Notes

ONE  Creating, Challenging, Imposing, and Defending the Marriage “Fortress”

3. Cott, Public Vows, 3.
5. Ibid.
6. The “Western Canada” of this study is the three prairie provinces with particular focus on the region of southern Alberta. While British Columbia will emerge from time to time, particularly in discussion of the administration of “Indian affairs,” the situation there is somewhat distinct and many of the same issues discussed here have been dealt with in Adele Perry’s excellent study On the Edge of Empire: Gender, Race and the Making of British Columbia, 1849–1871 (Toronto: University of Toronto Press, 2001).

10. Ibid., 136.


TWO  Customs Not in Common


2. Ibid., 267–68.

3. Ibid., 271.


6. Ibid., 194.


8. Higginbotham, *When the West Was Young*, 89.

9. Ibid., 88.
12. Ibid., 174.
16. Ibid.
18. The jurisdiction of the Canadian Parliament in reference to divorce is declared in section 91, sub-section 26 of the British North America Act (*bna*). At the time of Confederation in 1867, courts exercising jurisdiction in divorce already existed in Nova Scotia and New Brunswick, and these were permitted to continue under section 129 of the *bna*. The courts of Prince Edward Island and British Columbia similarly exercised jurisdiction in divorce at the time of admission to Confederation, and they continued to do so afterward. Applications to Parliament for divorce were then confined to persons domiciled in Quebec, Ontario, Manitoba, Saskatchewan, Alberta, and the Yukon Territory. See Robert V. Sinclair, *The Rules and Practice Before the Parliament of Canada Upon Bills of Divorce* (Toronto: Carswell, 1915), 1–2.


32. John David Pulsipher, “The Americanization of Monogamy: Mormons, Native Americans, and the Nineteenth-Century Perception that Polygamy was a Threat to Democracy” (PhD diss., University of Minnesota, 1999), 122.

33. Ibid.


36. Ibid., 3.


38. Ibid., 4–5.


40. Ibid. (13 October 1892): 612.


49. Ibid., 115.

50. Ibid., 116.

51. Quoted in Ibid., 115.

52. Ibid., 119.

53. Quoted in Ibid., 119.


55. Ibid.

56. Ibid., 448.

57. Ibid., 402.

58. Ibid., 119.


61. Ibid., 79–80.

62. Quoted in Ibid., 80.


64. Adele Perry, On the Edge of Empire: Gender, Race, and the Making of British Columbia (Toronto: University of Toronto Press, 2001).

65. Lyle Dick, “Male Homosexuality in Saskatchewan’s Settlement Era: The 1895 Case of Regina’s ‘Oscar Wilde’” (paper presented to the eighty-fifth meeting of the Canadian Historical Association, York University, 30 May 2006), 14.


68. Ibid., 166–67.
70. Ibid., 10 May 1900.
71. *The Gazette* (Fort Macleod), 13 January 1883; 24 January 1883; 5 March 1884; 14 March 1884; 19 September 1884; 3 October 1884; 20 October 1884.
73. *The Imperial Colonist* 8, no. 98 (February 1910): 22–24; *The Imperial Colonist* 8, no. 99 (March, 1910): 39–42; *The Imperial Colonist* 8, no. 100 (1910): 52–57.
77. *Lethbridge News*, 10 February 1891.
78. Cavanaugh, “The Limitations of the Pioneering Partnership,” 211.
81. Edwin Allen to Wm. Allen, 14 October 1890, Records of the Customs Department, v. 432, Coutts Letterbooks, Department of National Revenue (RG 16), Library and Archives Canada (lac).
82. Mrs. L. McInnis to the Minister of Justice, 15 March 1917, file 465–485 (1917), vol. 210, series A-2, Department of Justice (RG 13), lac.
85. Ibid., 203–04.
87. Ibid., 835.
94. Canada, House of Commons Debates (10 April 1890) at 3180.
95. Ibid., p. 3177.
96. Saskatchewan Herald, 30 April 1890.
97. Canada, House of Commons Debates (3 April 1889) at 980.
98. Ibid. (10 April 1890), p. 3178.
100. Ibid., 80–81.
101. Ibid., 86.
103. Quoted in Ibid., 118.
104. Quoted in Ibid., 119.
105. The Gazette, 10 January 1889.
107. Ibid.
110. Quoted in Ibid., 115.
111. Ibid., 125.
112. Ibid., 116. In 1898 Zina Card joined her sister Susan Gates on a speaking tour through the eastern United States.
114. The Calgary Tribune, 8 August 1888.
115. Higginbotham, When the West Was Young, 129–30.
117. Annie Clark Tanner, A Mormon Mother (Utah: University of Utah Library Tanner Trust Fund, 1983), 151.
119. Quoted in Ibid., 21.
120. Ibid., 17.
121. The Leader (Regina), “Notes By the Way,” 9 September 1890.


