TWO
Customs Not in Common

The Monogamous Ideal and Diverse Marital Landscape of Western Canada
In John Mackie’s fanciful 1899 novel, *The Heart of the Prairie*, a young Englishman named Walter Derringham, along with cowboys and Mounties, helps to tame a wild and violent Western Canada.¹ His adventures include fights, escapes, pursuits, captivities and, in the last chapters “Sioux Indians on the War Path.” The Mounties, cowboys, and Walter defeat the Sioux in the final confrontation. Each trooper aimed and “picked off his man as coolly as if practising at the butts,” and the cowboys rose together from their cover and “poured their last round into the wavering Indians” who “fell headlong to earth.”² Those who resisted arrest were promptly killed or disabled, and the remainder were pursued across the border where they warned “their fellows against again venturing into the country of the red-coats.” Walter himself was instrumental in bringing about this sharp reprisal against the Sioux, “whose bloody raids had long been a menace to a comparatively unprotected country.”³
The Sioux had been taught a much-needed lesson, and peace and security were subsequently assured. With turmoil and chaos at an end, Walter could safely purchase an interest in a ranch, and he could also think about marriage—to Muriel, who was waiting back in England. Readers finally learn that it is she who forms the “Heart of the Prairie” of the title, as this is how Walter imagines he sees her as he gazes out over the golden vista: “It was a beautiful face that looked out from amid the wealth of falling hair which, flooded by a shaft of sunlight gleamed like burnished gold.” The west was thus made safe for women like Muriel who held the key to the future happiness, stability, and prosperity of the region. White masculine individuals were celebrated throughout the novel, but white female domesticity would be the pervasive theme of the new era dawning in the history of the west.4

Similar themes prevailed in the newspapers of the late-nineteenth-century west. The first marriage of a white couple in southern Alberta in 1877 was heralded as the dawn of a new age. As reported in the Benton River Press, “Joseph McFarlane and Miss Marcella Sheran were married at Fort Whoop-Up, British North-West Territory, on the 4th of July last. Father Scollan [sic] performed the ceremony, the happy couple receiving a salute of six guns from Fort Whoop-Up, after which they were escorted to the McFarlane mansion [?] by their friends. This is the first marriage of a white couple recorded at Whoop-Up. Such is the progress of civilization.”5 Joseph McFarlane was a rancher/farmer and former member of the North West Mounted Police (nwmp), and he was also credited with introducing another symbol of domesticity to southern Alberta—the first dairy cattle (“a source of wonderment to the men from the neighbouring ranches”).6 Marcella Sheran, known during her lifetime and since as “the first white woman married in the far west,” was from New York, having arrived in the Lethbridge area a year before her wedding to keep house for her brother Nicholas, who was the owner of the first commercial coal mine in Alberta.”7 (There will be more on the Sherans later in this book, as the settlement of the estate of Nicholas Sheran resulted in an important decision regarding marriage, inheritance rights and the legitimacy of children in the west.)
In the years following the watershed 1877 nuptials, weddings of Anglo-Celtic couples were given extensive newspaper coverage. “Wedding Bells” were presented as vital indicators of the end of a free, undomesticated, and masculine era, and the establishment of a new regime in which white women and the families they raised were to serve as agents of civilization. There is a well-established tradition in prairie folklore of the fierce competition for the first white women to arrive in the west during the late nineteenth-century era of marriage “fever” or “contagion.” Pharmacist John Higginbotham wrote that during the early 1880s in southern Alberta, “I could not count more than four unmarried white women between High River and the international boundary. Every arriving stage was eagerly scanned, sometimes from the housetops, with field glasses, for the sight of parasols, the brighter the better; then the news went quickly round, and a goodly line-up of the male sex watched, with consuming interest, the passengers leaving the coach.” In March of 1887 it was reported in the Lethbridge News that “the marriage fever is rapidly becoming epidemic. Symptoms of it have broken out in several other quarters.”

There was more than a hint of nostalgia in the coverage given to the end of the undomesticated era; one-by-one “bachelors” or “old timers” “gave up their liberty,” “jumped the broom stick,” or finally “went over to the benedict’s.”

Marriage “fever” was encouraged by the political, legal, and religious leaders of late-nineteenth-century Canada who saw the perpetuation of a particular marriage model as vital to the future stability and prosperity of the new region. There was a determination to impose monogamy, the lifelong unity of one man and one woman until death, and preferably intra-racial monogamy, throughout the territory. The Christian religion and English common law imprinted on this model of marriage the expectation that the wife would be the dependent of the husband, who was the head of family and sole economic provider. Legal historian Constance Backhouse has described the form of marriage that was grounded in

> A conventional pose of married couples in the second half of the nineteenth century. When there are two people but only one chair, the person with higher rank sits. The bride stands, her hand on her husband’s shoulder, demonstrating her submissiveness, obedience and devotion. George Houk and Mrs. Houk, who was Kainai, (name unavailable) at Lethbridge Alberta, n.d. (GAA NA–2968–1)
Creating, Challenging, Imposing, and Defending the Marriage "Fortress"
English common law as “very rigid, overbearing [and] patriarchal.” Husbands were expected to wield all the power, and wives were legally denied any semblance of independence or autonomy. Under the “doctrine of marital unity,” the very existence of the wife was legally absorbed by her husband. Husbands had such power over their wives under this model of marriage that they were permitted to “chastise” their wives, and a wife so abused was entitled to leave her husband only if “the chastisement...[was] such as to put her life in jeopardy.”

The doctrine of marital unity also functioned to determine the citizenship of married women. A woman marrying a British subject automatically acquired British subject status (Canada did not have its own citizenship until 1947). Immigrant women who married Canadian (British) citizens automatically became British subjects, even though they may not have lived in Canada, while Canadian-born women lost their citizenship if they married foreign nationals. Immigrant women arriving as wives were automatically naturalized with their husbands until 1932.

Married women in Western Canada shared all the features of married life with women in the rest of the country, but there were unique circumstances in the region that penalized them in particular. Under English law, dower rights provided a widow with a life interest in one-third of her husband’s land at the time of his death. This meant that if a husband proposed to sell or mortgage the land he had to acquire his wife’s signature on a waiver of her interest, known as a “bar” of dower. This form of dower had been received in Canada from England, but married women’s dower rights were abolished in Western Canada in 1886. A husband could sell the family home, or mortgage the property, or die, leaving his wife with nothing. In the event of the death of a husband, a widow had no protection against the loss of her home, which in the case of farm women meant the loss of livelihood. A husband had the absolute right to dispose of all or part of “his” property in whatever way he wished, even after death by will. If a husband died without a will a widow could ask for a portion of her husband’s property. Combined with the homestead policy that virtually excluded women unless they were heads of families (to be discussed below), the legal regime ensured that property,
land, and “therefore wealth, was to be overwhelmingly owned and controlled by men, thus reinforcing a traditional patriarchal social order that dictated a dependent womanhood.”

Attached to the idealized monogamous model of marriage were ideas about sexuality and morality, particularly the restriction of sexual intimacy to one man and one woman who were married for life. Women who “lost their virtue” before marriage were regarded as “utterly destitute of moral principle.” As one Member of Parliament stated in 1897, any unmarried woman who succumbed to a man became a social outcast. A marriage according to this model was virtually indissoluble. Divorce was rare, as it was troublesome and expensive. In her 1921 book, *Legal Status of Women of Alberta*, Henrietta Muir Edwards estimated that the cost of a divorce was about two thousand dollars. Divorce was particularly difficult to obtain in Canada compared to the United States. Western Canadians (although not in British Columbia, which exercised its own jurisdiction in divorce) had to apply to Parliament for a divorce, and every divorce was granted by a special act of Parliament on each petition. Applicants had to pay the sum of two hundred dollars to the Senate clerk before the petition would be considered. The process required the assistance of a lawyer to advise and prepare the petition, which naturally involved additional fees. The power to grant divorces rested entirely with Parliament and the merits of cases were debated, often even by the prime minister himself, as well as key ministers including the minister of justice. Witnesses were examined before the Senate’s Standing Committee on Divorce. It was a very public and often embarrassing procedure, as the names of couples seeking divorces were published for three months in the official *Canada Gazette*, as well as in two newspapers located where the applicants resided. Newspapers reported on the debates about many divorce cases. A husband could obtain a divorce if his wife was proven to have committed adultery; a wife could not divorce a husband found guilty of adultery alone—this had to be combined with desertion, extreme cruelty, or other crimes (sodomy and bestiality). As explained in the British House of Lords by the Lord Chancellor, Lord Cranworth, speaking on the Divorce Bill in 1857, “A wife might, without any loss of caste, and
possibly with reference to the interests of her children, or even of her husband, condone an act of adultery on the part of the husband; but a husband could not possibly condone a similar act on the part of the wife...the adultery of the wife might be the means of palming spurious off-spring upon the husband, while the adultery of the husband could have no such effect with regard to the wife.” It was not until 1925 that women in Canada could obtain a divorce on the same grounds as men.

