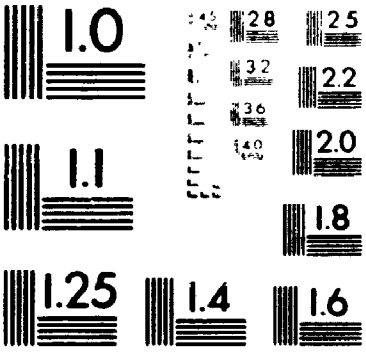
1

PM-1 3½"x4" PHOTOGRAPHIC MICROCOPY TARGET
NBS 1010a ANSI/ISO #2 EQUIVALENT




PRECISION[SM] RESOLUTION TARGETS

National Library of Canada

Acquisitions and Bibliographic Services Branch

395 Wellington Street
Ottawa, Ontario
K1A 0N4

Bibliothèque nationale du Canada

Direction des acquisitions et des services bibliographiques

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

## NOTICE

**The quality of this microform is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.**

**If pages are missing, contact the university which granted the degree.**

**Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us an inferior photocopy.**

**Reproduction in full or in part of this microform is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30, and subsequent amendments.**

## AVIS

**La qualité de cette microforme dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.**

**S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.**

**La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de qualité inférieure.**

**La reproduction, même partielle, de cette microforme est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30, et ses amendements subséquents.**

Canada

# THE REGULATION OF ABORIGINAL POLITICAL ROUTINES, 1869-1900: BAND GOVERNMENT AS A PRACTICE OF GOVERNANCE

by

COLIN C. BUCHANAN

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of
the requirements for the degree

Master of Arts

Department of Sociology and Anthropology

Carleton University

Ottawa, Ontario

May 8, 1995

© COLIN C. BUCHANAN

National Library of Canada
Acquisitions and Bibliographic Services Branch
395 Wellington Street
Ottawa, Ontario
K1A 0N4

Bibliothèque nationale du Canada
Direction des acquisitions et des services bibliographiques
395 rue Wellington
Ottawa (Ontario)
K1A 0N4

**The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.**

**L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.**

**The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.**

**L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.**

ISBN 0-612-08881-2

Canada

Name COLIN C BUCHANAN

*Dissertation Abstracts International* is arranged by broad, general subject categories. Please select the one subject which most nearly describes the content of your dissertation. Enter the corresponding four-digit code in the spaces provided.

CULTURAL ANTHROPOLOGY
SUBJECT TERM

0326
SUBJECT CODE

U·M·I

## Subject Categories

# THE HUMANITIES AND SOCIAL SCIENCES

### COMMUNICATIONS AND THE ARTS

| | |
|---|---|
| Architecture | 0729 |
| Art History | 0377 |
| Cinema | 0900 |
| Dance | 0378 |
| Fine Arts | 0357 |
| Information Science | 0723 |
| Journalism | 0391 |
| Library Science | 0399 |
| Mass Communications | 0708 |
| Music | 0413 |
| Speech Communication | 0459 |
| Theater | 0465 |

### EDUCATION

| | |
|---|---|
| General | 0515 |
| Administration | 0514 |
| Adult and Continuing | 0516 |
| Agricultural | 0517 |
| Art | 0273 |
| Bilingual and Multicultural | 0282 |
| Business | 0688 |
| Community College | 0275 |
| Curriculum and Instruction | 0727 |
| Early Childhood | 0518 |
| Elementary | 0524 |
| Finance | 0277 |
| Guidance and Counseling | 0519 |
| Health | 0680 |
| Higher | 0745 |
| History of | 0520 |
| Home Economics | 0278 |
| Industrial | 0521 |
| Language and Literature | 0279 |
| Mathematics | 0280 |
| Music | 0522 |
| Philosophy of | 0998 |
| Physical | 0523 |
| Psychology | 0525 |
| Reading | 0535 |
| Religious | 0527 |
| Sciences | 0714 |
| Secondary | 0533 |
| Social Sciences | 0534 |
| Sociology of | 0340 |
| Special | 0529 |
| Teacher Training | 0530 |
| Technology | 0710 |
| Tests and Measurements | 0288 |
| Vocational | 0747 |

### LANGUAGE, LITERATURE AND LINGUISTICS

| | |
|---|---|
| Language | |
| General | 0679 |
| Ancient | 0289 |
| Linguistics | 0290 |
| Modern | 0291 |
| Literature | |
| General | 0401 |
| Classical | 0294 |
| Comparative | 0295 |
| Medieval | 0297 |
| Modern | 0298 |
| African | 0316 |
| American | 0591 |
| Asian | 0305 |
| Canadian (English) | 0352 |
| Canadian (French) | 0355 |
| English | 0593 |
| Germanic | 0311 |
| Latin American | 0312 |
| Middle Eastern | 0315 |
| Romance | 0313 |
| Slavic and East European | 0314 |

### PHILOSOPHY, RELIGION AND THEOLOGY

| | |
|---|---|
| Philosophy | 0422 |
| Religion | |
| General | 0318 |
| Biblical Studies | 0321 |
| Clergy | 0319 |
| History of | 0320 |
| Philosophy of | 0322 |
| Theology | 0469 |

### SOCIAL SCIENCES

| | |
|---|---|
| American Studies | 0323 |
| Anthropology | |
| Archaeology | 0324 |
| Cultural | 0326 |
| Physical | 0327 |
| Business Administration | |
| General | 0310 |
| Accounting | 0272 |
| Banking | 0770 |
| Management | 0454 |
| Marketing | 0338 |
| Canadian Studies | 0385 |
| Economics | |
| General | 0501 |
| Agricultural | 0503 |
| Commerce-Business | 0505 |
| Finance | 0508 |
| History | 0509 |
| Labor | 0510 |
| Theory | 0511 |
| Folklore | 0358 |
| Geography | 0366 |
| Gerontology | 0351 |
| History | |
| General | 0578 |
| Ancient | 0579 |
| Medieval | 0581 |
| Modern | 0582 |
| Black | 0328 |
| African | 0331 |
| Asia, Australia and Oceania | 0332 |
| Canadian | 0334 |
| European | 0335 |
| Latin American | 0336 |
| Middle Eastern | 0333 |
| United States | 0337 |
| History of Science | 0585 |
| Law | 0398 |
| Political Science | |
| General | 0615 |
| International Law and Relations | 0616 |
| Public Administration | 0617 |
| Recreation | 0814 |
| Social Work | 0452 |
| Sociology | |
| General | 0626 |
| Criminology and Penology | 0627 |
| Demography | 0938 |
| Ethnic and Racial Studies | 0631 |
| Individual and Family Studies | 0628 |
| Industrial and Labor Relations | 0629 |
| Public and Social Welfare | 0630 |
| Social Structure and Development | 0700 |
| Theory and Methods | 0344 |
| Transportation | 0709 |
| Urban and Regional Planning | 0999 |
| Women's Studies | 0453 |

# THE SCIENCES AND ENGINEERING

### BIOLOGICAL SCIENCES

| | |
|---|---|
| Agriculture | |
| General | 0473 |
| Agronomy | 0285 |
| Animal Culture and Nutrition | 0475 |
| Animal Pathology | 0476 |
| Food Science and Technology | 0359 |
| Forestry and Wildlife | 0478 |
| Plant Culture | 0479 |
| Plant Pathology | 0480 |
| Plant Physiology | 0817 |
| Range Management | 0777 |
| Wood Technology | 0746 |
| Biology | |
| General | 0306 |
| Anatomy | 0287 |
| Biostatistics | 0308 |
| Botany | 0309 |
| Cell | 0379 |
| Ecology | 0329 |
| Entomology | 0353 |
| Genetics | 0369 |
| Limnology | 0793 |
| Microbiology | 0410 |
| Molecular | 0307 |
| Neuroscience | 0317 |
| Oceanography | 0416 |
| Physiology | 0433 |
| Radiation | 0821 |
| Veterinary Science | 0778 |
| Zoology | 0472 |
| Biophysics | |
| General | 0786 |
| Medical | 0760 |

### EARTH SCIENCES

| | |
|---|---|
| Biogeochemistry | 0425 |
| Geochemistry | 0996 |
| Geodesy | 0370 |
| Geology | 0372 |
| Geophysics | 0373 |
| Hydrology | 0388 |
| Mineralogy | 0411 |
| Paleobotany | 0345 |
| Paleoecology | 0426 |
| Paleontology | 0418 |
| Paleozoology | 0985 |
| Palynology | 0427 |
| Physical Geography | 0368 |
| Physical Oceanography | 0415 |

### HEALTH AND ENVIRONMENTAL SCIENCES

| | |
|---|---|
| Environmental Sciences | 0768 |
| Health Sciences | |
| General | 0566 |
| Audiology | 0300 |
| Chemotherapy | 0992 |
| Dentistry | 0567 |
| Education | 0350 |
| Hospital Management | 0769 |
| Human Development | 0758 |
| Immunology | 0982 |
| Medicine and Surgery | 0564 |
| Mental Health | 0347 |
| Nursing | 0569 |
| Nutrition | 0570 |
| Obstetrics and Gynecology | 0380 |
| Occupational Health and Therapy | 0354 |
| Ophthalmology | 0381 |
| Pathology | 0571 |
| Pharmacology | 0419 |
| Pharmacy | 0572 |
| Physical Therapy | 0382 |
| Public Health | 0573 |
| Radiology | 0574 |
| Recreation | 0575 |
| Speech Pathology | 0460 |
| Toxicology | 0383 |
| Home Economics | 0386 |

### PHYSICAL SCIENCES

#### Pure Sciences

| | |
|---|---|
| Chemistry | |
| General | 0485 |
| Agricultural | 0749 |
| Analytical | 0486 |
| Biochemistry | 0487 |
| Inorganic | 0488 |
| Nuclear | 0738 |
| Organic | 0490 |
| Pharmaceutical | 0491 |
| Physical | 0494 |
| Polymer | 0495 |
| Radiation | 0754 |
| Mathematics | 0405 |
| Physics | |
| General | 0605 |
| Acoustics | 0986 |
| Astronomy and Astrophysics | 0606 |
| Atmospheric Science | 0608 |
| Atomic | 0748 |
| Electronics and Electricity | 0607 |
| Elementary Particles and High Energy | 0798 |
| Fluid and Plasma | 0759 |
| Molecular | 0609 |
| Nuclear | 0610 |
| Optics | 0752 |
| Radiation | 0756 |
| Solid State | 0611 |
| Statistics | 0463 |

#### Applied Sciences

| | |
|---|---|
| Applied Mechanics | 0346 |
| Computer Science | 0984 |
| Engineering | |
| General | 0537 |
| Aerospace | 0538 |
| Agricultural | 0539 |
| Automotive | 0540 |
| Biomedical | 0541 |
| Chemical | 0542 |
| Civil | 0543 |
| Electronics and Electrical | 0544 |
| Heat and Thermodynamics | 0348 |
| Hydraulic | 0545 |
| Industrial | 0546 |
| Marine | 0547 |
| Materials Science | 0794 |
| Mechanical | 0548 |
| Metallurgy | 0743 |
| Mining | 0551 |
| Nuclear | 0552 |
| Packaging | 0549 |
| Petroleum | 0765 |
| Sanitary and Municipal | 0554 |
| System Science | 0790 |
| Geotechnology | 0428 |
| Operations Research | 0796 |
| Plastics Technology | 0795 |
| Textile Technology | 0994 |

### PSYCHOLOGY

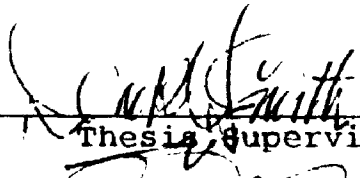
| | |
|---|---|
| General | 0621 |
| Behavioral | 0384 |
| Clinical | 0622 |
| Developmental | 0620 |
| Experimental | 0623 |
| Industrial | 0624 |
| Personality | 0625 |
| Physiological | 0989 |
| Psychobiology | 0349 |
| Psychometrics | 0632 |
| Social | 0451 |

The undersigned recommend to the Faculty of Graduate Studies and Research acceptance of the thesis

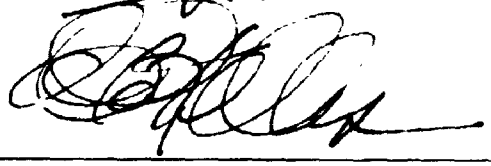
THE REGULATION OF ABORIGINAL POLITICAL ROUTINES, 1869-1900: BAND GOVERNMENT AS A PRACTICE OF GOVERNANCE

submitted by Colin Buchanan, B.A.

in partial fulfilment of the requirements for the degree of Master of Arts



Thesis Supervisor



Chair, Department of Sociology and Anthropology

Carleton University

May 24, 1994

*Abstract*

The perpetuation of the elective system of band government between Confederation and the turn of the century and the administration of Aboriginal political routines that it engenders represents an important and largely overlooked aspect of the regulation of Aboriginal cultural practices. Informed by Michel Foucault's theory of governmentality, this thesis seeks to comprehend band government as a practice of governance which has conditioned Aboriginal political conduct and produced regulated forms of comportment among Aboriginal peoples. Reflecting elements of the historically enduring projects of protection, civilization, and assimilation integral to Indian policy, band government is discussed as a component of the activities of nation-building and state formation in the Canadian West. Archival records are drawn upon to trace the development of band government legislation within the Indian Affairs administration and the implementation of the practice of the electoral system at the St. Peter's Reserve, Manitoba. Participating in conventions of band government initiated a habituation to the norms and mores of liberal democratic institutions and a sedimentation of practices of governance among Aboriginal peoples. Band government represents an institution that reconfigured individual and communal relations within Aboriginal communities, transforming them into a uniform population that could be more efficiently managed and ultimately more effectively ruled.

*Acknowledgements*

I would like to extend my gratitude to everyone whose kindness and courtesy made the research and writing of this thesis possible: to the staff of the National Library of Canada and the Public Archives of Canada, who were most helpful; to all my friends and colleagues, especially David Hubka for kindly printing this document and Dominique Masson who offered welcome encouragement and comments on several drafts; to Bruce Cox for his insight and acumen and Derek Smith for his compassion and guidance and both of them for their patience; and finally, to my parents for their unfaltering love and support. Thank you all.

For my Grandfather,

Walter Scott Buchanan

*Outline*


I Introduction

II Regulation and Governance: Theoretical Orientation
- i) State Building and State Formation
- ii) Projects of Governance
- iii) Governmentality
- iv) Methodology
- v) Conclusion

III The Historiography of Anthropological Approaches to Indian Administration in Canada
- i) Conventional Anthropological Approaches Indian Administration
- ii) Band Government Literature
- iii) Methodology
- iv) Conclusion

IV The Historical Development of Indian Policy and the Activities of Nation-Building in the Canadian West.
- i) British Colonial Policy
- ii) The Civilization Policy
- iii) Enfranchisement
- iv) Confederation and Indian Policy
- v) The Treaties and Reserve System
- vi) The Indian Act
- vii) Conclusion

V Band Government Legislation and its Implementation in Practice: The Governance of Aboriginal Peoples
- i) Band Government and Government Regulation
- ii) Band Government Legislation
  - The Indian Act
  - The Indian Advancement Act
- iii) The Implementation of Band Government
- iv) Band Government Initiatives in Manitoba
- v) Band Government on the St. Peter's Reserve
- vi) Conclusion

VI Conclusion

## *Chapter I: Introduction*

For thousands of years before contact Aboriginal peoples lived in self-regulating societies, which successfully managed people, land, and resources. Individual societies developed elaborate customs and institutions to organize a variety of activities. Groups as diverse as hunter and gatherer bands of the plains, the permanent villages of the Northwest Coast clans, and the Iroquois Confederacy of the eastern woodlands all possessed socio-political systems that served to maintain order and effectively exercised authority over both internal and external community relations. The European powers that colonized North America did not recognize the subtly integrated social and political institutions of Aboriginal cultures. Deploring what they saw as the savage condition of Aboriginal peoples, Colonial (and later Canadian) authorities engaged in a campaign to reform and remake Aboriginal peoples through the inculcation of European conventions and convictions. One often overlooked dimension of this civilizing enterprise has been the transformation of Aboriginal political organization with the introduction of liberal democratic political institutions within Aboriginal communities. Electoral politics have become a routine part of the

Aboriginal experience, largely indistinguishable from the political practices of Canadian society in general.

This was not necessarily an inevitable consequence of history. Most recognize that Aboriginal peoples traditionally had distinctive ways of governing themselves. Often these are considered no more than anthropological curios, noted and sometimes praised, as in the case of the American Congress' tribute to the influence of the Great Law of Peace of the Iroquois Confederacy for framing the American Constitution (Berger 1991:58). However, contemporary Aboriginal political practices--the conceptualization, rationalization, perpetuation, and articulation of liberal democratic systems among Aboriginal peoples--has generally been perceived as natural and inevitable. It is no coincidence that Aboriginal peoples across Canada with vastly different political customs have come to engage in uniform political routines. Band government has been essential to this process.

Elective systems have been operating in some Aboriginal communities for more than 100 years. The first band government legislation appeared in 1869, and later became the basis for the electoral provisions of Indian Act of 1876 and the Indian Advancement Act of 1884. Band government provides the legal mechanism for the election of band councils. Under the terms of the legislation a Chief and a prescribed number of Councillors could be elected by a majority of the adult males of

the band on the approval of the Superintendent General. Elected band councils were granted limited powers to pass by-laws for such matters as the upkeep of the reserve and the maintenance of public health and all council decisions were to be ratified by the Superintendent General. By conferring the authority to conduct limited aspects of their own welfare, band government was to make Aboriginal peoples conversant with the operation of municipal institutions, training them to assume responsibility over their own affairs.

The elaboration of band government within Aboriginal communities denotes significant changes in relations of power and practices of governance in the administration and management of Indian Affairs. Throughout the nineteenth century there has been a gradual introduction of ever more intensive relations of power over Aboriginal peoples. These have engendered processes that transformed and reconstituted the communal, tribal relations of Aboriginal peoples into populations of individuals whose primary social orientation is to state agencies. Replacing traditional political systems with elected band councils would serve to consolidate the powers of management and control wielded by the Department of Indian Affairs, making Aboriginal peoples subject to a more intensive form of regulation.

Prior to Confederation the political customs of Aboriginal peoples did not much interest colonial authorities. After Confederation, however, with

federal authorities bringing new and more intensive relations of power to bear upon Aboriginal peoples, the governance of Aboriginal communities became an increasingly important concern for federal authorities. Band government legislation sanctioned acceptable political conventions for Aboriginal peoples, reconstituting political realities and regulating cultural expression. In the Canadian West these changes were impelled by the larger project of nation-building that included the creation and reconstitution of colonial structures and institutions to meet the needs of an emerging nation.

With regard to the administration of Indian Affairs these activities were mediated through the abiding tenets of Indian policy: protection, civilization, and assimilation. Reflected in the attendant practices of tutelage and wardship, these policy initiatives fostered the inculcation of Euro-Canadian norms and mores and the incorporation of Aboriginal peoples into the systems and institutions of the Canadian state. Between Confederation and the turn of the century the activities of the Indian Affairs administration were expanded as Aboriginal peoples were increasingly subjected to a constant and regular surveillance and the regulation of social practices. Band government initiatives emanated from these imperatives to consolidate the powers of management and control over Aboriginal peoples and to order and domesticate the political activities of Aboriginal peoples.

The implementation of band government within Aboriginal

communities has not been extensively contemplated in the academic literature. This study examines the development of band government legislation and its implementation in practice and seeks to explain band government as a practice of governance which institutionalized relations of domination and enhanced the regulatory powers exercised over Aboriginal peoples. In the period between 1869 and 1900 band government provisions were refined and were instituted throughout the Dominion. The electoral practices engendered under band government wrought profound changes within many Aboriginal communities as the Indian administration exerted uniform practices of rule over diverse and autonomous peoples. During this time the governance of Aboriginal peoples and the regulation of their political practices were solidified.

Chapter II provides the theoretical foundation for the study. Governance may be described as any set of practices which conditions or induces the conduct and comportment at the level of individuals and entire populations. As such it belongs to those activities which produce relations of power which compose individual identity and constitutes collective deportment. This thesis is theoretically informed by Michel Foucault's concept of governmentality (1991) and situates this within the enduring projects of governance within the Indian administration and the emerging processes of state formation in Manitoba and the North West Territories in the late 19th century. Within this context the regulation and governance of

Aboriginal peoples through an institution that orders and organizes Aboriginal conduct and implicates them within relations of domination shall be examined.

A review of the literature, including a consideration of the relationship between anthropology and the Indian administration, and an outline of the methodology are offered in Chapter III. This is followed by a summary of the historical background of the administration of Indian Affairs in Canada and a discussion of the enduring features of Indian policy in Chapter IV. This places the historical practices and projects of Indian administration within the context of the westward expansion of the Canadian state and the enterprises of nation-building.

Chapter V examines the development of band government legislation and explores in some empirical detail the introduction of band government in Manitoba, especially the effects of the electoral system on the St. Peter's Reserve in Manitoba. From an early date St. Peter's was holding triennial elections and their experience with band government was indicative of the process by which Aboriginal peoples became habituated to electoral routines. By participating in the conventions and practices of band government, Aboriginal peoples were transformed into definite constituencies and thus into populations that could be regulated and managed.

Manitoba is an ideal site for consideration of the perpetuation of practices of governance among Aboriginal peoples. Beyond the fact that

there is considerable archival material concerning early band government initiatives in Manitoba, it was right at the crux of several important historical and social processes. The acquisition of Rupert's Land, the government's National Policy, the construction of the Canadian Pacific Railway, and immigration were all elements of the processes of state formation and served to refashion the social and institutional relations within the new province. These processes required that Aboriginal peoples be brought under the regulatory authority of the Canadian state and brought within the Canadian social formation.

Finally, just a word about terminology. When referring to the federal government no differentiation will be made between Liberal or Conservative administrations of the day, for there was little to distinguish their Indian policies or their treatment of Aboriginal peoples. Second, band government designates the system sanctioned by Indian Affairs for the election of a Chief and band council by the majority of adult male band members. The Department used no one term to describe band government. Alternately referred to as the elective system, elected band councils, Indian self-government, the municipal system, and local Indian government in official documents of the period, it has here primarily been identified as band government. Occasionally 'elective systems' or 'electoral provisions' have been used interchangeably.

Third, unless referring to a specific band or First Nation, the term

Aboriginal peoples is used throughout. However, where the term Indian is used in government documents or occurs in customary usage (such as Indian policy or Indian legislation) this has been let stand. lastly, this thesis contemplates practices of governance directed towards status Indians who came under the authority of the Indian Act. It should be recognized that such practices were in no way restricted to this group. Practices of governance have variously manifest themselves in other guises and in relation to other Aboriginal and non-Aboriginal segments of the population. Examples that come immediately to mind are band membership lists, the issuing of land scrip to the Metis, the Eskimo disk list system.

This study undertakes a historical analysis the development and dissemination of the institution of band government and attempts to comprehend this as a practice of governance which has intensified the regulation of Aboriginal cultural practices and entangled Aboriginal peoples within relations of domination.

## *Chapter II: Regulation and Governance: Theoretical Orientation*

In 1881 Sir John A. Macdonald in his capacity as Superintendent General of Indian Affairs remarked upon the development of municipal institutions for Aboriginal peoples:

> It is hoped that a system may be adopted which will have the effect of accustoming the Indians to the modes of government prevalent in the white communities surrounding them, and that it will prepare them for earlier amalgamation with the general population of the country.[1]

Band government from its earliest incarnation was designed to instruct and train Aboriginal peoples in the operations of liberal democratic institutions in order that they may be more easily incorporated within the social and political systems of the Canadian state. Unequivocally it was a vehicle for civilization and assimilation. It is my contention that band government constitutes an element of the larger process of state formation and, more specifically, represents the extension of new and more intensive practices of governance into Aboriginal communities. The practices and procedures perpetuated under band government legislation have come to define and delimit normal, regular, or acceptable political relations for Aboriginal

[1] Canada. Department of Indian Affairs *Annual Report* 1881:xlvii.

peoples. These initiatives may be identified as deriving from historically enduring and subtly integrated projects of governance which have long influenced the Indian policy. Among the more significant, if unintended, consequences of band government have been the concerted pressures to reconstitute the political realities of Aboriginal peoples and redefine what is possible, practicable, and conceivable. Governmental authority over Aboriginal peoples was expanded and consolidated with the implementation of band government, introducing relations which have ordered and organized Aboriginal communities so that they may be ruled more effectively. Governance is an activity or practice capable of producing specific relations between individuals and groups of individuals and band government is fundamentally a practice of governance in the sense that centrally it serves to condition the political conduct of Aboriginal peoples.

