and facilitate Indigenous peoples' transition to self-supporting agriculturalists:

> *I highly approve of the steps which you have taken, as reported by yourself, with regard to the Indians.* It is in the execution of this very delicate and important portion of your duties that Her Majesty's Govt. especially rely on your knowledge and experience obtained in your long service under the Hudson's Bay Co. *You may rely on their support in the execution of such reasonable measures as you may devise for the protection of the natives, the regulation of their intercourse with the whites and whenever may be commenced, their civilization.*[27]

Whether Lytton was specifically approving of the underlying strategic elements of Douglas's vision, along lines similar to the way I have interpreted them above, or whether he was signalling his approval of the on-the-spot tactics Douglas used to prevent costly and embarrassing conflicts between Indigenous peoples and Americans for fear that they might lead to American efforts to annex the region will likely never be known. But the possibility that Douglas understood Lytton as endorsing his larger vision of a genuinely alternative form of settler colonialism is likely and well within the realm of possibility. Certainly, at a minimum, Douglas would have felt greatly empowered when he learned from Lytton in the coming weeks not only that he was the British government's choice for governor of the proposed new British mainland colony but also that the Colonial Office's vision for British Columbia, at least for the short term, would be a Crown colony in which Douglas would govern with incredibly far-reaching discretionary powers unencumbered by either a legislative or executive assembly.

It was late July 1858 when the secretary of state for the colonies fully apprised the veteran HBC trader of his plans. Lytton reiterated that he saw the American miners as a political threat, and so the apparatus of representative government would be "temporarily" withheld in British Columbia until "by the growth of a fixed population the materials for those Institutions shall be known to exist."[28] In Parliament, Lytton clarified that "the immediate object" in providing Douglas with his exceptional powers was "to establish temporary law and order amidst a motley inundation of immigrant diggers … of whom perhaps few if any, have any intention to become resident colonists and British subjects."[29]

From Douglas's perspective, the evidence suggests, a permanent population of loyal British farmers was not the only solution to the threats posed

to British imperial interests by American Manifest Destiny. In addition, and in the meantime, Indigenous people themselves could help stem the tide of American expansion. Recent events had revealed that Indigenous people had no love for the Boston men who dug for gold. Their interests, Douglas believed, coincided with those of Britain.

Two letters that arrived from Lytton, each dated August 11, 1858, spoke to the confidence the secretary had in Douglas's judgment. In the first, Lytton states that to accomplish his mandate Douglas must *"take without hesitation such steps as you may deem absolutely necessary*." In the second letter, Lytton reassures Douglas that despite not yet having received a formal Order-in-Council confirming his powers as governor, Douglas should *"continue … to act as you have hitherto done … and take without hesitation such steps as you may deem absolutely essential."*[30] Such feedback could only have reinforced in Douglas a sense of his potency as an agent with the potential to create a settler society that reflected his personal sensibilities.

Back in London, Lytton did not want to be criticized for delaying democracy indefinitely, and so the Act to provide for governance in British Columbia contained a clause clarifying that the life of Douglas's executive rule would expire at the end of 1862. But the fact that the Colonial Office as late as 1862 (four years later) saw fit to arrange for a new Order-in-Council that reaffirmed the ongoing "very serious and unusual extent" of the powers invested in Douglas could only have served to reaffirm in Douglas's mind that his ability to govern was as exceptional as the historical circumstances that had thrust him into the governorship in the first place.[31]

Importantly, however, if it was the perceived threat that American miners posed to British sovereignty that provided the context for Douglas being invested with an unusually broad political power, it was in large part the threat the American miners posed to Indigenous people that informed the way Douglas initially conceived of, and then exercised, those powers. More to the point, it was concerns over Indigenous people's safety (albeit no doubt in large part as related to how a failure to protect Indigenous peoples might adversely affect the government's reputation among the British population) that informed the way colonial officers discussed that power with Douglas in official correspondence.

Starting in May 1858, increasingly gruesome reports of violence by miners against Fraser River Indigenous peoples were making their way back to London. By early August, news had reached Britain describing how hundreds of well-armed and organized American miners had embarked

on what one of the leaders of the self-declared militias described as a "war of extermination" against Indigenous peoples between Lytton and Yale.[32] The Indigenous peoples themselves, along with some of the less bloodthirsty Americans, were ultimately responsible for bringing peace to the region.[33] But Douglas played a role. As historian Daniel Marshall has shown, Douglas – as the conduit for official communications with the Colonial Office – made sure that Lytton appreciated his contribution to preventing a race war from expanding (if not actually preventing it from happening).[34]

A little over a month later, on September 2, Lytton composed a short letter in which he reminded Douglas that the subject of the "treatment of the Native Indians" was one "which *now demands your prompt and careful consideration.*"[35] Included in his missive was a copy of a letter from Britain's Aborigines Protection Society "invoking the protection of Her Majesty's Government on behalf of these people." In its letter, the society warned the Colonial Office that the predominantly American population participating in the mining probably regarded Indigenous lives in British Columbia "as cheaply as they have, unfortunately, down in California" and, further, that "unless wise and vigorous measures be adopted by the representatives of the British Government in that Colony, the present danger of a collision between the settlers and the natives will soon ripen into a deadly war of races, which could fail to terminate as similar wars have done on the American continent, in the extermination of the red man." The society therefore regarded the need for "Her Majesty's Government to adopt measures to protect the Indians against this class of diggers" as being "too obvious to require any further illustration or argument."

The Aborigines Protection Society's letter explained further that it appreciated that Indigenous peoples were well aware of their rights to the land:

> It is certain that the Indians regard their rights as natives as giving them a greater title to enjoy the riches of the country than can possibly be possessed either by the English Government or by foreign adventures. The recognition of natives rights has latterly been a prominent feature in the aboriginal policy of both England and the United States. Whenever this principle has been honestly acted upon, peace and amity have characterized the relations of the two races, but whenever a contrary policy has been carried out, wars of extermination have taken place; and great suffering and loss, both of life

> and property, have been sustained both by the settler and by the Indian. We would beg, therefore, most respectfully to suggest that the Native title should be recognized in British Columbia, and that some reasonable adjustment of their claims should be made by the British Government … No nominal protector of aborigines, – no annuity to a petted chief, – no elevation of one chief above another, will answer the purpose. Nothing short of justice in rendering payment for that which it may be necessary for us to acquire, and laws framed and administered in the spirit of justice and equality can really avail.[36]

Lytton, however, was at pains to make Douglas understand that while the British government shared the society's concerns for Indigenous peoples' safety and rights, that did not mean he was recommending that Douglas necessarily follow the society's recommendations as to how best to accomplish this. But nor was he suggesting that Douglas chart a course separate from that outlined by the society. Indeed, ambiguity was lightly sprinkled throughout Lytton's missive. One can only speculate as to how Douglas interpreted the statement "I beg to observe that I must not be understood as adopting the views of the Society as to the means by which this [i.e., the protection of Indigenous people, or the protection of Indigenous rights and interests?] may best be accomplished."[37] What is certain is that facing the prospect of governing British Columbia with neither a local legislative council to challenge his decisions nor a hovering imperial overseer in far-off London dictating policy, Douglas could be forgiven for thinking that Lytton was giving him the freedom to shape a colonial future that included Indigenous peoples.