Divorces obtained in the United States were not considered legal in Canada (unless the applicants were bona fide US residents or citizens). As the Anglican Lord Bishop of Ontario stated in 1889, “I think the Canadian law is the best in the world, because it makes it so difficult to get a divorce.” A social stigma was attached to those who managed to obtain a divorce, particularly divorced women. Divorcing women generally had no property and little capacity to make a living independently. They also risked losing custody of their children. All of these factors secured the ascendancy of marriage as a permanent, indissoluble bond, for better or worse. As a nineteenth-century advice book advised, marriage “resembles a pair of shears, so joined that they cannot be separated, often moving in opposite directions, yet always punishing any one who comes between them.”

In the late nineteenth century, this model of marriage was idealized in the popular press, in the pulpit, and in the courts. It was allegedly founded on free consent, personal preference, and on romantic love. It was the path to the greatest joy and contentment for both men and women. “The sublimest moment in a young man’s life,” according to an advice book, “is when he can take his newly-wed wife by the hand and lead her under his own roof and say to her, ‘This is our home.’ Married life, with the comfort of children, weaves threads of golden joy into the cares and toils of life.” Marriages of eminent persons were given wide coverage in the press, as was the great influence of dedicated wives on notable politicians, clergymen, artists, musicians, authors, and prosperous businessmen. Wives furthered their husbands’ work with absolutely selfless devotion, sympathy, guidance, and wise counsel. This model of marriage functioned best if wives were obedient and submissive. There was great consternation in many circles in Canada in 1883 when the
Methodist Conference eliminated the word “obey” from their marriage service. As declared in the Anglican Church journal *Canadian Churchman*, this was “pandering to the least worthy of all classes of women...What sort of wives those are, or are likely to make, who decline to ‘obey’ their husbands as God bids them most emphatically in His Word, we decline to describe, they are not worthy of the sacred name of ‘wife.’”

The most effective work of the ideal wife and daughter, according to the *Canadian Churchman*, “depends upon her comparative inconspicuousness—her quiet, unobtrusive, modest, retiring work...Not to seek publicity, not to court prominence, not to put themselves forward, not to usurp masculine power and influence, not to displace other and stronger workers.”

This model of marriage was also presented as the key to the liberty, happiness, and power that Christian, European, and North American white women allegedly enjoyed. In *Marriage and Home, or Proposal and Espousal: A Christian Treatise on the Most Sacred Relations to Mortals Known: Love, Marriage, Home etc.*, the anonymous clergyman author provided his understanding of marriage among the Chinese, Siberians, North American Indians, and others to show how women were cherished and elevated through marriage according to the Christian religion and English common law. The married woman in these cultures was invariably depicted as little better than a slave or as chattel. There was no love and no consent in these marriages. After lives of hard, degrading labour they were neglected and discarded, reaching the lowest depths of degradation as widows.

Articles detailing the horrors of Chinese, East Indian, and African marriages were a regular feature of missionary publications. “Buying a Wife in Africa,” was the title of one such article in Canada’s *Presbyterian Record* of May 1910. Two gallons of palm wine, thirty large brass bracelets, and twenty long spears was the price of a bride. Marriage in the “East” was invariably presented as “devoid of the romance and sentiment by which it is marked in the west. There is none of the refined feeling, the prolonged and delicate courtship, the romantic glamour.” Depictions of “foreign” marriage in which women were regarded as slaves were understood to be in marked contrast to the exalted position that the married woman enjoyed in the Christian and English common law.
monogamous model of marriage. “Monogamy has done more for the elevation of the female than any other custom of civilization,” readers of the 1896 Ladies Book of Useful Information were told. “Women’s highest sphere is not in the harem or zenana, but in that dignified state in which she is the sole connubial companion of but one man.” Monogamy was also in keeping with the natural world, as “The female bird chirps but for her single mate, and she is pugnaciously monogamic, as well as virtuous.”

The emerging field of anthropology endorsed monogamy as the highest form of marriage enjoyed by the most “civilized” peoples of the world. In his 1877 book entitled Ancient Society, Lewis Henry Morgan, a New York lawyer who had personally visited several Aboriginal nations of North America, concluded that there were three broad stages of human development: savagery, barbarism, and civilization. Domestic life in the first two stages was characterized by promiscuity, no sexual prohibitions, loose or polygamous marriages, and communal property systems. Civilization, however, was characterized by strictly monogamous families, and private ownership of property. As historian John D. Pulsipher has written, “[Morgan] placed the monogamous family at the heart of the success story.” Morgan’s views were very influential; his book became one of the founding texts of the discipline of anthropology, and his theories were the basis for the American policy of the allotment of reservations. These same ideas had an impact on Canadian Indian policy.

Architects of the Canadian nation were determined that the monogamous model of marriage would prevail in the new region of Western Canada. As Nancy Cott argues about the United States in Public Vows: A History of Marriage and the Nation, marriage, and control of marriage, is of fundamental concern to a nation as it “designs the architecture of private life,” and “facilitates a government’s grasp on the populace.”

Marriage, Cott writes, “is the vehicle through which the apparatus of the state can shape the gender order.” Yet as the reaction to the removal of the word “obey” from the Methodist service indicates, there was
widespread fear in late-nineteenth-century Canada that the cherished model of marriage, the foundation of the nation and architect of private life, was under siege. The great “Marriage Question” of the day that illuminated some of the anxieties was the propriety of a man marrying his deceased wife’s sister, or a deceased brother’s wife, or a deceased wife’s sister’s daughter. To permit these marriages was regarded by many as a “sweeping revolution in the social and marriage customs of the land.” There was a lengthy debate in the Senate in 1879 on the question of marriage between a man and his deceased wife’s sister. Those opposed argued that tens of thousands of people would be shocked if such a bill passed, that the sister of the wife was equally the sister of the husband because “they twain have become one flesh,” and that there would be temptations to “get rid of a wife who stands between the husband and the sister.” A sister of a deceased wife could not then remain under the roof of the widower to act as a housekeeper and surrogate mother; no woman of “modesty or delicacy of feeling” could do so. A dying wife would look on her sister with jealousy and suspicion.

Divorce was similarly a “frightful spectacle,” with social chaos the predicted result. “No home is assured to remain as permanent; no relationships are sacred; no affections are secure,” warned the Canadian Churchman. If marriage, an indissoluble sacrament, was to be “degraded to a mere matter of ‘leasing’ a partner, or assistant, or property, for an undefined length of time,” it would mean the “ruin of Christian homes.” But an almost greater evil was the remarriage of divorced persons. In 1902 the General Synod of the Anglican Church spent four long sessions discussing the marriage of divorced persons, despite the fact that divorces in Canada were very rare. Such marriages were “repugnant,” and few clergymen would remarry, under any circumstances, even the “innocent” party in a divorce.

A concern about the state of marriage pervaded Canada in the late nineteenth century. As historian James Snell has described in his article, “‘The White Life for Two’: The Defence of Marriage and Sexual Morality in Canada, 1890–1914,” there was widespread anxiety that monogamous marriage, the nuclear family, and the home, perceived as cornerstones of the social order, were disintegrating in the wake of industrialization,
rural depopulation, and urbanization. Canadian reformers and the clergy called for the state to take a stronger stand in defending and bolstering the nuclear family, and in punishing any deviations from the moral code and social order associated with the monogamous model of marriage. Waves of anxiety about the state of marriage and the family have since appeared with regularity in Canada. As Annalee Gölz has argued, the idea that the nuclear family is “threatened or in a state of crisis has often engendered the idea that the very foundation of the nation was under threat.” To Snell’s list of causes for anxiety about marriage we could also add concern about the erosion of male privilege and domination, as activist white women of the late nineteenth century in North America and Britain called for changes in matters of marriage and divorce, pointing out the inequities as well as the alternatives to marriage.