*Nation-Building and State Formation*

The Indian Act 1876, a consolidation and revision of earlier Indian legislation, confirms Aboriginal peoples as legal wards of the Canadian state and sanctions band government as a restricted forum for 'legitimate' Aboriginal politics. The Indian Act and the administrative regime which sustains it have been characterized as paternalistic and oppressive colonial structures that have placed Aboriginal peoples under the jurisdiction of an

autocratic federal bureaucracy.[2] The Indian Act is the primary vehicle through which federal authorities have exercised control over Aboriginal peoples (Bartlett 1988:1). It provides for near total regulation of Aboriginal existence, defining who may be considered an Indian and enforcing constraints upon personal conduct, management of band lands and resources, prohibitions on traditional rituals, and specifies provisions for the election and operation of band councils. Absolute authority over nearly every aspect of Aboriginal life was vested in the Superintendent General and, by extension, the local Indian Agent (Bartlett 1988:5). Aboriginal peoples were allowed little autonomy in their activities. The Indian Act constitutes an important element of nation-building in that it secures sovereignty over territory by asserting authority over Aboriginal peoples.

As a project aimed at regulating and conditioning the conduct of Aboriginal peoples by tutoring them in the exercise of elective systems, band government can be located within the broader processes of state formation. By state formation I refer to those activities and practices which serve to centralize authority, sustain particular power relations, and disseminate the cultural constructions of the ruling class. Since before Confederation Canadian authorities were actively involved in the enterprise of nation-building. As the Imperial government prepared to transfer greater

[2] For Noel Dyck (1991) the Indian Act represents an insidious form of what he identifies as "coercive tutelage", while James Frideres (1988:37) denounces it as "one of the most vicious mechanism of social control that exists in Canada."

responsibility to Canadian authorities, colonial structures and institutions were consolidated and reconstituted in light of new images and ideals nurtured by an emerging sense of nationhood. (Owram 1992:77-78; Curtis 1992:5) Initiatives as diverse as land surveys, the national census, homesteading policies, educational reforms, and local government, to mention but a few, all contributed to the shaping and construction of the Canadian state.

In the Canadian West especially these activities were important not only to the growth of the nation, but for the creation of a national polity. As Morris Zaslow observes "[t]here was more to integrating the new domains into Canada than proclaiming sovereignty, more than building roads or railways to overcome the great distances, more even than planting there the society and institutions of eastern Canada" (1971:3). From at least the middle of the 19th century westward expansion was embraced as a natural extension for Canada's national development (Owram 1992:4). With the transfer of Rupert's Land from the Hudson's Bay Company to the Canadian government, the entry of the provinces of Manitoba and British Columbia into Confederation, the building of the Railway, the coming of the North West Mounted Police, and immigration the West became the site of massive social, political, and economic transformations which contributed greatly to the development of the nation.

These extensive changes were not wrought upon and empty void; the

Aboriginal inhabitants of the Canadian West possessed deeply rooted social, political, and economic institutions which had to be contended with (Zaslow 1971:3). The creation of the political and administrative institutions necessary for the settlement and development of the West depended upon reforming the relations of (and with) Aboriginal peoples (Dyck 1991:58). The project of nation-building, of making the West Canadian, required that Aboriginal peoples be incorporated and absorbed under processes of state formation.

Many scholars have cautioned against over-valuing the state. Reflecting sociological concerns that derive from privileging the state as total and all-powerful, the assumed propensity of the state to ruthlessly expand and absolutely repress has been critiqued.

> Many have recognized that the philosophical and constitutional images of the sovereign state are misleading. To the extent that the modern state 'rules', it does so on the basis of an elaborate network of relations formed amongst the complex of institutions, organizations and apparatuses that make it up, and between state and non-state institutions (Rose and Miller 1992:176).

Specifically, the emphasis needs to be placed upon the practice of political institutions, rather than stark oppression (Gordon 1991:4).

When Philip Abrams questions the existence of 'the state' as a material political entity, arguing instead for the study of what he calls "politically organized subjection," he decries the reification of the state as "a spurious object of sociological concern" (1988:63). Abrams acknowledges that the institutional structures and political relations of government do in

fact exist as the "state system" and suggests that there is also a "state idea" which is an abstract ideological construct that misrepresents and legitimates the exercise of power (1988:82). However, the preoccupation with the state as a cogent locus of power has served to obscure the actual exercise of power.

> The state is at most a message of domination--an ideological artefact attributing unity, morality and independence to the disunited, amoral and dependent workings of the practices of government (Abrams 1988:81).

Abrams advocates that the study of the state as a concrete object should be abandoned in favour of analysis of historically constructed relations of political practice (Abrams 1988:81). The state, therefore, may be more practically thought of as a process of rule.

If rule is to be approached as an activity or process then its salience lies not in institutions or legislation but in practices of domination. In this context band government is important not as a legal codification or administrative edict, but as a regulatory practice of state formation. The conventions and customs of cultural relations are intricately connected with state activities. Beliefs and behaviours, attitudes and values are persuasively delimited by the routines and rituals of state.

> States, if the pun be forgiven, *state*; the arcane rituals of a court of law, the formulae of royal assent to an Act of Parliament, visits of school inspectors, are all statements. They define, in great detail, acceptable forms and images of social activity and individual and collective identity; they regulate in empirically specifiable ways, much--very much by the twentieth century--of social life (Corrigan and Sayer 1985:3 original emphasis).

Social regulation is expressed in the most mundane activities of state; the sanctioned parameters of cultural relations are reinforced in even seemingly inconsequential events. The administration of Indian Affairs in Canada generally needs to be understood as enduring practices of governance and processes of rule which serve to redefine Aboriginal cultural forms. Band government emulates municipal systems to inculcate so-called civilized habits among Aboriginal peoples. The elaboration of liberal democratic institutions within Aboriginal communities elaborates not only sanctioned political routines, but determines acceptable social practices as well.

State formation is a primary means for the constitution and regulation of social practice. The state, as Philip Corrigan and Derek Sayer argue, is a cultural production and forms of cultural relations are state regulated (1985:3). In this sense state formation is a project of cultural regulation, legitimating the domination of the ruling class and marginalizing alternative forms of cultural expression.

> Out of the vast range of human social capacities--possible ways in which social life could be lived--state activities more or less forcibly 'encourage' some whilst suppressing, marginalizing, eroding, undermining others...Fundamental social classifications, like age and gender, are enshrined in law and embedded in institutions, routinized in administrative procedures and symbolized in rituals of state. Certain forms of activity are given the official seal of approval and others are situated beyond the pale (Corrigan and Sayer 1985:4).

State formation involves processes of regulation that on the one hand shape the conduct of individuals and groups, while on the other normalize these relations in an endeavour to make arbitrary, historically contingent cultural

practices appear natural and inevitable. State activities produce the sanctified social forms through which cultural relations are organized and articulated.

State formation entails a process of political centralization (Curtis 1992:5). The Social and political regulation that characterize the processes of state formation have necessitated, with the advent of liberal democracy, the elaboration of powerful administrative organizations and institutional arrangements. These in turn require the conditioning of individuals and groups to conform to such forms of governance. Bruce Curtis, who examines the development of educational administration in pre-Confederation Canada, sees these activities as indispensable in habituating the populace to practices of governance.

> [E]ducational administration was seen to implicate the population in a practical process of training in 'self-government.' Educational administration would involve people (adult men especially, but not exclusively) in acting regularly and predictably, in following procedures, in behaving consistently (Curtis 1992:7).

There are striking parallels here for band government, which involves a similar sedimentation of patterns of conduct among Aboriginal peoples, habituating them to the practices of governance accompanying the implementation and administration of elective systems. It consists of various regulatory practices that, through the institution of an administrative order, serve to normalize specific social and political relations among Aboriginal peoples. Ultimately, by participating in

electoral institutions, Aboriginal peoples were made complicite in their own subordination, implicating them within processes of rule.

The normalization of cultural relations and the habituation of individuals and groups to certain norms and mores are derived in part from the conflicts and struggles over cultural expression mediated through state activities and practices of governance. Habituation, which encourages the inculcation of patterns of conduct within a population, effects a formalization of contested cultural practices. These are processes which

> ...must be understood historically as a continuously problematic *accomplishment* whose main dimension is precisely the transformation of certain ways of seeing doing, and being, particular to one class, race, and ethnic group into the *only* thinkable, rational, 'efficient' ways (Curtis 1989:80 original emphasis).

Practices that normalize and habituate tend to homogenize social relations and regularize cultural practices, thereby obscuring inequities of ethnicity, class, gender, age, religion and obscuring conflicts inherent in the processes of state formation (Corrigan and Sayer 1985:4). In this manner alternative beliefs and unorthodox behaviours are marginalized and made to seem impractical and unacceptable.

Band government effects precisely such a regulation of Aboriginal conduct. Perpetuating electoral systems among Aboriginal peoples served to both habituate them to the conditions of rule and sanction proper cultural expression. Engaging in municipal institutions compels a similar reconstruction of Aboriginal cultural practices as elaborated among the

recalcitrant factions following the Rebellion of 1837 (Dyck 1991:51). In Upper Canada during the 1840s and 1850s the participation by the lower classes in the institutions of limited local government came to be an integral part of their habituation to processes of rule and training to conduct aspects of their own governance (Curtis 1989:62). In both cases the politically subjugated have adopted social practices conducive to relations of domination.

Governance extends beyond the bounds of ostensibly political actions and into the ordinary routines of everyday activities. Political regulation fosters comprehensive struggles over power and meaning which arise out of efforts to reconstruct cultural practices. Jean and John L. Comaroff argue that in the colonial context civilizing Native peoples was essentially an endeavour to remake both their character and circumstances in a process that they term "the colonization of consciousness" (Comaroff and Comaroff 1992:235). These conflicts refashion the habitual forms of social existence. On the shifting terrain of cultural expression competing constructions of reality vie in a process of 'challenge and riposte' (Comaroff and Comaroff 1992:236). The imposition of the powerful is never total or complete as the ruled continually engage and debate the terms of their own domination. "[M]uch of what may be seen as the riposte of the colonized, as one or another form of (tacit, indirect) resistance turns out to be a practical means of *producing* history" (Comaroff and Comaroff 1992:259 original emphasis).

In these process of cultural transformation the colonized, by merely engaging in the colonial encounter, internalize the terms and systems of meaning. This is why people who reject an ideological message may yet be reformed by its medium (Comaroff and Comaroff 1992:259). In this way, simply participating in the elective systems inaugurated under band government served to remake the lives and circumstances of Aboriginal peoples. As they came to engage in the political routines of the dominant, Aboriginal peoples accepted if not the doctrine, then at least the demeanour of the electoral system. Increasingly, Aboriginal resistance was conducted in the language of liberal democratic political institutions.

Regulation of cultural practices shapes conduct to the extent that routine behaviours and common conceptions are manifest in the immediate circumstances of peoples lives.

> To be real and effective, rule must appear practically in the behaviour, activity, and understandings etc. of those who are ruled. Practices and forms of practice must exist which link the initiatives and projects of the ruling class with the experience of the ruled (Curtis 1989:61).

More specifically, state formation entails diverse projects which aim to reproduce and sustain relations of power and practices of domination in an obvious and immediate way. If rule is composed of processes which serve to condition conduct, sanction ideal behaviours, and disseminate particular values, it is *realized* in projects which insinuate these ways of being into peoples' everyday experience. For rule to be possible and practicable it must

be implicitly manifest in peoples' conceptions and experience. This reflects issues of how the activity of rule is undertaken and understood, of what Curtis discusses as the "anchoring the conditions of political governance in the selves of the governed" (Curtis 1988:15). Projects of governance are the means by which abstract processes of rule are transformed into tangible practices which directly impact peoples' lived reality.

*Projects of Governance*

Derek G. Smith identifies projects of governance as the enduring, historically interrelated, complex yet identifiable continuities which enliven and impel government policy, bureaucratic procedures, and administrative programmes (1993b:8-9). Projects of governance are encapsulated in those precepts and principles which motivate governmental routines and techniques and provide a link between the processes of state formation and the experiences and perceptions of those who are governed. These projects serve to shape conduct by introducing and elaborating forms of administrative control within a given population. In this endeavour projects of governance forge profound connections between the exercise of authority, instruments of governance, and individual comportment. As the products of long standing initiatives, projects of governance consist of political rationalities and practical routines through which regulatory practices are

organized and administered.

While projects of governance often assert abiding interests, they may be evinced in vastly different policies and routines at different historical moments and these may not initially appear to have any correspondence (Smith 1993b:8). In the slow accumulation of historical precedent subtly integrated continuities may be comprehended in the policies and practices of state sponsored social regulation.

> These projects may look very dissimilar at various moments in their history. They may be from time to time in tension with each other, if not sometimes in outright contradiction. They are usually discernable in *both* state and non-state policies and practices...as elaborately interconnected and mutually reinforcing strands of particular policies. agendas of administrative action, and administrative practices (Smith 1993b:8).

With band government, disparate but related relations of ruling may be discerned in the unfolding routine of parliamentary debates, commissions of inquiry, legislative statutes, policy initiatives, correspondence, and program development as well as the routines of reports, meetings, agents visits, Superintendent's instructions and other administrative procedures. Smith, expanding upon John Tobias' (1983) formulation, recognizes three distinct projects of governance in the administration of Aboriginal peoples in Canada: the protection project, the civilization project, and the assimilation project (Smith 1993b:9). These projects, embedded and implicated within government policy and administrative practice have been continuously present in the administration of Aboriginal peoples in Canada (Smith

1993b:10).

Detailed studies of specific events and practices which refer to the broader social formation can illuminate long standing projects of governance. Calling for precise research of specific incidents to compliment extended historical formulations, Smith maintains that practices of government contextualized within a more general historical framework clearly demonstrates the relations of ruling which constrain Aboriginal peoples (1993b:8). Band government may be identified as a project of governance that exhibits in different manners strains of the protection project, the assimilation project and most strongly the civilization project. Specifically, band government protects in that it establishes separate political routines for Aboriginal peoples under the authority of the Indian Act, which by its very nature isolates them within a distinct administrative regime. Further, band government assimilates by replacing traditional forms of governance with municipal systems. Finally, band government civilizes through inculcating the routines of liberal democratic institutions among Aboriginal peoples.

*Governmentality*

The administration of Indian Affairs, as stated earlier, should really be considered an element of the sundry processes which have facilitated the

induction of practices of governance and relations of rule among Aboriginal peoples. These have occasioned a fundamental redefinition of governance and a recasting of power relations among Aboriginal peoples. Band government is one facet of the continuing struggle over who shall rule and who shall be ruled, what rule entails, and how it should be accomplished. This constitutes an extension of activities of governance--what Michel Foucault (1991) terms "governmentality"--into the lives and circumstances of Aboriginal peoples.

The initiation of new forms of governance among Aboriginal peoples significantly altered the ways in which they related to themselves and to others, engendering new forms of individual and collective identity. Processes of state formation facilitate social regulation through what Corrigan and Sayer (1985:4-5) describe as a 'double disruption' which totalizes by realigning social relationships to primarily orient people towards the apparatuses of state and individualizes as it defines people as private citizens. Foucault posits totalization and individualization as central to the exercise of modern government rationality (Gordon 1991:36). This is government 'of all and of each' which spawns the exercise of a power that both isolates and unifies to effect an ceaseless and continuous form of rule (Foucault 1981:239).

In his lectures on government rationality, Foucault identifies government as an activity or practice that tends to affect, influence, or

direct the conduct of individuals or groups. Government, according to Foucault, means "the conduct of conduct" and concerns issues of guidance or control in personal, interpersonal, or societal relations (Gordon 1991:2). Rationality of government, or governmentality, refers to the ways in which practices of governance are conceptualized and how the activities of governing are articulated and enacted in the exercise of political authority. Studies in governmentality seek not only to comprehend what governing is and how it is achieved, but also to discern how it is rationalized and made real to both those that govern and those being governed (Gordon 1991:3).

Foucault felt that a similar line of inquiry as pursued in *Discipline and Punish* (1979), where he sought to reveal the exercise of power in methods of punishment and the development of penal institutions, could be usefully extended to the question of political subjugation of entire populations.

> The same style of analysis, he argued, that had been used to study techniques and practices addressed to individual human subjects within particular, local institutions could also be addressed to techniques and practices for governing populations of subjects at the level of a political sovereignty over an entire society (Gordon 1991:4).

In *Discipline and Punish* Foucault explores the applications of what he calls a micro-physics of power--the elaboration and intensification of a discrete yet pervasive disciplinary power that concentrated on the distinct routines and minute activities of individuals within social institutions. Government rationality, meanwhile, considers a corresponding set of relations in the

exercise of a subtle and complex regulatory power directed at the population (Foucault 1991:102). There is an analytical coherence between these two related manifestations of power. "The disciplines of the body and the regulations of the population constituted the two poles around which the organization of the power over life was deployed" (Foucault 1980:139). Each of these two intricately related forms of power totalize as they individualize in order to intensify relations and yield a more efficient exercise of power. They may be considered similar expressions of what Foucault describes as individualizing power: "techniques of power oriented towards individuals and intended to rule them in continuous and permanent ways" (Foucault 1981:227). This reflects Foucault's abiding concern with immanent rationality of the historically contingent and socially constructed assertions of power (Gordon 1991:7).

Power, Foucault declares, needs to be thought of something that is produced and circulates (1980:98). Power is not a commodity that may be owned or wielded; nor is it an intrinsic feature which radiates from social and political institutions. Rather it is a strategy, a network of relations in which individuals are implicated and objectified. Power cannot be imposed; it exists only in specific relations between individuals. "In short this power is exercised rather than possessed" (Foucault 1979:26). Consequently, the analysis of power should focus not on stark repression, but should consider instead the positive and productive effects of power.

> We must cease once and for all to describe power in negative terms: it 'excludes', it 'represses', it 'censors', it 'abstracts', it 'masks', it 'conceals'. In fact, power produces; it produces reality; it produces domains and objects of knowledge and rituals of truth. The individual and the knowledge that may be gained of him belong to this production (Foucault 1979).

The techniques and mechanisms of power address themselves to peoples material existence--their habits, relations, behaviours; in short their conduct--to wrest greater economy and efficiency from its constituent elements. Power is capillary in its actions and it is in the minute, diffuse, localised applications of power that relations of domination are effected (Foucault 1980:102). Power is manifest in the exercise of a constant and regular set of relations which pertain between individuals and groups of individuals and extend to the remotest extremes of social relations.

However, this should not be taken to mean that the exercise of power achieves an absolute oppression. The assertion of power is distinct from physical violence or coercion in that it implies a capacity for resistance (Gordon 1991:5). Struggle and dissent are endemic to power relations. Power consists of the ability to induce individuals to behave in certain ways when they in fact have the ability to act contrarily.

> The characteristic feature of power is that some men can more or less entirely determine other men's conduct--but never exhaustively or coersively...There is no power without potential refusal or revolt (Foucault 1981:253).

The exercise of power, as Nikolas Rose and Peter Miller point out, really has little to do with enforcement of sanctions against people; rather it produces

citizens amenable to a kind of regulated freedom and personal autonomy is indispensable to power (1992:174).

If power is not simply the imposition of negative sanctions, but is acknowledged to have positive and useful effects that support and sustain relations of domination, then it should also be recognized that the formation of bodies of knowledge is indispensable to the exercise of power. Power and knowledge are innately interconnected:

> power and knowledge directly imply one another; there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations (Foucault 1979:27).

The elaboration of power depends upon the development and dissemination of sanctified bodies of knowledge which serve to sustain and reproduce relations of power (Foucault 1980:93). Moreover, knowledge cannot exist independently from power. Power invests, registers, and legitimizes knowledge; at the same time knowledge transmits and extends relations of power (Foucault 1980:94). Power exalts and excludes in an endless confirmation of truth. Essentially, "power produces knowledge" (Foucault 1979:27). The constitution of knowledge, its objects, and its applications serve to compile information, codify activities, and convert subjects into fields of knowledge. A vast array of instruments of knowledge--theories, techniques, analyses, methods of calculation, statistics, surveys, reports, inspections--lay claim to a veracity, to a 'know how' that makes government possible (Rose and Miller 1992:178). The formation of bodies of knowledge

and the elaboration of power relations are the result of reciprocal and mutually reinforcing processes (Foucault 1979:224).

The emergence of population as an object of inquiry and knowledge has been the result of precisely such processes as fundamental to the development of governmental power (1991:99-100). The condition of the population has come to form the basis for government interest and intervention in modern states and managing the population has evolved as the ultimate aim of government. This has occasioned the elaboration of complex bodies of knowledge and the development of specific techniques of power to facilitate effective administration and the exercise of governmental power (Foucault 1991:102-03). Richard Saumarez Smith's account of Imperial rule in India is an example of an examination of the extension of governance over the Indian population as it was represented and constructed through records and reports (1985:163). The Indian population was conceived to be something that was knowable and therefore governable[3]. Population has come to be a privileged instrument of government that displays its own regularities and fluctuations which form the basis for management (Foucault 1991:102). The management of the

---

[3] Smith observes: "There is a correspondence between the gradual construction of an official understanding of Indian society and the gradual extension of the rule of law" (1985:163). Characterizing the British rule in India as rule-by-record, rule-by-report, Smith outlines how the official knowledge of the population generated by these documents contributed to determining "the official social morphology" and shaped the practices of governance applied to Indian society (1985:173).

population, particularly as it relates to the construction of official knowledge and the exercise of power, forges a direct relation between individual experience and governance.

As relations of power have become manifest throughout the population, there has been an attendant elaboration of networks of relations that have multiplied and extended themselves to make possible a perpetual scrutiny that produces homogeneous effects of power. Through a constant and regular surveillance, the operation of a discrete yet indeterminate power that orders as it observes, that regulates as it supervises, has been elaborated. These strategies of control and techniques of power Foucault labels panopticism. Foucault describes the panoptic schema as a pure political technology that has been disseminated throughout the social body (Foucault 1979:205). A generalizable power which lends itself to endless applications, it serves to increase the effect and the economy of the exercise of power (Foucault 1979:206). "Whenever one is dealing with a multiplicity of individuals on whom a task or particular form of behaviour must be imposed, the panoptic schema may be used" (Foucault 1979:205).

Operating by means of surveillance--an intense, continuous, hierarchical and reciprocal observation--the panoptic gaze sustains a form of power that operates as though it was continuously enforced. That is "the perfection of a power that should tend to render its actual operation unnecessary" (Foucault 1979:201). A panoptic gaze tends to form complete

and uninterrupted networks, expanding and extending itself along the whole expanse of relations and activities and at the same time integrating and intensifying the effects of power. This process serves to reconfigure the mass phenomena of collective groups, in favour of a collation of separated individualities that can be ordered and supervised.

This processes of regulation through ordering and supervision is perhaps the most significant, although unintended, consequence of the Indian Act and band government. The formation of Aboriginal peoples as a population is an implicit effect of band government. It constitutes them as specific constituencies of individuals and then regulates their conduct in the elaboration of authorized political institutions which sustain relations of power. Band government legislation precisely details the requirements for its implementation, stipulates operating procedures, and enhances processes of supervision. These are the techniques of surveillance and regulation for which the panoptic schema is so expressly suited. Band government increases points of contact between Aboriginal peoples and federal authorities and engenders institutions through which Aboriginal people may be continually monitored, supervised, and ruled.

A recurring theme in Foucault's work concerns the connections that may be perceived between human experience and relations of power and knowledge (1981:239). Foucault discerns a contiguous progression in the form of the exercise of power from the corporal discipline exerted over

individual bodies to the governmental regulation of populations. As the 'governmentalization' of the state has taken place, government has gradually gained ascendency over other forms of political power (Foucault 1991:103). It is not, however, that governmental power has displaced or eliminated discipline, rather they form, along with sovereignty, an integrated triad upon which the articulation of power relations within modern states are predicated (Foucault 1991:101-102).

> [D]iscipline was never more important or more valorized than at the moment when it became necessary to manage a population; the managing of a population not only concerns the collective mass of phenomena, the level of its aggregate effects, it also implies the management of a population in its depths and details. The notion of a government of population renders all the more acute the problem of the foundation of sovereignty ... and all the more acute equally the necessity for the development of discipline (Foucault 1991:102).

Governmentality, with its preoccupation with the variegated processes of the population, weaves together these three themes in the expression of mechanisms of security. Here sovereignty has come to qualify the legal jurisdiction of the state power, its foundation in law, and the judicial and institutional arrangements of state; discipline impacts managerial practices and organizational strategies of administrative institutions; and government addresses the population in its depths and its details--its interests, its condition, and its welfare. (Foucault 100-102). Security, to Foucault, has developed as an integral component in the assertion of government power, distinct from, yet able to incorporate, sovereignty and discipline (Gordon 1991:20). Security represents a method of political

practice that, by evaluating and regulating possible and probable events, works to ensure the continuance of government and state apparatuses. Government has proven so resilient due to this ability to continually define and redefine the scope of government interest (Foucault 1991:103). Governmentality, then, considers the elaboration of discrete but compelling regulatory practices that facilitate the conditioning of conduct of both individuals and groups of individuals, making the activity of governing and relations of domination appear plausible and pragmatic.