Likely reinforcing his sense of what might be possible was a line in a second dispatch from Lytton dated that same day, September 2, 1858, that accompanied the formal Order-in-Council legitimating Douglas's political authority on what is now the Mainland. In the letter, Lytton reminds Douglas not only of the unusual circumstances that had led to his being invested with such broad powers but also of the heavy responsibilities that accompanied those powers and, implicitly, in his trust in Douglas's abilities to exercise them:

> These powers are indeed of a very serious and unusual extent … You are aware that they have only been granted in so unusual a form on account of the very unusual circumstances which have called into being the Colony committed to your charge, and which may for some time continue to

> characterize it. To use them except for the most necessary purposes, would be in truth to abuse them.[38]

Douglas took some time to contemplate the contents of the September 2 letters. It was not until November 5, 1858 (less than two weeks before he took the oath of office as governor), that he composed his reply. By then, the spectre of open warfare that had hovered over the gold fields during the summer months had dissipated. But there can be little doubt that Douglas's thinking about how best to protect Indigenous peoples' interests was informed by what he regarded as his successes during those previous months:

> While you do not wish to be understood as adopting the views of the [Aborigines Protection] Society as the means by which that [protection] may be best accomplished, you express a wish that the subject should have my prompt and careful consideration, *and I shall not fail to give the fullest effect to your instructions on that head,* as soon as the present pressure of business has somewhat abated. I may, however, remark that *the Native Indian Tribes are protected in all their interests to the utmost of our present means.*[39]

To better appreciate what Douglas meant by this, we can look to text he composed as part of a separate dispatch to Lytton a month earlier. In it, Douglas refers back to the comment Lytton had made in his letter of July 31, wherein the secretary emphasizes that it was Her Majesty's government's priority to see Douglas devise means to "diffuse the blessings of the Christian Religion and of civilization among the Natives." Douglas notes that, indeed, he had

> already taken measures as far as possible to prevent collisions between those tribes and the whites, and have impressed on the miners the great fact that the law will protect the Indian equally with the white man, and regard him in all respects as a fellow subject. *That principle being admitted will go far towards the well being of the Indian Tribes.*[40]

For the next month, both Douglas and Lytton were preoccupied with setting up the administrative apparatus of the new colony, particularly finding ways to create revenue streams for government. But that did not mean that for each of these men the issue of Indigenous peoples' place in an emerging settler colony did not remain a priority. On December 10, 1858, Lytton, inspired by George Grey's rationale that relocating a

community of nomadic Indigenous people in South Africa into permanent villages would facilitate their transition into civilization, sent an unexpected letter to Douglas inquiring if a similar policy might work in British Columbia. Pointing to what he considered the success of Douglas's Indigenous policies to date, Lytton posited that settling Indigenous peoples "permanently in villages civilization at once begins. Law and Religion would become naturally introduced amongst the red men, and contribute to their own security against the aggressions of immigrants."[41]

The fact that Lytton did not understand that most of the Indigenous peoples along the coastal regions of British Columbia and Vancouver Island already lived in large permanent villages throughout the winter months speaks to how uninformed the Colonial Office was about its far Pacific Coast North American colonies. The lacunae in the secretary's knowledge, however, were not something Douglas saw fit to raise in his reply. Instead, Douglas embraced the opportunity implicit in the South African model to begin conceiving broad structural change as a component of his own Indigenous policy. Additionally, citing efforts by certain settlers to bypass his office to deal directly with Indigenous peoples over land, and with specific reference to events on Vancouver Island and his discussions with the House of Assembly there, on February 9, 1859, Douglas wrote the first of two letters to the secretary of state for the colonies in which he articulated the specific elements of what had become a cohesive and comprehensive "Indian" policy:

3. Attempts having been made by persons residing at this place to secure those lands for their own advantage by direct purchase from the Indians, and it being desirable and necessary to put a stop to such proceedings I instructed the Crown Solicitor to insert a public notice in the Victoria Gazette to the effect that the land in question was the property of the Crown, and for that reason the Indians themselves were incapable of conveying a legal title to the same, and that any person holding such land would be summarily ejected.
4. … I have informed the House of Assembly [Vancouver Island Colony] of the course I propose to adopt with respect to the disposal and management of the Indian Reserve at Victoria; that is to lease the land, and to apply all the proceeds arising therefrom for the exclusive benefit of the Indians.
5. … *[I]t will confer a great benefit on the Indian population, will protect them from being despoiled of their property, and will render them self-supporting, instead of being thrown as outcasts and burdens upon the Colony.*[42]

A month later, on March 14, 1859, Douglas provided the second of his two missives outlining the pragmatics of his policy. In it, after cloyingly referring to Lytton's idea of settling Indigenous peoples in villages, he moves on to discuss what for him was the more important element of the vision, namely, a system that would tackle racial inequality and prevent Indigenous peoples from being degraded by settler colonialism.

It is important to recognize that key features in the early paragraphs of this letter are aimed at addressing the specific crisis associated with the Songhees Reserve in Victoria on Vancouver Island; Douglas was, of course, still serving as governor of that colony, where he was legislated to work with a legislative assembly. But as the later paragraphs make clear, Douglas considered his solution to the Songhees situation useful in giving form and expression to a broader policy that would address the growing crisis of conflicting Indigenous-settler land use on the Mainland:

> I have much pleasure in adding, with unhesitating confidence, that I conceive the proposed plan [to move people onto village settlements] to be at once feasible, and also the only plan which promises to result in the moral elevation of the native Indian races, in rescuing them from degradation, and protecting them from oppression and rapid decay. It will, at the same time, have the effect of saving the Colony from the numberless evils which naturally follow in the train of every course of national injustice, and from having the native Indian tribes arrayed in vindictive warfare against the white settlements ...
>
> … The [Songhees] Indians should be established on that reserve, and the remaining unoccupied land should be let out on leases at an annual rent to the highest bidder, and that the whole proceeds arising from such leases should be applied to the exclusive benefit of the Indians.
>
> *… [A]ny surplus funds remaining over that outlay, it is proposed to devote to the formation and support of schools, and of a clergyman to superintend their moral and religious training …*
>
> *The support of the Indians will thus, wherever land is valuable, be a matter of easy accomplishment, and in districts where the white population is small, and the land unproductive, the Indians may be left almost wholly to their own resources, and, as a joint means of earning their livelihood, to pursue unmolested their favourite calling of fishermen and hunters.*
>
> *Anticipatory reserves of land for the benefit and support of the Indian races will be made for that purpose in all districts of British Columbia inhabited by*

> *native tribes.* Those reserves should in all cases include their cultivated fields and village sites, for which from habit and association they invariably conceive a strong attachment, and prize more, for that reason, than for the extent or value of the land.
>
> *In forming settlements of natives, I should propose,* both from a principle of justice to the state and out of regard to the well-being of the Indians themselves*, to make such settlements entirely self-supporting, trusting for the means of doing so,* to the voluntary contributions in labour or money of the natives themselves; and secondly, to the proceeds of the sale or lease of a part of the land reserved, which might be so disposed of, and applied towards the liquidation of the preliminary expenses of the settlement …
>
> I would, for example, propose that every family should have a distinct portion of the reserved land assigned for their use, and to be cultivated by their own labour … that they should be taught to regard that land as their inheritance; *that the desire should be encouraged and fostered in their minds of adding to their possessions, and devoting their earnings to the purchase of property apart from the reserve, which would be left entirely at their own disposal and control; that they should in all respects be treated as rational beings, capable of acting and thinking for themselves;* and lastly, that they should be placed under proper moral and religious training, and *left, under the protection of the laws, to provide for their own maintenance and support.*[43]