Snell’s reasons for anxiety about marriage—industrialization, urbanization, and rural depopulation—pertain more to Eastern Canada, and were not present in the same way in Western Canada where there were other challenges to the monogamous model of marriage. The west was a region undergoing intensive colonization in the late nineteenth century, yet this process remained an uncertain and, to some, a dubious enterprise. Potentially there were huge profits to be reaped from the land and resources, but it lacked stability, as was evident in the two “uprisings” of the Aboriginal residents. The establishment of immigrant families, the building block of the economy and society of the region, was a central component of the entire plan embodied in the national policies. In the late nineteenth century there were many areas where Aboriginal people continued to outnumber the immigrants. Here there were people with diverse marriage laws, practices, and ceremonies; all did not share the lifelong monogamous ideal of marriage between one man and one woman, and its predominance was not a foregone conclusion. There were also a variety of approaches to sexuality, divorce, domestic arrangements, and family formation. Among the diverse Aboriginal people of the west there were departures from the cherished monogamous model, although at the same time there were many who did conform. There were marriages of one man and several women, and there were
cases of same-sex marriages. Divorce was easily accessible for those who proved incompatible, with no social stigma attached, as was remarriage of divorced persons. (Aboriginal marriage and divorce law, and the critics of these laws, will be explored in chapter four.)

Aside from Aboriginal marriage, there were a host of other dissenters from the monogamous model. In urging us to rethink colonialism as a bourgeois project, Ann Laura Stoler has pointed out that “the regulatory mechanisms of the colonial state were directed not only at the colonized, but as forcefully at ‘internal enemies’ within the heterogeneous population that comprised the category of Europeans themselves.”

Dissenters included those white men who married Aboriginal women, transgressing the monogamous and preferably intra-racial ordering of sexuality in the new west. This remained relatively common into the 1870s and early 1880s, and these unions reflected more of the marriage and divorce laws of Aboriginal societies. Transgressors included prominent members of the 

transgressors included prominent members of the NWMP, missionaries, and government officials working on reserves. In Western Canada, Aboriginal-newcomer relations rested on an extensive yet varied foundation of intermarriage and kinship ties that first began with the earliest European explorers and fur traders.

These unions functioned and ended in many different ways; the term “custom of the country” (or marriage en façon du pays) implies, historian Jennifer Brown writes, “a misleading degree of uniformity and consensus.” Some were serious lifelong unions of mutual affection, while others were temporary. Some were lengthy but nonetheless temporary, as was the case with fur trader William Connolly, who met his Cree wife Suzanne at Rat River (Manitoba) in 1803. They lived together for twenty-nine years and had six children. Connolly moved with Suzanne and family to Montreal in 1831, but he abandoned them the following year to marry his second cousin, Julia Woolrich. Other fur traders clearly never viewed their relationships as “marriage,” although this might not have been the perception of an Aboriginal wife and her extended family. However, we have few sources that shed light on the perceptions of the Aboriginal wives in these relationships. Unions were ended with ease, but this was compatible with Aboriginal definitions of marriage as a relationship that was not necessarily for life. Separation
and divorce was quite legal under Cree and Ojibway law, just as it was in many other Aboriginal cultures. Some European fur traders wholeheartedly adopted the diversity of Aboriginal marriage law and had a series of wives, or several at the same time. Many fur traders left a wife behind in England or Scotland and at the same time had a wife in the west. Some had several wives in the west. As historian Sylvia Van Kirk found, many notable chief factors of the Hudson’s Bay Company (hbc) in the eighteenth century had more than one wife. While governor at Fort Prince of Wales, Moses Norton allegedly had six wives.\(^48\) Later, when European fur traders tended to marry daughters of mixed ancestry, polygamy was still practiced, although it was not the norm. Two daughters of trader and explorer Matthew Cocking apparently saw nothing amiss in sharing a husband, Chief Factor W. H. Cook.\(^49\) But attitudes in fur trade country began to swing toward the direction of the monogamous model rather than polygamy or serial monogamy. Jane Renton, the wife of Albany hbc officer Thomas Vincent, was deeply wounded when her husband took a second wife in 1817, and she left Vincent, returning to her relatives.\(^50\)

Until the early nineteenth century, and well beyond in many instances, these marriages were without “benefit of clergy.” There were virtually no missionaries until that time, and even after that they were very few in number, and they tended to congregate around major settlements such as Red River. The earlier “country” marriages observed Aboriginal ceremony and protocol, but over time there was a gradual move toward European concepts of marriage. A simple exchange of vows in front of witnesses, usually the officer of the post, sufficed in most cases. Marriages were generally celebrated with a dram to all hands, a dance, and a supper. When Charlet Turner married James Harper at Martins Fall in 1841, the bride’s father performed the ceremony and left this record of the event: “James [H]arper I this day consent to be your father in law and by the blessings of the ald mite [sic] god join you to my beloved Daughter Charlet Turner hoping that you will consider your self well married to her as if you were joined by a minister.”\(^51\) After 1821 the hbc introduced a marriage contract that emphasized the husband’s economic responsibilities. In the presence of the chief factor and other witnesses, a couple
affixed their signatures or marks to a declaration that provided documentation that the woman had the status of legal wife. Many chief factors were also justices of the peace empowered to perform marriages through a law passed in 1836 in both Canada and England.52 When Magnus Harper married Peggy La Pierre in 1830 at Oxford House, he promised that “I by this document do hereby bind & promise to cherish and support the said Peggy La Pierre as my lawful married Wife, during the term of her natural life.”53

Very prominent men in the making of Western Canada had married “without benefit of clergy,” and some of them (and their wives) had divorced by mutual consent according to the customs of the country. Donald Smith, later Lord Strathcona, was married to Isabella (Bella) Hardisty in 1859 at North West River, Newfoundland, the headquarters of the HBC’s Esquimaux Bay District. As a Justice of the Peace, Donald Smith was the most appropriate person in the district to conduct weddings, and he performed his own ceremony.54 The law in Newfoundland allowed couples to be married without clergy if none were available, but there was nothing in the colony’s legislation that permitted the option of performing your own ceremony. Another feature of this marriage, not an unusual occurrence in “fur trade country,” was that the bride and groom had lived together before their wedding, and they had a daughter, Margaret Charlotte, in 1854. The bride, also known as Mrs. Grant, was already married, and although she had left her husband, she had a son from the earlier union. Her father had performed that ceremony in 1851. Smith was concerned about Bella’s previous marriage and sought advice from Governor George Simpson. Simpson comforted his friend by writing that “her connexion with Grant was not in form, or any respect, a marriage; it was merely such a union as the peculiar circumstances of the Indian country in former days admitted.”55 Simpson argued that as Newfoundland was not within HBC territory, Hardisty [the bride’s father] had no authority to perform the ceremony within the colony of Newfoundland, and that “such an informal proceeding ought to have been legalised by the parties availing themselves of the first opportunity that offered of having the ceremony repeated by a clergymen. So
far from taking that step however, they separated by mutual consent, which was quite sufficient to annul any ties that existed between them as man and wife.” The circumstances of the marriage of Donald Smith and Mrs. Grant was the subject of gossip for years, particularly as the couple moved in elite social circles in Canada and Great Britain (although Lady Strathcona was disparagingly referred to as a “squaw” behind her back). For public consumption, and for publications such as the peerage guides, Smith dated his marriage to 1853, legitimising his daughter. To stop “chins wagging” and to ensure the validity of the marriage and the legitimacy of his daughter, they went through a private marriage ceremony in New York in 1896 on their forty-third wedding anniversary when the bride was seventy and the groom seventy-five years of age.

With the arrival of missionaries a clause was added to many of the fur-trade-era marriage contracts indicating that the sanction of the church would be sought by the couple at the earliest possible opportunity. But the more informal marriage custom continued, and there were many in the fur trade world who did not believe that marriage through the clergy was any more valid than the seemingly more informal vows they’d already exchanged. A young HBC clerk who was admonished by a missionary for his marriage by a chief factor provided a learned defence of his marriage saying that “a long tradition of European marriage law... acknowledged that marriage was essentially a civil contract; the religious ceremony was merely a desirable but unnecessary social convention.”