126. Ibid., 201.


133. Emily Murphy, *Janey Canuck in the West* (1910; repr., Toronto: McClelland and Stewart, 1910), 45–46.


135. Ibid.


137. Ibid.

138. Quoted in *Swyripa*, 78.

139. Ibid., 35.

140. Ibid., 87.


145. Admission of Wat or Kok Shee or Meo Wong Way, file 2419–2.43, vol. 263, RG 13, LAC.


148. Quoted in Ibid.


151. Ibid., 28–29.


159. *Canadian Churchman* (13 October 1892), 612.


162. Ibid.

163. Ibid., 263.

164. Ibid., 285.

165. Ibid., 283, 285.


THREE Making Newcomers to Western Canada Monogamous


5. Ibid.
7. Ibid., 404.
8. Ibid., 406.
9. Ibid., 443.
10. Quoted in Ibid., 462.
15. Officer in command of Fort Walsh to Lieutenant Governor, North-West Territories, 5 August 1880, vol. 2235, series B-3, Royal Canadian Mounted Police (RG 18), Library and Archives Canada (LAC).
17. Letter, Thomas Mitchell to Lieutenant Governor E. Dewdney, 1 October 1886, file 36528, vol. 3774, Department of Indian Affairs (RG 10), LAC.
21. Ibid., 46.
22. Ibid., 47.
23. Ibid., 46.
25. *Fort Macleod Gazette*, 8 February 1887.
26. See contents of file 1590, vol. 3600, RG 10, LAC.
27. Hayter Reed to deputy superintendent general of Indian Affairs, 6 July 1889, file 792–1889, vol. 74, Department of Justice (RG 13), LAC.
28. Hayter Reed to E.L. Newcombe, 9 March 1894, file 32345, vol. 3762, RG 10, LAC.
29. Petition to Hon. Theodore Davie, ca. 1895, file 32345, vol. 3762, RG 10, LAC.
30. Hayter Reed to T. Mayne Daly, superintendent general of Indian Affairs, 8 March 1896, file 32345, vol. 3762, RG 10, LAC.
33. Noted in letter, Mitchell to Dewdney, 1 October 1886, file 36528, vol. 8774, RG 10, LAC.
36. Ibid., 1 January 1889.
37. Ibid.
39. Ibid., 4 December 1888.
40. Ibid., 29 January 1889.
42. Ibid., 46.
47. File 105/1895, vol. 2377, E. Newcombe to L. Pereria, 31 May 1895, RG 13, LAC.
48. File 1895—242, vol. 2277, deputy minister of justice to the secretary, Department of the Interior, 5 March 1895, Department of the Interior (RG 15), LAC.
49. Memorandum, Dominion land ruling, no. 4369, 10 February 1921, RG 15, LAC.
50. C. Herrman to W. D. Scott, n.d., (1919), file 80212 pt. 6, vol. 198, Department of Immigration (RG 76), LAC.
51. Ibid., W. D. Scott to C. Herrman, 6 March 1919.
52. File 1895–432, vol. 97, RG 13, LAC.
53. Ibid., E. J. Newcombe to secretary, Department of the Interior, 3 May 1895.
54. *Edmonton Bulletin*, 1 August 1895.
57. Dominion land ruling, no. 4, vol. 71, Department of the Interior circular letter, 21 July 1920, RG 15, LAC.
58. Mrs. Thomas McNeil to W. Roche, 6 March 1913, vol. 1105, file 2816596, pt. 1, RG 15, LAC.
61. Memorandum, 8 November 1894, file interim 25: 74/ 1896, vol. 2247, RG 13, LAC.
73. The Regina Leader, 31 July 1888.
75. Edmonton Bulletin, 26 January 1884.
76. Manitoba Daily Free Press, 30 August 1887. See also Carter, Capturing Women, 3–4.
77. The Regina Leader, 30 August 1887 and 13 September 1887.
78. Ibid., 13 September 1887.
79. Lyle Dick, “Male Homosexuality in Saskatchewan’s Settlement Era: The 1895 Case of Regina’s ‘Oscar Wilde’” (paper presented to the eighty-fifth meeting of the Canadian Historical Association, York University, 30 May 2006), 6; Square Butte Tribune, (Montana), 13 May, 1921.
80. Ditlew M. Frederiksen, The Land Laws of Canada and the Land Experience of the United States (s.l: s.n, 1907), Peel Collection, microform, no. 1932: 10, 18.
81. Ibid., 11.
83. Ibid., 21 August 1908.
91. Ibid.
92. Debates of the Senate of the Dominion of Canada, 1890 (26 February 1890) at 142.