Acting quickly to communicate and implement his plans for creating Indian reserves, on March 25, 1859, Douglas shared his letter to Lytton with the members of the Vancouver Island Legislative Council. Though the Island Assembly had no legal jurisdiction on the Mainland, these settler representatives typically owned land in both colonies and regarded themselves as the voice of settler interests in both places. Much of the information in Douglas's address therefore pertained to the Colony of British Columbia. To this body he explained *"that he had made anticipatory Reserves in the various districts, including the Cultivated fields & village sites of the Indians"* and that *"he proposed that the Indians shd. Be located on certain parts of those Reserves, & the remainder be leased & the proceeds applied to their temporal and spiritual elevation"*; he recommended that this "system" should eventually become "self-supporting."[44]

Responding to Douglas on April 11, 1859, and clearly indicating the Colonial Office's vision of harmonized policies on the Island and

Mainland, the Earl of Carnarvon (writing in the absence of Lytton as secretary of state for the colonies) indicated his agreement with the plan:

> *Proofs are unhappily still too frequent of the neglect which Indians experience when the white man obtains possession of their country, and their claims to consideration are forgotten at the moment when equity most demands that the hand of the protector should be extended to help them.* In the case of the Indians of Vancouver Island and British Columbia, Her Majesty's Government earnestly wish that when the advancing requirements of colonization press upon lands occupied by members of that race, measures of liberality and justice may be adopted for compensating them for the surrender of the territory which they have been taught to regard as their own. Especially I would enjoin upon you, and all in authority in both colonies, *the importance of establishing schools of an industrial as well as an educational character for the Indians, whereby they may acquire the arts of civilized life which will enable them to support themselves, and not degenerate into the mere recipients of eleemosynary* [i.e., charitable] *relief.* If it is to be hoped that by such and other means which your experience will enable you to devise, the Indians may in these, the most recent of the British settlements, be treated in a manner worthy the beneficent rule of Our Gracious Sovereign.[45]

Thus, we see in Douglas's March 1859 correspondences a more complete articulation of the vision whose seeds had been sown the previous summer in his response to contestation on the gold bars of the Fraser River and then refined in the communications between himself and Lytton. His plan would protect space for Indigenous peoples to live unmolested and self-supporting, but, importantly, these reserves were also to be anticipatory reserves. In setting the boundaries of reserves, Douglas was expressing that government agents needed to ensure that they included sufficient land to accommodate not only Indigenous people's needs based on their current traditional subsistence activities but also sufficient land for individual families to cultivate crops or raise animals in a manner that enabled them to accumulate sufficient financial resources, which they could subsequently use to purchase additional fee-simple land off reserve. Lands within the reserve could, therefore, be genuinely thought of as "anticipatory" in that, until such time as they were being used for cultivation purposes by Indigenous peoples themselves, they could be leased out to non-Indigenous people, with the money being retained by the community for its own use.[46]

This was a vision of a colonial society that was dramatically different from the settler colonial societies Douglas had knowledge of elsewhere in North America. In this model Indigenous people were not segregated away from the white settler society. Nor were they compelled to assimilate and integrate on terms dictated by settler society – that is, on the bottom rung of a racial hierarchy. In the gold fields of the Fraser River Douglas had seen, and acknowledged, Indigenous peoples' interest in, and rights to, the resources of their territory. He was aware that many Indigenous people were eager to engage not simply in subsistence farming but in the commercial marketing of western introduced crops and livestock. But he was sensitive to the fact that many, and perhaps most, Indigenous people were not interested in giving up a traditional lifestyle and becoming farmers or full-time wage labourers – at least not yet. In Douglas's mind, these people needed time, but in taking their time he did not believe that they should be penalized or have future opportunities diminished. The anticipatory reserve system provided communities with land that they could immediately use for farming, or could lease out to non-Indigenous people in anticipation of the time when they themselves might be interested in farming.

Over the coming years, as Robin Fisher and Cole Harris in particular have documented, Douglas found it necessary to tweak certain tactical elements of his overall strategy and policy. In particular, he determined this was essential because Colonel R.C. Moody, in his capacity as commanding officer of the Royal Engineers (whom, to Douglas's chagrin, London dictated were the only people permitted to perform government surveys in the colony)[47] and chief commissioner of lands and works (where he determined the sequencing of surveys throughout the colony), consistently worked to undermine Douglas's authority and vision. Moody's opposition took four forms:

1 Passive aggression (simply not doing what Douglas directed and then later when questioned providing excuses that Douglas clearly regarded as unsatisfactory).[48]
2 Undermining the tactical elements of Douglas's policy by inserting caveats into the governor's directives.[49]
3 Undermining Douglas's strategic capacity by sending covert letters to senior officials in London criticizing Douglas's competencies.[50]
4 Discrediting Douglas's legitimacy as governor within British Columbia and Vancouver Island settler society by creating and contributing to a

> discourse of gossip that highlighted Douglas's racial ambiguity and his lack of cosmopolitan sensibilities.[51]

It was in light of this opposition that Douglas occasionally communicated his Indigenous policy and his visions for the future of Indigenous peoples in British Columbia directly to Indigenous peoples themselves. Certainly, the archival records are replete with documentary evidence of Indigenous people travelling to either New Westminster or to Victoria to lay before the governor their concerns and complaints about people such as Moody and settlers who were moving into their territory from Britain and the United States. Some of the most detailed records we have of Douglas's conversations with Indigenous people come from the governor's own hand.

On October 9, 1860, for example, while travelling throughout the colony, Douglas wrote to the Duke of Newcastle, describing his communication with, and commitments to, the Indigenous peoples he met along the way. Stopping at Cayoosh (present-day Lillooet), he attended the trial of two Indigenous men charged with the murder of two Asian miners. One man was acquitted, the other convicted of manslaughter following an "indecent assault" on the Indigenous man's wife by the Asians. Whether because of the trial or because word had spread of the governor's visit, there were "great numbers" of representatives of multiple Indigenous nations in attendance. It was to these crowds that Douglas explained:

> I made them clearly understand that Her Majesty's Government felt deeply interested in their welfare, and had sent instructions that *they should be treated in all respects as her Majesty's other subjects; and that the local magistrates would attend to their complaints, and guard them from wrong,* provided they abandoned their own barbarous modes of retaliation, and *appealed in all cases to the Laws for relief and protection …*
>
> I also explained to them that the Magistrates had instructions to stake out, and reserve for their use and benefit, all their occupied village sites and cultivated fields, *and as much land in the vicinity of such as they could fill, or was required for their support; and that they might freely exercise and enjoy the rights of fishing the Lakes and Rivers, and of hunting over all unoccupied Crown Lands in the Colony; and that on their becoming registered Free Miners, they might dig and search for Gold, and hold mining claims on the same terms precisely as other miners: in short, I strove to make them conscious that they were recognized members of the*

> *Commonwealth, and that by good conduct they would acquire a certain status, and become respectable members of society.* – They were delighted with the idea, and expressed their gratitude in the warmest terms, assuring me of their boundless devotion and attachment to Her Majesty's person and the Crown, and their readiness to take up arms at any moment in defence of Her Majesty's dominion and rights.[52]