*Conclusion*

"We live in the era of governmentality" Foucault proclaims (1991:103) and by this he means that the relations associated with governmentality have come to dominate political practice. As ever more constant and regular assertions of power are realized, the techniques and tactics of government have become the only issue for contestation in the political domain. The formation of a population, through techniques of power and processes of knowledge, permits a form of power that initiates a precise order and organization.

> Foucault saw it as a characteristic (and troubling) property of the development of the practice of government in Western societies to tend towards a form of political sovereignty that would be a government of all and of each, whose concerns would be at once to 'totalize' and 'individualize' (Gordon 1991:3).

This dual enterprise--which Foucault refers to as "really demonic"(1981:239)--divides and distributes individuals in such a way that they are implicated within relations of power which exert continual regulation. From this perspective governance may be thought of as complex processes of rule which, through diffuse and interconnected regulatory techniques and practices directed at the population, insinuate themselves into the immediate lives and circumstances of individuals and groups of individuals in order to produce desired types of conduct.

Band government is but one mechanism which serves to produce regulated conduct, making relations of domination feasible to the administrators as well as the Aboriginal peoples subject to that administration. It initiates techniques and strategies which, by undermining the authority of traditional leadership, consolidates the power of the Canadian government over Aboriginal peoples. The electoral system introduced under band government expedites transformations in personal and communal relations, converting Aboriginal peoples into a population of nascent citizens which can be managed, organized, conditioned, and ultimately more effectively ruled.

Derived from the long standing projects of protection, civilization, and assimilation, band government insinuates practices of governance into the experience of Aboriginal peoples. In the assertion of an exacting rule over Aboriginal peoples, band government serves to determine the political

routines and condition the conduct of Aboriginal peoples. As such it may be situated within the larger processes of state formation implicated within the activities of nation-building attendant upon the westward expansion of the Canadian state.

The central concern of this study is to determine how band government has been produced, what this form of governing entails, and what are the entrenched rationalizations which have made it possible and practicable. The regulation of political, and thereby cultural, relations served to subsume Aboriginal peoples within the Euro-Canadian social formation.

## *Chapter III: The Historiography of Anthropological Approaches to Indian Administration in Canada*

There is a considerable body of scholarship concerning the administration of Indian affairs in Canada. Often discussed in the context of 'the Indian-white relationship', this literature tends to focus upon the processes of colonialism and colonization and the paternalistic nature of Indian policy.[1] Centring as it does upon legislation, administration, and policy, the emphasis has conventionally been on the analysis of the structure and operation of state institutions (that is on the mechanics of government) with little consideration of the social and historical dimension of relations of rule. Legal and administrative analyses of state activities, such as those common to anthropological examinations of Aboriginal-state relations, often do not fully comprehend the enduring practices of social regulation expressed in the routines and rituals of governance.

The approach taken by Douglas Sanders (1988) might be considered typical of these works. He identifies the major elements of Indian policy

[1] See Tobias 1983, 1988; Weaver 1981; Tennant 1990; Asch 1988; Coates 1992; Dyck 1991; Dickason 1992; Milloy 1983; Sanders 1988; Tanner 1983; Upton 1973; Surtees 1969, 1988.

and gives some indication of the historical complexity of these initiatives, when he states:

> The goal of assimilation has also been constant, though specific goals have varied with changing non-Indian values in Canada. Assimilation has meant at different periods different combinations of Christianity, agriculture, education, wage labour, and traditional culture (1988:276).

However, Sanders then devolves into a static examination of administrative routines and legislation that tends to depict government legislation as a monolithic constraint coersively imposed upon Aboriginal peoples.

Likewise, Tobias (1983) contributes to illuminating the historical initiatives to transform traditional cultures through the inculcation of Euro-Canadian values and behaviours by identifying the principles of protection, civilization, and assimilation. However, his rigid adherence to a historical periodization detracts from a realization of the force and persistence of these practices (Smith 1993b:7). While each of the studies noted to some extent highlight the historical deprivation of Aboriginal peoples in Canada, they fail to recognize Indian Affairs administration and government legislation as aspects of enduring practices of governance which have domesticated relations among Aboriginal peoples.

## *Conventional Anthropological Approaches to Indian Administration*

Historically, anthropology has had a fraternal relationship with the

Canadian Indian administration. Anthropologists not only accepted the principles of Indian administration, they contributed both to their formulation and enforcement. Bruce Trigger (1985:39-49) discusses anthropological approaches to Aboriginal peoples in the late nineteenth century and concludes that, despite a tendency to reject the more overtly racist assertions of other disciplines,

> anthropology...was deeply coloured by White prejudices and unconsciously helped to rationalize the European colonization of North America by reaffirming White stereotypes of Indians as primitive people who were incapable of progress (Trigger 1985:48).

Indeed, this symbiotic relation went so far that the collection of ethnographic data often went hand in hand with the prohibition of traditional ceremonies and rituals (Pettipas as cited in Dyck and Waldrum 1993:8). Having observed and recorded tribal customs, anthropologists then contributed to the suppression of Aboriginal cultural practices.

Even up to the Second World War there existed an easy affinity between anthropology and the Indian Affairs administration. At a 1939 conference to discuss contemporary Indian circumstances held at the University of Toronto T.R.L. MacInnes, a Secretary of the Indian Affairs Branch, asserted that "[i]n the slow process of adjusting the Indian to modern life, special forms of regulation of conduct have been deemed necessary" (1943:162) in the pursuit of the established goals of "protection and advancement". The rationale for these interventions in Aboriginal life were echoed in the works of anthropologist T.F. McIlwraith, who also spoke

at the conference, and in an earlier publication cited the debilitating influence of European contact upon Aboriginal cultures. McIlwraith asserted that:

> In the course of a few generations, the Indian of the Stone Age came into intimate contact with a mode of life and inventions which had slowly developed in Europe during many hundreds of years; his culture was not sufficiently elastic to make the necessary adjustments or to prevent the resulting chaos (1930:134).

Thus, Indian policy was given tacit validation by anthropological research.

In what was widely perceived as the definitive work on Aboriginal peoples in Canada, noted anthropologist Diamond Jenness offered his vision of their future.

> It is not now possible to determine what will be the final influence of the aborigines on the generations of Canadian people still to come. Doubtless all the tribes will disappear. Some will endure only a few years longer, others, like the Eskimo may last several centuries. Some will merge steadily with the white race, others will bequeath to future generations only an infinimetesimal fraction of their blood. Culturally they have already contributed everything that was valuable for our own civilization beyond what knowledge we may still glean from their histories concerning man's ceaseless struggle to control his environment (Jenness 1932:264).

Jenness was witnessing what he believed to be the deterioration of Aboriginal cultures and the evident disappearance of the peoples. With the image of the vanishing Indian understood to be an indisputable fact, there is little wonder the anthropologists of the time supported the aims and objectives of the Indian Affairs Department. It was almost incomprehensible to contemporary academics that the cultural dispossession and relations of domination experienced by Aboriginal peoples were being

perpetuated through practices of governance elaborated in the activities of both state and state-related agencies.

Jenness, who advocated the forced integration of Aboriginal peoples into Canadian society (Johnson 1984:24-25), subscribed to the notion, as did many of his contemporaries, that the very survival of Aboriginal peoples was contingent upon assimilation.

> Public officials' presumptions of the inevitability of these outcomes was, for the most part, accepted at face value by anthropologists who focused their attention on those cultures and traditions which, it was thought, were about to disappear rather than on the circumstances of their disappearance (Dyck and Waldram 1993:8).

The ethnocentric perceptions of the declining Aboriginal population, their social morass, and cultural erosion were taken as irrefutable evidence of the unfortunate, but inevitable consequence of Aboriginal peoples' confrontation with 'advanced civilization'. The civilization and assimilation policies of the Indian Administration ordained a course of action to save Aboriginal peoples by ridding them of their Aboriginality (Dyck and Waldram 1993:8).

Following World War II the operations of the Indian Affairs Department itself became an object of inquiry, as a number of studies that considered the management of Aboriginal peoples in Canada appeared.[2] With the assimilationist program clearly not succeeding and with the Aboriginal population quite evidently increasing and participating in Canadian social and economic institutions, the cosy camaraderie between

[2] See Harper 1945, 1946, 1947; Hank and Hanks 1950.

anthropology and the Indian Administration began to dissolve. However, allowances were still made for the Department and criticisms were usually softened with commendations.[3] Anthropologists continued to overlook the institutionalized relations of power and domination that Aboriginal peoples were subject to (Dyck and Waldram 1993:9). The paternalistic nature and assimilationist objectives of Indian policy were rarely addressed.

By the 1960s, influenced to some extent by the civil rights movement in the United States, Canada's treatment of Aboriginal peoples received greater public attention and the anthropological literature began to reevaluate the objectives and operations of the Indian Affairs Department. Various researchers detailed the social and economic marginalization of Aboriginal peoples and enduring problems in the administration of Indian Affairs.[4] Of these *The Indians of British Columbia* by H.B. Hawthorn, C.S. Belshaw, and S.M. Jamieson (1958) may be regarded as seminal. Representing the first major examination of the social and economic circumstances of Aboriginal peoples following the 1951 revision of the Indian Act, its critique of the failures of federal Indian policy and specific recommendations to improve the conditions of Aboriginal peoples influenced

---

[3] Alan Harper, for example, identifies autocratic disposition of the Indian Act, nevertheless praises Department officials. "It is to the credit of Canada's Indian Administrators that they have resisted the temptations to absolutism which the Act invites" (1946:313). One wonders what Harper might consider oppressive.

[4] See Hawthorn, Belshaw, and Jamieson 1958; LaViollette 1961; Dunning 1963; Jenness 1964; Duff 1964.

subsequent research. Federal Indian policy came to be scrutinized by many commentators, including anthropologists, who more frequently attacked the ill-conceived and oppressive administrative control wielded over Aboriginal peoples.[5]

With Indian Affairs officials becoming increasingly frustrated by the ineffectiveness of the Department's programs, growing public concern, and demands for more equitable treatment from Aboriginal peoples, the government commissioned anthropologist Harry Hawthorn to lead an investigation into the current state of Aboriginal peoples (Weaver 1993:76-77). The Hawthorn Report was a comprehensive survey of the contemporary social, political, and economic circumstances of Aboriginal peoples. Largely anthropological in nature, this document examined economic development, Constitutional issues, administration of Aboriginal peoples, education, and band government and made 151 recommendations (Hawthorn 1966; 1967). Even the Department perceived that Indian policy was anachronistic and ineffective and the Hawthorn Report, which remains the most extensive inquiry into the status of Aboriginal peoples in Canada, was formulated to help Indian Affairs shed its more archaic and paternalistic features.

According to Weaver the reaction to the Hawthorn Report was varied; it was received warmly in the popular press and less so by social scientists

---

[5] R.W. Dunning described Indian Affairs as "a highly organized and foreign administration" (1963:219) and disparaged the rationale of integration and self-responsibility upon which the Indian policy is based.

(1993:81). R.W. Dunning in particular aimed some sharp missives at the Report, declaring that "because of its assumption that the Indian Affairs Branch is the only logical agency to raise the social and economic status of the Indians, it maintains a philosophy worthy of 1867" (Dunning 1967:52). Although he did approve of recommendations enhancing powers of local government, he was sceptical of these being implemented. Further, the Hawthorn Report was open to charges that it relied on academic over Aboriginal participation (Dyck 1991:108). This reflects the pervasive confidence among social scientists that they were preeminently qualified to divine Aboriginal peoples best interests. "[I]ts publication established a high water mark of self-confidence within Canadian anthropology concerning the ability of anthropologists to understand and improve Canadian public policy towards Native peoples" (Dyck and Waldram 1993:9). As the 1960s drew to a close, events would ensure that Aboriginal peoples would no longer be peripheral in discussions of matters of consequence to them.

Perhaps the most portentous single episode in any consideration of the administration of Aboriginal peoples in Canada was the Trudeau government's 1969 White Paper on Indian policy. This had an irredeemable effect both upon the administration of Aboriginal peoples and assertion of Aboriginal cultural values (Scott 1993:313). Allegedly developed to address the inequities of Aboriginal life, the White Paper proposed the abolition of

the Department of Indian Affairs and the elimination of treaty rights and special status.[6] Aboriginal peoples accused the government of attempting to abrogate their responsibilities to Aboriginal peoples, claiming that the White Paper amounted to a policy of cultural genocide (Little Bear, Boldt, and Long 1984:70). The federal government, in the face of the controversy ignited by the White Paper, shelved it and reformulated their approach to Native issues.

The 1970s were a decade in which relations between Aboriginal peoples and the government were dramatically reshaped by legal and political precedents. In 1973 three Justices of the Supreme Court of Canada recognized the existing validity of Aboriginal title in the Calder decision (Asch 1988:51). Shortly afterwards the Cree and Inuit of Northern Quebec won recognition of their Aboriginal rights in the resolution of the dispute over the James Bay hydroelectric project (Diamond 1985:280). Then, during the federal government's patriation of the Constitution, Aboriginal groups successfully petitioned for the inclusion of Aboriginal Rights (Boldt and Long 1985:11-12). Anthropological research underwent corresponding changes as anthropologists have been impelled to consider institutions, organizations, agencies and relations conventionally thought to lie outside of

[6] Sally Weaver (1981) provides a meticulous account of the policy deliberations and convincingly argues that the White Paper disregarded Aboriginal input, despite an extended and public consultation, and instead pursued the hidden agenda of politicians and bureaucrats to dispense with Indian Affairs and terminate Aboriginal peoples special relationship with the Crown.

the boundaries of the discipline in an attempt to understand the processes and relations which link Aboriginal peoples to the Canadian state (Dyck 1990:42).

Consequently, anthropological literature of the period reflected the changing nature of Aboriginal-government relations in studies that accentuated the continuing debilitative effects that coercive administrative practices have had upon Aboriginal peoples.[7] As Constitutional issues came to dominate debate over Aboriginal rights during the 1980s, this became a central theme in academic circles (Dyck 1990:46-47). Anthropologists, along with other social scientists, lent their support to Aboriginal peoples assertions of against the imperious and repressive actions of the federal government and to Aboriginal peoples endeavours to articulate their right to self-determination.[8]

Finally, building upon the work of Taylor (1977), Tobias (1983), and Milloy (1983) there has been a renewed interest in exploring the historical marginalization and deprivation of Aboriginal peoples effected through Canadian Indian policy.[9] It is within this area that I would situate my own work. However, the studies mentioned, while providing detailed historical

---

[7] See Brody 1975; Smith 1975; Dunning 1976; Paine 1977; Weaver 1981.

[8] See Asch 1988; Little Bear, Boldt, and Long 1984; Boldt and Long 1985; Tanner 1983; Dyck 1985.

[9] See Coates 1992; Carter 1992; Buckley 1992; Smith 1993a; Dyck 1991; Tobias 1988.

examinations of different aspects of Indian policy, tend to lack the explicit recognition of the long term implications of practices of governance for the regulation of Aboriginal conduct and perpetuating relations of domination.[10] In detailing the historical circumstances in the development of band government and providing a specific account of its application this thesis provides insight into the sedimentation of practices of governance and the processes which have incorporated Aboriginal peoples into Canadian social and political institutions.

*Band Government Literature*

It is somewhat surprising, especially given the prominence of self-government in Aboriginal rights debate, that band government has received such scant attention in the literature. Other than a few passages in the Hawthorn Report (1967:177-178;194-195) and tangential references elsewhere (eg Dyck 1991; Dickason 1992), it has remained largely unconsidered. Nowhere, it seems, has the extrinsic political institution which has assumed predominance in many Aboriginal communities been subject to a concerted analytical treatment.

A handful of government documents produced within DIAND that have given some attention to band government have been invaluable in the

[10] Smith 1993a and Carter 1990 are notable exceptions.

researching and writing of this thesis (Leslie and Maguire 1978; Daugherty and Madill 1980; Leslie 1985; Brown and Maguire 1979). Chief among these has been *Indian Government Under Indian Act Legislation, 1868-1951* by Wayne Daugherty and Dennis Madill (1980). Prepared as a discussion paper and research guide for those examining the electoral provisions of the Indian Act, this document provides a thorough account of successive amendments to band government legislation and exercise of band council powers. Useful as well were a pair of documents published by the Native Law Centre at the University of Saskatchewan. The first of these was *Indian Acts and Amendments, 1868-1975*, edited by Sharon Helen Venne (1981), which is a compilation of practically every piece of government legislation concerning Aboriginal peoples passed by the Canadian Parliament. The second was Richard H. Barlett's *The Indian Act of Canada* (1988) which offers a fairly good, if overly legalistic, appraisal of the development and ramifications of the Indian Act. For much of the analysis, however, this thesis relies largely upon archival materials.

## *Methodology*

The main focus of this study examines the development of the band government policy and its implementation within Manitoba and the North West Territories at the end of the 19th century. At this time Canada was

intensely interested in nation-building, expanding the authority of the Dominion and opening up the West. As part of these activities, the Department of Indian Affairs was aggressively involved in the acquisition of lands from Aboriginal peoples, removing them to reserves, and tutoring them in the civilized habits of Euro-Canadian society. It is, therefore, a good locus for the discussion of governance, regulation, and conduct. This study is based largely upon government documents. Annual reports, sessional papers, legislative statutes, House of Commons Debates, the Statutes of Canada, and especially archival sources have all been utilized.

The Department of Indian Affairs has compiled extensive records, documenting virtually every aspect of the Department's history and operations. In the period following Confederation Indian Affairs was, as were most other federal agencies, involved in processes that served to extend practices of governance, centralize authority within consolidated government institutions, and rationalize Departmental operations. Merely reviewing the Annual Reports of the Department of Indian Affairs reveals the escalation of information being collected by the Department. In 1867 the official account for Indian Affairs was comprised of a single paragraph within the Annual Report of the Department of Crown Lands.[11] By 1880 the Indian Affairs had been established as an independent branch of the Department of the Interior and its Annual Report covered some 310 pages which included reports from

[11] Canada. Department of Crown Lands. *Annual Report* 1867:ix.

the Superintendents in each Province and the North West Territories, reports from many of the agents, detailed schedules and returns of the Indian population (which recorded births, deaths, school attendance, agricultural production, band expenditures, and profits from sales of timber) and extensive correspondence on matters of interest to the Superintendent General.[12] This extraordinary increase in data gathering reflects requirements to collect and compile exact information upon which to base government policies and administrative practices. One of the consequences of these activities was the propagation of extensive official records and correspondence concerning even the most pedestrian aspects of Departmental business. The vast majority of these holdings are contained in the RG 10 series. Secondary sources such as academic literature and DIAND research papers also contain pertinent material.

A close examination of the relevant archival material provides insight into not only the development of band government as a policy, but also into practices of governance and the processes of rule with which band government was implicated. Governance is manifest in various techniques, strategies, and procedures and these need to be the subject of investigation.

> We need to study the humble and mundane mechanisms by which authorities seek to instantiate government: techniques of notation, computation and calculation; procedures of examination and assessment; the invention of devices and such as surveys and presentational forms such as tables; the standardization for systems of

[12] Canada. Department of Indian Affairs. *Annual Report* 1881.

> training and the inculcation of habits; the inauguration of professional specialisms and vocabularies; building designs and architectural forms--the list is heterogeneous and in principle unlimited (Rose and Miller 1992:183).

Certainly reports, memoranda, instructions to agents, and administrative correspondence would also be germane. A study of the practices and procedures accompanying the development of band government should reveal something of how the activity of governing has been accomplished. In light of the absence of direct commentary, a consideration of the archival material is indispensable for any detailed analysis of band government.

Archival research is being increasingly practised within anthropology (Dyck 1990:44). As Smith contends, archival material can prove vital for examining the cultural processes which are typically the central concern of anthropological investigation (1993a:47). These sources can give some indication of both the practices of the rulers and the responses of the ruled, of the "challenge and riposte" to which Comaroff and Comaroff refer.

> If we are to recover from the documentary record the riposte of the ruled, we have to move with them as they try, often by unexpected means, to shift the unequal encounter with Europe onto an entirely different plane (Comaroff and Comaroff 1992:257).

Archival documents often offer the best indication of the assertions of Aboriginal peoples in the struggles that attend the perpetuation of relations of domination.

There are, of course, obvious limitations to this approach. The material gathered in the archives unarguably presents the biases and attitudes of

government administrators. These records tell a story from the perspective of the dominant; it is more difficult, but not impossible, to determine the Aboriginal peoples' reactions to band government initiatives. It is not possible within the scope of this study to undertake an overly detailed examination of local conditions, or give more than brief consideration to the lasting effects and consequences of the practices of governance initiated by the implementation of band government. This study would be complemented by the kind of insight provided by detailed ethnographic accounts and this may point the direction for further research. As well, band government policy was directed specifically towards status Indians living on reserves. It should be recognized that these practices of governance, relations of ruling, and the inculcation of correct patterns of conduct were in no way limited to this group and these regulatory practices found other expressions elsewhere among Aboriginal and non-Aboriginal peoples. An analysis of the practices associated with band government experience may provide insight into broader practices of governance, regulation of conduct, and the relations of ruling evident among other segments of the population.

## *Conclusion*

As Smith (1993b:13) maintains there is a need to develop approaches that

situate detailed ethnographic studies within the broader social formation. Although anthropology has come to challenge the paternalistic and oppressive aspects of relations between the Canadian state and Aboriginal peoples, much of the literature concerning Indian Administration in Canada continues to emphasize legal and bureaucratic accounts without considering the practices of governance which normalize cultural practices and domesticate Aboriginal peoples, implicating them within relations of domination. Any examination of the institutional structures of the administration that does not account for the regulatory aspects of governance will remain a static discussion of the operation and organization of government with only passing correspondence to the broader social formation.

## *Chapter IV: The Historical Development of Indian Policy and the Activities of Nation-Building in the Canadian West*

It has become almost axiomatic to state that Canadian Indian policies have their precedents in earlier Colonial initiatives. Indeed, a number of studies have demonstrated a clear continuity in administrative practice and policy.[1] From the beginning, British efforts to regulate relations with Aboriginal peoples have been founded on the tenets of the often inseparable, mutually reinforcing and concurrent policies of protection, civilization and assimilation.[2] The underlying premise behind more than 200 years of Indian policy has been the presumption of Aboriginal incapacity. Aboriginal peoples were regarded as the unfortunate, but inevitable victims, of their confrontation with a superior European civilization. Whether romanticised as a 'vanishing race' or reviled as degenerate savages, Europeans tended to act upon a self-appointed moral obligation to protect

---

[1] Prominent on any list of such works would be Dickason 1992, Richardson 1987, Leslie and Maguire 1978, Surtees 1988, Sanders 1988, Dyck 1991, Smith 1975, Ponting and Gibbins 1980, Milloy 1983, Tobias 1983.

[2] Tobias (1983) outlines protection, civilization, and assimilation as the central themes of Canadian Indian policy and there is general agreement on this (Dickason 1992, Sanders 1988, Surtees 1988), although Smith (1993a), as discussed in Chapter II, finds Tobias' strict periodization of policy objectives problematic.

and advance the Indians; to reclaim them from their unredeemed state by bestowing upon them the benefits of Christianity and civilization (Pearce 1967; Dyck 1991:25). For Aboriginal peoples 'civilization' has, among other things, been a powerful euphemism masking relations of domination that have resulted in the eradication of traditional cultural practices, erosion of autonomy, subjection to an increasingly intolerant administrative regime, and dependence upon government welfare. Indian policy, derived from the principles of protection, civilization, and assimilation, has effectively served to embrace Aboriginal peoples in a pervasive snarl of regulatory practices.

There may be discerned in the unfolding procedures and routines of Indian administration in Canada a steady intensification of practices of governance that have effected the regulation and management Aboriginal peoples' conduct and cultural expression. Throughout the 19th century, and especially after Confederation, there has been a consolidation of the relations of power exercised over Aboriginal peoples. Reflected in the elaboration of practices and routines which have served to reconstitute the communal relations of tribal peoples and inculcate Euro-Canadian political mores and values, these initiatives reveal fundamental changes in relations of rule and practices of governance. These processes have effectively worked to transform Aboriginal peoples into populations of regulated individuals, managed and governed in a uniform manner. In practice the administration of Indian Affairs has elaborated increasingly rigorous regulatory powers

over Aboriginal peoples. The development of band government provisions and the attendant introduction of liberal democratic institutions within Aboriginal communities has been integral to the process of perpetuating relations of domination among Aboriginal peoples.

*British Colonial Policy*

The Indian Department was formally constituted in 1755 under William Johnson, who had been Chief Indian Agent of New York. At this time the primary activity of the Department was the signing of treaties of peace and friendship and the distribution of presents to ensure harmonious relations and secure military allegiance of the various Indian nations in Britain's campaigns against the French and Americans (Leslie and Maguire 1978:3). The Indian Department, not surprisingly, was a branch of the British military and was staffed largely by former army personal (Surtees 1988:86). While encouraging missionary activity and the conversion of Indians to Christianity, the Department was otherwise little concerned with the habits and customs of the Indians. Additionally, scant attention was paid to alleviating the growing tensions between Indians and settlers, despite recurring stern warnings[3] from the Imperial government to prevent abuses.