While there were couples who had their “country” marriages solemnized by clergy, sometimes after decades of marriage, others refused to do so. Marriages by consent continued well into the nineteenth century for a variety of reasons. The clergy, for example, refused to marry individuals who were divorced, separated from, or deserted by their spouses. In his memoirs, English-speaking Métis George W. Sanderson (born on Hudson Bay in 1846) described how he performed a marriage for a Mr. Spence and his (second) bride when the minister refused to do so.

< Isabella Smith, 1878. The former Isabella Hardisty, born in 1825 in the Rupert River District east of James Bay, was already married to James Grant “according to the custom of the country” and had a son when she took up residence with Donald B. Smith (later Lord Strathcona). A daughter was born to Isabella and Donald in 1854, before their wedding vows were exchanged in a ceremony performed by the groom in 1859. (Notman Photographic Archives, McCord Museum, Montreal, ii–4927.1)
Spence’s first wife had left the marriage and departed for the United States while he remained in Manitoba, where he’d been alone for some years before deciding to marry again. When Sanderson learned of the minister’s refusal he said to Spence, “By God, Nechiva [brother], I won’t see you stuck, if the minister won’t read the church service to you, I will, go and bring your girl friend, and a couple of her friends and I will marry you.” Sanderson performed the ceremony, and when the minister found out he demanded to be allowed to remarry the couple. However, this time Spence refused, saying, according to Sanderson, “I asked you once and you would not do it. I consider myself as much married, as if you had performed the ceremony, go your way, I would not love my wife any better if you had married us again, and this is a love match.”

The diversity of marriages in western Canada is illustrated in this painting by Swiss artist Peter Rindisbacher who sketched and painted the Red River settlement in the early 1820s. Rindisbacher’s caption was “A Half Breed and His Two Wives.” (LAC C-046498)
couple had no children, Sanderson wrote, which he noted was “just as well, perhaps I would have had to baptize them.”

The result of the generations of marriages and families at the Red River Settlement was a population that was overwhelmingly of mixed European and Aboriginal ancestry in the 1860s when Manitoba joined Confederation. Families could be large. One example was Red River resident John F. Grant, born at Fort Edmonton in 1831, although raised by his relatives in Trois-Rivières following the death of his mother (née Marie Ann Breland). He returned to the west at the age of sixteen and before his death in 1907 he had seven wives and at least twenty-one children. His earlier wives were from various Aboriginal nations and his last two were Métis. While living in Montana in the mid-nineteenth century he simultaneously had three or more wives, including (allegedly) “a wife from each surrounding tribe of Indians, and when a war party was sighted, care was taken to ascertain which tribe was to be entertained, and the other three women and their kids were secreted until danger was averted.” Grant brought his large family of children, which also included adopted Aboriginal and African-American orphans, to Red River in 1867 following the death of his wife Quarra in Montana.

Mr. A.K. Isbister, an English Métis, wrote in 1861 that at Red River the half castes or mixed race, not only far outnumber all the other races in the colony put together, but engross nearly all the more important and intellectual offices—furnishing from their number the sheriff, medical officer, the post master, all the teachers but one, a fair proportion of the magistrates and one of the electors and proprietors of the only newspaper in the Hudson’s Bay territories... The single fact that every married woman and mother of a family throughout the whole extent of the Hudson’s Bay territories, from the ladies of the governors of British Columbia and of the Red River Settlement downwards, is (with the exception of the small Scotch community at Red River, and a few missionaries’ wives) of this class, and, with her children, the heir to all the wealth of the country.
The proliferation of single white men in the Canadian West in the later decades of the nineteenth century constituted a challenge to the ideal of monogamous marriage, and of family farms as the cornerstones of the new society. Non-Aboriginal Western Canada was overwhelmingly male in the “pioneer” era. There were twice as many males as females listed in the 1891 census for the district of Assiniboia West. Males between the ages of twenty and seventy-four comprised about 65 per cent of the population. Most of these men were unmarried; only 31 per cent of the population of this district were married. Unmarried male settlers were generally young, averaging twenty-nine years at the time of their homestead entry. “Bachelor” homesteaders were perceived to be living in squalor and loneliness, and there was concern about their tendency to become shiftless drifters given to drinking, card playing, engaging the services of prostitutes, and other censured practices associated with rudderless ruffians. The mainly homosocial world of the NWMP was subject to similar criticism—that they drank, brawled, frequented brothels, and suffered from venereal disease. The marriages and more fleeting relationships of these men with Aboriginal women, and the fate of the children of these relationships, increasingly attracted attention and censure by the early 1880s. Missionaries were the most vocal critics of the conduct of the traders, police, Indian agents, and other white males who lived with Aboriginal women, and often a series of women, without being “lawfully married” to them, before deserting them and their children. (This issue too will be dealt with in greater detail in chapters to follow.)

While single non-Aboriginal women were comparatively few in number relative to non-Aboriginal men in Western Canada until well after the turn of the century, there were a number of them who similarly explored alternatives to marriage. Single women immigrants were welcomed and assisted only as domestic labourers, and the other most sizeable group of single women were teachers. But single, sometimes widowed or otherwise, solo women found business opportunities to exploit. In the towns of Fort Macleod and Lethbridge and nearby vicinities in the 1880s and 1890s, solo women were proprietors of hotels, boarding houses, restaurants (such as the Canadian Pacific Railway dining hall),
stores, bakeries, ice cream refreshment parlours, and dressmaking and millinery establishments. Some ran their own businesses teaching music, elocution, dancing, and painting. They worked as post-mistresses, bookkeepers, midwives, matrons of establishments such as the “Indian Girls’ Home” on the Kainai (Blood) Reserve, and as nurses at the Macleod hospital. In 1890, for example, Miss Mary Glendining of Forrest, Ontario, established a successful “Fancy Goods” and millinery business in Lethbridge before her untimely death in 1895. She was “known as a business woman of the strictest integrity, and gained the respect and esteem of her customers,” according to her obituary, but it was also stressed that she retained expected feminine traits, as she was “quiet and unassuming, diligent in good works.”

In 1900, two “Misses McLeay” built a two-storey brick block in downtown Lethbridge for their “fancy goods” store. Mrs. Anne Saunders, an African-Canadian woman on her own who was originally from Nova Scotia, was the proprietor of a number of businesses in Fort Macleod and Pincher Creek, including a restaurant, a laundry, and a boarding house for rural children attending school in Pincher Creek. There were also a large number of brothels in Western Canada where single women were employed, and there were other single women who similarly challenged the conventions of their time, living on the fringes of “respectable” society. Mrs. Caroline Fulham, for example, originally from Ireland, made her living on her own, raising pigs and collecting garbage from Calgary’s hotels and restaurants. She often drank alcohol and when intoxicated was known to sing Irish songs from her “throne” on top of her democrat.

Many of the single, “respectable” teachers, businesswomen, and visitors were married before long, but there were other single women in Western Canada who rejected marriage and were determined to remain single. By the turn of the century in North America and Europe, many single women welcomed being single and actively sought to remain that way; they saw advantages to this status and began to develop a pride in it. These included women such as Saskatchewan farmer Georgina Binnie-Clark, a journalist from England who purchased her land in 1905, and was important to the homesteads-for-women campaign in the early twentieth century. Binnie-Clark and other contributors to the journal
The Imperial Colonist (the official publication of the British Women’s Emigration Association and South African Colonization Society) presented readers with alternatives to marriage and domestic service for single women. Successful, smart, and plucky solo female farmers were described as owners of grain, poultry, and dairy farms throughout the colonies. This was dangerous and difficult terrain, as negative images of “spinsterhood” abounded in the late nineteenth century. Women were told that they “should consider that a true, pure love is the greatest earthly blessing that the Creator has to bestow on her sex.”

Western Canada may also have been seen as a potential haven for escapees from unhappy marriages, and as a place where they might try matrimony again, although not legally divorced, and still avoid charges of bigamy. In 1889 it was discovered that a Pincher Creek man, originally from Montana, misrepresented himself as a bachelor when, at age thirty-eight, he was married to a girl of sixteen. When confronted with the evidence of his first marriage, a certificate from Oregon acquired through enquiries made by Father Albert Lacombe, the man took wife number two and escaped across the border to Montana to avoid charges of bigamy. In 1891 a woman from Ireland arrived in Lethbridge to find the husband who had deserted her and their two children eight years earlier. Her arrival caused a sensation in that town as her husband and wife number two were well known in the community. It was reported that she promised to leave Lethbridge if he agreed to provide for her and their children.