Continuing on the same journey, Douglas next stopped at Lytton, where, he recorded, "the Indians mustered in great force." His communications with them, he explained to Newcastle, "were to the same effect as to the Native Tribes who assembled at Cayoosh; and their gratitude, loyalty, and devotion, were expressed in terms equally warm and earnest."[53]

The second portion of Douglas's trip is described in a separate letter to Newcastle, dated October 25, 1860. In it, Douglas explains that he travelled from Lytton to Similkameen and then to Rock Creek. Along the way, he

> fell in with detachments [of Indigenous peoples] at different points of the route, where they had assembled to offer a rude but cordial welcome.
>
> I received them with every mark of respect and kindness, entered freely into conversation with the Chiefs, assuring them of the warm regard of Her Majesty's Government, and leading them into the discussion of their own affairs in order to discover if they entertained any real or fanciful grievance which might lead to dissatisfaction, or induce them to make reprisals on the white settlers.
>
> *There was one subject which especially pre-occupied their minds, as I discovered by frequent allusions they make to it, namely the abject condition to which the cognate Native Tribes of* Oregon [contemporary Oregon and Washington States] *have been reduced by the American system of removing whole Tribes from their native homes into distant reserves where they are compelled to stay, and denied the enjoyment of that natural freedom and liberty of action without which existence becomes intolerable. They evidently looked forward with dread to their own future condition, fearing lest the same wretched fate awaited the natives of British Columbia. I succeeded in dis-abusing their minds of those false impressions by fully explaining the views of Her Majesty's Government, and repeating in substance what I have in a former part of this report informed your Grace was said on the subject to the assembled Tribes at Cayoosh and Lytton.* Those communications had the effect of re-assuring their minds and eliciting assurances of their fidelity and attachment.[54]

In Douglas's accounts of his conversations with Indigenous peoples, we are provided not only with his clearest explanations of his Indigenous policies but also descriptions of what he thought Indigenous peoples' future would look like within the colony society he was establishing for British Columbia. His descriptions outline a society in which Indigenous peoples would be recognized as full members of the Commonwealth, not only legally but socially. As the original residents of the territory that had now become a British colony, they retained their rights to continue their traditional hunting and fishing activities over the vast geography that remained unoccupied by settlers. Additionally, as Indigenous peoples, they were entitled to have lands reserved and set aside for their exclusive use. These Indian reserves would include more than simply their villages and existing cultivated fields: they would be large enough to accommodate future anticipated uses – and such uses were not to be restricted to traditional precontact activities. Importantly, they did not need to wait for Moody's Royal Engineers to arrive to conduct formal surveys before their reserves would be identified and demarcated. Magistrates tasked with treating them without prejudice or bias would be the ones who would work with Indigenous peoples to identify their lands. Indigenous peoples were also encouraged to engage fully with the emerging resource-extraction industries – no legal barriers would prevent them from becoming miners. And unlike what had happened to their neighbours to the south (where the Dart and Stevens Treaties had relocated Indigenous peoples onto land reservations away from prime agricultural lands), they would be permitted to continue residing in their Traditional Homelands.[55]

Given the record Douglas left in the archives, it is not at all difficult to understand why the Indigenous people who heard Douglas articulate his vision would later recount that the governor had

> said for which land I have surveyed it belongs to the Indians only, that no white men shall intrude on your land. And for all the outside lands Her Majesty Queen Victoria will take and sell to the white people and that which is taken away from the Indians will be like a fruit tree and from this fruit Her Majesty Queen Victoria will give it to the Indians for their lasting support.[56]

Indeed, Douglas's explanations to the Indigenous peoples of what they could now expect and what they could expect in the future were consistent with his earlier articulations to the Colonial Office. But they

additionally contained phrases that provide clearer windows into his conception of race and identity within settler colonialism. He was careful to explain that the way people lived their lives (what we would today call culture) did not affect people's legal status under British law. The only exception to this was intercommunity warfare ("barbarous modes of retaliation"), which, by its very nature, was contrary to the peace and order of society.

While there can be no doubt that Douglas aspired for Indigenous peoples to become Western-educated Christians who owned private property and participated in the colonial economy, he did not make these prerequisites for being entitled to the protection (and associated obligations) of the British law – as did legislation in the United Canada colonies, as reflected in the Gradual Civilization Act of 1857 (which, when amalgamated with the Graduate Enfranchisement Act of 1869, became the Indian Act of 1876, which was applied to all First Nations people across the Canadian Dominion). In other words, as a collective within the settler colony that Douglas was building, all Indigenous people would not only retain some of their Indigenous rights but would acquire the rights of British subjects, no different than the white, British-born, and immigrant residents of the colony.

But, importantly, while race provided no barrier to the full rights of British subjecthood, Douglas anticipated and expected that an individual's behaviour would largely determine social "status" within the colonial order. Here, we see a principled aspirational statement by a man who during his years in the fur trade had come to respect the initiative, hard work, sobriety, and good behaviour of others, regardless of whether they were Scots, English, Canadian, Métis, or Iroquois. Further, "by good conduct," Douglas explained to the Indigenous peoples of British Columbia that "they would acquire certain status and become respectable members of society." *Would* not *could*.

Douglas was not pretending that in the future other people (white people) would not continue to be ascribed status by virtue of having being born into good families, or by virtue of economic wealth, or by virtue of having had access to elite schools. What he was acknowledging was that there were things, such as race, over which one had no control and that did not, in his view, determine character. While one could not change the colour of one's skin or alter the position that one's birth into a particular family ascribed within the social hierarchy, one could, presumably, demonstrate through one's conduct that one was deserving of status and in

that way become a respectable and respected member of society. A century before Dr. Martin Luther King Jr., Douglas was envisaging a world in which white privilege would erode as people came to judge others less according to the colour of their skin and more according to the content of their character.

There can be little doubt that to some extent Douglas's aspirations for Indigenous peoples was derived from his own personal experience. Historiographically, however, the bigger riddle is what ultimately came to curb the political potency and social optimism that Douglas felt so keenly during summer and autumn 1858. What was it, in other words, that undermined what he initially regarded as his ability to be an agent capable of creating a different kind of settler colonial society? What is clear is that it was not the motley band of American diggers that Lytton worried would compromise British sovereignty but rather the very men (and their spouses) that Lytton had sent to help Douglas build the colony, men who wielded white privilege as if it were a sword made by their own hand from materials given them by God.