[3] These are evident in a number of Royal Instructions and Proclamations issued during the latter part of the 18th century that cautioned against disturbing or molesting Indians in their lands. See the Royal Proclamation 1763, Instructions to

Indian rancour over continuing predations of settlers and unscrupulous practices of traders prompted the Imperial government to issue the Royal Proclamation of 1763. This document has been called the "Indian Charter of Rights" (Purich 1985:45). It recognizes the Aboriginal right of prior habitation, restricts dealings with Indians to the Crown, authorizes a method for purchase of Indian lands, and outlines the boundaries of an Indian territory (Surtees 1988:86). This document ordains the criteria that would form the guiding principles of Indian policy that still endure: the Crown is established as guardian in the protection of Indian lands and property from exploitation and accepts responsibility to act on behalf of Indian interests. The Royal Proclamation, it has been claimed, initiates nation-to-nation agreements that implicitly recognize Aboriginal sovereignty (Clark 1991:7), but this interpretation may be disputed. It may equally be argued that the interest, security, and sovereignty being discussed here belongs primarily to the Crown.[4] The Royal Proclamation, in keeping with prevailing British Indian policy, might be better understood as

---

Governor Carleton 1775, Additional Instructions Relating to the Indian Department 1796, compiled in Smith 1975.

[4] Two relevant passages from the Royal Proclamation--"And whereas it is reasonable, and essential to our Interest, and Security of our Colonies..." as well as "And We do further Declare it to be our Royal Will and pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection and Dominion, for the use of said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments..."--would seem to indicate that Indian rights and interests were subsidiary to those of the British, nor were Indian Nations considered sovereign entities. I am indebted to Derek Smith for this observation.

containing elements which entrenched and reinforced paternalistic relations of domination.

In 1830 the Indian Department was permanently transferred to civil authorities.[5] With the end of the War of 1812 came a cessation of armed conflict between Britain and the United States and, consequently, less need to maintain Indians as military allies (Leslie and Maguire 1978:11-12). There was at this time some suggestion from the Colonial Office, with an eye to reducing expenditures, that the Indian Department had outlived its usefulness and could be abolished (Surtees 1988:88). However, mounting concern of missionaries and philanthropic societies in England for the plight of the aborigines throughout the Empire, apprehension of Colonial administrators over the termination of annuities, and Indian dissent caused the Imperial government to relent (Leslie 1985:19).

In light of these factors a report by Major-General H.C. Darling, Chief Superintendent of Indian Affairs, advocated a new orientation for the Indian Department. The Department would assume a more active role in raising Indians on the scale of civilization, assisting their transition to a self-supporting existence, and weaning them from dependence upon the Crown. Darling counselled that Indians be attracted to permanent settlements where they could receive the benefits of religion, education, and agricultural

---

[5] Earlier, between 1795 and 1816, the Indian Department was technically under civil administration. However, it remained military in character and continued to pursue military goals.

instruction (Richardson 1987:18). L.F.S. Upton calls Darling's report "the founding document of the whole 'civilizing' programme" (1973:57). This mandate was affirmed in 1830, but only after the Colonial office recognized the fiscal savings to be realized from administrative reorganization. Thereafter, the goal of civilization became the principle focus of Indian policy.

*The Civilization Policy*

Early attempts to put this new policy in practice met with limited success. The first reserves, intended to be 'social laboratories' where Aboriginal peoples could be instructed in the habits of civilized Christian life, failed because of chronic under funding, misadministration, inexperienced personal, and quarrels between competing Christian missions (Leslie and Maguire 1978:17). These failures caused some discord among Imperial administrators, Colonial officials, missionaries and philanthropists over Indian policy, specifically whether settling Indians in close proximity to non-native communities or completely isolating them would yield better results (Leslie 1985:39-40). Among the more fateful episodes of this period was Lieutenant-Governor Bond Head's Indian removal policy. Maintaining that the Indians were a doomed race Bond Head arranged for the surrender of 3 million acres of land and the relocation of several thousand Indians to the

Manitoulin Islands (Upton 1973:58). This policy had tragic consequences and was vociferously denounced as cruel and inhumane, even by fellow government officials.[6]

By the 1840s Indian policy had become a morass of muddled initiatives and organizational ineptitude. The Indian Department had always been a murky operation, pursuing conflicting objectives and impeded by a cumbersome Imperial administration (Leslie 1985:80). Difficulties in developing Indian policy were complicated by the Colonial Office's frustration over the slow progress of the civilization program, their insistence upon reviewing all Departmental business, and repeated demands for economy. Department officials routinely complained of being overworked, underpaid, and hindered in the performance of their duties. These problems were further compounded by increasing immigration and Aboriginal peoples' loss of traditional subsistence base (Leslie and Maguire 1978:16). It was becoming apparent that the civilization program would be more costly and complex than originally envisioned.

The relative importance of Indian Affairs is reflected by its omission from the Terms of Union 1840, which brought Upper and Lower Canada together as the United Canadas (Dickason 1992:248). The Indian Department and the peoples it administered were quickly becoming a

---

[6] Lord Glenelg, for instance, after initially praising the removal policy, distanced himself from Head in the face of fierce criticism.

marginal concern. The amalgamation of the Indian administration following the union of the provinces did little to ameliorate the situation. The Department continued to be plagued by questionable management and a byzantine administration. In the meantime, Aboriginal peoples, troubled by continuing exploitation and encroachment by settlers, urged the Department to fulfil its acknowledged obligations.

In 1844 the Bagot Commission concluded an extensive inquiry into the administration of the Indian Department and Indian conditions. Their findings revealed an inept and amorphus administration and deteriorating Indian conditions (Leslie 1985:87). This was a seminal document for Indian policy in that it elaborated and expanded upon the initiatives first proposed in Darling's report, reformulating them and establishing a paradigm for Indian policy that would endure well into the 20th century.

The Bagot Commission reasserted a commitment to the policy of protection and civilization and avowed the Crown's abiding responsibility to the Aboriginal peoples. Their recommendations anticipated later policy and legislation concerning Indian status and membership, enfranchisement, and individual ownership of reserve lands (Leslie 1985:91). To hasten the time when Indians might assume the responsibilities of full citizenship, the report advised that a system of land tenure be implemented to encourage Indians to abandon traditional communal holdings (Dickason 1992:249). Annual presents, it was suggested, should be converted to farm implements

and other items that would assist settled life and, to prevent extraneous distributions, that lists of band members be compiled and that presents be given only to those on the list (Leslie 1985:91-92). The Commissioners envisioned Aboriginal peoples becoming educated, self-reliant, Christian farmers. Their proposals were, not surprisingly, met by Aboriginal enmity, as they were quite rightly perceived as a threat to their traditional hunting, trapping, non-sedentary existence.

The Bagot Commission could not, however, resolve the lack of focus and cohesion that were the central afflictions of Indian policy and administration. Further, the Commission's recommendations, by sanctioning a separate administration for Aboriginal peoples that effectively isolated them from the community with which they were to be integrated, perpetuated the abiding incongruity which would continue to confound Indian Affairs. Subsequently, government protection of Aboriginal peoples' rights and interests, on which the Bagot Commission was unwavering, would become increasingly important with the social and economic changes brought about through ever expanding non-Aboriginal population, agricultural cultivation, and resource development (Leslie 1985:106). Many of the principles articulated by the Bagot Commission would find expression in the Indian legislation of the 1850s.

*Enfranchisement*

Although administrators and legislators were dubious that the interests of Aboriginal peoples could be protected through legislation (Leslie 1985:106), the truculence of the Euro-Canadian population eventually made such measures unavoidable (Surtees 1988:88). In 1850 the Legislative Assembly passed *An Act for the better protection of the Lands and Property of the Indians in Lower Canada* and *An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury.*[7] The Lower Canada Legislation vested all Indian lands and property in the Commissioner of Indian Lands, and, more ominously, set down a definition of who might be considered an Indian (Leslie and Maguire 1978:23-24). The Act for Upper Canada also consolidated Crown control over the management of Indian lands and alluded to the ultimate goal of full civilization. Generally, these Acts elaborated upon the abiding policy of protection and civilization in guarding the Indians from abuse while encouraging their advancement (Bartlett 1988:3-4). While these Acts did not represent a serious departure from previous Indian policy, they initiated at least one crucial innovation.

The Protection Acts legally codified several of the established routines and practices in the management of Aboriginal peoples' affairs. This was a

[7] For brevity these shall be referred to as the Protection Acts.

significant transformation. This legislation effectively facilitated the transfer of regulation from the Indian administration to the Legislative Assembly. Once Indian policy was afforded the weight of law, its regulatory effect was dramatically altered. Ambiguous policy initiatives and irregular administrative practices were grounded in a new consolidated basis for the exercise of authority over Aboriginal peoples. This represents a substantial change in relations of governance and regulatory practice. At this point that diffuse relations of domination began to coalesce as a distinctive form of governance. The advent of such legislation which served to condition the conduct and social expression of Aboriginal peoples and instigated what may be described as a major intensification of governance of Aboriginal communities.

The Protection Acts provided a legislative framework for the administration of Indian Affairs, which had been previously lacking (Ponting and Gibbins 1980:5). In so doing they perpetuated an increasingly powerful administrative order that permitted more effective regulation and management of Aboriginal peoples. These statutes were followed by *An Act for the Gradual Civilization of the Indian Tribes of the Canadas* in 1857.[8] Here the civilization policy was explicitly promoted in the enfranchisement provisions of this Act.

Lifting a page from Bagot, the Civilization Act presumes that Indians

---

[8] Hereinafter the Civilization Act.

could be fully civilized only when induced to assume ownership of private property (Milloy 1983:58). Enfranchisement was to be an incentive to this end. Under the terms of this Act any Indian male over 21 years of age and free of debt, literate in English or French, having a basic education, and of a good moral character could, on the approval of the Governor-General, renounce his Indian status and assume all the duties and responsibilities of full citizenship (Tobias 1983:42-43). It has been frequently observed that many non-Native citizens of that time would not have met such qualifications (Smith 1975:xviii; Tobias 1983:43). After a three-year probation had been served the successful applicant would receive title in fee simple to 20 hectares of reserve land and a share of band funds. The intended effect was to be a gradual severance of tribal ties and the steady incorporation of Aboriginal peoples and Indian reserves within the Canadian body politic (Milloy 1983:58). Enfranchisement legislation represents a another subtle yet profound intensification of the regulation of Aboriginal cultural practices.

John S. Milloy (1983) contends that the 1857 Civilization Act represented a fundamental change in Indian policy. To this point, he argues, the civilization policy had never contemplated the notion that Indians would become Colonial citizens (Milloy 1983:59). Rather, the main thrust of policy had essentially been to promote programs that would nurture the development of Christian, civilized, self-reliant Indians

ensconced upon protected reserves. Enfranchisement clearly promoted assimilation as the ultimate objective of Indian policy. "Thereafter, the goal, full civilization, would be marked by the disappearance of those communities as individuals were enfranchised and the reserves were eroded, twenty hectares by twenty hectares" (Milloy 1983:59). Thus, enfranchisement represented not so much a concrete reformulation of policy as a definite shift in regulatory practice. This transformation really signified the extension of more powerful practices of governance over Aboriginal peoples. By converting Aboriginal peoples into citizens, enfranchisement worked to absorb individuals into the body politic and in so doing asserted more constant and regular relations over them, making them susceptible to bearing the regulated forms of comportment that characterizes citizens (see Rose and Miller 1992:174). Encouraging Aboriginal peoples to leave tribal society and seek enfranchisement served to loosen tribal bonds by removing individuals from the tribal community, asserting the pre-eminence of state relations. Enfranchisement, therefore, may be readily perceived as an assimilationist policy that intensified the abiding policies of protection and civilization.

The Aboriginal response to enfranchisement was anything but enthusiastic. Aboriginal leaders had consistently voiced their antagonism to any scheme to partition collectively held reserve lands (Milloy 1983:58) Opposition to enfranchisement was so pervasive that at Confederation, 10

years after the Civilization Act was initially passed, a mere handful had applied for enfranchisement and only one candidate was accepted (Dickason 1992:251). Tribal Councils were accused of subverting the program by refusing to allocate title to reserve lands to enfranchisement applicants (Titley 1986:4). Although eager to adopt education and agriculture, Aboriginal peoples would not accept these measures at the expense of their traditional cultures (Milloy 1983:60). Aboriginal peoples actively endeavoured to preserve and enhance tribal customs within a settled agricultural context.

In 1860 the Colonial government reluctantly accepted full responsibility for Aboriginal peoples when the Indian Department was transferred from the Imperial government to Colonial authorities (Surtees 1988:89). Indian Affairs was officially established as a branch of the Crown Lands Department and the 1860 *Management of Indian Lands and Property Act* installed the Commissioner of Crown Lands as the Chief Superintendent of Indian Affairs (Bartlett 1988:4). At this time a number of statutes were enacted which refined previous legislation and served to consolidate administrative control over Aboriginal peoples. The Chief Superintendent of Indian Affairs was granted responsibility for the management of Indian lands and resources, including the power of disposition. Prohibitions on the sale of liquor to Indians were reinforced and provision was made for more stringent control over band finances (Leslie and Maguire 1978:31-34). As

Confederation approached, then, a more comprehensive and concise legislative and administrative foundation for the management of Indian Affairs was being elaborated.

*Confederation and Canadian Indian Policy*

At Confederation the responsibility for Indian Affairs was firmly assigned to the federal government in the *Constitution Act, 1867* (formerly the *British North America Act*). Section 91(24) identifies "Indians and Lands Reserved for Indians" as an area of federal jurisdiction (Sanders 1988:279). The immediate post-Confederation period witnessed a continuing consolidation of Indian legislation, culminating in the Indian Act 1876, and an extensive administrative reorganization of Indian Affairs which further augmented the exercise of authority over Aboriginal peoples. The 1869 annexation of Rupert's ' nd by the Canadian government, the entry of Manitoba and British Columbia into the Dominion in 1870, and post-Confederation immigration fuelled the enterprise of nation-building, especially in the West, typified by Sir John A Macdonald's 'National Policy'. This policy included extending the process of state formation to the West through activities such as construction of the Canadian Pacific Railway, the organization of the North West Mounted Police, and, most importantly here, the signing of the numbered treaties in the West and settling Aboriginal

peoples onto reserves (Richardson 1987:32). Aboriginal peoples were being relegated into a marginal and subordinate position within an emerging society founded upon Victorian ideals.

By Confederation the guiding principles of Indian Policy had been in place for a considerable time (Dickason 1992:225; Tobias 1983:43) The routines of the Indian administration were, as Secretary of State Hector Langevin[9] intimated in the second Annual Report for Indian Affairs, focused upon furthering the pre-Confederation goals of protection, civilization, and assimilation:

> The experience which I have gained since I took in hand the superintendence of the affairs of the Indians has convinced me that the time has come for facilitating the enfranchisement of a great number of those Indians who, by their knowledge of business, their intelligence, and good conduct, are as well qualified as the whites to enjoy civil rights and to be released from a state of tutelage.[10]

The federal government intended to discharge their responsibility for Aboriginal peoples through attrition. That is, as each Indian was civilized and then assimilated, the Department's obligations would gradually diminish and eventually Indian Affairs would simply disappear. However, in actual fact the consequences of Indian policy were to entrench a burgeoning bureaucratic regime and to generate further paternalistic

---

[9] In 1868 the responsibility for the Department of Indian Affairs was transferred from Crown Lands to the newly created Secretary of State and Langevin, as Secretary of State, also held the office of Superintendent-General of Indian Affairs.

[10] Canada. Department of Indian Affairs. *Annual Report.* 1869:2.

legislation that fettered Aboriginal peoples in a legally dependant status of wardship and consistently impeded Aboriginal self-sufficiency. This was a period in which Aboriginal peoples became increasingly subject to oppressive regulation and repressive administrative practices.

The acquisition of the North West Territories required the federal government to institute some kind of legislative authority in the region. It had become abundantly clear to federal authorities and local residents that the supremacy of the Hudson's Bay Company in Rupert's Land had become untenable. The social and economic diversification that accompanied the agricultural settlement and the decline of the fur trade in the region had undermined the Company's authority (Friesen 1984:102). The British Colonial Office, however, steadfastly refused to accept legal or financial responsibility for terminating Company rule in the territory and the Canadian government, as one of the terms for Confederation, grudgingly assumed an obligation to purchase Rupert's Land and give due consideration to Indian claims (Dickason 1992:267; Taylor 1987:14). But before the transfer could be officially consummated, mounting tensions resulted in the Red River rebellion,[11] which was resolved with the passage of the Manitoba

[11] In 1869 inhabitants of the Red River, primarily Metis led by Louis Riel, concerned about religious and language rights, prevented the designate Governor-General from entering the territory and proclaimed the Provisional Government of Manitoba. Prime Minister Macdonald, conscious of the implications of international law and the repercussions of forceful suppression of the rebellion (and to the indignation of some members of his own government) assumed a pragmatic stance and negotiated Manitoba's entry into Confederation.

Act that founded the province of Manitoba in 1870 (Owram 1992:80). Following this event political forces worked fairly quickly to extend the processes of state formation into these newly acquired territories. "Difficult as it is to think of Sir John A. Macdonald and his colleagues as utopians, their intention in Western Canada was, if not to create a new Jerusalem, at least to build a better Ontario" (Macleod 1985:188). To many, the North West represented a vast hinterland upon which rested the basis for the Dominion's future glory (Owram 1992:101).

The proper political and economic development of the North West would serve to bind the nation through a network of social and commercial ties; a number of ventures, central to the project of nation-building, were vigorously pursued. The most prominent of these was undoubtedly the construction of the Canadian Pacific Railway between 1871 and 1885. It unified the Dominion in defined national territory and advanced economic integration (Zaslow 1971:26). The contribution of the NWMP to the development of the North West went far beyond the simple maintenance of order in the region. The Mounted Police, in their daily activities propagated both an institutional foundation and conventions of moral conduct which helped to transplant the institutions and relations of Eastern Canada to the West and sustained national development (Macleod 1985:188). Finally, the construction of the telegraph provided the necessary communications links to make governing such an extended territory possible. The federal

government thus embarked on social and economic policies that would encourage national development and the opening of the West. These processes of nation-building and state formation perpetuated the administrative and institutional arrangements necessary for the composition and regulation of Canadian society in the North West. The destiny of the North West was unquestionably envisioned as English and Protestant.

*The Treaties and Reserves System*

The activities of nation-building necessitated that title to the land be secured so as to free the prairies for social, economic, and political development. In 1871 the first of the Numbered Treaties was signed at Fort Garry (Sanders 1988:280). The federal authorities here continued to employ the principles for land alienation derived from the Royal Proclamation. The treaties, in return for the surrender of vast tracts of land, outlined a number of obligations and commitments to Aboriginal peoples on behalf of the federal government (Carter 1990:54). Typically, the treaties granted reserve lands, hunting and fishing rights, a cash annuity, a new suit every three years for chiefs and headmen, annual rations of ammunition, twine, traps and blankets, agricultural implements, and educational instruction (Morris 1971:285-92). Commonly flags and medals were awarded at the treaty signing ceremony. The signing of the treaties was among the Canadian

government's first acts of dominion in the newly acquired territories.

Conventional wisdom has long held that the treaty process was initiated by a humane and sagacious Canadian government that wished to provide assistance to desperate and destitute peoples.[12] However, more recent scholarship refutes this appraisal (Tobias 1988; Taylor 1977). As with Canadian Indian policy in general, the treaties were motivated by expediency and pragmatism; the interests and desires of the Aboriginal peoples arose only where they were able to force the issue. The treaties, far from being an application of a coherent and cogent Indian policy, in fact testify to the tenacity and determination of Aboriginal peoples to recognize and defend their social and economic interests (Carter 1990:55).

The federal authorities gave little, if any, thought to the participation of Aboriginal peoples in the projected development of the North West. The Canadian government certainly wished to avoid duplicating the American experience of protracted and costly Indian wars (Taylor 1987:12). But aside from a clause in the enabling legislation of the Rupert's Land transfer to dispose of "any claims of Indians to compensation for lands required for the purposes of settlement" (Brown and Maguire 1979:32) and the remnants of

[12] John L. Tobias (1988:190) notes "One of the most persistent myths that Canadian historians perpetuate is that of the honourable and just policy followed by Canada in dealing with the Plains Indians...it has been given credence by G.F.G. Stanley in his classic *The Birth of Western Canada*, and by all those who use Stanley's work as the standard interpretation of Canada's relationship with the Plains Indians in the period 1870-85."

the indeterminate Indian policy inherited from the British, the Canadian authorities had only the vaguest notions concerning policy objectives in their relations with the Aboriginal peoples of the North West (Carter 1990:51).

Indeed, John L. Taylor's (1977) examination of the papers of Alexander Morris, Lieutenant-Governor of Manitoba, reveals that the treaty-making process in the West was largely instigated by various groups of Aboriginal peoples. Well aware of the profound effects that the disappearance of the buffalo and impending settlement would have on their ways of life, Aboriginal peoples repeatedly requested that treaties be negotiated to secure their future and initiate the transition to an agricultural economy (Taylor 1977:105). It appears that federal officials gave priority to signing treaties only after the Ojibwa and the Saulteaux began obstructing settlers and surveyors in the North West (Tobias 1988:190). Even then, the government's initial treaty terms seriously underestimated the political guile of Aboriginal peoples.

Treaty provisions originally offered by federal officials consisted of nothing more than allotments of reserve lands and a small cash annuity (Tobias 1988:191). The components which made these and subsequent treaties appear generous and perspicacious--schools, livestock, agricultural implements, instruction and assistance--were, it seems, included only at the insistence of Aboriginal negotiators. In fact, the treaty commissioners had

no authority to alter the text of the treaties sent from Ottawa and these additions were included in a memorandum entitled "outside promises" and not formally recognized by Parliament until four years later (Taylor 1977:107). Aboriginal peoples, far from being intransigent and making extraneous demands, as they have often been characterized, proved themselves astute negotiators who were able to obtain better terms than the government was initially willing to concede (Taylor 1987:15). Subsequent Numbered treaties all contained similar provisions, irrespective of the federal government's attempts to obtain more restricted terms.

By 1877 the first seven of the numbered treaties had been concluded, formally surrendering Aboriginal title to lands from the Lake of the Woods to the Rocky Mountain foothills, opening most of the prairies for settlement and development and laying the foundation for Indian policy in the North West. Further, by acquiring title to Aboriginal lands, the treaties were a requisite component of the processes of state formation occurring in the West, enabling the development of political and administrative infrastructure (Dyck 1991:58-59). In an immediate way, the treaties permit the extension of practices of governance and regulation over Aboriginal peoples.

Accompanying the increased activities of the Indian Affairs in the North West and the extension of practices of governance over Aboriginal peoples there, was an extensive reorganization of the Department. Prior to

Confederation management of the Indian Department was, to say the least, maladroit.[13] Indian Affairs suffered in comparison to other government Departments and was generally held in low regard (Leighton 1983:109). However, between Confederation and the turn of the century Indian Affairs changed from a peripheral government agency to a substantial and imposing department (Leighton 1983:105). To a great extent, this transformation coincided with the tenure of Lawrence Vankoughnet as Deputy Superintendent General, who succeeded to the post in 1874. If nothing else, Vankoughnet made the Department more efficient than it had been. Indian Affairs had long been beset by administrative ineptitude. Haphazard record keeping, irregularities in accounting and land transfers, inconsistent communication with officers in the field, fragmentary information about Departmental operations, and finally a lack of fundamental knowledge about Aboriginal peoples themselves all conspired to debilitate the Department (Leslie 1985:189). Departmental organization was further frustrated by periodic reassignments. At Confederation Indian Affairs was a branch of the Crown Lands Department, but was soon transferred to the Secretary of State and then to the Department of the Interior. Then, in 1880 Indian Affairs was established as a separate Department under the Minister of the Interior.

Almost immediately, Vankoughnet set about making Indian Affairs

---

[13] J. E. Hodgetts (1955:205) labelled Indian Affairs "the White man's albatross."

more orderly. Under his meticulous guidance records, files, papers, and correspondence were completely reorganized and a new systems of filing, accounting and registration were introduced. In his first Annual Report as Deputy Superintendent General in 1875 Vankoughnet proclaimed that:

> Under the direction of the Deputy of the Minister a large amount of time and labour has been expended, and to a great extent after the usual office hours, by the officers of this branch, in disposing of heavy arrears of business which had accumulated before its connection with the Department of the Interior. Much has also been done in rearranging the old papers and records which were found in a state of great disorder, and also in introducing a more perfect system of registering and filing papers received.[14]

Vankoughnet also demanded that precise and detailed information be gathered regarding Departmental operations and Aboriginal peoples. Annual reports were requested from all Indian Agents and Superintendents across the Dominion and systematic returns and tabular statements were produced, compiling exact information about Indian population and conditions. These are truly remarkable documents, the abrupt appearance of which marks a pronounced intensification of the Department's regulatory activities.