The proximity of the border with the United States permitted a range of options and, sometimes, methods of escape from marital and parental obligations. As historian Catherine Cavanaugh found, “Husbands deserting to the United States was apparently so common that in 1922 the UFA [United Farmers of Alberta] government considered extradition as means of forcing their return but no action was taken.” Husbands from elsewhere commonly disappeared into Western Canada. In 1908, very anxious to hear from her husband, one Mrs. Anton Johnson wrote from Minneapolis to the Moose Jaw Times as the last letter she had received from him was mailed from Moose Jaw. In 1886 the wife of a Mountie stationed at Regina (Trooper Callendar) placed her three children in the
care of family in Balgonie and left for St. Paul, Minnesota, where it was alleged she lived with a former member of the force named Alexander.  

In 1890 a Montana man, T. Eglington, borrowed horses from outlaw Dutch Henry and headed north to Canada with his wife’s sister, but the NWMP were notified to be on the lookout and they located the couple camped on Milk River. Escape from obligations, responsibilities, and the law was not easy, even on the “frontier.”

The spouses of convicted bigamists were not able to remarry without expensive and protracted divorce proceedings. In 1917 a Toronto woman wrote to the minister of justice to enquire about “what steps I should take to secure my freedom.” Three years earlier her husband was placed in Stony Mountain Penitentiary in Manitoba for bigamy. She had no means of supporting herself and her child and she wanted to remarry. The deputy minister of justice informed her that her case would justify Parliamentary proceedings for the granting of a divorce, and that “there are no other means by which you can be made free.”

Many newcomers to Western Canada brought marriage laws and customs that departed from the monogamous model. Among the newcomers it was the followers of the Church of Jesus Christ of Latter Day Saints (LDS), or the Mormons, who constituted the most serious threat to the cherished model of marriage and thereby caused the greatest consternation. They believed they were mandated to engage in plural or “spiritual” marriage; this was essential to attaining the highest level of eternal salvation. They claimed to be following the practice of the Old Testament prophets in order to be compliant with God’s law. Utah Mormon leader Brigham Young told his followers that monogamists would receive a lesser eternal reward in heaven, and certainly could not attain exaltation. To attain the pinnacle of glory in the next world men needed to marry at least three wives. Women, however, had only one husband that they might share among several wives. Plural marriages were to be between consenting individuals, and a first wife’s permission was supposed to be sought before her husband married other wives. Divorces were permitted on a variety of grounds and an individual was free to remarry after divorce. Women were more readily granted divorces than men. A judge could grant a divorce if it was clear that the parties
could not live together in peace and harmony, and if he decided that their welfare required a separation.\textsuperscript{86} Territorial laws in Utah, through the numerical dominance of Mormons, had initially permitted the Saints sufficient autonomy to develop and practice plural marriage, but the US government launched an aggressive campaign by the late nineteenth century to prohibit their practices of marriage and divorce, which were viewed by authorities as “two sides of the same corrupt coin.”\textsuperscript{87}

By the mid-1880s there was a wave of anti-polygamy sentiment in the United States directed at the Mormons from clergy, politicians, newspaper editors, novelists, and temperance activists. Polygamy was criticized as a form of slavery for women; it represented tyranny in a land of liberty. Mormon women, it was argued, deserved the same vigorous action that had defeated slavery.\textsuperscript{88} The Edmunds Act, passed by Congress in 1882, disenfranchised all who either practiced or believed in polygamy. A subsequent 1887 act took away the right to vote from Mormon women—a right granted to them in Utah Territory in 1870. Heavy fines and terms of imprisonment were given to those convicted of polygamous cohabitation. The children of polygamous marriages were declared illegitimate, no fewer than 1,300 Mormons were sent to jail, and the church was dissolved as a corporate entity.\textsuperscript{89} As a result of these measures and, according to one historian, because of the damage to the operation of the free market in Utah, the president of the Mormon Church announced in 1887 that they would end the practice of polygamy. New plural marriages continued to be contracted, but the secrecy surrounding these ceremonies makes it unclear to what extent this was the case.\textsuperscript{90} Anti-Mormon and anti-polygamy stories with titles such as “Utah Harems” were published in Canadian newspapers in the 1880s, paving the way for the often hysterical response to Mormon immigration to Canada.\textsuperscript{91}

Fleeing anti-polygamy laws, Mormons from Utah under the leadership of Charles Ora Card, founder of the town of Cardston, first began to settle in southern Alberta in 1887. An important community and church leader, Card was married four times, although he was divorced from his first wife. In 1886 Card was arrested in the United States for practicing polygamy, but he escaped custody and, with a small party of colonizers that included his third wife, Zina (daughter of Brigham Young), decided
to move north to Alberta. They chose land near the Kainai (Blood) Reserve for economic reasons, but also because the Saints intended to pursue missionary work among them. Three Mormon leaders including Card travelled to Ottawa in 1888 and met with Prime Minister John A. Macdonald. Macdonald asked the delegation to provide him with a letter outlining their requests. They wrote that they were “being subjected to sore persecution [in the United States]...for fulfilling their sacred obligations to their wives they have long since married in good faith for time and eternity.” They asked permission to bring their wives, including their plural wives, “and not be compelled to cast them off and subject them to the charities of a cold world, thus breaking faith with their tender and devoted wives.” The letter continued: “If from the dire
sufferings of such people they can find an asylum in the Dominion of Canada, they will bring with them their wealth, their experience, their young men, and their young women who have never entered into plural marriage.” The Mormon request for polygamy was not considered in Parliament. The delegation received their answer the next day from the minister of customs: they were welcome in Canada but they would not be allowed to practice polygamy. Macdonald later claimed in the House of Commons, when anti-polygamy legislation was being debated, that he had informed them that they could not bring their plural wives, and that they would be prosecuted and punished with the utmost rigour of the law if they continued to practice polygamy. According to Macdonald, “Her Majesty has a good many British subjects who are Mohammedans, and if they came here we would be obliged to receive them; but whether they are Mohammedans or Mormons, when they come here they must obey the laws of Canada.”

Many fears and anxieties emerged as the Mormons arrived in Canada. Polygamy was perceived as a major threat to the fabric of the new nation. Distinguished Liberal parliamentarian Edward Blake said in the House of Commons in 1890 that polygamy was “a serious moral and national ulcer.” Blake read a letter in the House from a friend of his in Utah in which it was claimed that the Mormons who had gone to Canada had not taken their wives with them but provided themselves with “fresh young wives.” He also read from Brigham Young’s will, which said that simple consent to live with him constituted marriage. “This is very bad seed grain,” said another Member of Parliament in 1889, “and we do not want to see any corner of the North-West poisoned by it.” Another stated that he was afraid that “if they get a settlement in the North-West, they will continue secretly to practice those abominations which they are guilty of in other parts of the world.”

There were concerns that the Mormons would proselytise, dragging young non-Mormon girls into lives of degradation. In Winnipeg-based Methodist missionary James S. Woodsworth’s 1909 book, Strangers Within Our Gates: Coming Canadians, a map of North America depicted the “Octopus of Mormonism,” with the head in Utah and tentacles reaching in all directions; one stretched across the border into southern Alberta. Readers were warned that
Mormon leaders had hoped as recently as 1880 to have Utah admitted into the Union as a polygamous State, and conspired to have their principles spread throughout the United States. Even worse, the followers of this church were alleged to be completely obedient, acknowledging the absolute authority of their leaders. It was noted that Mormon leader Joseph Smith addressed a 1903 convention at Cardston. There he “told with pride how by his six wives he had forty-eight children, and exhorted his followers to increase and multiply and replenish the earth. His programme was that they were the first to occupy the eastern slope of the Rockies—and their colonies now extend from Mexico to Canada—and they were to inherit the whole of the North American Continent.”

Woodsworth wrote that Mormons believed that God and Jesus were polygamists, and that polygamy was “sacred and fundamental” to their beliefs. He believed that the “practice of polygamy will subvert our most cherished institutions,” and concluded his section on the Mormons by asking this question: “Can we as Canadians remain inactive while this ‘politico-ecclesiastical’ system is fastening itself upon our Western territory?”