As Adele Perry's research has revealed, Colonel Moody held Douglas in disdain, and so did the colonel's wife, Mary. Her private letters to her mother in England reveal the way racial prejudice and metropolitan snobbery worked to undermine the status of anyone not of the correct birth: "I had a visit from the Gov:r today. I don't get over his formal politeness at all. He certainly is not 'the right man in the right place.' I do wish they wd send us another or make [my husband] Richard Gov:r. I sh:d not object to that!!!"[57] Even more revealing are quotes from the diary of Victoria's Anglican bishop, George Hills. During a trip to London just a few months after Douglas's visit to Cayoosh and other First Nations communities, Hill made a point of visiting the Colonial Office, where he and several other disgruntled settler colonists made it their business to ensure that the officials were aware of what they regarded as Douglas's shortcomings, principally, his naïveté, which Hill ascribed to Douglas's unfamiliarity with metropolitan life: "The Governor is a fine specimen of a loyal Englishman, but never having seen a Dock, or a Railway he could not be up to the day, but of his integrity there could be no doubt." A year earlier, Hills had recorded in his journal that Douglas's "appointments have been of persons subservient to himself & not men of independent feeling and high intelligence." As Perry notes, the Anglican bishop felt this could be attributed "partly to his [Douglas's] never having lived in England or in any civilized community."[58]

Potlatch Reconsidered

When John Robson, the editor of the *British Columbian,* accused James Douglas of having held a "grand 'Potlatch'" and of having "given … seven or eight miles square … to the Indians," he was not only articulating the sentiments of British Columbia's aspiring white settler colonial population, he was also reflecting British and American ignorance concerning the Indigenous meaning of *Potlatch* (a Chinook Jargon word meaning "to give"). The nineteenth-century Coast Salish Potlatch was, and remains today, a gift-giving ritual at the centre of a ceremonial system of wealth distribution that historically affirmed compacts of sharing between people with different types of riches. Potlatches took several forms, but the most common was initiated when two families from different tribes arranged a marriage between their children with the goal of securing access to resources (fishing sites, berry patches, *wapatos* (potatoes), shellfish, and so on) that were either unavailable or scarce within their own territory.[59] Quite the contrary of impoverishing one community at the expense of another, Coast Salish potlatching actually enriched by ensuring that wealth resources that were more "available at one place than another, and more in one season than another, and often more in one year than another" became accessible to those whose tribal territories lacked specific resources.[60] By definition, Potlatch ceremonies transformed in-laws in one generation into blood relatives in the next. Ironically, the concept of Potlatch as it was understood by the Coast Salish leaders who heard Governor Douglas articulate his vision of an alternative expression of settler colonialism, and who had secured from Douglas the promise that McColl would demarcate their reserve boundaries in 1864, actually embodies important elements of the spirit and intent behind Douglas's Indigenous policies.

From Douglas's perspective, Indigenous peoples and British settlers were entering into a long-term relationship. His vision was to ensure that it was mutually enriching and sustaining. Each side would give, and in return each side would ultimately be assured of receiving more than it had originally conferred. The reciprocation would be ongoing, and, as part of the arrangement, both settler communities and Indigenous communities would give up certain privileges to secure mutual advantages.

Under the system Douglas envisaged, the sacrifices would not necessarily have been symmetrical, nor the advantages equally shared. But for the system to work, incoming settlers would have to abandon the idea that all

the land and resources within the colony would be theirs alone, with none left for the Indigenous population; they would need to also give up their belief that being members of the white race set them apart as inherently superior to Indigenous peoples. And, of course, settler colonists would be expected to invest financial resources and import Western technologies into the colony, creating new economic, industrial, agricultural, and commercial opportunities that would, theoretically, benefit Indigenous peoples and settlers alike.

On the other side, under Douglas's vision, Indigenous peoples would be expected to abandon any sense that they would be left alone as the sole occupants of their Ancestral Territories and sole users and managers of their Ancestral Resources. In exchange for sharing access to, and authority over, lands and resources, Indigenous peoples would be investing in their own future and, therefore, could anticipate ongoing benefits. As part of the exchange, Indigenous peoples would be expected to embrace a degree of change within their spiritual, social, political, and economic ways of thinking and acting – but this, in Douglas's vision, was an accommodation that would be conducted at least in part on Indigenous terms and on an Indigenous schedule. Transition was inevitable, but it was not intended to be coercive nor violent.

In this regard, my interpretation of Douglas's vision differs from that of Cole Harris. In Harris's view, Douglas "held that the only long-term solution for Native people in a settler colony was their assimilation … within white settler society."[61] The evidence seems clear to me, however, that Douglas did not envisage for British Columbia a settler colonial society as then currently existed elsewhere in North America. Rather, in his view, the future could be much more hybrid and much less intolerant of, and less assimilative towards, Indigenous peoples and culture. In this alternative settler colonialism, individual First Nations communities could accommodate themselves to, integrate into, and generally help influence and shape British Columbia society, at their own speed (or at least until expanding settler development compelled a response). They would, in other words, retain a meaningful degree of social, political, economic, and cultural agency and autonomy.

Douglas would have been the first to concede that the pressure on Indigenous peoples to become part of the expanding colonial system would have been great and would only increase over time. But nothing indicates that he would have compelled people to change if they were not so inclined themselves, and his decision in January 1864 to protect giant

tracts of land for Indigenous peoples right in the centre of British Columbia's most easily accessible and desirable agricultural lands (such as the 9,400-acre Matsqui Reserve in the central Fraser Valley) indicates that he was willing to see this happen despite settler interests to the contrary. Thus, not only would Indigenous peoples be able to continue governing themselves and continue potlatching with and among one another, but they would additionally become participants in the emerging new colonial society and have roles to play in its administration.[62] Importantly, First Nations traditional leaders under Douglas's system would continue to serve as representatives of their communities in interactions with colonial authorities, while First Nations individuals were additionally welcome to move off reserve to "pre-empt land as freely as the white man" and in other ways acquire private property and commodities. Such actions did not imply any reduction in an Indigenous person's Indigenous right to hunt and fish on open and unoccupied lands beyond reserve boundaries.

I am not suggesting that Douglas ever thought explicitly or in detail about how a Potlatch ceremony could serve as a metaphor and a template for the future of Indigenous-settler relations in British Columbia, but I do think it likely that Salish people interpreted aspects of Douglas's policies and actions through the lens of potlatching. Moreover, and perhaps more importantly, Douglas would have been aware that this was how Indigenous peoples would have interpreted and understood his message. Oral histories recorded throughout the last century, and that continue to circulate in Coast Salish communities today, speak to their understanding that Douglas had assured them that their own generosity towards whites would be repaid several fold in the future.

On January 10, 1915, for example, while testifying before the Royal Commission established to look into the issue of reserve lands, Chief Johnny of Chehalis (on the Harrison River) presented the following written petition to the commissioners:

> When the white men came into our country we treated them as friends and brothers as they came along. Sir James Douglas, the first Governor, made a verbally [sic] promise to us Indians on his first surveying the lands. He said for which land I have surveyed as Indian lands it really belongs to the Indians only. That no white man shall intrude in your lands, and for all the outside of your lands, H.M. Queen Victoria will take and call to the white people, and that land will be owned as a lasting fruit trees to the Indians.