98. Letter, S.B. Steele to the Commissioner, NWMP (North-West Mounted Police), 4 December 1889, file 250–90, vol. 41, Royal Canadian Mounted Police (RG 18), LAC. Steele reported, “[T]he Mormons are believed by almost all of the people in the district to be practising polygamy in secret, there are many reasons for believing such to be the case, the number of women of the same age, or nearly so, in several of the houses, the fact that several of them have pretended to be married to certain parties who were away and although the men have been absent for more than a year, children being born in the interval, as many as fourteen months after the departure of the so-called husband... Constables and others have reported that they have seen members of the Mormon Church using the same room and bed as the women whose supposed husbands were away from the district.”


101. Ibid., 120.

102. Quoted in Erickson, “Alberta Polygamists?” 162.

103. Annie Clark Tanner, A Mormon Mother (Utah: University of Utah Library Tanner Trust Fund, 1983), 221.

104. Erickson, “Alberta Polygamists?” 162.


108. Ordinances of the North-West Territories, Passed in the Third Session of the Fourth Legislative Assembly (Regina: John A. Reid, Government Printer, 1901), 2–6.

109. Ibid., 40.

110. Regina Leader Post, 6 June 1901.

111. Ibid.

112. Manitoba Morning Free Press (Winnipeg), 10 June 1901.
114. *The Evening Capital* (Saskatoon), 6 May 1911.
115. Ibid., 10 May 1911.
117. Ibid., 78–79.
121. Ibid., 377.
122. *Fort Macleod Gazette*, 1 May 1890.
123. Ibid.
124. Ibid.
125. *Debates of the Senate of the Dominion of Canada* (16 April 1890) at 414.
126. Ibid., 2:412.
127. Ibid., 2:404.
129. Ibid., 30: 3698.
131. Secretary, Department of Justice, to Florence Fraser, 6 June 1912, file 1912–1914, vol. 173, series A–2, RG 13, LAC.
132. Hazel Cooke to the Minister of Justice, 24 January 1921, file 211–231, 1921, vol. 255, RG 13, LAC.
133. E.L. Newcombe to Hazel Cooke, 1 February 1921, file 211–231, 1921, vol. 255, RG 13, LAC.
134. Florence Fraser to C.F. Doherty, 3 June 1912, file 1912–1914, vol. 173, series A–2, RG 13, LAC.
137. See Homestead Files, no. 72379, SW 14–6–30–W2, Saskatchewan Archives Board (SAB).
138. C.E.D. Wood to the undersecretary of state for Canada, 15 January 1921, Homestead Files, no. 72379, SW 14–6–30–W2, SAB.
140. Ibid.
141. H.M. Ingram to attorney general, Ottawa, 22 May 1916, file 1916–866, vol. 202, RG 13, LAC.
142. The Regina Leader, 1 November 1889.
143. B. Switzer to Attorney General Department, 20 May 1916, file 1916—876, vol. 202, RG 13, LAC.