There were also fears that Canadian men might be tempted to join up, and these fears seemed to be realized in 1888 when Anthony Maitland Stenhouse, a member of British Columbia’s Legislative Assembly, tendered his resignation, renounced his own faith, and joined the Mormons in southern Alberta. He vigorously defended polygamy in the press (although he himself remained unmarried), arguing that polygamy was a “triumphant success...[that] secures a husband for every woman that wants one...Under a well ordered system of plural families, marriage would no longer be a lottery where ladies draw a blank, a fool or a husband, according to luck...and thus the law of natural selection, now so grossly outraged, would find its due accomplishment in the survival and perpetuation of the fittest family and the fittest race.” Stenhouse argued that women had greater freedom than they enjoyed under monogamy, which was “invented for the oppression of women. Some thought polygamy the likeliest instrument of oppression. The more knowing ones, and among them our ancestors, discovered that monogamy was best adapted to their brutal purpose...If then, monogamy trammels a woman...
how are we to enlarge her scope?...In allowing the option of plural marriage under a modern covenant.” Stenhouse declared that as a “free born Briton,” he claimed “equal rights with the Indian, Mohammedan, and other subjects of her Majesty,” and intended not to be deterred from seeking “higher honours in matrimony.” There were rumours that the minister of customs was so impressed during his official tour of Mormon settlements that he, like Stenhouse, intended to convert.

Mormonism was also suspicious because it was considered a potentially “treasonable” organization that encouraged followers to obey their church before the state. It was declared in the Edmonton Bulletin of 8 October 1887 that Mormons “are an utter abomination which no effort should be spared to rid the nation of,” and that “no country, much less a young and sparsely peopled country, can afford to allow treason to flourish and social abominations to spread merely because the iniquities are performed under the name of religion.”

Complicating images of subjugated and submissive Mormon wives were women such as Zina Card, a former college teacher, acclaimed public speaker, and advocate of women’s suffrage and rights. Utah sanctioned women’s suffrage in 1870, making it only the second territory in the west to do so. LDS officials who sought to counter accusations that Mormon women were downtrodden slaves of the male hierarchy supported this action, but Mormon women themselves actively sought the vote. The Woman’s Exponent was a forum for the political and social views of Mormon women, and the paper advocated both women’s rights and plural marriage. Zina Card was an unwavering supporter of plural marriage. Her father Brigham Young had some fifty wives (although he was divorced and separated from several), and at least fifty-seven children. She described her childhood with deep affection: “How joyous were our lives. There were so many girls of nearly the same age, and everything was so nice... No scene is more vivid in my mind than the gathering of our mothers with their families around them [for evening prayers], our loved and honoured father sitting by the round table in the center of the room...
His presence was commanding and comforting, a peaceful control of his family that brought love and respect for him and each other.”\(^{109}\)

Zina Young Williams (then a widow with two young sons, having been the plural wife of a Thomas Williams, who died six years into their marriage) attended the National Women’s Suffrage meetings at Washington, D.C., in 1879. She also addressed the US Senate and House Judiciary Committee, presenting the case that polygamy “seemed far more holy and upright and just to womankind than any other order of marriage.”\(^{110}\) In 1884, at age thirty-four, she married Charles Ora Card, who already had two wives. Six months later he married a nineteen-year-old fourth wife. Zina became a plural wife, and then a mother, within the Mormon “underground,” hiding and fleeing persecution and arrest. It was jointly decided among the wives of Charles Card that Zina should accompany their husband to Canada, and there she became the undisputed female leader of Alberta’s Mormon colonies. She remained an outspoken proponent of polygamy and, in part because of the curiosity this attracted, she entertained a steady stream of visitors to their Cardston home.\(^{111}\) Zina Card toured the United States in 1898, visiting with dignitaries and talking about her life as a plural wife.\(^{112}\)

Colonel S.B. Steele of the \textsc{nwmp} was assigned to keep close surveillance on the Mormons, and he found that “the Mormon women-folk [were] the strongest supporters of polygamy.” Speaking specifically of “Aunt Zina,” as she was known in the community, Steele noted: “Brilliant lawyers and able financiers who were with me had all they could do to hold their own in arguments with the leading lady of the settlement.”\(^{113}\) Such visits began as early as 1888 when it was noted that a party including Senator Cochrane was entertained by Zina Card, who was described as “a very intelligent woman...said to be one of the 52 children of Brigham Young and is not opposed to polygamy.” She gave these visitors a Mormon bible, “[which members of Cochrane’s party] have since been studying assiduously, and if they do not become converts to the Mormon faith it will not be Mrs. Carr’s [sic] fault.”\(^{114}\) There are many accounts of the intelligence and warm hospitality of Zina Card. Lethbridge pharmacist John Higginbotham recalled her as “a woman of grace and charm [who] exercised a far-reaching influence on
the life of Southern Alberta.” One evening she spent hours in his library, discussing and debating many issues, “consulting many books of references until tables and chairs were covered with them. We debated many questions, drew our own conclusions and parted the best of friends. Later on I received, with her compliments, and autographed the Book of Mormon, also a copy of A Key to the Science of Theology.”

But not all Mormon women agreed with Zina Card, as plural marriage was for many of them a prison that they would escape given the chance. There were wives who suffered neglect, abandonment, abuse, and loneliness. They were afraid, however, to openly question or object to their conditions. As one plural wife wrote in her memoirs, “I had never dared to question the propriety of the principle or analyze its ethics... We were taught that it was Divine, that we should never say anything against it. If one did not approve the principle, it was the advice of the authorities of the Church that nothing be said about it.” A Utah-based “Ladies Anti-Polygamy Society,” formed in 1878 and made up of former plural wives and gentile supporters, condemned polygamy for violating the rights and the dignity of women. Their own print forum, the Anti-Polygamy Standard, blamed men for plural marriage, and swore to “fight to the death that system which so enslaves and degrades our sex, and which robs them of so much happiness.”

The Mormons had strong supporters in Canada, provided the Saints agreed to give up polygamy, as they were seen as experienced and industrious dry-land farmers. After all, the majority of Mormons lived in monogamous relationships; only between 10 and 20 per cent of Mormon marriages before 1890 in Utah were polygamous. In 1890 a correspondent with Regina’s The Leader wrote, “The Mormons have neither horns nor cloven feet. In short they are but ordinary mortals of extraordinary industry, enterprise, frugality and prosperity.” They were also sober, never spending a cent over the bar. The correspondent was told that they “respect our law because we are consistent in our monogamy as compared with the Americans who persecute them, whilst their easy divorce laws and prostitution point out their inconsistency. They say that the latter vice is unknown to Mormonism and claim that conjugal fidelity and domestic felicity are leading characteristics of their religion.”
Another supporter pointed out that “there are no half-breed children in their colony, nor in Utah,” and that “these Mormons are white people, industrious, thrifty and honest, so that if any class of settlers can make these long neglected plains blossom like the rose they are the men.”

While the Mormons constituted the most concerted challenge to the monogamous model of marriage, there were other dissenters among the newcomers to Western Canada. Over seven thousand Doukhobors, Russian pacifists from the Caucasus region, arrived in the North-West Territories in 1899. They believed in communal institutions, including communal landholding and farming, and they hoped to establish these customs in their new home. They had broken away from the Russian Orthodox religion during the seventeenth century and they rejected church organization, hierarchy, and ritual as corrupt and unnecessary to salvation. They refused to take oaths; their allegiance was to God alone. They regarded marriage as a sacred relationship between two individuals and objected to the intervention of any third party, such as religious or civil authorities, and thus did not recognize the role of government in marriage. They felt it was wrong to register births, deaths, and marriages. A 1901 petition to the government of Canada, signed by twenty-two Doukhobor leaders, stated that “we cannot recognize as correct and cannot accept any human laws as to the marriage union, being sure that all pertaining to it is in the province of God’s will and human conscience.” They considered marriage the free union of two people. Marriages required the consent of the individuals and of the parents, and “an inward oath and vow, before all-seeing God, in the souls of those who are marrying, that they will to the end of their days remain faithful and inseparable.” There was little ceremony—just a declaration of love in front of relatives and elders. Doukhobors also practiced divorce; when two people ceased to love each other (even if this applied to only one of the spouses), there was sufficient reason for divorce, which could then be followed by remarriage. Deserted spouses regarded themselves as free to remarry.