> Her Majesty will take the said fruits and give it to the Indians as their lasting support … and that we shall hold just as much privilege as a white man, and that we must treat the white man the best way possible, and that we shall be treated the same way as if we were brothers. Now for this last many years standing we have been expecting to receive those good promises in the name of Queen Victoria.[63]

The following day, Andrew Phillip answered questions and elaborated on Chief Johnny's written statement:

> Sir James Douglas's promises – well Douglas knew very well that this territory is an Indian territory, that is the reason he made verbal promise to us … The BC government say we have no rights to the lands of BC and refuse to recognize our aboriginal title, and hide those good promises of Queen Victoria … Sir James Douglas knew well that we are the aborigines – for that reason he made a verbally [sic] promise. Said for all the lands I survey as Indian Lands it really belongs to the Indians only. That no white man shall intrude in your lands, therefore we claim that no other has right to claim a share on our reserves but us Indians only.[64]

One day later, the commissioners travelled across the Fraser to Matsqui, where they heard similar things from Chief Charlie:

> In the time of Sir James Douglas he made a lasting promise to us Indians, as all the Indians Reserve a lasting support and benefit by the name of Queen Victoria. Also Governor Seymour the second Governor. He also made a lasting promise to us Indians in New Westminster that we will receive or deserving one fourth from all taxes this money for our support and to improve our land. The promises were never kept … We want to obtain a lasting and secure title to our Indian land.[65]

Two days later, on January 13, 1915, when the commissioners arrived in Chilliwack, they were informed by Chief Harry that

> [i]n the early days we used to hold more land than what we are holding today. Yes, this bargain which has been made by the first Chief, and the first Governor Sir James Douglas, and this land in Chilliwack which has been surveyed by Sir James Douglas and surveyed a second time and now it has been surveyed over for the third time and it has left us with very little land

> which now shows on the map. This is why we say to-day that the BC Government has taken our land away from us – that is why our land is too small for us to-day.[66]

The following day, when the commission met at Skowkale, Chief Billy Sepass commented:

> This last fifty years what has become of it [my reserve], or where the changes have been made I cannot get an understanding – The only people that I see is white settlers in this reserve which belongs to me. I haven't got the slightest idea of how this is being changed or transacted. Sir James Douglas was the one that surveyed this property for us. The grievances which I am laying before you is what I have already said. After this reserve was surveyed for me by Sir James Douglas from then I came to learn that there would be compensation made to us Indians for all the land in the Province …
>
> I made my complaint to Sir James Douglas and I wish these lands to be returned back to me. If I got compensation I would not ask for the return of these lands.[67]

And then, several years later, in 1921, the following statement by Fraser Valley Salish leaders was recorded by the ethnographer and political activist James Teit:

> If this original reserve given to us by Gov. Douglas had not been taken from us there would now be no trouble about lands, for we would have had enough, and perhaps a little for sale … It is not the Indian's fault that the neighbouring country is now all taken up by whites and that it is now hard to get land for the Indians. This matter of adequate reserves should have been settled many years ago before there was much settlement.[68]

These oral histories describe Indigenous populations that were not afraid of the changes that were coming because they believed that the vision Douglas articulated would adequately (but not perfectly) account for their long-term interests. They believed him when he said that they would become like "brothers" with the British settlers. Significant portions of the land outside of their reserves would be gradually lost, but Indigenous peoples would retain the right to hunt and fish on open and unclaimed lands. And in return for sharing access to their territories, Indigenous

peoples would additionally receive financial compensation and meaningful social and economic opportunities. Meanwhile, the lands included within the reserves would be sufficient to grow crops, raise stock, and accumulate capital, thereby facilitating Indigenous peoples' anticipated transition into self-sufficient and commercially successful farmers and ranchers.

The archival records are not sufficiently detailed to permit us to say with certainty the extent to which Douglas's actions and policies towards Indigenous peoples were motivated by his own sense of racial vulnerability, or the degree to which his detractors sense of their own racial fragility might be credited with inspiring them in their efforts to undermine Douglas's plans. As noted, Adele Perry has pointed out that Douglas's life, with its complex racial intersections, was common in the fur trade era, even typical. But having someone with his background and his sensibilities rise to a position of political power during the critical period when settler colonialism was establishing itself was anything but typical. Indeed, it was unprecedented. So, too, was the scope of power invested into Douglas as a governor of a Crown colony by the Colonial Office, in that it lacked even the appearance of any sort of local responsible government – that is, any check on executive prerogative by the settler colonial population.

If London's objective in bestowing such power was primarily to protect vulnerable British sovereignty from the threat of American expansion, the lens through which Douglas interpreted his mandate was in important ways shaped and informed by his sense of his and his wife Amelia's own personal, economic, and professional accomplishments. Importantly, it was also a product of his sincere concern over the vulnerability of Indigenous peoples and his naive faith that the British settlers who would replace the American miners would come to respect Indigenous peoples just as the officers and employees of the HBC and later the Colonial Office had come to do with him and his family. Nothing in the archival records suggests that Douglas ever perceived that senior officials in the Colonial Office may have failed to share his vision and his faith in its achievability.

Importantly, for Douglas, the threat to Indigenous peoples was principally anchored in the personal prejudices and greed of settlers (as opposed to the liberal economic order that he was charged with building). His confidence in the correctness and inevitability of Western Christianity, economics, and society was too solid for him to imagine a future that was not part of that system. He saw liberalism as inevitable, and he saw it largely

as good – as progress. But he did not see it as something that would immediately or even quickly eclipse Indigenous systems of government and economics. There would be a period of transition when the two systems would not only exist side by side but, importantly, would inform each other. Thus, unlike both the American miners and the newly transplanted elites of the British colony (men such as Moody), Douglas did not see Indigenous peoples as incompatible with the emerging liberal settler order. And more to the point, he felt the settler order needed to be sensitive to, and responsive to, Indigenous peoples and their interests.

Douglas constructed policies and envisaged a world from within the liminality of what was still a nascent settler colonialism.[69] His vision, now more than 150 years old, was not necessarily what Indigenous peoples or their allies (people such as myself) would endorse today, but it was certainly something that Indigenous peoples then regarded as workable and that in hindsight was greatly preferable to what replaced it following Douglas's retirement. Thus, his vision is worthy of reflection again today, as Canadian society seeks strategies and tactics to dismantle and fundamentally decolonize that particular (and now typical) expression of settler colonialism that ultimately came to replace the one Douglas envisaged.

Notes

1 Robson, as a member of the Colonial Legislative Assembly, would later make a formal motion to reduce the Fraser Valley Indian reserves. He subsequently went on to serve as the ninth premier of the province of British Columbia.

2 Editorial, "The Last 'Potlatch,'" *British Columbian*, April 27, 1864. Immediately following this article was a notice that within the Legislative Assembly, "a communication from the Governor [Seymour] respecting the appointment of Mr. Trutch to the office of Surveyor General was read; also dispatches from the Colonial Office respecting the same subject. Moved by Hon. C. Brew, second by Hon. J. Orr, that this Council disapproves of Mr. Trutch holding a public office of great importance while holding interest in speculations not unconnected with the department superintended by him in the colony. Moved in amendment by Hon. J.A.R. Homar, seconded by Hon. H. Holbrook, That to the above resolution be added the words 'also while he holds large interests, public and private, in Vancouver Island.' The amendment was lost and the original motion carried unanimously. Moved by Hon. J. Orr, seconded by Hon. C. Brew, That it is requisite to purchase from Mr. Trutch the Alexandra Bridge and other interests he holds in the Colony. His Excellency be requested to appoint a party to act as arbitrator to fix the price of the same."

3 For a rich discussion of how settler anxieties shaped attitudes towards Indigenous peoples on Vancouver Island, see Kenton Storey, *Settler Anxiety at the Outposts of Empire: Colonial Relations, Humanitarian Discourse, and the Imperial Press* (Vancouver: UBC Press, 2018).

4 Adele Perry, *Colonial Relations: The Douglas-Connolly Family and the Nineteenth-Century Imperial World* (Cambridge: Cambridge University Press, 2015).

5 My use of *liminality* is informed by Homi Bhabha's writings in *The Location of Culture* (London: Routledge, 2004).

6 Wilson Duff, *Impact of the White Man* (Victoria: Royal BC Museum, 1992); and Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774–1890* (Vancouver: UBC Press, 2014). Duane Thompson picks up the interpretive framework created by Duff and refined by Fisher, a framework that focuses on individuals, personalities, and private interests, but shifts the geographic focus of his analysis from the Coast to the Interior. See Duane Thompson, "Opportunity Lost: A History of Okanagan Reserves in the Colonial Period," *Okanagan Historical Society Report* 42 (1978): 43–52.