FOUR “A Striking Contrast… Where Perpetuity of Union and Exclusiveness is Not a Rule, at Least Not a Strict Rule”

2. Following Sidney L. Harring’s example I will not use the term “customary” when speaking of Aboriginal marriage law. He writes that “to call Indian law ‘customary law’ sets up a false dichotomy between Indian and English or European law—which is itself rooted in custom.” Brad Morse has also commented on the failure of the Canadian judiciary to define family law, and specifically the marriage laws of Aboriginal Canada, as “law.” “At best, the courts have referred to ‘Indian marriages’ or ‘custom marriages’…This approach, which is reflected by the wording chosen, is to regard native marriages as being conducted pursuant to customs, traditions, or practices, rather than according to law. This then presents customary marriages as being somehow less important and less durable than Christian marriages that meet modern legal requirements developed in England.” See Sidney L. Harring, “Indian Law, Sovereignty and State Law,” in A Companion to American Indian History, ed. Philip J. Deloria and Neal Salisbury (Malden and Oxford: Blackwell Publishers Inc., 2002), 444. See also Bradford W. Morse, “Indian and Inuit Family Law and the Canadian Legal System,” American Indian Law Review 8 (1980): 219.
6. Ibid.
7. Ibid., 342.
8. The term Blackfoot refers to the Siksika (Blackfoot), Kainai (Blood) and Piikani (Peigan) people of southern Alberta.


14. Cited in Ibid., 44.


17. Ibid.


19. Wilson fonds, 2: 117, GA.


22. Ibid., 341.

23. Ibid., 17.

24. Lucien Hanks and Jane Hanks, Hanks field notes, p. 14, file 10, box 3, Hanks fonds, GA.

25. Ibid., 11.

26. Ibid.

27. Ibid., 10.

29. Ibid. 15.
31. Hanks and Hanks, Hanks field notes, p. 12, file 57, box 2, Hanks fonds, ga.
41. Mary White Elk, 21 July (no year given), p. 230, box 61, Hanks fonds, ga.
42. Ewers, *The Blackfeet*, 100.
47. Hanks and Hanks, Hanks field notes, p. 3, folder 10, Hanks fonds, ga.
49. Hanks and Hanks, Hanks field notes, p. 15–16, file 10, box 3, Hanks fonds, ga.
54. E-mail correspondence, H.C. Wolfart to author, 15 November 2003.
57. Ibid., 4.
58. Ibid., 5.

62. Ibid.


64. Mary White Elk, 23 July (no year given), p. 234, box 61, Hanks fonds, Ga.


66. Sue Sommers Dietrich, typescript of 1939 interviews on the Blackfoot Reservation, Montana, p. 4, Marquette University Archives. Thanks to Alice Kehoe for this reference.


73. W.D. Wallis and R.S. Wallis, “Plural Marriage.”

74. Esther Goldfrank, Goldfrank fieldnotes, p. 172, Ga.


77. Microfilm reel #1M903, B.239/z/10, Hudson’s Bay Company Archives (HBCA), Provincial Archives of Manitoba, (PAM). I am very grateful to Judith H. Beattie, Keeper, HBCA, for this information provided to me by e-mail on 18 November 2002.


82. Treaty pay lists for Sarcee and Stoney, 1887–1903, October 1891 (Sarcee Reserve), September 1891 (Stoney Reserve), September 1893 (Stoney Reserve), ga; see also Blood Agency Treaty pay list for September 1887. Thanks to researcher Kristin Burnett, PhD candidate, York University (Toronto), for providing this information.


85. Goldfrank, “Sorrel Horse,” 122, Goldfrank papers, GA.

86. Goldfrank, Goldfrank fieldnotes, p. 412.


88. Quoted in Peter Boag, “Sexuality, Gender, and Identity in Great Plains History and Myth,” *Great Plains Quarterly* 18, no. 4 (Fall 1998): 328.


92. Goldfrank, Goldfrank fieldnotes, p. 345.

93. Hanks and Hanks, Hanks fieldnotes, p. 52, file 45, GA.

94. Ibid., p. 1, folder 27, box 1, GA.


96. Ibid., 4

97. Eva McKay (Dakota Sioux, Dakota Tipi, Manitoba), *In the Words of Elders: Aboriginal Cultures in Transition* (Toronto: University of Toronto Press, 1999), 300.