Doukhobor marriage and divorce was sharply criticized by outsiders who felt they were “a strange people” with “loose ideas of social life and marriage...steeped in their ancient traditions, still foreign in the ex-
treme.” The editor of the Battleford Saskatchewan Herald wrote in 1899 that Doukhobor marriage was “simpler and less ceremonious than even marriage amongst the Indians. The contracting parties simply shake hands and kiss each other and they are man and wife.” “There is no romance in the life of a Doukhobor woman,” wrote a correspondent to Collier’s Weekly. “One day young Joseph, finding himself in need of a helpmate—which means a willing worker—takes her to his house. She is his woman. He does not bind himself to cherish and protect, she makes no contract to love and obey. In fact, there is no ceremony in connection with the mating...They are willing to become partners, but as for the glow and gladness, the melting glance and the wild heart-beat, these form no part or parcel of a Doukhobor mating.” A British woman, employed by the Canadian Pacific Railway to assist other British women to adapt to settlement on the prairies, reported that “There are very primitive Russian peasants practicing a strict communal life—as far as I could gather there were no marriage laws, and all babies were put in nurseries at a year
The image of the downtrodden Doukhobor woman as “beast of burden” was solidified in Western Canada when some were observed hitched to the ploughs in teams in the earliest days of their settlements. The Doukhobors were also censured as bigamists. Their leader Peter Veregin had divorced (according to Doukhobor law) his first wife, and she had remained in the Caucasus. He had remarried, and his second wife was regarded as his wife in his own community, but Veregin and other divorced and remarried Doukhobors were regarded by outsiders as “bigamists.” The Doukhobors were also criticized for their communal living and farming, their socialism, pacifism, for their resistance to seeking naturalization and to swearing the oath of allegiance, and even for their vegetarianism. They attracted a great deal of attention and negative reactions when a faction of the Doukhobors known as the Sons of Freedom protested the government’s treatment of them by marching in the nude.

Supporters of the Doukhobors disputed the image of the downtrodden Doukhobor woman. Emily Murphy, author and prominent first-wave feminist, was complimentary in her description of Doukhobor women in her book, *Janey Canuck in the West*. She wrote that “unfriendly critics” had made much of them harnessing themselves to the plough. However, as Murphy pointed out, with only a few draught horses available, and with women at first outnumbering the men of the colony, the women “volunteered, with true Spartan fortitude, to break up the land.” Doukhobor women, one journalist noted, were eligible to sit in their councils, or peoples’ parliaments, which made decisions pertaining to law and order in their community, sitting in judgement of cases, settling disputes, and adjusting wrongs. Peter Veregin was quoted as saying, “Our women work as hard for the community as we do, are equally interested in its welfare and prosperity. Why should they not have a voice in the council?”

As historian Frances Swyripa has written, Ukrainian women settlers to Western Canada were portrayed in missionary reports, travel writing, magazines and newspapers as “uniformly passive, helpless, downtrodden, and lacking a native tradition of self-help for change.” Overall, the peasant Ukrainian woman was characterized as lacking in femininity in
contrast to the delicate and pure Anglo-Canadian woman. These negative representations were very similar to the descriptions of Aboriginal women—Ukrainian women were also depicted as enslaved, servile, beasts of burden. Critics condemned early and arranged marriages; they impeded progress and assimilation. Ukrainian women too were allegedly sold by their parents, regardless of their age, provided the price of “two cows or four pigs” was met. “The dominant image,” Swyripa writes, “was of a child bride arbitrarily married to a man more her father’s age than her own in a business transaction where she was as much a commodity as her dowry, and condemned thereafter to bearing fifteen or sixteen children.”

Activist Nellie McClung wrote of how Ukrainian girls were not educated as they were married so young: “Many a promising pupil had her education cut short when some grizzled old widower thought a good strong red-cheeked young girl would be right handy around the house and it would be cheaper to marry her than to have to pay her wages.” Child brides endangered the future health of the nation. An Alberta Methodist missionary warned that the children of these marriages in which the brides were fourteen or fifteen were often “puny and weak.” As Swyripa has shown, many of these prejudices and assumptions were unwarranted. There were very few brides of sixteen or younger for example, and the grooms were usually in their early twenties.

Aside from the Mormons, Doukhobors and Ukrainians, there were less numerous groups who deviated from the monogamous model of marriage. There were first wives and second wives among the Chinese and Japanese. The importation of plural or even monogamous marriage was impossible for most as the head tax imposed on all Chinese immigrants beginning in 1885 reduced overall Chinese immigration, women in particular, as men could rarely afford to bring their wives or prospective wives. Questions and assumptions about first wives and second wives were important during the hearings of the 1885 Royal Commission on Chinese Immigration. One informant told the commission, “As regards public morality, they are not the same as we are. They do not respect the Sabbath or wives. Their wives here, as I understand, are their second wives, and chiefly prostitutes.” These rules prevented many Chinese men from marrying and establishing families in Canada, and
the non-Asian community censured marriages between Chinese men and white women. As late as 1930, legislation was proposed in British Columbia that would prohibit marriages between white people and Chinese or Japanese people.\textsuperscript{142} Headlines such as “Scottish Girl and Chinaman” and “Jap Weds a White Girl” suggest the rarity of these events, and the undisguised disapproval of much of the community.\textsuperscript{143} Yet Chinese men were criticized because they did not marry, at the same time as their ability to do so was rendered nearly impossible; they were “damned” whether they did or did not marry, as pointed out in an 1884 edition of the \textit{Edmonton Bulletin}: “One great objection urged against the Chinese is that they do not marry and settle down in the land to which they emigrate...To most minds this would be a redeeming feature in the case. For as long as they make it a point to regard China and China only as their home, there is but little probability of their absolutely overrunning this continent; but were they to settle down and raise families then truly there would be a danger of North America becoming a Chinese colony.”\textsuperscript{144}

When Chinese fiancées or wives were admitted to Canada they were subjected to particular scrutiny and interrogation as well as the head tax. In 1920, Wat Shee, arriving to marry Vancouver jeweller Wong Wai, was cross-examined in the matter of her application for admission upon payment of the five-hundred-dollar head tax.\textsuperscript{145} Many questions suggested that authorities suspected women like Wat Shee were prostitutes: “Did neither you nor your mother do anything to help support yourself?” Or, “How did you have the nerve to travel un-accompanied on the boat, such a thing is very unusual under Chinese customs?” But there were a select few who could afford to circumvent such obstacles. Yip Sang, a wealthy merchant who settled in Vancouver in 1888, lived with three of his four wives and their large family in the building that housed his Wing Sang Company.\textsuperscript{146}

The Quakers, or Society of Friends, like the Doukhobors, married without the assistance of a minister, and without a license. There were settlements of Quakers, mainly from Ontario, in the west, near Kenlis and Borden, Saskatchewan.\textsuperscript{147} They did not believe in priesthoods, hierarchy, ritual, or ceremonies. Men and women always had an equal standing
in their governance and ministry. As noted in The Colonist (Winnipeg) in 1891, “among the Friends at Kenlis a woman is the equal of a man and enjoys the same rights and privileges.” To marry, the consent of parents and notice to a monthly meeting of their governing committee (in which men and women had equal standing) was required. A visiting committee was then appointed to see if the couple was “clear” upon the subject of marriage. That committee reported to the next monthly meeting, and then vows were exchanged at a regular public worship meeting. Women were not asked to promise to be obedient. A special Quaker certificate of marriage declared that the couple had met all of the requirements.

Marriage in Islam departed from the Christian monogamous model, and there were Islamic settlers in the west. There were pockets of Syrian settlement in Western Canada in the larger cities, and also in rural areas, as many homesteaded in Saskatchewan around Saskatoon and Swift Current. An Arab Muslim community grew in Lac La Biche, Alberta, after 1904. Marriage in Islam was not regarded as a “perpetual union,” and a marriage could be terminated if it failed to work. Muslims allowed the practice of having more than one wife at a time. The institution of the arranged marriage among Arab Canadians continued into the twentieth century, and a high priority was given to the marriage of cousins on the father’s side. Elsewhere in the imperial world of the late nineteenth century, the supposedly degraded role of women in the Arab household, and their oppression due to Islamic laws and customs, became “the favored rhetorical haunts of male writers, both in official and nonofficial discourse.”