7 Peter Carstens, *The Queen's People: A Study of Hegemony, Coercion, and Accommodation among the Okanagan of Canada* (Toronto: University of Toronto Press, 1991), 58–59.

8 Paul Tennant, *Indigenous Peoples and Politics: The Indian Land Question in BC* (Vancouver: UBC Press, 1990).

9 Cole Harris, "The Native Land Policies of Governor James Douglas," *BC Studies* 174 (Summer 2012): 102.

10 Ibid., 104.

11 R. Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press, 2002).

12 See Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (New York: Cassell, 1998); and Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8 (December 2006): 387–409. More recently, Lorenzo Veracini has provided settler colonial studies with a theoretical framework. See Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave Macmillan, 2010). Adam Baker provides an overview of settler colonialism studies in "Locating Settler Colonialism," *Journal of Colonialism and Colonial History* 13 (Winter 2012): 1–28.

13 Brian Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: University of Kansas Press, 1991).

14 The United States annexed California during the Mexican-American War of 1846–48, and gold was discovered shortly thereafter in January 1848.

15 Perry, *Colonial Relations*.

16 Sylvia Van Kirk, *Many Tender Ties: Women in the Fur Trade Society, 1670–1870* (Winnipeg: Watson and Dwyer, 1980).

17 Adele Perry, "'Is Your Garden in England, Sir?': Nation, Empire, and Home in James Douglas' Archive," *History Workshop Journal* 70 (Fall 2010): 67–85.

18 Amelia Connolly was a member of one of Red River's most elite Métis families. Through her marriage to James Douglas, she eventually became wife of an HBC chief factor and the chatelaine of the first Vancouver Island Colony and then the Colony of British Columbia. She eventually assumed the title "Lady Douglas" when James was appointed to the Order of the Bath in 1864. Yet, by the early 1860s, it was becoming painfully clear to both Amelia and her husband that their Indigenous and African ancestry were becoming liabilities. As Perry has noted, "Connolly had a limited circulation in Victoria's polite society and none in the imperial world beyond it. Indigenous women could be wives and even ladies, but their status was local, untranslatable, and contingent": Adele Perry, "James Douglas, Amelia Connolly, and the Writing of Gender and Women's History," in *Feminist History in Canada: New Essays on Women, Gender, Work,*

and Nation, ed. Nancy Janovicek and Catherine Carstairs (Vancouver: UBC Press, 2013), 23–40.

19 Hamar Foster's scholarship has likewise revealed that Chief Justice Matthew Baillie Begbie shared aspects of Douglas's vision. Begbie spoke of a future in which Indigenous peoples would be "self-supported and self-supporting" and where Indigenous people would be a "race of independent workers."

20 James Hendrickson, "The Constitutional Development of the Colonies of Vancouver Island and British Columbia," in *British Columbia: Historical Readings,* ed. W. Peter Ward and Robert A.J. McDonald (Vancouver: Douglas and McIntyre, 1981), 260.

21 Richard Mackie, *Trading beyond the Mountains: The British Fur Trade on the Pacific Coast, 1793–1843* (Vancouver: UBC Press, 1997).

22 This is likely Chief Liquitim. In Stó:lō oral histories, Liquitim is described as having worked with Governor Douglas and also as having on his own initiative negotiated a series of peace treaties with American miners during the July 1858 Fraser River War.

23 James Douglas to the Rt. Hon. Lord Stanley, Victoria, June 15, 1858, BC Archives (BCA), CO 60/1, 100684, 54–57.

24 Douglas to Edward Bulwer-Lytton, no. 3, October 12, 1858, Colonial Office 60/1, no. 12721, 213, in *The Colonial Despatches of Victoria Island and British Columbia, 1846–1871,* ed. James Hendrickson and the Colonial Despatches Project, https://bcgenesis.uvic.ca (hereafter *Colonial Despatches*).

25 "Dispatch from Lytton to Douglas, no. 1, July 1, 1858," in James Douglas; Edward George Earle Lytton-Bulwer; British Columbia, Governor; and Great Britain, Colonial Office, *Papers Relative to the Affairs of British Columbia: Part I* … (London: G.E. Eyre/W. Spottiswoode, 1859), 41.

26 Lytton to Douglas, London, July 31, 1858, BCA, CO 410/1, 100684, 147–57, emphasis added.

27 Lytton to Douglas, London, August 14, 1858, BCA, CO 60/1, 100684, 38–49, emphasis added. Moreover, my analysis is not meant to suggest that either the Colonial Office or Douglas felt that Indigenous interests should always be placed above those of settler colonists. In May 1859, Lord Carnarvon explained to Douglas that "whilst making ample provision under the arrangements proposed for the future sustenance and improvement of the native tribes, you will, I am persuaded, bear in mind the importance of exercising due care in laying out and defining the several reserves, so as to avoid checking at a future day the progress of the white colonists." In reply, on August 15, 1859, Douglas informed the Colonial Office that "Her Majesty's Government may rest assured that due care will be taken" and that the Indian reserves being created under his plan would "in no way interfere with the progress of the white Colonists": Douglas to Lytton, Victoria, August 15, 1859, BCA, CO 60/5, 10041, 13. And, indeed, Douglas was not reluctant to compromise Indigenous rights when he felt that they conflicted with the core requirements of the non-Indigenous settler economy. At Hope, for instance, he consented to relocating Indigenous people from a village site to another thousand-acre site of their choosing farther downriver, and at Chilliwack Landing he directed that a township be laid out despite the presence of Indigenous gardens and settlement. In both these cases, the sites were considered necessary to the development of colonial travel infrastructure. See "Carnarvon, in absence of Right Hon. Sir E.B. Lytton, Bart., to Governor Douglas, C.B., London, May 13, 1859, Colonial Office 60:4, no. 4800, 47, *Colonial Despatches*, hhttps://bcgenesis.uvic.ca.