102. Cited in Ibid.

106. The Leader (Regina), 27 May 1916.
111. The Daily Free Press, 1 June 1877.
115. Ibid., 57.
116. Ibid., 59.
117. John McDougall, “The Red Men of Canada’s West Yesterday and Today,” in The 100,000 Manufacturing, Building and Wholesale Book Editions of the Morning Albertan, n.p. (Calgary: The Albertan, 1914), 146. Thanks to my colleague Donald B. Smith for bringing this to my attention and providing me with a copy of this article.
119. B. F. Austen, Woman: Her Character, Culture and Calling (Brantford: Book and Bible House, 1890), 158, 188.
122. Ibid., 99.
127. Ibid., 851n36.
132. Ibid., 94.
134. Ibid., 171.
139. Ibid., 74–75

144. Ibid., 25.

145. Ibid.

146. Ibid., 24.


150. Sheran (1899), Territories Law Reports 4: 83 (North-West Territories Supreme Court).


153. Ibid., 142.

154. Ibid., 145.

FIVE The 1886 “Traffic in Indian Girls” Panic and the Foundation of the Federal Approach to Aboriginal Marriage and Divorce

1. W.M. Halladay to J.D. McLean, 1 February 1912, file 64.535 (pt. 1), vol. 3832, Department of Indian Affairs (RG 10), Library and Archives Canada (lac). 


3. Canada, House of Commons Debates (1886) vol. 1 at 720.


6. Ibid., 83.

7. The Globe (Toronto), 1 February 1886.


15. L. Vankoughnet to J.A. Macdonald, 15 November 1883, file 628, vol. 1009, Royal Canadian Mounted Police (RG 18), lac.


18. The Macleod Gazette, 16 March 1886.


20. The Macleod Gazette, 16 March 1886.

21. Ibid., 1 February 1886.


26. The Evangelical Churchman, 22 May 1884.

28. Letter, D. C. Scott to Frank Oliver, 19 October 1910, file 32345, vol. 3762, RG 10, LAC. Scott writes in this letter “Under the Order in Council on file you will find the draft prepared under the late Sir John Thompson’s direction; in which you will see interlineations in his own hand writing. Part of Page 24 and all of page 25 are in his own handwriting.”


30. Ibid., 153.

31. Ibid., 183–84.


34. Ibid.


36. Certified copy of a report of a committee of the Honourable the Privy Council approved by His Excellency the Governor General in Council on the 31 October 1887, p. 1–2, file 32345, vol. 3762, RG 10, LAC.

37. Ibid.

38. Quoted in memorandum for the Deputy Minister of Justice, 15 May 1914, p. 3, file 1299–1914, vol. 2406, int. 163, Department of Justice (RG 13), LAC.


41. Memorandum to the deputy superintendent general, 29 February 1908, file 180.636, vol. 3990, RG 10, LAC.


45. Ibid., 195–96.

46. Ibid., 197.

47. Ibid., 196.


53. Ibid.


55. Canada. *House of Commons Debates* (27 May 1885) at 2162.


58. Ibid., 57.

59. Ibid., 25.

60. A.E. Forget to Nancy LaVallie, 18 April 1895, file 1239, pt. 7, vol. 3594, RG 10, LAC.

61. Deputy minister of justice to deputy minister of the interior, 19 May 1886, vol. 2247, box INT 93, 71/1885, Department of Justice (RG 13), LAC.

62. Ibid.

63. L. Vankoughnet to A.M. Burgess, 20 January 1886, vol. 187, D-II-3, Department of the Interior (RG 15), LAC.

64. Letter, G. Burbridge to L. Vankoughnet, 7 April 1886, file 23,593, vol. 3721, RG 10, LAC.


67. Ibid.

68. Ibid., 183.

69. Ibid., 139.

70. Ibid.

71. J. McLean to R.D. Howell, 13 July 1911, file 64,535, vol. 3832, RG 10, LAC.

72. J. McLean to the principal, Alberni School, 1900, file 180,636, vol. 3990, RG 10, LAC.

73. Secretary of the department of Indian Affairs to M.R. Bogart, 2 December 1909, pt. 1, file 32345, vol. 3762, RG 10, LAC.