Suddenly, the Department was acutely interested the all facets of Aboriginal existence.

> The statistical information...has this year been collated and included in one complete Return...which shows at a glace the number in each band or tribe, value and description of their property, area of reserve, improvements, crops raised, fish and furs obtained, amount of money

[14] Canada. Department of Indian Affairs. *Annual Report* 1875:10.

> distributed by the department, number of children attending schools, &c.[15]

This increasing documentation of the particulars of Aboriginal life, the rendering of detailed statistics, belongs to an on-going process to gather knowledge about Aboriginal peoples, to construct Aboriginal peoples as a 'population' that can be known and, therefore, regulated and managed (Smith, R.S. 1985:156).

The reports and statistics collected by Indian Affairs comprise an indispensable technique of governance. Written reports and statistical statements accumulated and quantified information about Aboriginal peoples and situated them within a system of intensive registration. Writing is a technique of power with definite political implications in that description operates as a means of control and a method of domination. This exemplifies what Foucault refers to as the "power of writing" (1979:189). By substantiating and corroborating observable 'truths', writing renders its subjects immediate and tangible and permits practices of governance to be more readily implemented.

Through the information garnered in the surveys and reports compiled by Indian Affairs, the administration can claim a professional veracity about Indian conditions and concerns and begins to establish an official knowledge about Aboriginal peoples. These instruments of

---

[15] Canada. Department of Indian Affairs. *Annual Report* 1876:12.

knowledge, therefore, facilitated the extension of governance over Aboriginal peoples. Reciprocal processes were emerging where the formation of knowledge about Aboriginal peoples engendered the elaboration of power relations over them.[16] Such forms of documentation and registration compiled detailed inventories of information which served to shape conduct by maintaining regular observance and assessment of Aboriginal behaviour and routinization of activity. The growing emphasis on documentation and record keeping emerged from Indian policies concerned with domesticating large groups of nomadic, autonomous peoples in a program to facilitate westward expansion (Surtees 1988:91).

The administrative apparatus of the Department was escalating as well.

> The growth of the Indian business west of Lake Superior, which followed the making of the treaties and the increased settlement of the country, necessitated an expansion of the staff and the creation of many new offices (Scott 1914:621).

In 1874 existing Indian legislation was made applicable to Manitoba, British Columbia, and the North West Territories (Bartlett 1988:4) and the following year the Superintendency system prevalent in Eastern Canada was extended to the West with the appointments of Indian Commissioners

[16] See by analogy R.S. Smith 1985 who explores this matter with respect to British rule in India.

in Manitoba and the North West Territories.[17] These Commissioners were responsible to the Deputy Superintendent-General and were expected to correspond regularly on all aspects of Departmental business (Titley 1986:11). By the time Vankoughnet left office in 1893 a burgeoning and rigid bureaucracy was entrenched, one that wielded extensive authority over Aboriginal peoples. Further, the office of Deputy Superintendent-General attained such a degree of pre-eminence that virtually no action could be undertaken without his approval (Leighton 1983:113).

These changes within the Department were not, however, contingent upon the dynamics of personality, for it is likely that if not Vankoughnet then some other equally fastidious administrator would have risen to the post. In fact, these changes reflect an increasing centralization and consolidation of administration, with important consequences for the regulation of Aboriginal peoples. The administrative reorganization that occurred within Indian Affairs during the 1870s reveals a routinization of practices of governance that accompanied the spiralling duties of the Department following westward expansion and the enterprise of nation-building. There was here a general elaboration of techniques and procedures which formalized regulation and applied it in a uniform and consistent manner. The settling of Aboriginal peoples on reserves,

---

[17] Semi-autonomous Indian Boards had been established in 1873 to manage Indian Affairs in the west, but these were found to be unwieldy and intractable and were subsequently abolished.

especially, necessitated the creation of a formidable administration that was capable of arranging and managing diverse groups of Aboriginal peoples in a consistent way. The centralization of administrative authority was an almost inevitable consequence of post-Confederation political initiatives and mirrored what was occurring within other government Departments at the time (Leighton 1983:113). The exertion of Canadian authority over the North West entailed an extension of practices of governance over Aboriginal peoples that necessitated a considerable organizational restructuring within the Department.

*The Indian Act*

It was not long before the escalating activities of Indian Affairs would necessitate a more solid legislative foundation for all the Department's activities (Leslie and Maguire 1978:59). The promulgation of the Indian Act in 1876 was the result of the on-going process to refine Indian legislation pursued by the Canadian government since Confederation. The genesis of the original Indian Act can be identified in a pair of related statutes--the *Department of the Secretary of State Act* of 1868 and *An Act for the Gradual Enfranchisement of Indians and the Better Management of Indian Affairs* passed in 1869--which concentrated ministerial authority and enhanced administrative powers of management and control over Indians

and Indian lands (Bartlett 1988:4). The 1869 legislation especially allowed the Superintendent-General greater control over reserve lands, revenues, and local matters. However, these Acts did not impart the order and consistency necessary for the administration and regulation of Aboriginal peoples and Indian legislation would receive further elaboration.

The Indian Act has been the primary vehicle for the exercise of the federal government's authority over Aboriginal peoples (Bartlett 1988:1). As the full title of the Indian Act, *An Act to Amend and Consolidate the Laws Respecting Indians*, indicates this was an amalgamation and revision of previous legislation. As such it offered few tangible modifications of earlier policy initiatives (Bartlett 1988:5). A comprehensive piece of legislation containing 100 separate sections, the Indian Act embraced the established principles of protection, civilization, and assimilation. It delineates three primary areas of interest: lands, membership, and local government (Leslie and Maguire 1978:51). Each of these areas of interest are reflected in relevant sections concerning the management and allocation of reserve lands; status, membership and enfranchisement; and the election of Chiefs and Councillors. Despite intermittent amendments and the occasional major revisions, the fundamental purpose of the Indian Act, the eradication of Aboriginal culture, has endured relatively unaltered to the present (Dickason 1992:284).

The Indian Act of 1876 perpetuated the abiding paradox of Indian

Affairs in its endeavour amalgamate Aboriginal peoples with the general population while concomitantly relegating them to a distinct legal category. This practice, which had been articulated as early as the 1850 Civilization Acts, received its fullest legal expression under the Indian Act. Vankoughnet was unequivocal as to the position of Aboriginal peoples under the new legislation: "the legal status of Indians is that of minors, with the Government as their guardians" (as cited in Leslie and Maguire 1978:60). Aboriginal peoples essentially became wards of the government and were denied most basic rights and privileges (Titley 1986:11). Wardship represents a further refinement of the regulation and governance of Aboriginal peoples.

F.E. La Violette (1961:14-15) identifies the informal policy of wardship that has developed within Canadian Indian administration as based upon paternalistic practices that have isolated Aboriginal peoples upon reserves and exercised near total control over Aboriginal activity to gradually prepare them for full citizenship. Indian Affairs authorities assumed the guidance and supervision of most forms of Aboriginal conduct, determined Aboriginal peoples best interests, and acted in their behalf. The autonomy of Aboriginal peoples was increasingly restricted as they were prevented from exercising any real authority or responsibility and were rarely consulted on matters that concerned them (La Violette 1961:43). Ostensively a measure that was to protect Aboriginal peoples from white

exploitation and prepare Aboriginal peoples for assimilation, wardship has ensured the continued economic and political dependency of Aboriginal peoples (Tanner 1983:17).

Wardship essentially embraces established Indian policy in routines that have served to protect, civilize, and assimilate Aboriginal peoples. In practice wardship represented an exercise of authority that focuses on the comportment of Aboriginal peoples and induced a pervasive dissemination of practices of governance. Wardship, as it is derived from the provisions of the Indian Act, represents an extension of relations of power to the limits of the social formation as it conditions a considerable degree of Aboriginal cultural expression and targets the minutia of Aboriginal life.

No conduct was too insignificant to escape administrative scrutiny. From residence upon reserves, to personal movements, to the production and sale of agricultural produce and livestock, to the education of Aboriginal children, to management of reserve lands and resources, the Indian Act conveys to the Indian administration extensive powers of management for the comprehensive regulation of Aboriginal life. As such, the Indian Act helped perpetuate a network of relations that effected constant and regular surveillance that regulated Aboriginal peoples as it supervised them.

The Indian Act was a consolidation not only of legislation, but also of the regulatory powers of the Indian administration. It effected an administrative centralization and, in enforcing a uniform application of

policy, represents the domestication and routinization of practices of governance directed towards Aboriginal peoples. The Indian Act, as a measure that functions to protect Aboriginal peoples while they were trained in the customs and habits of civilized society and subsumed within the general population (Titley 1986:13), is a significant advent in the regulation and conditioning of Aboriginal conduct.

## *Conclusion*

Indian policy, based upon principles of protection, civilization, and assimilation and impelled by the project of nation-building and the processes of state formation in the North West, culminated in legislation and administrative practices that served to disseminate practices of governance which asserted more intensive power relations over Aboriginal peoples, conditioning their conduct and domesticating their cultural expression. The westward expansion of the Canadian state, the administrative expansion of the Indian Affairs bureaucracy, the treaty-making process, and consolidation of administrative power under the Indian Act all served to pose the related projects of protection, civilization, and assimilation with greater force. The changes in the relations of power directed at Aboriginal peoples that devolved from the practices of governance introduced under enfranchisement and the intensified regulatory practices initiated by Indian

Affairs ultimately produced band government.

## *Chapter V: Band Government Legislation and its Implementation in Practice: The Governance of Aboriginal Peoples*

The institution of band government arose out of the diverse projects and practices that served to extend and intensify the regulation of Aboriginal peoples. Establishing electoral systems in Aboriginal communities perpetuated a precise and intricate form of governance that conferred upon officials in the Indian administration more intensive regulatory powers over Aboriginal peoples. Rationalized as a means of training Aboriginal peoples in the operation of municipal institutions, band government was a product of the policies and procedures which were current within the Indian Affairs administration and incorporated the ideals of protection, civilization, and assimilation. The inculcation of liberal democratic institutions within Aboriginal communities fostered the development of routines to order and domesticate Aboriginal peoples and induce regularity and conformity of conduct. The advent of band government initiatives corresponds to this pressure to regulate and formalize the management of Aboriginal peoples through a reformulation of the political organization and relations in Aboriginal communities. Elective band government effects a complete change in the exercise of power and authority, serving to reconstitute the

communal relations of tribal peoples and reconfigure them as a uniform population.

*Band Government and Government Regulation*

With the westward expansion of the Canadian state following Confederation, concerted regulatory powers began to focus upon Aboriginal leadership. Writing shortly after the signing of the first numbered treaties, Alexander Morris, the principal government treaty negotiator, commented on the nature of Aboriginal leadership and the need to consolidate the influence of the Chiefs.

> The Chieftainships were at first partly hereditary, partly won by deeds of daring and leadership against the foe...The power of the Chiefs has been broken of late and I am of the opinion that it is of importance that to strengthen the hand of the Chiefs and Councillors by a due recognition of their offices and respect being shewn them. They should be strongly impressed with the belief that they are officers of the Crown, and that it is their duty to see that the Indians of their tribes obey the provisions of the treaties (Morris 1991:286).

The ensuing process of nation-building as expressed through the National Policy of the federal government, of which the reserve system and the Indian Act were no small part, increasingly fettered Aboriginal peoples under the weight of Indian Affairs management. By the mid 1890s every Chief and Councillor throughout the Dominion was required to sign the following Declaration of Office.

DECLARATION OF CHIEFS AND COUNCILLORS

DOMINION OF CANADA
PROVINCE OF _____
_____ INDIAN AGENCY, I _____ do solemnly declare that I will well and truly serve our Sovereign Lady the Queen in the office of _____ of the _____ Band of Indians, without favour or affectation, malice or ill-will, that I will strictly obey all laws and regulations of our Sovereign Lady the Queen, that I will to the best of my ability endeavour to prevent all contraventions of the said laws and regulations by any member of my Band; that I will report all infractions of the laws and regulations at the earliest opportunity to the Indian Agent over me; and that I will strive to advance the interests of all the Indians of my Band morally and financially, both by precept and example, and generally fulfil all the duties of the office to which I have been elected for the term of _____.to the best of my skill and knowledge.

That this Declaration has been read through to me and explained to me in both the _____ and _____ languages and I understand the nature of the said Declaration.

Declared before me at _____
_____ in the Province of _____
_____ this _____ day of _____
AD 1898, this Declaration having been first read through by me to the Deponent in the English language which he appeared to clearly understand.

(and having been interpreted to him in
or (my presence in the _____ language
(which he understood.[1]

Morris' statement and the preceding document indicate the occurrence of a greater sedimentation of practices of governance which accompanied the

[1] PAC RG10 Central Registry Files, vol. 7920, file 32-1.

increasing regulation of Aboriginal political expression. Between 1870s and the 1890s the Indian administration took an acute interest in the activities and authority of Chiefs and Headmen. During this period Aboriginal leaders experienced an increasing degree of obtrusion as the Department escalated the practices of wardship in directing the conduct of Aboriginal peoples. After exploiting traditional leadership for the signing of the treaties and land cessions the administration found the Chiefs' demands and assertions of autonomy were inimical to its civilization project (Bartlett 1988:17) and Department officials regularly cited Chiefs as a retrograde influence.[2]

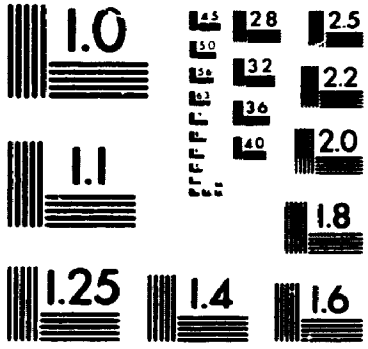
The introduction of the elective system, with its precisely regulated procedures, reflects an important element in conversion of Aboriginal peoples into 'intensely administered' peoples (Smith 1993a:47). Practices of governance, perpetuated through systems of wardship, fostered the intrusion of administrative institutions into the everyday experience of Aboriginal peoples and reconstituted them as a highly managed population. Essentially originating as a project of tutelage band government ultimately came to delimit the political realities of Aboriginal peoples. In mandating a prescribed type of political organization for Aboriginal peoples, band government effects a domestication of conduct that conditions both communal and individual relations.

---

[2] PAC RG10 Black Series, vol. 3875, file 90,674.

2 OF / DE 2

PM-1 3½"x4" PHOTOGRAPHIC MICROCOPY TARGET
NBS 1010a ANSI/ISO #2 EQUIVALENT




PRECISION[SM] RESOLUTION TARGETS

Supplanting Native political systems with municipal-style institutions was not an inevitable consequence of the struggles over power and cultural expression inherent to the colonizing process (see Comaroff and Comaroff 1992:236). In fact an 1858 Special Commissioners Report, citing "pernicious results among some Bands in the State of New York", recommends against interfering with internal tribal government (as cited in Bartlett 1988:17). Prior to Confederation, various groups of Aboriginal peoples were actively engaged in attempting to adapt their tribal organizations to changing social and economic conditions.[3] In the period following Confederation, however, the ability of Aboriginal peoples to participate in the processes of cultural adaptation was steadily eroded by intensified practices of governance. Administrative authority over Aboriginal peoples was consolidated in practices of wardship, which articulated and entrenched relations of domination. A corollary of this was a transformation in the nature of Aboriginal leadership and political expression.

Wardship systematically constrained the authority of Aboriginal leaders, effectively incapacitating traditional Aboriginal political systems and substituting new organizational arrangements under the guidance of

---

[3] Milloy (1893:59-60) discusses the participation of Indian bands in the development of on reserve infrastructure and boarding schools in an effort to develop a self-sufficient agricultural economy. Further, as argued in Chapter IV, there is considerable evidence that the Numbered treaties in the West were instigated by Aboriginal peoples seeking to preserve their traditional cultures in a time of social and economic uncertainty.

the Indian administration (Milloy 1983:61; Bartlett 1988:17). The introduction of elective systems fundamentally altered the role of Chief, which changed from a position innately vested in the individual to an established office. This is a process which corresponds to Pierre Bourdieu's notion regarding the institutionalization of qualifications.

> The objectification accomplished by academic degrees and diplomas, and in a more general way, by all forms of credentials, is inseparable from the objectification which the law guarantees by defining *permanent positions* which are distinct from the biological individuals holding them, and may be occupied by agents who are biologically different but interchangeable in terms of qualifications required (Bourdieu 1977:187).

In this sense the position of Chief has been transformed from a station based upon the personal suasion of the individual to a commissioned office which exists independently of the individual holding it. This is a significant distinction, for it reconfigures communal relations and the exercise of power in Aboriginal communities. As Bourdieu goes on to explain:

> Once this state of affairs is established, relations of power and domination no longer exist directly between individuals; they are set up in pure objectivity between institutions, i.e. between socially guaranteed qualifications and socially defined positions, and through them, between the social mechanisms that guarantee both the social value of the qualifications and the positions and also the distribution of these social attributes, among biological individuals (Bourdieu 1977:187-88).

Traditionally, leadership in Aboriginal societies was largely based upon the prestige and status of the individual and hereditary leaders were required to continually recreate the conditions of their leadership. The exercise of power was expressed primarily within interpersonal relations. Band

government entrenched permanent, codified, sanctioned offices which endure externally and irrespectively of individual characteristics. Consequently, the need to constantly reassert relations of power on the interpersonal level became unnecessary.

The transition to elective systems established institutional relations between Aboriginal peoples theinselves and between Aboriginal peoples and the government, providing a forum through which relations of domination and rule may be more easily effected. Basically, band councils constituted institutional intermediary bodies through which the government's dealings with Aboriginal peoples were carried out. In 1967 the Hawthorn Report commissioned by the federal government clearly identified this attribute of band government:

> Band councils persisted in Indian communities, not because they were perceived as responding to important local government needs, but because the government insisted on dealing through them--indeed it had to deal through *some* formally constituted body (Hawthorn 1967:178 original emphasis).

Band government, then, elaborated essential organizational arrangements for the administration and management of Aboriginal peoples.

*Band Government Legislation*

The first legislative expression of elected band government appears in 1869 and by the 1880s the provisions were more or less ensconced. Liberal

democratic institutions were seen as a hallmark of civilization and a benchmark of progress (Daugherty and Madill 1980:1). The introduction of elected band councils was a means for furthering civilization and inducing eventual assimilation. These principles were reflected in Deputy Superintendent General William Spragge's comments regarding the Department's early band government initiatives.

> The Acts framed in the years 1868 and 1869, relating to Indian affairs, were designed to lead the Indian people by degrees to mingle with the white race in the ordinary avocations of life. It was intended to afford facilities for electing, for a limited period members of bands to manage, as a Council, local matters--that intelligent and educated men recognized as chiefs, should carry out the wishes of the male members of each band, who should be fairly represented in the conduct of their internal affairs. Thus establishing a responsible for an irresponsible system, this provision, by law was designed to pave the way to the establishment of simple municipal institutions.[4]

Aboriginal peoples, as they became familiar with the elective system, would be enticed to abandon tribal systems.

Implementing a limited form of municipal government would serve to familiarize Aboriginal peoples with the political conventions predominant within Canadian society and in turn domesticate Aboriginal peoples to the routines of electoral institutions as well as habituate them to Euro-Canadian political mores and values and incorporate them into the Canadian body politic. Thus, "elected band councils would attack the traditional and hereditary Indian methods of choosing leaders, one of the

---

[4] Canada. Department of Indian Affairs. *Annual Report.* 1871:4

last vestiges of tribal society that the Canadian government wished to remove" (Surtees 1988:90) which endured as one of the more intractable forms of Aboriginal resistance to the authority of the federal Indian administration.

The legislation mandating band government lends symbolic power of the law to the institutional relations elaborated under electoral systems. The law legitimizes and obfuscates the exercise of power imposed by band government, making it possible to entrench relations of domination without overtly resorting to force (See Bourdieu 1977:188-90). In addition to consecrating the qualifications for the offices of Chiefs and Councillors, band government also stipulates the terms by which a Chief may be deposed by the Superintendent General, an equally important consideration here. Codifying the terms of deposition implements standards of conduct upon the office of Chief, standards enforced by the Department. These practices encapsulate what Bourdieu has identified as "symbolic violence, the gentle, invisible form of violence which is never recognized as such" (1977:192). The election provisions legitimated relations of domination, allowing the Department to determine Aboriginal political practice.

Unfortunately no record of the discussion surrounding the development of the original band government legislation survives, but we may speculate on what provoked it. Traditional Aboriginal leadership was,

with some justification, believed to be an impediment to enfranchisement[5] (Milloy 1983:61). Enfranchisement, the main pillar of the civilization program, had been a constant disappointment to the government since its inception. It had simply not produced 'brown skinned white men'--that is. Aboriginal citizens amenable to private property and civic responsibilities. If Aboriginal peoples were to be civilized and assimilated, it was essential that traditional Aboriginal political organizations be abolished and replaced with an institutional structure that would subject bands to more direct Departmental control (Milloy 1983:61). This regulatory imperative insinuated itself into Departmental policy and administrative practice. The impetus for promoting elective systems among Aboriginal peoples, then, evolved as an extension of the Enfranchisement program.

The practices engendered under elected band government, as a derivative of the civilization project, were to remedy the failings of the enfranchisement program. By encouraging individual initiative and the procurement of private property at the community level, band government was to succeed in civilizing and assimilating Aboriginal peoples where enfranchisement had not (Milloy 1983:62). This sentiment was clearly expressed by Deputy Superintendent Spragge in the Department's Annual

---

[5] Department officials accused traditional leaders of using their influence to dissuade individuals from applying for enfranchisement. Further, many hereditary band councils would consistently refuse to allocate a portion reserve lands to enfranchisement applicants, thereby impeding enfranchisement.

Report for 1871, in which he extols the benefits that band government confers.

> It has for some time been evident, that among the educated Indians, a need has been felt for improvement in the conducting of matters of internal government; this exhibited itself in expressions of dissatisfaction with the proceedings of chiefs holding office for life, and in some bands holding it by descent, who, however unprogressive and unfit, could not be removed except for gross incompetence.[6]

And he went on to say:

> The time must arrive, however, when the opinions and wishes of the majority will be consulted; and were the votes of the whole of the adult population polled, I have no doubt that a very large majority would be in favour of an elective Council.[7]

It was no coincidence that the provisions for band government first appeared within Enfranchisement legislation. Through participation in municipal institutions, Aboriginal peoples would be induced to assume the responsibilities of citizenship and conduct themselves in correspondence with Euro-Canadian ideals of individual self-interest.

*The Indian Act*

The provisions for band government initially appeared almost off-handedly in the *An Act for the Gradual Enfranchisement of Indians and the better management of Indian Affairs*[8] of 1869 and have remained remarkably

---

[6] Canada. Department of Indian Affairs. *Annual Report* 1871:4

[7] *ibid*

[8] Hereinafter referred to as the Gradual Enfranchisement Act.

constant since that time.[9] At the time the concept of elected band government for Aboriginal peoples appeared to be so logical a measure that it excited little comment. Overall, it met with the approval of government officials, Indian administrators, and missionaries and the legislation passed through the House of Commons unchallenged and unquestioned (Daugherty and Madill 1980:4). A telling example of this widespread acceptance was the remarks in the House of Commons of the Honourable Mr Holton, a prominent opposition critic, who commended the government on the legislation, stating that the general provisions of the Bill struck him as well considered.[10]

The Gradual Enfranchisement Act marks the inauguration of an Indian administration policy explicitly directed at altering the political organization of Aboriginal peoples. This Act confers extensive regulatory powers upon the Department by granting it the administrative authority to manage the activities of band councils. Section 10-12 of this Act specifies the particulars of the electoral system and enhances the powers, as vested in the Governor General, to direct and manage Aboriginal political activities.[11]

---

[9] Despite numerous revisions to the Indian Act, including an extensive consideration during 1948 Royal Commission, not until the 1980s that substantive changes to the band government provisions were made, giving a greater degree of autonomous power to local band councils. See Cassidy and Bish 1989:25.

[10] Canada. Parliament. House of Commons. *Debates.* 2nd Session, 1st Parliament April 27, 1869 p. 83.

[11] Statutes of Canada. 31 Vc. ch 42, 1869.

The Governor (that is the Governor General) was empowered to apply this Act unilaterally to any band considered sufficiently advanced, to order that elections be held, and to re ıove Chiefs for "dishonesty, intemperance or immorality".[12] This Act also stipulates that Chiefs and Councillors were to be elected for three-year terms by the male members of the band over age 21, and confers limited by-law making powers upon the band council. These provisions form the fundamental basis for band government and were incorporated into subsequent legislation.