28 Lytton to Douglas, no. 6, July 31, 1858, CO 410/1, 147–57, *Colonial Despatches*, hhttps://bcgenesis.uvic.ca.

29 "Speech of Sir Edward Bulwer Lytton, Government of New Caledonia Bill, 2nd Reading, July 8, 1858," *Hansard's Parliamentary Debates,* 3rd series (London: Cornelius Buck, 1858), 1100–2.
30 Lytton to Douglas, no. 7, August 11, 1858, BCA, CO 410/1, emphasis added.
31 See Hendrickson, "The Constitutional Development," 262.
32 "British Columbia," *Times of London,* 5 August 1858. See also *San Francisco Times,* June 7, 1858.
33 See Daniel Marshall, *Claiming the Land: British Columbia and the Making of a New Eldorado* (Vancouver: Ronsdale Press, 2018). See also Keith Thor Carlson, *The Power of Place, the Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism* (Toronto: University of Toronto Press, 2010), chaps. 6 and 9.
34 Marshall, *Claiming the Land.*
35 "Copy of Despatch from the Right Hon. Sir E.B. Lytton, Bart., to Governor Douglas (no. 12)," September 2, 1858, in British Columbia, *Papers Connected to the Indian Land Question* (Victoria: R. Wolfenden, 1875), emphasis added.
36 "Enclosure from Aborigines Protection Society," in "E.B. Lytton to Governor Douglas: F.W Chesson to the Right Honourable Sir Edward Bulwer Lytton, M.P., Her Majesty's Principal Secretary of State for the Colonies, London, September 2, 1858," in British Columbia, *Papers Connected to the Indian Land Question*, 12–14.
37 Lytton to Douglas, no. 12, September 2, 1858, BCA, CO 398/1, 65.
38 Lytton to Douglas, no. 16, September 2, 1858, BCA, CO 398/1, 73–87; and Lytton to Douglas, no. 20, September 2, 1858, BCA, CO 398/1, 93–99.
39 Douglas to Lytton, November 5, 1858, BCA, CO 60/1, 366, emphasis added.
40 Douglas to Lytton, no. 43, October 10, 1858, BCA, CO 60/1, 188–89, emphasis added.
41 "Right Hon, Sir E.B. Lytton, Bart., to Governor Douglas (no. 62.), December 30, 1858," British Columbia, *Papers Connected to the Indian Land Question,* 15.
42 Douglas to the Lytton, February 9, 1859, BCA, CO 398/1, 185–87, emphasis added. Five days later, on February 14, 1859, Douglas issued a proclamation that it was the Executive that held authority "at any time, to reserve such portions of the unoccupied Crown Lands, and for such purposes as the Executive shall deem advisable": "Proclamation by His Excellency James Douglas Victoria, February 14, 1859," in British Columbia, *Appendix to the Revised Statutes of British Columbia 1871 …* (Victoria: R. Wolfenden, 1871), 55.
43 "Governor Douglas to the Right Hon. Sir E.B., Lytton, Bart., Victoria, March 14, 1859," in British Columbia, *Papers Connected to the Indian Land Question,* 16–17, emphasis added.
44 "Journals of the Council, Executive Council, and Legislative Council of Vancouver Island, 1851–1866, Friday, the 25th day of March, 1859," in James Hendrickson, ed., *Journals of the Colonial Legislatures of the Colonies of Vancouver Island and British Columbia, 1851–1871,* 4 vols. (Victoria: Provincial Archives of British Columbia, 1980), 1:24–25, emphasis added.
45 Lord Carnarvon for Lytton, Secretary of State for the Colonies, to Douglas, April 11, 1859, BCA, C/AB/10.2/1, 89–93, emphasis added.
46 What Douglas may have intended by *anticipatory* in this context could have been a land base identified in advance of and in anticipation of settler arrival and localized claims to land. He may have also intended that it was acceptable for these reserves to be marked out informally in "anticipation of formal surveys."
47 See Lytton to Douglas, no. 2 and no. 8, September 2, 1858, as well as October 16, 1858, BCA, CO 398/1, 58–62, 133.
48 For example, Moody side-stepped a commitment made in Douglas's presence to provide Fraser River Indigenous peoples with official white stakes and to allow them to use

them to demarcate the boundaries of their desired reserves in advance of the arrival of formal surveyors: see Father Leon Fouquet, OMI, to Colonel R.C. Moody, December 22, 1862, BCA, GR-1372, file 584/1b, reel B-1346; Moody to Fouquet, December 22, 1862, BCA, Lands and Works Correspondence Outward, vol. 4, 54; and Fouquet to Moody, December 29, 1862, BCA, GR-1372, file 584/I, reel B-1328.

49 For example, on several occasions, Moody inserted the phrase *within reason* into instructions that Douglas had provided, which simply stated that reserve lands were to include all the lands that the "Indians" themselves identified. See "Charles Good (for Colonial Secretary) to Moody, March 5, 1861," British Columbia, *Papers Connected to the Land Question,* 21; Captain R.M. Parsons, R.E., to Moody, April 15, 1861, BCA, C/AB/30.6J/5; and Moody to E.H. Sanders, June 2, 1863, BCA.

50 Margaret Ormsby, "Moody, Richard Clement," *Dictionary of Canadian Biography,* vol. 11, Université Laval/University of Toronto, 2003–, http://www.biographi.ca/fr/bio/douglas_james_10F.html.

51 See Perry, especially Chapter 5 in *Colonial Relations.*

52 Douglas to Newcastle, October 9, 1860, BCA, CO 60/80, B-1427, 196–226, emphasis added.

53 Ibid.

54 Douglas to Newcastle, October 25, 1860, BCA, CO 60/8, no. 26, 232–55, emphasis added; and "Governor Douglas, C.B., to His Grace the Duke of Newcastle, Victoria, October 25, 1860," in James Douglas and Great Britain, Colonial Office, *Further Papers Relative to the Affairs of British Columbia: Part IV* (London: G.E. Eyre/W. Spottiswoode, 1862), 27–28.

55 For an overview of American treaty making (and breaking), see Alexandra Harmon and John Borrows, eds., *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest* (Seattle: University of Washington Press, 2009).

56 "Evidence from Hearings: Meeting with the Harrison River Band or Tribe of Indians at Chehalis I.R. #4, on Monday, January 10th, 1915," *Royal Commission on Indian Affairs for the Province of British Columbia.* Report available at https://www.ubcic.bc.ca/mckenna_mcbride_royal_commission.

57 Mary Moody to "Mamma," March 21, 1859, BCA, Mary Moody Outward Correspondence, 27, cited in Perry, *Colonial Relations,* 193.

58 George Hills, Journal, December 26, 1861, cited in Perry, *Colonial Relations,* 194.

59 Wayne Suttles, "Variation in Habitat and Culture on the Northwest Coast," *Coast Salish Essays* (Burnaby, BC: Talon Books, 1987), 32.

60 Ibid., 40.

61 See Harris, "The Native Policies of James Douglas," 103.

62 In this regard, Douglas's vision shared certain similarities with ones later articulated in H.B. Hawthorn, C.S. Belshaw, and S.M. Jamieson, *The Indians of British Columbia: A Study of Social Adjustment* (Toronto: University of Toronto Press, 1958), and by Alan Cairns in his book *Citizen Plus: Aboriginal Peoples and the Canadian State* (Vancouver: UBC Press, 2001).

63 "Royal Commission on Indian Affairs for the Province of BC, Meeting with the Harrison River Band."

64 Ibid.

65 "Evidence from Hearings: Meeting with the Matsqui Band or Tribe of Indians on Monday, January 11, 1915," *Royal Commission on Indian Affairs for the Province of British Columbia.* Report available at https://www.ubcic.bc.ca/mckenna_mcbride_royal_commission.

66 "Evidence from Hearings: Meeting with the Chilliwack Band or Tribe of Indians, at Chilliwack, BC, January 13, 1915," ibid.
67 "Evidence from Hearings: Meeting with the Skulkayn Band or Tribe of Indians, at Chilliwack, BC, January 14, 1915," ibid.
68 "Inspector of Indian Agencies – New Westminster Agency – Correspondence, Reports, Re: Bands Including Questions of Reserve Status and Valuations, Economic Situation," Library and Archives Canada, RG 10, Department of Indian Affairs, C-II-4, vol. 11302, emphasis added. Reports refer to royal commission findings and include reports of meetings in 1922 by Andrew Paul.
69 Agnes Horvath, Bjørn Thomassen, and Harald Wydra, "Introduction, Liminality and Culture of Change," *International Political Anthropology* 2, 1, (2009): 3–5.