75. Freda Ahenakew and H.C. Wolfart, eds. and trans., Kôhkominawak Otâcimowiniwâwa: Our Grandmothers’ Lives as Told in Their Own Words (Saskatoon: Fifth House, 1992), 79.


78. Charles R. Weaver to attorney general, 30 August 1911, file 94,189, vol. 3881, RG 10, LAC.


80. Petition from members of The Pas Band, 1889, file 56,941, vol. 3816, RG 10, LAC.

81. Hayter Reed to deputy superintendent general of Indian Affairs, 25 September 1893, file 94,189, vol. 3881, RG 10, LAC.

82. Unsigned letter to undisclosed recipient, 1 February 1912, file 64,535, vol. 3832, RG 10, LAC.

83. David Laird to Indian agent, Selkirk, Manitoba, 15 March 1905, file 74, pt. 28, vol. 3559, RG 10, LAC.


85. Deputy minister of justice to Hayter Reed, 22 May 1895, file 494 (1895), vol. 97, Series A-2, RG 13, LAC.


94. Ibid., 14.
103. Ibid., 385.
104. Ibid.
108. Ibid., 241.
110. Ibid., 65.
111. Ibid., 64.
112. Ibid., 84.
113. Ibid., 138–40.
115. Ibid., 253.
116. Quoted in Ibid., 254.
117. J.W. Mackay to A.W. Vowell, 4 July 1890, file 57,045–1, vol. 3816, RG 10, LAC.
119. R. H. Pidcock to A.W. Vowell, 4 March 1891, file 57,045–1, vol. 3816, RG 10, LAC.
120. J.W. Mackay, to A.W. Vowell, 4 July 1890, file 57,045–1, vol. 3816, RG 10, LAC.
121. Superintendent General of Indian Affairs to the Honourable The Privy Council of Canada, 13 March 1891, file 57,045–1, vol. 3816, RG 10, LAC.
124. Ibid., 138.
125. Ibid.
127. Ibid., 139.
132. Ibid.
133. J. D. McLean to Rev. T. Albert Moore, 18 April 1912, file 57,045–1, vol. 3816, RG 10, laC.
136. Ibid., p. 12.
138. Ibid., 4.
139. Ibid., 8.
140. Ibid., 12.
141. Ibid., 21.
142. Ibid., 20.
143. Ibid., 23.
144. Ibid., 25.
145. Ibid., 16.
146. Ibid., 16–17.
147. Ibid., 19.
148. Ibid., 16.
For an overview of recent “intimacies of empire” studies in postcolonial and US history see Ann Laura Stoler, “Tense and Tender Ties: The Politics of North American History and (Post) Colonial Studies,” *The Journal of American History* 88, no. 3 (December 2001): 829–65. I am grateful to Joan Sangster and Bryan Palmer for providing me with a copy of their commentary on this article, which notes that Canadian history does not fall within the rubric of “North American” history in this article.


4. Ibid., vol. 3:646.


6. Ibid., 78.


8. Ibid., 17.

9. Ibid., 7.

10. Ibid., 20.

11. Ibid., 17.


13. Ibid., 42.

14. Ibid., 46.

15. Samuel Trivett, 22 March 1887, no. 979, reel A114 (microfilm), Church Missionary Society Collection, Provincial Archives of Manitoba (PAM).


22. Ibid., 74.

23. James Carnegie, Earl of Southesk, *Saskatchewan and Rocky Mountains: A Diary and Narrative of Travel, Sport, and Adventure During a Journey Through the Hudson’s Bay Company’s Territories in 1859 and 1860* (Toronto: J. Campbell, 1875), 155.


32. A. M. Burgess to Edgar Dewdney, 23 January 1890, file 223719, vol. 614, D-II-1, Department of the Interior (RG 15), LAC.

33. H. H. Smith to A. M. Burgess, 17 December 1889, file 223719, vol. 614, D-II-1, RG 15, LAC.

34. Ibid.

35. Ibid.

36. Précis of the claim written by Roger Goulet, 28 November 1889, file 223719, vol. 614, D-II-1, RG 15, LAC.

37. Ibid.

38. Ibid.


40. John David Pulsipher, “The Americanization of Monogamy: Mormons, Native Americans and the Nineteenth-Century Perception that Polygamy was a Threat to Democracy” (PhD diss., University of Minnesota, 1999), 162.