The election provisions of the *Gradual Enfranchisement Act*, with a few minor changes, would resurface as sections 61-63 under the heading "Chiefs and Councillors" in the government's consolidation of existing Indian legislation that resulted in the Indian Act of 1876. Incompetence was added to the grounds for deposition and the Governor in Council, as opposed to simply the Governor General, was empowered to order elections and depositions. Band councils were given authority, subject to confirmation by the Governor in Council, to enact regulations for the following:

1. The care of the public health;
2. The observance of order and decorum at assemblies of the people in General Council, or on other occasions;
3. The repression of intemperance and profligacy;
4. The prevention of trespass by cattle;
5. The maintenance of roads, bridges, ditches and fences;
6. The construction and maintaining in repair of school houses, council houses and other Indian public buildings;

---

[12] *ibid*

7. The establishment of pounds and the appointment of pound-keepers;
8. The locating of land in their reserves, and the establishment of registers of such locations.[13]

Although the Indian Act of 1876 was aggressively debated in Parliament prior to its ratification, the sections concerning band government were never contested. Nor were they much discussed Department; replacing traditional systems with elected band government was simply accepted as a necessary condition of civilization and progress. With little indication that bands would consent to such measures, band government was included in the cornerstone of Indian legislation which would dictate policy until the first major overhaul of the Indian Act in 1951.

Leading up to the turn of the century, the election provisions of the Indian Act underwent some minor yet significant modifications. "While local government procedures on the reserves became more complicated, they in no way eroded the legal responsibilities of the Superintendent General" (Bartlett 1988:5). The changes, despite their often superficial appearances, served to maintain and intensify regulatory power. An 1879 amendment expanded the by-law powers of the band council to include the protection of sheep, the suppression of noxious weeds, and the ability to fine or imprison individuals for transgression of rules and regulations. Of course the Governor in Council still held veto power over any action by a band council.

---

[13] Statutes of Canada. 39 Vc. ch 18, 1876.

When the Indian Act was revised in 1880, the election provisions, now contained in sections 72-74, were modified to restrict the number of Chiefs for any one band to six and the number of councillors to 12 (Daugherty and Madill 1980:4) and to permit the band council to determine the religious denomination of the reserve's school teacher. Section 75 was added in 1886, giving the Governor in Council sanction to declare an election invalid if fraud or gross irregularity could be demonstrated. The penalties on deposed Chiefs were augmented in 1894 to prevent them from standing for re-election for a period of three years. In 1906 another major revision of the Indian Act re-designated the electoral provisions as sections 93. There were no subsequent alterations to the electoral provisions until 1951, indicating that these were operating to the general satisfaction of the Department. Band government legislation had initiated a domestication of Aboriginal political activities and required no further refinements. One demonstration of this domestication can be seen in the operation of provincial Indian associations, which from the end of the 19th century have conducted themselves according to corporate principles, electing their chief officers (Tennant 1991:69; La Violette 1961:134).

*The Indian Advancement Act*

The Indian Advancement Act of 1884 represents a collateral endeavour to reform tribal customs into municipal institutions and introduce the elective system into Aboriginal communities (Daugherty and Madill 1980:10).

Impelled by the need for what John A. Macdonald called "a better system for managing their local affairs than the one that at present prevails among them",[14] the Indian Advancement Act provided an alternate means for implementing band government and regulating Aboriginal political routines.

In pursuit of this objective the Deputy Superintendent General Lawrence Vankoughnet in July of 1880 issued a circular to Agents and Superintendents submitting the idea for their consideration.

> With a view to the further advancement of the Indians of the Dominion in intelligence and civilization, it is contemplated to establish as far as practicable, with their consent, a system of Municipal government for the Bands sufficiently developed to justify the conclusion same would probably be attended with success.
>
> The idea is to constitute on each Reserve an elective Council for the Management of the local affai · of the Band owning the same. Said Council to consist of Representatives from the various sections of the Reserve presided over by one holding a position similar to that of a Reeve or Mayor of a white Municipality who would be elected by the whole community.
>
> The Department would be glad to know from you what Bands of Indians within your Superintendency are, in your opinion, fit to assume intelligently the responsibilities involved in such a system as well as briefly your views generally in respect thereto, the probability its being attended to with success of established, &c &c &c.[15]

Archival records indicate that the Indian Advancement Act was primarily developed in a series of memoranda and correspondence between Deputy

---

[14] Canada. Department of Indian Affairs. *Annual Report* 1881:10.

[15] PAC RG10 Red Series vol 2116, file 22,155.

Superintendent Vankoughnet and John A Macdonald, Prime Minister, Head of the Privy Council, and Superintendent General of Indian Affairs.[16] The overwhelming majority of the responses to this circular were reserved at best. Only a handful of agents thought that bands in their agencies were capable of assuming municipal government and of those bands, most who had the provisions of the Act presented to them rejected it (Daugherty and Madill 1980:17). Nevertheless, Vankoughnet forged ahead with the scheme. In an 1881 memorandum to Macdonald, he even claimed that:

> A number of Superintendents and Agents responded in favour of the scheme, and consider that it would materially aide in the promotion of the civilization of the Indians as well as regulating matters upon the different Reserves.[17]

After consulting the Deputy Minister of Justice, Vankoughnet insisted that existing legislation would not be suitable for this purpose and that a new law was required. A hand-written marginal notation on an early draft--"I think a Bill had better be prepared"--initialled by Macdonald sanctioned this course of action.[18] Several drafts of this legislation elicited comments for revision from the Department of Indian Affairs, the Department of Justice, and the Privy Council.

The culmination of these efforts was *An Act for conferring certain privileges on the more advanced Bands of the Indians of Canada, with the*

---

[16] *ibid*

[17] *ibid*

[18] *ibid*

*view to training them in municipal powers* passed in 1884. Macdonald expounded the necessity for this legislation, short-titled the Indian Advancement Act, upon its first reading in Parliament:

> This is a Bill is intended to meet the difficulty connected with the more advanced bands of Indians whose self-government is now carried on in council, where they can discuss matters affecting their communities and where the chiefs have the principal power. In some of the more advanced communities the Indians are advanced to all intents and purposes, and it is thought well that there should be something more than a mere informal council where they cannot speak authoritatively. The Bill...provides that such communities as the Governor in Council thinks fit for the operation of this act, the Indians shall meet on a certain day and elect six councillors; that those six councillors shall elect a chief councillor who shall be what would be called a reeve among the white communities in Ontario; and that they shall have the same powers as given to the chiefs under the Indian Act, and also certain additional powers of arranging among themselves for the improvement of their reserves.[19]

Federal officials it seems were distressed by the fact that there existed no formally constituted political institution through which sanctioned authority could devolve to approved Aboriginal leaders. The civilization project demanded that the band council be institutionalized and that political systems be regularized. Band government formalized the offices of the band council and conferred a certified authority upon the actions of elected Chiefs and Councillors.

On the surface, the Indian Advancement Act contained only trivial differences from the electoral provisions of the Indian Act. Elections were to

---

[19] Canada. Parliament. House of Commons. *Debates.* 2nd Session, 5th Parliament Jan 29, 1884 p. 67.

be held annually instead of triennially and reserves were to be subdivided into electoral wards for the purposes of the Advancement Act. As well, the band council was awarded the ability to levy certain taxes and any by-laws made by council required only Ministerial approval rather than that of the Governor in Council (Daugherty and Madill 1980:18).

It does at first seem curious that the federal authorities found it necessary to enact legislation that in its basic concepts was indistinguishable from existing provisions in the Indian Act. However, the Indian Advancement Act derives from administrative imperatives to augment and refine regulatory practices and relations engendered by the electoral system. The Indian Advancement Act "considered the ideal tool for 'directed civilization'...was intended to strike at the root of Indian traditional culture" (Daugherty and Madill 1980:14). A subtle and easily overlooked modification from the Indian Act was the promotion of government by council rather than Chief and the appointment of the Indian Agent as chairman (Bartlett 1988:5). A band council thus constituted would be a more efficient mechanism for the assertion of relations of domination.

The Indian Advancement Act separates elected band government from the cumbersome structure of the Indian Act, increased administrative control vested in the Superintendent General, and further inhibited the authority of Chiefs by limiting their terms to one year. Also, mandating annual elections and the subdivision of reserves into electoral wards

increased the Department's involvement in reserve activities, placed Aboriginal peoples under greater scrutiny, and supplemented the practice of wardship. The Indian Advancement Act represented an increase in surveillance and an intensification of regulation.

In 1886 two slight revisions were made to the Indian Advancement Act. The first, implementing a suggestion made by Vankoughnet, made it possible to revoke the application of the Act with respect to a particular band if its operation had proven unsuccessful (Daugherty and Madill 1980:20) The other amendment permitted the Indian Agent to cast the deciding vote in the event of the band council deadlock. Both of these amendments served to enhance regulation and tutelage by giving Department officials greater discretion in the operations of councils elected under the terms of the Advancement Act.

The provisions of the Advancement Act were not widely adopted; during the time it was in force only a dozen bands accepted its provisions (Harper 1946:307). By 1890 the Indian Advancement Act had become a dead letter and had done little to instigate Aboriginal peoples to adopt municipal institutions (Daugherty and Madill 1980:10). In 1906 the Indian Advancement Act was amalgamated with the Indian Act, included as a separate section in Part II (Daugherty and Madill 1980:22). In the 1951 revision of the Indian Act the one-year system contained in Part II was deleted entirely.

*The Application of Band Government*

The electoral system, as Bartlett (1988:17-18) has observed, was, especially in small communities which valued consensual decision making, likely less democratic than existing Aboriginal political customs.[20] An element of the civilization project, the implementation of municipal institutions cultivated practices of governance among Aboriginal peoples that served to inculcate regulated conduct and perpetuate relations of ruling. Although band government was never conceived as a measure to be autocratically imposed--it was to be willingly embraced by Aboriginal peoples as an appreciable advantage--band government did reflect the premises and predispositions of the administrators. Band government was, quite simply, an institution that enhanced the management of Aboriginal peoples and their affairs by the Canadian state.

Joseph Howe, Minister of the Interior, in the Indian Affairs Annual Report for 1872 related the political activities of bands in Ontario and Quebec.

> In those Provinces many of the bands exercise nearly all the powers of municipalities, and are being rapidly trained to self-government. They zealously co-operate with the chiefs, who derive their authority by descent or are elected by the free suffrages of the bands; they have

[20] Archival sources contain many references to factionalism on reserves and petitions requesting action be taken against a Chief or Councillor acting contrary to the band's wishes, indicating that elections divided communities and that elected Chiefs were less responsive to community desires.

> their own Council houses, which often resound with bursts of natural eloquence, or are enlivened by displays of mother wit and shrewd good sense; they maintain their own agents, doctors, and schoolmasters; and in their general intercourse with the Department, with rare exceptions, are courteous, intelligent and reasonable.[21]

The government contended that a more routinized form of Aboriginal political customs was now necessary. It obviously concerned Howe, and presumably senior officials within the administration as well, that Aboriginal peoples were exercising a degree of governmental powers unauthorized and unregulated by the Department. Within the government there was a growing exigency for a more formal regulation of Aboriginal political practices. Despite operating quite effectively, these informal councils had to be brought under the proper administrative and legislative authority. Aboriginal government, it seems, could only have meaning and purpose when sanctioned and supervised by the Department.

The Department was confounded by Aboriginal peoples' unwillingness to accede to elected band government. Initially only a single Ontario band adopted the provisions of the Act (Daugherty and Madill 1980:3). Deputy Superintendent Spragge decried the reluctance to embrace the elective system.

> Nevertheless the new plan of appointment has found, as yet, little acceptance with the Indian people in general. With the exception of the Mohawks of the Bay of Quinte, they have evinced no desire to avail themselves of the proposed new order of things, or to give effect

---

[21] Canada. Department of Indian Affairs. *Annual Report.* 1873:1-2.

to it by applying for authority to hold elections.[22]

Aboriginal peoples, quite aware that submitting to band government would confer extensive supervisory powers upon the Superintendent General, opposed these measures as an unwarranted intrusion (Bartlett 1988:18; Daugherty and Madill 1980:6). Two Bands that were especially adamant in their opposition were the Six Nations near Brantford and the St. Regis band on the Ontario-Quebec border.

The Six Nations were one of the 'advanced' bands that the architects of band government had in mind when developing the legislation. However, they proved averse to abandoning their traditional Council, rebuffing the Department's repeated recommendations to adopt an elected band council. In an 1879 letter to Prime Minister Macdonald, the Council declared that the hereditary Council was more than capable of serving the interests of the band and thus they had no need for band government. "[W]e frame our own laws, rules, and regulations, suitable for our advancement as well as our welfare" (as cited in Daugherty and Madill 1980:6). The Indian Affairs administration, however, did not consider the Six Nations Council legally competent to govern the band and repeatedly attempted to have them accept the electoral provisions of the Indian Act.

The Department ascribed the Six Nations aversion to the municipal system, as was almost always the case when Aboriginal peoples resisted

---

[22] Canada. Department of Indian Affairs. *Annual Report* 1871:4.

administrative intrusions, to backwardness and recalcitrance on the part of Aboriginal leaders. As Deputy Superintendent Spragge stated in 1871:

> As respects the largest and most influential Indian community in Canada, the Six Nations, their reluctance to accept the Act is attributable to the circumstance that a council consisting of more than fifty chiefs, vacancies in whose ranks are filled up by descent, is the governing body, and although an outcry against arbitrary courses of procedure is occasionally raised, their numbers and their power they have long exercised uncontrolled, enable them to keep in subjection their people who are rarely permitted to take part in discussions connected with the general welfare of the community.[23]

The irony here of course was that the Department was condemning traditional leaders as unresponsive and undemocratic, something which they themselves were hardly innocent. The Six Nations continued to reject elected band government and were exempted from the 1899 Order in Council applying the elective system to all bands in Ontario.[24]

In the case of St. Regis, the elective system was introduced when three hereditary Chiefs were deposed in 1887 by an Order in Council under section 75 of the Indian Act for the mismanagement of band funds (Daugherty and Madill 1980:39-40). Prior to this the St. Regis band had indicated that they had no desire to assume the elective system and after its imposition continually agitated for a return to their hereditary system. Throughout the 1880s and 1890s elections at St. Regis were plagued by conflict and irregularities, culminating in the occupation of the Band

---

[23] Canada. Department of Indian Affairs. *Annual Report* 1871:4.

[24] PAC RG10 Central Registry Files, vol. 7920, file 32-1.

Council House in an attempt to disrupt the election of 1899 (Daugherty and Madill 1980:43). This action prompted the Department to dispatch the Dominion Police to the reserve to arrest the instigators. In the inevitable confrontation a band member was shot and killed by the regional Indian Commissioner.[25] In 1902 the elective system was indefinitely suspended at St. Regis, allowing the band to elect is leaders for life terms and essentially reverting to traditional custom.

Six Nations and St. Regis were extreme cases, but nevertheless may be taken as symptomatic of the struggles surrounding the implementation of band government. Even in cases where bands were more accepting of the concept of elective systems, conflicts often developed over the control exercised by Indian Affairs officials. The Department consistently dismissed complaints about band government. It assumed that Aboriginal peoples were unable to recognize the advantages conferred by the elective system (Bartlett 1988:18). Deputy Superintendent General Spragge offered the following explanation for initial Aboriginal resistance to band government:

---

[25] The Department and its officials were, of course, exonerated from any wrong doing in the ensuing investigation of the incident. The Department's position on the events was given in the Annual Report for 1899:

> In the interests of law and order it was of course impossible to tolerate such conduct (ie obstructive disturbances), and, while the killing of an Indian was very deeply regretted, yet as all possible patience had been exercised and was beginning to be mistaken for weakness, the Department was in no way responsible for the outcome of a position that was so determinedly forced upon it (as cited in Daugherty and Madill 1980:43).

The lengths that the Department was willing to go to enforce its authority reveals the physical force that surfaces when symbolic violence becomes ineffectual.

> The seeming apathy...may be accounted for from the fact that the Indian mind is in general slow to accept improvements until much time is consumed in discussion and reflection. And it would be premature to conclude that bands are averse to the elective principle, because they are backward in perceiving the privileges which it confers (as cited in Bartlett 1988:18).

Professing Aboriginal peoples' inability to discern their own best interest was the Department's standard response to Aboriginal remonstrance (Dyck 1991:27); inveighing against the slow progress of band government in 1895, Deputy Superintendent General Hayter Reed echoed Spragge's earlier assertions:

> Some of the bands...manifest a lack of desire for further improvement, and do not care to avail themselves of the machinery provided by the "Advancement Act." There seems to be generally too much inclination to take advantage of such exemptions as special legislation has necessarily provided for the protection of Indians in the earlier stages of evolution, and to shrink from assuming the responsibility of full citizenship. It will be the department's earnest endeavour to trace to their sources the causes productive of this apathetic attitude, and to provide the necessary incentive to further progress.[26]

Nevertheless, Aboriginal resistance to elective system derived not from ignorance, but from their perception that band government enhanced the authority of the Superintendent General to interfere in and direct band affairs.

The Department responded to the unexceptional progress of the band government initiatives by increasingly consolidating and regularizing the application of band government. In Ontario for instance the election

---

[26] Canada. Department of Indian Affairs. *Annual Report* 1895:xviii.

provisions of the Indian Act were often unilaterally applied to bands by Order in Council when the hereditary Chief died. Records show that this occurred in at least five instances between 1877 and 1894.[27] Then, in 1895, the election provisions of the Indian Act were authorized by Order in Council for 55 bands in Ontario, Quebec, New Brunswick (Daugherty and Madill 1980:6). Deputy Superintendent Reed had earlier campaigned the Minister T.M. Daly to petition the Privy Council apply section 75 to a large number of Ontario bands since he claimed that they were already electing chiefs unofficially under the terms of the Indian Act.[28]

In addition to this unsolicited application of band government, the routines of the elective system were being further standardized as an 1894 circular from Reed attests:

> I have to inform you that in order to secure uniformity and to better systematize the Election of Chiefs of Indian Bands throughout the Dominion, the Department has decided that all elections shall be held on or as soon after 1st July as possible, unless good reasons are advanced to the contrary.
>
> 2. That this term of office shall be for three years except in cases where through death or other cause a vacancy occurs, then the Chief or Councillor elected to fill the vacancy shall hold office only until the expiration of the term for which the other Chiefs and Councillors were elected.
>
> 3. That no election shall be held without authority having first been obtained from the Department.

---

[27] PAC RG10 Central Registry Files, vol. 7920, file 32-1.

[28] *ibid*

> I shall be glad to receive from you by return mail if possible a Statement showing the names of the Chiefs and Councillors of the Bands in your Agency, whether they were elected or appointed, under whose authority, the date of such election or appointment, and when the term for which they were elected or appointed shall in each case expire.[29]

This was no trivial dictate, for it indicates an increasing sedimentation of practice and the domestication of Aboriginal conduct through the systematization of elections within a great number of Aboriginal communities. This compulsion was reinforced a few years later when the Secretary of Indian Affairs J.D. McLean required all newly elected Chiefs and Councillors to sign the Declaration of Office, sending forms to all Superintendents, Inspectors, and Agents.[30]

Finally, the elective system was applied to all bands in Ontario, Quebec, New Brunswick, and Nova Scotia by a comprehensive Order in Council in 1899.[31] By the turn of the century, the elective system had been officially implemented throughout Eastern Canada and was operating to a considerable degree in Western Canada as well.

---

[29] *ibid*

[30] *ibid*

[31] Including bands in North Western Ontario that the Department did not consider capable of engaging in elective band government. See Daugherty and Madill 1980:6.

*Band Government Initiatives in Manitoba*

The early history of elections among Aboriginal peoples in Manitoba is somewhat sketchy. It is clear that informal elections were being held within various bands prior to the application of either section 75 of the Indian Act or the Indian Advancement Act. In practice, bands in Manitoba and the North West Territories were often treated as though the elective provisions were in force. Initially, Indian Affairs officials in Manitoba, as compared with other jurisdictions, were more favourably disposed to the concept of municipal government for Aboriginal peoples. Although the elective system was never applied to any band in Manitoba by Order in Council, it nonetheless became commonly practised by several bands.

In response to Vankoughnet's original 1880 circular outlining the nascent Indian Advancement Act, Acting Superintendent James F. Graham nominated four Manitoba Bands that he believed could successfully adopt municipal institutions.[32] Inspector Ebenezer McColl went even further than Graham, expressing unbridled enthusiasm for Vankoughnet's plan.

> In answer to your enquiries you will observe on reference to the Tabular Statement and Supplement accompanying my report of the 25th ultimo, that the Indians of St. Peter's, Fairford, Fisher River, Norway House, the Pas, and Cumberland Bands are sufficiently advanced in civilization and intelligence to justify the experiment indicated. I am favourably impressed with the scheme proposed, for it is a gigantic step towards inculcating and developing the principles of

[32] PAC RG10 Black Series, vol 3537, file 138.

> self-reliance and self-government in our dependant aborigines, and the only practical system to adopt calculated to elevate them to the intellectual stature of their white brethren. It may at first be abused, but I have every confidence in its ultimate success, and it meets my hearty and unqualified approbation.[33]

Vankoughnet urged that these six bands be encouraged to consent to the elective system.[34] It appears that no action was taken on this matter until after the Indian Advancement Act became law in 1884.

At that time, another round of circulars was sent to Indian Superintendents and Agents across the Dominion expounding the new legislation and directing that Aboriginal peoples be made familiar with it.

> You will be good enough therefore, to bring this matter under the consideration of such of the Indian Bands within your agency, as you may consider sufficiently advanced in civilization and intelligence to have the provisions of this Act applied to them should they decide upon adopting same. You should explain fully each of the provisions of the Act to the Band, and inform them at the same time that the object of the Dept is to endeavour to promote their advancement in Civilization and intelligence with a view to their eventually attaining an equality in those respects with the White portion of the population of the Country.[35]

While Indian Affairs officials in other areas were irresolute on this policy, the agents in Manitoba, engaged as they were in the activities of nation-building and forging new social and political relations with Aboriginal peoples, proceeded without delay. In all five bands in Manitoba consented to come under the provisions of the Act, while a sixth agreed to consider the

---

[33] PAC RG10 Red Series, vol. 2116, file 22,155.

[34] PAC RG10 Black Series, vol 3537 file 138.

[35] *ibid*

matter. McColl, after receiving the reports from local Agents, recommended the Pas and Birch River Bands in the Pas Agency and the St. Peter's and Fisher River Bands in the Clandeboye Agency as reasonable candidates for the Advancement Act, but did not endorse the applications of Cumberland and Grand Rapids Bands.[36]

Although McColl's report gave only the most cursory explanation for supporting those four bands, his sanction was sufficient for Vankoughnet to approve elections to be held at the Pas and Birch River, as well as Cumberland, a band that McColl had recommended against. The only stipulations were that the Indian Advancement Act be adhered to in its entirety and that the Department be informed as to the subdivision of reserves, the time and place of elections, and the number of councillors to be elected.[37] Considering the limited information provided to Vankoughnet, his ready approval indicates the Department's willingness to forge ahead with the elective system even in questionable circumstances.

Agent Reader made preparations for elections in the Pas and Birch

---

[36] Daugherty and Madill (1980:17) state that McColl recommends the Pas Indians for the Indian Advancement Act despite Reader's advice to the contrary. However, a thorough examination of the archival records indicates that Reader recommended the Pas Indians for the Act, while recommending against the Pas Mountain band being made subject to it. Apparently Daugherty and Madill have confused these two separate bands.

[37] PAC RG10 Black Series, vol. 3815 file 56883.

River for the spring of 1886.[38] However, before elections could be held, a number of problems arose, the most vexing of which was the question of annuity payments to Chiefs and Councillors. Both bands, under the terms of this Act, would increase the size of their councils and the Department was reluctant to expend the extra $15 per annum per Councillor this would entail. Reader, already protesting the increased workload that organizing elections caused, was sceptical of the Department's suggestion that the amount currently allocated to council salaries be divided among the new Councillors.

> With your kind permission may I respectively observe that as far as I am acquainted with the mind of the Indians of the Agency, it appears very probable that they will object in toto to the scheme proposed. That a Chief should receive less than $25 per annum, and a Councillor less than $15, would it seems to me meet with opposition, as I presume that these amounts were promised when the treaty was made.[39]

This issue, and the fact that these bands were losing members due to withdrawals from Treaty, caused the elections to be postponed indefinitely. The Advancement Act met similar obstacles when pursued in other Manitoba bands.

The St. Peter's band, reported Agent Muckle, agreed to the terms of the Advancement Act with the exception of clauses 5 and 11 under section

---

[38] *ibid.* Evidently, elections were not unheard of a[r] ong the Aboriginal peoples in Readers Agency, for as he stated in his response the Advancement Act was discussed with the Pas Band at their recent elections.

[39] *ibid*

10 of the Act. These concerned the subdivision of reserve lands and taxation respectively. Vankoughnet's reaction was unequivocal:

> I have to inform you that there is no provision in the Act under which some of the provisions may be made applicable to the Indian Bands and others not. The whole of the provisions or none would therefore have to be applied to the band.[40]

The band refused to accede to these provisions and consequently official application of the elective system was withheld.