There were many experiments in communal and co-operative living in Western Canada, and some challenged, blended, and bent “traditional” gender roles. There were early advocates of “free love” in Western Canada. Some of the Hamona Colony (1895–1900) settlers in the Qu’Appelle Valley of Saskatchewan wished to “abolish family life, and individual homes, and all live in one large apartment building with a public dining room under the management of the married ladies,” and “an extreme left wing even advocated free love as part of their plans.” These families began a community kitchen where all of the colony’s women were
supposed to take their turns working. Some of the Finnish settlers of the Sojntula Colony, or “Harmony Experiment,” in British Columbia at the turn of the century were believers in “free love.”

But there was another major set of dangerous “others” lurking at the boundaries, infiltrating the young region of the new nation, heightening anxiety and bolstering Canadian resolve to maintain a firm grasp on the populace through control of marriage. The dreaded Americans were among the largest contingent of newcomers to Western Canada; there were concerns that they would bring their loose ideas about the marriage bond with them and influence Canadians to change their marriage laws. There was also the temptation for Canadians to acquire divorces in the United States, although these divorces were considered illegal in Canada unless the parties were legal US residents or citizens. Within Canada the United States was widely perceived as a land of loose and lax marriage and divorce laws, contributing to the perceived immorality and degradation of that nation. Not only was divorce permissible, but divorced persons could even remarry there. “It is possible for a man to have three or four wives in the United States without violating any statute,” declared an 1891 issue of Canadian Churchman. As Justice Gwynne wrote in an 1884 judgement in a case involving Canadian marriage law: “Bordering as Canada does on several foreign States, in many of which laws relating to marriage and divorce are loose, demoralizing and degrading to the marriage state [such legislation] seems to be absolutely essential to the peace, order and good government of Canada, and in particular to the maintenance within Canada of the purity of the marriage state...if the courts should hold otherwise they would, in my opinion inflict a deadly stab upon the constitution of the Dominion.”

These views of an immoral, corrupting American influence on pristine Canadian marriage were widely disseminated in the press. Canadian editorialists were overwhelmingly in favour of the refusal to recognize the legality of US divorce laws, and were against any similar relaxation of divorce laws in Canada. In 1889, an editorial in the Edmonton Bulletin lectured that marriage laws “support the whole social fabric of the country,” and any system of easy divorce corrupted the fabric of society “by the degradation of the marriage relation to a matter of mere
animal choice as it is surely being degraded in the United States.” An advice book for women, published in Toronto in 1871, warned against the “American plan of granting absolute divorces” as “dangerous, and destructive to what is best in life. It leads to hasty, ill-assorted matches, to an unwillingness to yield to each other’s peculiarities, to a weakening of family ties, to a lax morality. Carry it a trifle farther than it now is in some States, and marriage will lose all its sacredness, and degenerate into a physical union not nobler than crossing of flies in the air.”

A focus for concerns about increasingly lax morals in Canada was an 1889 scandal of epic proportions involving Minister of Finance George Eulas Foster’s marriage to Mrs. Chisholm, who had obtained a divorce in Chicago from her previous husband. Many Canadians regarded the couple as “living in sin.” “We are necessarily placed in daily and hourly peril of social contamination,” readers of an 1892 editorial in Canadian Churchman were told, because of close contact with the people of the United States, “who have earned too well a world-wide notoriety for carelessness in regard to the marriage contract.” It concluded: “There are worse poisonings than blood poisoning: poisonings of the mind and heart! The question of erecting a quarantine barrier against the importation of cholera is a small one as compared with the protection from the deadly disease of family immorality.” “Civilization itself hangs in the balance,” readers were told. A Calgary Herald editorial of 21 May 1904 warned readers that the “easy throwing on and off of marital relations which obtains across the border, is an evil so vitiating in its effect on the moral tone of a nation and so destructive of the only foundation on which a nation can be supported that it is to be hoped Canada will always as now, be immune.” The laws of a nation should foster “permanent homes” and “family circles.” One article on divorce in Canada contributed to a Regina newspaper by a “Candid American” observed that “Canadians look upon matrimony as a sacred institution, and justly consider it a cornerstone of society, frowning down all attempts to make its dissolution an easy matter.” “Marriage in Canada,” he wrote, “like fire, is not to be played with. Fire if kept in the stove is a very useful, cheerful and necessary thing in a house, but if you begin to throw it around for fun it is very apt to set the house on fire. So it is with marriage.” However, he
was somewhat critical, noting that a Canadian husband could get as drunk as often as he liked, “eject his wife, like an Irish tenant,” and “she can have no redress except in a decree of separation and alimony; but through it all she has to remain his wife ‘until death do them part,’” as habitual drunkenness was not a sufficient cause for divorce in Canada.

It is true that there was a dramatically different divorce terrain just across the forty-ninth parallel—differences that were not imagined, although they certainly were embellished and twisted in Canada. Historian Paula Petrik described the rate of divorce in Montana, 1865–1907, as “extraordinarily high.” In one of the Montana counties examined in her study, there was one divorce for every three marriages, and divorces even exceeded marriages in 1867. Divorce cases were heard and granted by local county courts, in contrast to the situation in Western Canada where divorces were heard and granted only in distant Ottawa. Women had much greater leeway to precipitate divorce action, as just causes and grounds included “impotency, bigamy, abandonment for the space of one year, wilfull [sic] desertion, habitual drunkenness, extreme cruelty, or conviction of a felony or infamous crime.” While husbands tended to simply disappear, women petitioned for divorce. Desertion was the most common reason for precipitating divorce action, followed by adultery, cruelty, and drunkenness. Montana’s women, through their petitions for divorce for reasons including intemperance, extreme cruelty, and mental suffering, played a critical role in advancing the divorce laws, thereby forcing the courts to recognize and respond to the social and economic conditions they faced. When Montana’s domestic laws were compiled following statehood in the Code of 1895, the “threat of bodily injury” was added to consideration in extreme cruelty cases. There were many divorce cases that were dismissed for lack of prosecution by the female petitioners. Petrik argued that “women appear to have used the threat of divorce to pry their wayward mates away from improper behavior of all kinds…spouses, especially husbands, had to treat the other kindly or risk divorce.”

There was clearly much to fear if the “contagion” or “disease” or “poison” of American marital relations were to seep across the border, if single women were permitted freedoms such as homestead rights
allowing them alternatives to marriage, as they were in the US, or if Aboriginal and migrant groups persisted in their alternative marriages, and easy divorces. “Civilization itself hangs in the balance,” were the words of the May 21, 1904 *Calgary Herald* editorial quoted earlier. Intra-racial, indissoluble, monogamous, heterosexual, sanctified Christian marriage was to be the cornerstone, foundation and building block of Western Canada, the key to future stability and prosperity. The arrival of white women and of Christian, British common law, monogamous marriage heralded the end of an undomesticated, masculine era when white men experienced freedom, derring-do and fun, but also social turmoil, chaos, even violence. This model of marriage was to be the architect of private life, shaping men and women into submissive, obedient wives, and commanding, providing husbands. Yet the supremacy of this model was not a foregone conclusion. Western Canada posed particular challenges to the monogamous model in the late nineteenth century, with its diverse Aboriginal population, lengthy tradition of “fur trade” marriages, preponderance of single white males, single white women exploring alternatives to marriage, and with the arrival of newcomers like the Mormons, Doukhobors and Quakers. Altogether this was “very bad seed grain” in the newly acquired region of the young nation where there was much profit to be made from the land and resources. As the new region was cultivated and developed, dissenters had to be weeded out. Social stability, at the heart of which were the gender roles that were key to this model of marriage, was critical to economic development. As historian Kathleen Wilson has written, “Historians of British America are in substantial agreement on this point: ‘patriarchy,’ in the form of the supreme authority of the white, predominantly property-holding male heads of household, was the building block and organizing principle of British-American societies.” A region like Western Canada, with diverse gender roles and various definitions of marriage, lacked stability. Most blatantly, a region with two instances of organized resistance by Aboriginal people, the children and descendants of mixed marriages, lacked stability. There were no funds available in Canada for a military force to occupy this territory, to discourage Aboriginal resistance and to keep the territory in Canadian rather than American
hands—instead an army of homesteaders, not individual male farmers but families, was a direct substitute. These family farm households were to be the main unit of social order. There was much work to be done to impose and safeguard the monogamous ideal north of the border. Diverse strategies were required to fundamentally reshape the marital terrain of the west and to ensure that the gender order encoded in that model prevailed.