45. Ibid., 9.

46. Ibid., 10–11.
47. Quoted in Pulsipher, “The Americanization of Monogamy,” 137.
48. Quoted in Ibid., 136.
50. Ibid., 45.
52. Hayter Reed to Deputy Superintendent General of Indian Affairs (dsgia), 8 September 1892, file 94–189, vol. 3881, RG 10, LAC.
53. Letter, Hayter Reed to dsgia, 25 September 1893, file 94–189, vol. 3881, RG 10, LAC.
56. “Statement showing ages of Indians who have entered into polygamous relations since taking treaty,” p. 5, letter, Amedée Forget to dsgia, 30 January 1895, file 94–189, vol. 3881, RG 10, LAC.
57. Allen McDonald to Assistant Commissioner Forget (copy, n.d.), file 94–189, vol. 3881, RG 10, LAC.
59. M. McGirr to A. Forget, 26 September 1894, file 94–189, vol. 3881, RG 10, LAC.
60. Ibid. These figures are from the copies of the 1893 agents’ reports prepared by A. Forget. The statements for the Piikani are incomplete and unclear.
61. Ibid. These figures are from the “Statement showing ages of Indians who have entered into polygamous relations since taking treaty.” See note 56.
62. E. J. Newcombe to Hayter Reed, 4 January 1895, file 94–189, vol. 3881, RG 10, LAC.
63. J. Wilson to A. Forget, 21 January 1895, file 94–189, vol. 3881, RG 10, LAC.
64. Ibid.
65. Ibid.
66. Ibid.
68. Forget memo (n.d.), file 94–189, vol. 3881, RG 10, LAC.
70. Ibid., 213.
71. Ibid.
72. H. Reed to A. Forget, 4 March 1895, file 94–189, vol. 3881, RG 10, LAC.
73. D. M. Browning to H. Reed, 13 June 1896, file 94–189, vol. 3881, RG 10, LAC.
75. Ibid., 170.
78. Ibid., 16 May 1895.
79. Ibid.
80. Ibid., 26 May 1895.
83. Ibid., 372.
84. Magnus Begg to A. Forget, 23 March 1895, file 934,189, vol. 3881, RG 10, LAC.
85. A. Forget to M. Begg, 7 February 1895, file 934,189, vol. 3881, RG 10, LAC.
87. M. Begg to A. Forget, 23 February 1895, file 934,189, vol. 3881, RG 10, LAC.
88. Ibid.
89. The federal government of Canada has not yet established a minimum age for marriage, which has resulted in the adoption of the minimum ages under English common law: fourteen years for males, twelve years for females. Provinces and territories have legislation requiring a higher minimum age. See Dwight L. Gibson et al., *All About the Law: Exploring the Canadian Legal System*, 4th ed. (Toronto: Nelson Canada, 1996), 355.
90. M. Begg to A. Forget, 9 March 1895, file 934,189, vol. 3881, RG 10, LAC.
91. A. Forget to M. Begg, 11 March 1895, file 934,189, vol. 3881, RG 10, LAC.
92. M. Begg to A. Forget, 16 March 1895, file 934,189, vol. 3881, RG 10, LAC.
95. J.W. Tims to Indian Commissioner, 27 June 1895, file RCMP 1895 Commissioners Office Pt. 1, fol. 2182, RG 18, LAC.
96. Ibid.
97. *The Sower in the West and Church Monthly* 3, no. 6 (June 1895).
101. Ibid.
103. Quoted in Ibid.
104. Ibid., 217.
105. A. Forget to J. Smart, 15 April 1898, file 94,189, vol. 3881, RG 10, Lac.
109. A. Forget to the dia Secretary, 13 September 1890, file 74, pt. 6, vol. 3559, RG 10, Lac.
110. Ibid.
113. Ibid.
115. Ibid.
118. Slattery, Canadian Native Law Cases, 513.
120. The Macleod Gazette, 11 March 1899.
122. Ibid.
123. Secretary S. Stewart to Indian Commissioner David Laird, 1 April 1899, file 74, pt. 19, vol. 3559, RG 10, Lac.
125. 1901 Census Data, Canada Census Records, Glenbow Archives (ga).
128. See “Marriages on the Blackfoot Reservation,” box 75, file 1, Records of the Anglican Diocese of Calgary, UCA.
133. Ibid. Underlined in the original document.
134. J. A. McKenna to the DIA Secretary, 6 June 1903, file 486–2-5, pt. 1, vol. 6816, RG 10, LAC.
135. James Short to E. L. Newcombe, 10 August 1903, file 486–2-5, pt. 1, vol. 6816, RG 10, LAC.
137. A. W. Vowell to the DIA Secretary, 1898, file 486–2-5, pt. 1, vol. 6816, RG 10, LAC.
139. R. Rimmer to the DIA Deputy Superintendent General, 21 August 1903, file 486–2-5, pt. 1, vol. 6816, RG 10, LAC.