Nevertheless, at some subsequent point the application of the elective system in Manitoba was authorized by the Department. A number of schedules in the archival records indicate numerous Chiefs and Councillors were elected for three year terms in various reserves dating back to the mid-1880s. Elections were occurring in the Berens River, Clandeboye, and Manitowapah Agencies.[41] Further, McColl had been experimenting with the drafting of by-laws with the Fairford Band Council in the early 1880s (Daugherty and Madill 1980:13). It seems that officers in the Manitoba Superintendency, in light of the Department circulars and policy, informally instigated triennial elections in several different communities. The Indian Affairs administration in Manitoba, which after all had only been operating there since the early 1870s, was to a large degree unfettered by the bureaucratic encumbrances, conflicting policy initiatives, and cynical

---

[40] *ibid*

[41] PAC RG10 Black Series, vol. 3943, file 121,698-23; vol 3943, file 121,698-26.

personnel that characterized the Department in the East. Additionally, the project of nation-building and the related processes of state formation occurring within the new province would likely have encouraged Manitoba Indian officials to take the initiative in introducing the elective system.

Except for one instance, the provisions of section 75 of the Indian Act or the Indian Advancement Act were never applied by Order in Council to bands in Manitoba and the North West Territories.[42] However, Departmental practice was to operate according to the strictures of band government legislation, especially in determining the number of Councillors to which a band was permitted (regardless of treaty promises) and for terms of deposition. As well, vacancies due to death or deposition were routinely filled through election. This was not simply a routine practice; Department officials were conscious of the implications and the archives contain correspondence debating the legality of deposing Chiefs under the provisions of the Indian Act in the absence of appropriate Order in Council.[43] This illustrates that dispensing with recalcitrant leaders, habituating Aboriginal peoples to practices of governance, and extending the Department's powers of management and control over Aboriginal communities took precedence over legal niceties.

---

[42] PAC RG10 Central Registry Files, vol 7920, file 32-1. The exception was the Cowesses Band in the Crooked Lake Agency, North West Territories, which in 1887 had section 75 of the Indian Act applied at their request by Order in Council.

[43] PAC RG10 Black Series, vol. 3942, file 121,698-25.

In the late 1890s, a request from the Hobbema Band, North West Territories, for authority to hold an election prompted senior Ottawa officials to review current practices.[44] An 1898 report by H.C. Ross to Secretary McLean revealed that no uniform system existed for the selection of Chiefs in Manitoba and the North West Territories.

> In many cases the position is hereditary; in other instances chiefs were appointed by the Hudson's Bay Company or by missionaries for life or at least without any limit of time; in other cases appointments were made or confirmed at the time of treaty; other chiefs have been appointed by the Department; while in a few instances the elective system has been followed.[45]

Ross advocated that the Department secure general authority to apply the elective system to bands deemed sufficiently advanced in Manitoba and the North West Territories.

> After reading section 75 of the Indian Act very carefully, I see no reason why the Department should not obtain authority of the Governor in Council to apply the elective system to all bands in Manitoba and the North-West Territories. The obtaining of such authority does not appear necessarily to involve the immediate application of the elective system; the Department could therefore use its discretion in the matter, having authority to apply the system at any time, but only doing so in individual cases.[46]

This suggestion was never pursued. The Department continued to attempt to rationalize the selection of Chiefs under a system of election for an

---

[44] The Department had routinely given permission for elections to be held; that this one attracted attention may perhaps be attributed to the fact that the forced departure of Hayter Reed led to an extensive re-evaluation of Department's policies and procedures. See Hall 1977.

[45] PAC RG10 Central Registry Files, vol. 7920 file 32-1.

[46] *ibid*

indefinite term pending good behaviour. The Department persisted as well in acting as though all Aboriginal peoples were subject to the provisions of the Indian Act. In a summary of the elective system written in 1911, Ross stated: "Although section 93 has not been applied to bands in the western provinces...the Department follows the practice of treating bands in those provinces as if they were under the provisions of section 93."[47]

As the 19th century came to a close, there were both life Chiefs and elected Chiefs, all serving at least informally under terms of the Indian Act, throughout Manitoba and the North West Territories. These initiatives reveal the government's willingness to inaugurate civilizing routines and elaborate practices of governance throughout the Dominion. Some argue that the elective band government was primarily designed for the more advanced bands in Eastern Canada (Tobias 1983:45; Surtees 1988:90). But it corresponds neatly to the objectives of the National Policy and was unhesitatingly applied to Western bands, demonstrating that its main purpose was the domestication of Aboriginal peoples and the inculcation of practices of governance.

---

[47] *ibid.* In the 1906 revision of the Indian Act, section 75 became section 93.

*Band Government on the St. Peter's Reserve*

Although the elective system was not officially applied to the St. Peter's band until 1915,[48] they nevertheless have had as long a history with the elective system as any band in Canada. Elections were certainly being held by 1880s and regular elections have occurred practically uninterrupted since that time. The reserve was located in southern Manitoba, just south of Lake Winnipeg. The Saulteaux and Swampy Cree who founded the community have had a more extensive interaction with settlers and traders than many of the other Aboriginal peoples that inhabited the area. St. Peter's was consistently identified as 'more civilized' and 'more advanced' than other Aboriginal communities and band government was one institution that contributed to their domestication.

The Saulteaux, an Ojibwa speaking people named for their historical connection to Sault Sainte Marie, migrated west to the Red River district from the boreal forests north of Lake Superior in the late 1700s. A nomadic hunting peoples, they halted at the edge of the Red River Delta at Netley Creek where the diverse geography of river channels, islands, lakes, and muskeg was well- suited to the pursuit of woodlands hunting and fishing subsistence (Ladd 1986:23). The Saulteaux found the region uninhabited, the indigenous population having been decimated by a smallpox epidemic.

---

[48] PAC RG10 Central Registry Files vol. 7115, file 1/3-5.

Although the Saulteaux regularly inhabited this site from the 1790s on, they did not at first establish a permanent community there; they returned to Netley Creek seasonally and settled there gradually and reluctantly as resources were depleted through European settlement and the fur trade (Ladd 1986:23-24).

In the turbulent confrontation between the Hudson's Bay Company and the North West Company over the foundation of the colony of Selkirk settlers at Red River, the Chief of the Saulteaux, Peguis, lent his support to the settlers' cause.[49] Although the Saulteaux band was not large enough to challenge the military strength of the Metis, Peguis sheltered the colonists and escorted them to Norway House in 1815 when they temporarily abandoned the settlement and he offered aid to the wounded after the incident at Seven Oaks (Ladd 1986:52). Lord Selkirk himself singled out Peguis for special commendation and the Saulteaux Chief was the primary Aboriginal delegate among the five Chiefs to sign a treaty with Lord

---

[49] The Red River Colony was a central part of a larger dispute between the HBC and the NWC over the control of the fur trade. Closely affiliated with the HBC, the Red River Settlement would establish HBC domination over the forks of the Red and Assiniboine Rivers, an important point for trade and supply routes, and the Governor of the Colony enacted measures calculated to prevent NWC provisioning. The Metis, allied with the NWC, harassment of the settlers saw crops destroyed, homes burned and culminated in the Seven Oaks massacre of 1816. Open hostilities were put to rest with the arrival of Lord Selkirk and a regiment of Swiss mercenaries in 1817.

Selkirk, granting title to the land surrounding the Red River settlement.[50]

Around 1832 an Anglican missionary named William Cockran established a Mission school and encouraged the Saulteaux to build a permanent settlement and take up agriculture. There is evidence that the Saulteaux had been planting crops of corn and potatoes during the early 1800s, but had discontinued the practice (Ladd 1986:50). Once a permanent settlement was established, Cockran enlisted the official recognition and support of the Church Missionary Society, much to the displeasure of the HBC. The Company had never recognized the Saulteaux as having an enduring right to habitation, despite conventionally treating this tract of land beyond the Selkirk treaty limits as a *de facto* reserve belonging to the Saulteaux.

Cockran, notwithstanding his ambition to convert the Saulteaux to Christianity, was evidently concerned that they not be dispossessed of the lands they had traditionally occupied. This community eventually became St. Peter's Parish, the last of the fourteen Parishes that comprised the Red River Settlement. This may be considered as part of the colonizing efforts to reconstruct the lives and circumstances of Aboriginal peoples (Comaroff and Comaroff 1992:258). "The parish existed not because of the even-

[50] Ladd argues that Peguis was a necessary tool for the HBC and the colonists, who required an Aboriginal inhabitant who could alienate title to the land and lend authenticity to their claim in contravention to the NWC assertions of acquiring title to the land through the Metis.

handedness of civil authority, but because of the missionaries' will to 'settle' the Indians and to coordinate their corporate life with that of the white and mixed blood communities" (Ladd 1986:22). This reflects the enduring nature of practices of governance and that the civilization projects' efforts to transform communal peoples were occurring well in advance of the advent of Indian Affairs Department and the Indian Act.

By 1844, under Cockran's direction St. Peter's was a well-organized community that won the praise of English gentlemen as a civilized and Christian village (Ladd 1986:94). The community exhibited sturdy houses, cattle and farm land under cultivation. A number of Swampy Cree families that had come from north of Lake Winnipeg had been absorbed into the community. Peguis had been baptized and admitted to the Anglican Church in 1838 and quite a few of the band followed his lead.

Peguis died in 1864 and was succeeded as hereditary Chief by his son Henry Prince. In response to a call to arms against Riel in 1869, Prince brought a contingent of men from St. Peter's. These were the only Aboriginal inhabitants of the Red River prepared to fight Riel (Ladd 1986:97). Henry Price was a signatory of Treaty No. 1 in 1871 and the federal government accorded the Saulteaux the status of an official band and St. Peter's was identified as their reserve (York 1990:232).

Over the next 30 years the community, if not flourishing, at least survived comfortably. In the Indian Affairs Department's Annual Report for

1897 Agent A.M. Muckle describes a community in satisfactory terms. The population had grown to over 1100 from the eight or ten families Cockran first encouraged to settle and was about equally divided between Saulteaux and Swampy Crees. Many of the men hired themselves out as labourers to the fisheries, local farmers and the HBC. There were five schools, three Churches, and a hospital. A fair amount of land was under cultivation, with band members growing wheat, barley, oats and hay. All reserve residents maintained gardens, growing potatoes, corn, and vegetables, and nearly all raised cattle horses and pigs. Muckle reported that only three families were still entirely dependent on the hunt for their existence.[51]

While there is no record in the archives of the first occurrence of elections on the St. Peters reserve, regular elections were clearly taking place by the early 1880s. Departmental correspondence makes reference to a notice for elections being given on December 3, 1881 to replace councillors whose terms had expired.[52] Most assuredly, then, elections were being held prior to this, probably in 1878, and perhaps earlier. Although the elective system had not been expressly applied to St. Peter's band by Order in Council, the Department regularly granted authority to hold elections and triennial elections were held on the reserve as though the Indian Act provisions were in force.

---

[51] Canada. Department of Indian Affairs. *Annual Report* 1897:108-109.

[52] PAC RG10 Black Series, vol. 3604 file 2172.

This anomaly incited recurring comment in Departmental records. An 1897 memorandum circulated in the Ottawa office regarding a recent St. Peter's election contained a hand-written marginal notation, initialled by H.C. Ross, explaining the Department's sanction of elections in the absence of their legal application.

> Reference to File 2172 shows letter 28 Sept 1882 from Winnipeg office, stating that election of Councillors was held every three years and in accordance with the customs of the Band, which would indicate that there is an accidental if not designed coincidence pertaining to the Band's customs and provisions of Sec 75. There would not therefore appear to be any actual necessity for the application of Sec. 75 in this case.[53]

In 1932 yet another inquiry into the elective system concurred with Ross's earlier assessment:

> In the matter of the election of the Chiefs and Councillors, from inquiry and record, in 1871 a life Chief and Councillors were appointed or acclaimed by the band, but subsequent behaviour of the Chief and Councillors led the band to ask for the elective system of appointing their headmen, and such system has been in force from forty to forty-five years.[54]

From the standpoint of the Department the elective system seemed almost to be operating of its own accord. Its origins unclear, band government was accorded the status of established tradition, which indeed it had become, through sedimentation of the practice of elective forms, achieving a certain regularity and routinization at St. Peter's.

---

[53] PAC RG10 Black Series, vol. 3942, file 121,698-25.

[54] PAC RG10 Central Registry Series, vol. 7941, file 32-136.

Departmental records demonstrate that regular triennial elections in conformity with section 75 of the Indian Act were held in St. Peter's throughout the 1880s and 1890s.[55] It would be highly unlikely that this was, as Ross had suggested, an accidental coincidence. Apart from the fact that the St. Peter's elections corresponded to section 75 in nearly every detail, prior to treaty the band followed hereditary custom. Chief Peguis was the traditional leader of his people for more than 50 years before St. Peter's adopted the elective system and upon his death his son had assumed the position of hereditary Chief (Thompson 1973:35; Ladd 1986:115). The similarity that Ross referred to indicates a rapid inculcation of practices of governance following the introduction of band government.

The people of St. Peter's quickly became habituated to electoral routines. Agent Muckle gives the following account of an election held in 1885:

> I am glad to be able to say that a quieter or more orderly election I have never witnessed, there were teams bringing voters, flags flying, cheering and all the etceteras of a whiteman's election, except the whiskey of which there was not the faintest sign.[56]

Elections were important community events and demonstrate the significance the band accorded choosing their council.

In an immediate sense the conducting of elections had an impact on

---

[55] PAC RG10 Black Series vol. 3604, file 2172.

[56] *ibid*

the conduct of individuals. An event accorded such distinction had a conditioning effect upon the regulation and governance of the population. Participating in the elective system promoted a specific ordering and orientation of the people. The depth of this habituation was demonstrated in the band's vigourous opposition to any changes in electoral procedures. In 1888 Commissioner Dewdney instructed Inspector McColl that the elections at St. Peter's should be held in accordance with the provisions of the Indian Act. This meant that in future band councillors would be elected in a single poll encompassing all candidates, in which the top two vote-getters would be proclaimed elected. The band had to that time elected each councillor in a separate poll and wished to continue to do so.[57] When the 1888 election was held only a single poll was conducted, indicating that the Department had successfully instituted the change it sought.

Some eight years later, when under the direction of Deputy Superintendent General Hayter Reed the Department sought to abolish the position of Chiefs and Headmen among Aboriginal peoples in the West,[58] the

---

[57] *ibid.* The advantage being that eligible voters could cast a ballot for each officer, rather than being forced to support a single candidate in a poll electing several councillors.

[58] PAC RG10 Black Series, vol. 3942, file 121,698-25. Reed felt that the Chiefs were a retrograde influence and an impediment to civilization. Doubtless they were a challenge to the unimpeded exercise of Departmental authority, even more so in instances where they derived their power at least in part from Departmental sanction. In a letter to the Chief of the Fort Alexander band dated February 4, 1896 Reed stated "...the Department has no desire to compel your band to do without councillors; but it thinks that the

St. Peter's Band strenuously objected to any change in their political routines. Upon hearing of the intended changes the St. Peter's Band Council wrote to Superintendent General of Indian Affairs T.M. Daly arguing that the elective system be maintained for their reserve.

> St Peter's is different from most of the other reserves and while the change might be desirable in many Reserves when they are backward in civilization and education--we feel that when the government has given us the means of education and while many of us have taken advantage of these means that it would be wrong to dispose with the present system as our education etc should fit us to a certain extent at least to control our own affairs.
>
> The present system has worked satisfactorily in St Peter's and as our present young men grow up they, having more advantage than their forefathers, will be better able to fill the position of Chief and Councillors and the prize of those positions will be an incentive of the right kind to the ambitions of our Band.
>
> The present system is only in its infancy in St Peter's and people are being educated up to the responsibility of electing good men etc.
>
> The Indian Agent Chief and Council are working harmoniously for the interests of the Band. We fear a change such as has been spoken of will create ill feeling and confusion and will be a backward step.[59]

This letter unambiguously illustrates the connection between regulation, practices of governance, and conduct. The regulation of political routines at St. Peter's, through practices which have disseminated relations of power

---

Indian Agent with assistance from the Chief should be able to deal with all matters of interest to the band without the assistance of councillors, who often hold different views and thereby prevent or delay the settlement of questions that might be more readily dealt with by the Agent and Chief." Once again, democratic ideals proved secondary to consolidating the Department's authority over Aboriginal peoples.

[59] *ibid*

and domination ,and have conditioned the behaviour and expression of those effected by such practices. The people of St. Peter's had come to identify their interests as being represented by the continuance of the elective system and in turn had anchored their identity in its practice.

The position of the Department on the issue of dispensing with councillorships was somewhat contradictory, as revealed in correspondence from Reed stating that while the Indians should be strongly urged abolish the position of band Councillor, the Department did not wish to "break faith with the Indians." Further, Reed remarked that the Department had not intended this policy for bands advanced as St. Peter's, and requests that Muckle be instructed to hold an election at the earliest convenience.[60]

Here, as in other areas, Departmental policy closely reflected Reed's own beliefs. Reed was an adherent of Victorian notions of social evolution and these were rigidly expressed in the actions of his administration. Reed felt, as did many of his contemporaries, that primitive peoples could progress to civilization only through successive stages of development[61] (Carter 1990:212-213). Since his days as an Indian Commissioner in the North West Territories, Reed had opposed the application of the elective system to Western bands, for which he had been rebuked by Vankoughnet

---

[60] *ibid*

[61] Sarah Carter chronicles the tragic deprivation the farming program, based upon Reed's dictates to implement a peasant economy, had for Aboriginal peoples in a number of Western reserves.

(Daugherty and Madill 1980:28-29). Reed had personally attempted to dissuade two bands in the North West, Cowesses and James Smith's, from following the elective system.[62] When he succeeded to the post of Superintendent General he once again pressured the Cowesses band to abandon the elective system, refusing to give the local Indian Agent authority to hold elections and directing him instead to persuade the Cowesses Band to dispense with the position of headmen allocated by treaty. The band was not so easily swayed and insisted that their right to hold an election be granted (Daugherty and Madill 1980:30). Grudgingly, Reed relented and permitted an election, but afterwards triennial elections have been held only irregularly at Cowesses.

In spite of any reservations he may have had, Reed approved the elective system for the St. Peter's Band. In addition to authorizing elections Reed sent a letter to the St. Peter's Band Council reiterating his assurances that the abolition of councillors was not intended for more advanced bands and that no change would be made in electoral procedures at St. Peter's.[63]

The St. Peter's band's unwillingness to contemplate any change to electoral practices demonstrates the extent to which band members had come to conceive of themselves as a distinct constituency. The band's petitions to the Superintendent General especially reflect their perception of

---

[62] PAC RG10 Black Series, vol. 3911, file 111,404.

[63] PAC RG10 Black Series, vol. 3942, file 121,698-25.

the band as a specific body politic with legally constituted rights and interests that leaders had an obligation to serve. These notions are fundamental to the liberal democratic ideals the practice of band government was designed to inculcate. This marks the beginnings of the formation of a society "of all and of each" (Gordon 1991:3), of a population ordered through a constant and regular set of relations that works to individualize, separating people as citizens and voters, as well as totalize by unifying them as a distinct constituency.

A course of events surrounding the 1897 elections demonstrates how sedimented the elective system had become at St. Peter's. Undoubtedly encouraged by Reed's efforts to curtail the influence of band councils in the West, Agent Muckle requested that he be allowed to reappoint the incumbent Chief and Council without election.[64] Inspector McColl did not support this request and recommended that the Department authorize elections. Although Reed supported Muckle's suggestion, he consented to elections.

> I may say that the Department cannot, in the face of all that has been stated, well carry out Mr. Muckle's suggestion that he be allowed to re-appoint the Chief and Councillors for another term. Another election will have to be held however much the Department would like to the contrary.[65]

The subsequent election was plagued with irregularities. The polls

---

[64] *ibid*

[65] *ibid*

were barely closed before complaints of iniquities were addressed to McColl. William Harper, an incumbent Councillor, complained that the polls were closed at noon. Isaac Asham protested that no notice of election was given and that Muckle refused to allow Henry Prince to stand for Chief despite knowing full well of his intention to run. Muckle claimed that Prince arrived too late to be nominated. Asham requested that McColl investigate the matter.

> Kindly look into this matter at once as we consider this kind of work a great injury to our band and do not see why there should not be a lawful nomination and election as in former years.[66]

An improper election was of great concern to the band and was considered both a disservice and an infringement upon the proper exercise of their franchise. Henry Prince, dubious of receiving a satisfactory response from the Department, went even further, bringing his complaints to Prime Minister Wilfred Laurier.[67] Electoral practice had precipitated the habituation of practices of governance.

McColl's investigation did indeed bring to light a number of suspicious incidents. Muckle had not followed proper procedures for posting the notice of election, nor did he indicate a time limit for nominations. After refusing Prince's nomination he declared Asham elected by acclamation and closed the polls at noon because no voters had turned up.

---

[66] *ibid*

[67] *ibid*

Muckle explained the situation this way:

> As you are aware that yesterday was very stormy and cold, in fact a bad blizzard. Teams had been sent off to Stonewall, Winnipeg and Lake Winnipeg for voters: these could not travel and the candidates knew that many on the Reserve would not go to vote. So delay was the order of the day; then the people claimed that the election was not held according to their customs, as they had not a nomination day, and everyone was dissatisfied, it was this that made me decide to close the poll and lay the whole matter before the Department.
>
> As you are aware the unexpected is always cropping up in the managing of Indians, and this is one of the occasions; and it shows that if the system for electing Chiefs and Councillors is to be continued, that rules and regulations must be made in regard to conducting the regulations from first to last.
>
> I consider that Wm Asham is duly elected Chief, for on an important occasion like this Henry Prince had a right to be at the poll, and give in his name at the proper time.[68]

Neither McColl nor the Department accepted Muckle's version of events.

McColl was especially critical of Muckle's handling of the whole affair:

> It appears to me that the Agent acted most injudiciously, if not partially regarding the election of Chief Asham, and I would respectfully recommend that the election of Chief Asham be set aside and that another election be held on the 24th instant in order to give all the Indians on the Reserve an opportunity to vote for Chief and Councillors.[69]

Reed as well upbraided Muckle, reminding him that the Department had very clear guidelines for conducting elections and that "these have been considered sufficient by all other Agents in the Dominion to enable them to

---

[68] *ibid*

[69] *ibid*

conduct elections in a satisfactory manner."[70] Ultimately the election was set aside and another ordered in its place, in which Henry Prince was elected Chief.

The triennial system continued at St. Peter's. When the Department under the direction of Secretary McLean began to push for the election of Chiefs and Councillors for indefinite terms on the prairie reserves, St. Peter's refused to dispense with regular elections. Reporting on the 1899 elections at St. Peter's McColl related that "the Indians unanimously opposed the election of the Chief for an indefinite term and elected the Chief for three years the same as formerly."[71] The electoral system has endured until the present day.

There can be little doubt that substantial changes to the social expression and cultural practices were evident in the Aboriginal peoples of St. Peter's in the time between Confederation and the turn of the century. Muckle offered his observation as to their condition in 1897.

> The Indians of my Agency are a law-abiding people. No strangers from a foreign land need be afraid to come among them. Many of them subscribe to newspapers, and are sure to read all matters pertaining to their race. They no doubt sigh for the good old days, and many of the pagans and ignorant, who are a minority among them, still talk of the Stone Fort treaty and a desire to be spoon fed; but there is no doubt that they are far better off, more civilized, better clothed, better housed and educated. In fact they are new Indians

---

[70] *ibid*

[71] *ibid*

since they have been wards of the Government.[72]

The struggles over relations of power and domination occurred on various fronts. Missionary activities, education, and the development of agricultural all had significant regulatory effects upon the band members. So to elective band government, which, by establishing specific institutional relations within the community, instilled practices of governance which served to constitute the St. Peter's band as a regulated population and helped to condition their conduct.

*Conclusion*

In the period between Confederation and the turn of the century traditional Aboriginal political systems came under intensive regulatory pressure as Canadian Indian Administration sought to institute political routines in Aboriginal communities which would domesticate Aboriginal peoples to practices of governance. Substantiated in the elective band government provisions of the Indian Act and the Indian Advancement Act, these initiatives devolved from general practices of wardship, aiding the transformation of Aboriginal peoples into an intensely administered population.

The introduction of liberal democratic electoral systems instigated

---

[72] Canada. Department of Indian Affairs. *Annual Report* 1897:112.

relations of domination which inculcated domesticated behaviours and establishes institutional relations through which Aboriginal peoples could be more effectively ruled. Band government initiated a more comprehensive management of Aboriginal peoples which was indispensable to the activities of nation-building and the government's National Policy. Thought to be the perfect vehicle for the inculcation of the ideals of civic responsibility and individual self-interest, band government promoted the abiding imperatives of the civilization project. The elective system mandated under band government legislation operated to concentrate power of Indian Affairs officials to order and organize Aboriginal communities in a manner conducive to the Department's management and control of Aboriginal peoples.

As the St. Peter's Band's experience with band government indicates, participating in the elective system served to habituate Aboriginal peoples to the routines and rationalities of representative politics. By engendering new relations and comportment among Aboriginal peoples, band government worked to incorporate them into the emerging social formation. Band government represents the elaboration practices of governance that conditioned the political conduct of Aboriginal peoples and served to rule them in a continuous and permanent way.

Indian Affairs over Aboriginal peoples and band government was a product of the administrative imperative to order and regulate Aboriginal communities.

The advent of band government signals subtle yet significant alterations in practices of governance. An extension of the enfranchisement program, band government was to hasten the civilization of Aboriginal peoples by familiarizing them with the operations of municipal institutions and inculcating the cherished Victorian values of individual self-interest and civic responsibility. The elective system was to be an important element in the conversion of Aboriginal peoples into citizens.

Band government entrenched and perpetuated practices of governance among Aboriginal peoples. Governance may be thought of as those practices which serve to determine relations between individuals and groups of individuals and band government may be identified as a practice of governance in that it engendered and influenced the political routines of Aboriginal peoples. Essentially, band government has reconstituted the political realities of Aboriginal peoples by defining the sanctioned conduct of Aboriginal politics.

Band government introduced new and more intensive relations of power into Aboriginal communities which reconfigured communal relations as autonomous peoples were brought under federal authority. These processes were both individualizing and totalizing--Aboriginal peoples were

## *Chapter VI: Conclusion*

By the close of the 19th century elected band government had become an essential component of the Department's program for the civilization and the assimilation of Aboriginal peoples. Considered a harbinger of progress, the liberal democratic institutions of band government were designed to cultivate more 'advanced' political conventions among Aboriginal peoples. Secretary of Indian Affairs J.D. McLean offered a summation of the elective system in the Department's 1898 Annual Report

> In dealing with the Indians the department has for a long time past kept before it as an ultimate end, the transformation from the status of wards to into that of citizens. In the earlier stages of reclamation from the untutored state, chiefs and councillors or headmen have as a rule proved of great assistance in dealing with the bands, but the hereditary system tends to retard the inculcation of that spirit of individuality without which no substantial progress is possible.
>
> The Department's policy, therefore, has been gradually to do away with the hereditary system and introduce an elective system, making (so far as circumstances permit) these chiefs and councillors occupy the position in a band which a municipal council does in a white community.[1]

In the thirty years following Confederation there had been a steady intensification of the powers of management exerted by the Department of

---

[1] Canada. Department of Indian Affairs. *Annual Report* 1898:xxiv.

identified as citizens and voters and came to form their primary social relationships through state institutions. Band government perpetuated the exercise of a power that is constant and regular, which Foucault would identify as a government 'of all and of each' (Gordon 1991:2) that regulated the conduct of Aboriginal peoples. Band government is one mechanism which has permitted discrete regulatory powers to insinuate themselves into lives and circumstances of Aboriginal peoples.

The extension of practices of governance over Aboriginal peoples coincided to a considerable degree with the activities of nation-building and the processes of state formation. Canada, in the period immediately after Confederation, was an emerging nation intensely interested in creating the new social, political, and economic structures and institutions required by the fledgling Dominion (Owram 1992:78; Zaslow 1973:3). In the West these activities manifest themselves in the National Policy of the federal government which included the purchase of Rupert's Land from the Hudson's Bay Company, the construction of the Canadian Pacific Railway, building the telegraph, encouraging immigration and the pacification of Aboriginal peoples and their settlement upon reserves. The Indian policy pursued in the West, marked by the treaty and reserve system, were products of the historical and mutually supporting projects of protection, civilization, and assimilation that have always been a feature of the administration of Aboriginal peoples in Canada.

Within the Department of Indian Affairs the processes of state formation were reflected in the activities which served to consolidate Departmental authority and extend relations of domination over Aboriginal peoples, incorporating them within the national polity. The growing documentation on Aboriginal peoples the Department compiled testifies to the elaboration of relations of power over Aboriginal peoples. Through the use of reports, surveys, and statistics the Department was able to establish an official knowledge the conditions and circumstances of Aboriginal peoples and render them as a population that can be known and managed (see Smith, R.S. 1985:156). By initiating a greater surveillance of Aboriginal peoples, these practices facilitated an increased regulation which in turn perpetuated practices of wardship and helped transform Aboriginal peoples into an intensely administered population.

Band government was a practice of governance that habituated Aboriginal peoples to the predominant Euro-Canadian political routines, regulated the political expression of Aboriginal peoples, and inaugurated institutional relations through which rule may be more easily effected. The regularization of Aboriginal political conventions under the authority of the Indian administration ordered and organized Aboriginal communities in a manner conducive to the dissemination of relations of domination. Engaging in the elective system served to refashion the communal relations of Aboriginal communities and establish them as distinct constituencies.

The St. Peter's Band in Manitoba is an example of a community that quickly became habituated to band government, where, despite the traditional custom of hereditary succession among the Saulteaux and Swampy Cree who composed the band, it became solidly entrenched soon after it was first introduced. Indian Affairs authorities in Manitoba were more amenable to the concept of band government than officials in the older provinces. As a result they initiated the elective system in several bands, often without Departmental authority. Participating in Band elections had a discernable regulatory effect upon the Aboriginal peoples at St. Peter's, conditioning them to the political routines and domesticating their comportment.

These practices of governance worked to reform Aboriginal political customs and cultural expressions by their mere functioning. Aboriginal peoples were, by their own participation in these systems, implicated in relations of domination. Conducting elections in a very real sense conditioned Aboriginal peoples conduct. Band government, through the regulation of political practice, transforms the customary forms of Aboriginal social existence, reshapes conceptual systems and forges new relations, new practices, new comportments. This remains among the more intractable features of the civilizing project and explains "why people who reject an ideological message may yet be reformed by its medium" (Comaroff and Comaroff 1992:259).

By 1900 band government had been applied by Order in Council to every band in Eastern Canada and was being practised at least to some extent within many bands in Western Canada, where bands were routinely treated as though the elective provisions of the Indian Act were in force. Band government, in sedimenting practices of governance among Aboriginal peoples, complies with the imperatives of the government's National Policy and the enterprise of nation-building. Aboriginal peoples were constituted as a population and absorbed into the social and political institutions of the Canadian state.

One of the more insidious illustrations of the extent to which electoral practices had come to condition the political behaviour of the people of St. Peter's is provided by the surrender of their reserve in 1907. Land speculators, recognizing the value of the land on which the reserve was situated, had been prodding the federal government to dispossess the Aboriginal residents and remove them to another location. This was accomplished by a vote of the adult male band members (York 1990:233-234). Although there were lingering questions as to the propriety of the procedure, the band members were nevertheless relocated to a far less favourable piece of land on the Fisher River 150 kilometres away and renamed the Peguis Band (Thompson 1973:64). However, due to the persistent agitation of the Band Council a Royal Commission was established in 1911 to investigate the matter and concluded that the

surrender of the St. Peter's reserve was indeed fraudulent. It is interesting to note that at the same time as the Royal Commission was conducting its investigation, the Department suspended the Peguis Band Council elections as retribution for their activities.[2] In 1916 Parliament passed special legislation sanctioning the land transfer and recognizing the title of those who had purchased land at St. Peter's.

In 1915 St. Peter's officially came under the election provisions of the Indian Act by Order in Council.[3] Soon after Fisher River, a neighbouring band, made a request for the elective system. This reveals the a broader dissemination practices of governance, facilitated at least in part by the sedimentation of practice at St. Peter's *cum* Peguis. H.C. Ross commented "as the Fisher River Band is well aware of the privileges exercised by the Peguis band, it is quite natural that the former band should desire to have the same"[4] The implication is that the practice of band government at Peguis was influencing the political routines of nearby communities.

In the early decades of this century the practice of band government became even more deeply entrenched. While not every band in Canada adopted the elective system, a great many were habituated to its routines. After the Indian Advancement Act was incorporated into the Indian Act in

---

[2] PAC RG10 Central Registry Files vol. 7941, file 32-136.

[3] PAC RG10 Central Registry Files vol 7115, file 1/3-5.

[4] PAC RG10 Central Registry Files vol. 7941, file 32-136.

1906 there were no further legislative revisions of the elective provisions. However, band government never became the vehicle to Aboriginal self-reliance that administrators had envisioned. If anything the interference and restrictions it invited made Aboriginal peoples more dependant upon the Indian Affairs administration.

Band government came to function primarily as a consultative body for the Department (Johnson 1984:13-14), a fact also recognized in the Hawthorn Report. Noting that the elected band council was an institution developed by the federal government and not an innate feature of Aboriginal societies, the Report's authors assert that band councils have become largely administrative appendages of the Indian Affairs bureaucracy, providing information about their constituencies to Indian Affairs and legitimating regulatory decisions made outside the community (Hawthorn 1967:194).

Band government inculcated routines and practices which habituated Aboriginal peoples to the political institutions of Euro-Canadian society. Displaying elements of protection, civilization, and assimilation, band government links the enduring projects of governance of the Indian administration with the experiences of Aboriginal peoples. It initiated techniques and strategies which, by undermining the authority of traditional leadership, consolidated the power of management and control exercised by outside authorities over Aboriginal peoples. Fostered by the

activities of nation-building and the processes of state formation, band government perpetuated institutional relations which served to order and organize Aboriginal communities. The elective system instilled uniform political routines and helped transform Aboriginal peoples into an intensely administered population, domesticating them to relations of domination. Band government was a practice of government in that it served to co ıdition the political conduct of Aboriginal peoples and served to incorporate them into the broader Canadian social formation.

## *Bibliography*

Abrams, Philip
1988 Notes of the Difficulty of Studying the State. *The Journal of Historical Sociology* 1(1):58-89

Asch, Michael
1988 *Home and Native Land: Aboriginal Rights and the Canadian Constitution.* Scarborough, Ontario: Nelson Canada.

Bartlett, Richard H.
1988 *The Indian Act of Canada, 2nd ed.* Saskatoon: University of Saskatchewan Native Law Centre.

Berger, Thomas R.
1991 *A Long and Terrible Shadow: White Values and Native Rights in the Americas, 1492-1992.* Toronto: Douglas & McIntyre.

Boldt, Menno and J. Anthony Long
1985 Introduction. Pp 3-14 in Menno Boldt and J. Anthony Long (eds.), *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights.* Toronto: University of Toronto Press.

Bourdieu, Pierre
1977 *Outline of a Theory of Practice.* Trans. Richard Nice. Cambridge: Cambridge University Press.

Brody, Hugh
1975 *The People's Land: Eskimos and Whites in the Eastern Arctic.* Harmondsworth: Penguin.

Brown, George and Ron Maguire
1979 *Indian Treaties in Historical Perspective.* Ottawa: Research Branch, DIAND.

Buckley, Helen
1992 *From Wooden Ploughs to Welfare: Why Indian Policy Failed in the Prairie Provinces.* Montreal & Kingston: McGill-Queen's University Press.

Canada. Department of Indian Affairs. *Annual Reports* 1869-1898.

_____. Department of Indian Affairs Records, Black Series, Record Group 10. Public Archives of Canada.

_____. Department of Indian Affairs Records, Red Series, Record Group 10. Public Archives of Canada.

_____. Department of Indian Affairs Records, Central Registry Files, Record Group 10. Public Archives of Canada.

_____. Parliament. House of Commons. *Debates.* April 7, 1869; January 29, 1884.

Carter, Sarah
1990 *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy.* Montreal & Kingston: McGill-Queen' University Press.

Cassidy, Frank and Robert L. Bish
1989 *Indian Government: Its Meaning in Practice.* Halifax: The Institute for Research on Public Policy.

Clark, Bruce
1990 *Native Liberty, Crown Sovereignty: The Existing Aboriginal Right of Self Government in Canada.* Montreal & Kingston: McGill-Queen's University Press.

Coates, Kenneth
1992 *Best Left as Indians: Native-White Relations in the Yukon Territory.* Montreal & Kingston: McGill-Queen's University Press.

Comaroff, John and Jean Comaroff
1992 *Ethnography and the Historical Imagination.* Boulder Colorado: Westview Press

Corrigan, Phillip and Derek Sayer
1985 *The Great Arch: English State Formation as Cultural Revolution.* New York: Basil Blackwell Inc.

Curtis, Bruce
1992 *True Government by Choice Men? Inspection, Education,and State Formation In Canada West.* Toronto: University of Toronto Press.

_____.
1989 Representation and State Formation in the Canadas, 1790-1850. *Studies in Political Economy* 28:59-87

_____.
1988 *Building the Educational State: Canada West 1836-1871.* London, Ontario:The Althouse Press

Daugherty, Wayne and Dennis Madill
1980 *Indian Government under Indian Act Legislation, 1868-1951.* Ottawa: Research Branch, Department of Indian and Northern Affairs.

Diamond, Billy
1985 Aboriginal Rights: The James Bay Experience. Pp 265-284 in Menno Boldt and J. Anthony Long (eds.), *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights.* Toronto: University of Toronto Press.

Dickason, Olive Patricia
1992 *Canada's First Nations.* Toronto: McClelland and Stewart.

Dunning, R.W.
1962 Some Aspects of Governmental Indian Policy and Administration. *Anthropologica* 4(2):209-232

_____.
1967 The Hawthorn Report. *The Canadian Forum* 48:52-53

Duff, Wilson
1964 The Impact of the White Man. Victoria: Province of British Columbia Department of Recreation and Conservation.

Dyck, Noel (ed.)
1985 *Indigenous Peoples and the Nation-State: Fourth World Politics in Canada, Australia and Norway.*

_____.
1990 cultures Communities and Claims: Anthropology and Native Studies in Canada. *Canadian Ethnic Studies* 22(3):40-55

_____.
1991 *What is the Indian Problem?: Tutelage and Resistance in Canadian Indian Administration.* St. John's Newfoundland: The Institute of Social and Economic Research, Memorial University.

_____ and James B. Waldram
1993 Anthropology, Public Policy, and Native Peoples: An Introduction to the Issues. Pp 3-38 in Noel Dyck and James B. Waldram (eds.), *Anthropology, Public Policy, and Native Peoples in Canada.* Montreal & Kingston: McGill-Queen's University Press.

Foucault, Michel
1979 *Discipline and Punish.* New York: Vintage Books.

_____.
1980 *The History of Sexuality, Volume I.* Trans. Robert Hurley. New York: Vintage Books.

_____.
1981 Omnes et Singulatum: Towards a Criticism of Political Reason. *The Tanner Lectures on Human Values.* Sterling M. McMurrin ed. pp 225-254 Salt Lake City: University of Utah Press.

_____.
1991 Governmentality. Pp. 87-104 in Graham Burchell, Colin Gordon,and Peter Miller (eds.), *The Foucault Effect: Studies in Governmentality.* Toronto: Harvester Wheatsheaf

Frideres, James S.
1988 *Native Peoples in Canada: Contemporary Conflicts, 3rd ed.* Scarborough, Ontario: Prentice-Hall Canada.

Friesen, Gerald
1984 *The Canadian Prairies: A History.* Toronto: University of Toronto Press.

Gibbins, Roger and J. Rick Ponting
1986 Historical Overview and Background. Pp. 18-56 in J. Rick Ponting (ed.), *Arduous Journey: Canadian indians and Decolonization.* Toronto: McClelland and Stewart.

Gordon, Colin
1991 Government Rationality: An Introduction. Pp. 1-51 Graham Burchell, Colin Gordon, and Peter Miller (eds.), in *The Foucault Effect: Studies in Governmentality.* Toronto: Harvester Wheatsheaf.

Hall, D.J.
1977 Clifford Sifton and Canadian Indian Administration, 1896-1905. *Prairie Forum.* 2(2):127-151

Hanks, L.M. and J.R. Hanks
1950 *Tribe Under Trust: A Study of the Blackfoot Band of Alberta.* Toronto: University of Toronto Press.

Harper, Allan G.
1945 "Canada's Indian Administration: Basic Concepts and Objectives." *American Indigena* 5(2):119-32.

_____.
1946 "Canada's Indian Administration: The Indian Act." *American Indigena* 6(4):297-314.

Hawthorn, H.B.
1967 *A Survey of the Contemporary Indians of Canada: Economic, Political, and Educational Needs and Policies,* 2 vols. Ottawa: Queen's Printers.

Hawthorn, H.B., C.S. Belshaw, and S.M. Jamieson
1958 *The Indians of British Columbia.* Toronto: University of Toronto Press.

Hodgetts, J.E.
1955 *Pioneer Public Service.* Toronto: University of Toronto Press.

Jenness, Diamond
1932 *Indians of Canada.* Ottawa: National Museum of Canada.

_____.
1964 *Eskimo Administration II: Canada.* Montreal: Arctic Institute of Canada.

Johnson, Ian V.B.
1984 *Helping Indians to Help Themselves--A Committee to Investigate Itself: The 1951 Indian Act Consultation Process.* Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs.

Ladd, George van der Goes
1986 *Shall We Gather at the River.* Toronto: CANEC The United Church of Canada.

La Violette, Forrest E.
1961 *The Struggle for Survival.* Toronto: University of Toronto Press.

Leighton, Douglas
1983 A Victorian Civil Servant at Work: Lawrence Vankoughnet and the Canadian Indian Department, 1874-1893. In *As Long as the Sun Shines and Water Flows: A Reader In Canadian Native Studies.* Pp. 104-119. A.L. Getty and Antoine S. Lussier, eds. Vancouver: University of British Columbia Press.

Leslie, John
1985 *Commissions of Inquiry into Indian Affairs in the Canadas, 1828-1858: Evolving a Corporate Memory for the Indian Department.* Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs.

_____ and Ron Maguire
1978 *The Historical Development of the Indian Act.* Ottawa: Treaties and Historical Research Centre, DIAND.

Little Bear, Leroy, Menno Boldt, and J. Anthony Long
1984 Federal Indian Policies in Canada. Pp 69-84 in Leroy Little Bear, Menno Boldt, and J Anthony Long (eds.) *Pathway to Self-Determination: Canadian Indians and the Canadian State.* Toronto: University of Toronto Press.

McIlwraith, T.F.
1930 The Progress of Anthropology in Canada. *Canadian Historical Review* 9:132-150

MacInnis T.L.R.
1943 The History and Policies of the Indian Administration in Canada. Pp. 152-166 in C.T. Loram and T.F. McIlwraith (eds.), *The North American Indian Today.* Toronto: University of Toronto Press.

MacLeod, R.C.
1985 Canadianizing the West: The North-West Mounted Police. Pp. 187-199 in R. Douglas Francis and Howard Palmer (eds.), *The Prairie West.* Edmonton: Pica Pica Press.

Milloy, John S.
1983 The Early Indian Acts: Developmental Strategy and Constitutional Change. Pp. 55-64 in A.L. Getty and Antoine S. Lussier (eds.), *As Long as the Sun Shines and Water Flows: A Reader In Canadian Native Studies.* Vancouver: University of British Columbia Press.

Morris, Alexander
1991 *The Treaties of Canada with the Indians of Manitoba and the North-West Territories.* Saskatoon: Fifth House Publishers.

Owram, Doug
1992 *The Promise of Eden:The Canadian Expansionist Movement and the Idea of the West 1856-1900.* Toronto: University of Toronto Press.

Pearce, Roy Harvey
1967 *Savagim and Civilization.* Baltimore: John Hopkins University Press.

Paine, Robert (ed.)
1977 *The White Arctic: Anthropological Essays on Tutelage and Ethnicity.* St. John's Newfoundland: Memorial University of Newfoundland.

Ponting, J. Rick and Roger Gibbons
1980 *Out of Irrelevance: A Socio-Political Introduction to Indian Affairs in Canada.* Toronto: Butterworths.

Purich, Donald
1986 *Our Land: Native Rights in Canada.* Toronto: James Lorimer & Company.

Richarson, Boyce
1987 Kind Hearts or Forked Tongues? *The Beaver.* 67(1):16-41

Rose, Nikolas and Peter Miller
1992 Political Power Beyond the State: Problematics of Government. *British Journal of Sociology* 43(2):173-205

Sanders, Douglas
1988 Government Indian Agencies in Canada. Pp. 276-283 in Wilmont E. Washburn (ed.), *Handbook of North American Indians, Vol. 4.* Washington: Smithsonian Institution.

Scott Colin H.
1993 Customs, Traditions and the Politics of Culture: Aboriginal Self-Government in Canada. Pp. 311-333 in *Anthropology, Public Policy, and Native Peoples in Canada.* Noel Dyck and James B. Waldram (eds.), Montreal & Kingston: McGill-Queen's University Press.

Scott, Duncan Campbell
1914 Indian Affairs, 1867-1912. In *Canada and Its Provinces, Vol. VII.* Adam Shortt and Arthur G. Dougherty, eds. Toronto: Glasgow, Brook & Company.

Smith Derek G.
1975a *Natives and Outsiders: Pluralism in the MacKenzie River Delta.* Mackenzie Delta Research Reports, no. 12. Ottawa: DIAND.

_____.
1975b *Canadian Indians and the Law: Selected Documents, 1663-1972.* Toronto: McClelland and Stewart, Limited.

_____.
1993a The Emergence of "Eskimo Status": An Examination of the Disk List System and its Social Consequences, 1925-1970. Pp. 41-74 in *Anthropology, Public Policy, and Native Peoples in Canada.* Noel Dyck and James B. Waldram (eds.), Montreal & Kingston: McGill-Queen's University Press.

_____.
1993b Theorizing Projects of Governance in the History of Administering Native Peoples in North America. Paper Presented at the Annual Meetings of The Canadian Anthropology Society/la Societe Cannadienne d'Anthropologie (CASCA) York University, Toronto, May 1993

Smith, Richard Saumarez
1985 Rule by Records, Rule by Reports:Complementary aspects of British Imperial Rule of Law. *Contributions to Indian Sociology* 19(1):153-176

Stanley, George F.G.
1992 *The Birth of Western Canada: A History of the Riel Rebellions.* Toronto: University of Toronto Press.

Surtees, Robert J.
1969 The Development of an Indian Reserve Policy in Upper Canada.

_____.
1988a Canadian Indian Policies. In *Handbook of North American Indians, Vol. 4.* Pp. 81-95. Wilmont E. Washburn, ed. Washington: Smithsonian Institution.

_____.
1988b Canadian Indian Treaties. In *Handbook of North American Indians, Vol. 4.* Pp. 202-210. Wilmont E. Washburn, ed. Washington: Smithsonian Institution.

Tanner, Adrian (ed.)
1983 *The Politics of Indianness: Case Studies in Native Ethnopolitics in Canada.* St. John's Newfoundland: Memorial University of Newfoundland.

Taylor John L.
1977 Canada's North-West Indian Policy in the 1870's: Traditional Premises and Necessary Innovations. In *Approaches to Native History in Canada.* Pp. 104-110. D.A. Muise ed. Ottawa: National Museum of Man Mercury Series.

_____.
1987 Two Views on the Meaning of Treaties Six and Seven. In *The Spirit of the Alberta Indian Treaties.* Pp. 9-45. Richard Price, ed. Edmonton: Pica Pica Press.

Tennant, Paul
1990 *Aboriginal peoples and Politics: The Indian Land Question in British Columbia, 1849-1989.* Vancouver: University of Vancouver Press.

Thompson, Albert Edward
1973 *Chief Peguis and His Descendants.* Winnipeg: Peguis Publishers.

Titley, E. Brian
1986 *A Narrow Vision: Duncan Campbell Scott and The Administration of Indian Affairs n Canada.* Vancouver: University of British Columbia Press.

Tobias, John L.
1983 Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy. In *As Long as the Sun Shines and Water Flows: A Reader In Canadian Native Studies.* Pp. 39-55. A.L. Getty and Antoine S. Lussier, eds. Vancouver: University of British Columbia Press.

Tobias, John L.
1988 Canada's Subjugation of the Plains Cree, 1879-1885. In *Out of the Background: Readings on Canadian Native History.* Pp. 190-218. Robin Fisher and Kenneth Coates, eds. Toronto: Copp-Clark Pitman Ltd.

Trigger, Bruce
1985 *Natives and Newcomers: Canada's Heroic Age Reconsidered.* Kingston & Montreal: McGill-Queen's University Press.

Upton, L.F.S.
1973 The Origins of Canadian Indian Policy. *Studies in Canadian History* 8(4):51-61.

Venne, Sharon Helen
1981 *Indian Acts and Amendments, 1868-1975: An Indexed Collection.* Saskatoon: University of Saskatchewan Native Law Centre.

Wea .er, Sally
1981 *The Making of Canadian Indian Policy: The Hidden Agenda 1968-70.* Toronto: University of Toronto Press.

_____.
1993 The Hawthorn Report: Its Use in the Making of Canadian Indian Policy. Pp. 75-97 in *Anthropology, Public Policy, and Native Peoples in Canada.* Noel Dyck and James B. Waldram (eds.), Montreal & Kingston: McGill-Queen's University Press.

York, Geoffrey
1990 *The Dispossessed: Life and Death in Native Canada.* London: Vintage UK.

Zaslow, Morris
1971 *The Opening of the Canadian West, 1870-1914.* Toronto: McClelland and Stewart Limited.

# END

# 06-06-96

# FIN