SEVEN “Undigested, Conflicting and Inharmonious”

2. Ibid., 20.
3. Ibid., 21.
4. Ibid., 20.
5. Duncan Campbell Scott’s circular letter to Indian agents, 2 January 1914, file 32345, vol. 3762, Department of Indian Affairs (RG 10), Library and Archives Canada (LAC).
7. J. D. McLean to the Bishop of St. Albert, 6 August 1908, file 94,189, vol. 3881, RG 10, LAC.
10. W. P. Osickyas to Hayter Reed, 26 June 1894, file 486–2-5, pt. 1, vol. 6816, RG 10, LAC.
11. H. Reed to A. Nassens, 14 July 1894, file 486–2-5, pt. 1, vol. 6816, RG 10, LAC.
12.  H. Reed to W. P. Osickyas, 16 July 1894, file 486–2-5, pt. 1, vol. 6816, RG 10, LAC.
15.  H. Reed to J. Hugonnard, 13 June 1890, file 486–2-5, pt. 1, vol. 6816, RG 10, LAC.
16.  J. Hugonnard to H. Reed, 31 May 1890, file 486–2-5, pt. 1, vol. 6816, RG 10, LAC.
17.  J. P. Wright to Indian Commissioner, 10 August 1898, file 74, pt. 6, vol. 3559, RG 10, LAC.
18.  Muscowpetung Reserve (Saskatchewan) Indian agent to Indian Commissioner, 9 July 1900, file 74, pt. 7, vol. 3559, RG 10, LAC.
22.  Circular letter from Duncan Campbell Scott, 12 March 1914, vol. 1392, RG 10, LAC.
24.  H. V. Graham, “Two Weddings,” file 9, W. M. Graham Papers, GA.
30.  R. J. MacPherson to DIA Secretary, 1922, file 486–2-6 pt. 1, vol. 6816, RG 10, LAC.
31.  S. Middleton to Rev. Dr. Westgate, 8 February 1923, file 486–2-6, vol. 6816, RG 10, LAC.
32.  Memorandum (author unclear), 27 February 1923, file 486–2-6, vol. 6816, RG 10, LAC.
33.  Indian agent Moose Mountain to Fr. Pedley, 20 February 1905, file 74 pt. 3, vol. 3559, RG 10, LAC.
35. R.N. Wilson to the DIA Secretary, 1904, Blood Agency letterbook, 1903–5, GA.
36. R.N. Wilson to the DIA Secretary, 22 December 1904, Blood Agency letterbook, 1903–5, p. 410, GA.
37. Deputy Minister of Justice to the Deputy Superintendent General of Indian Affairs, 7 November 1904, file 284/1905, vol. 2324, RG 13, LAC.
38. R.N. Wilson to DIA Secretary, 1904 (exact date obscured), Blood Agency letterbook, 1903–5, p. 465–66, GA.
39. R.N. Wilson to DIA Secretary, 22 December 1904, Blood Agency letterbook, 1903–5, p. 411, GA.
40. Ibid.
41. E.L. Newcombe to Deputy Superintendent General of Indian Affairs, 27 March 1905, file 284/1905, vol. 2324, Department of Justice (RG 13), LAC.
42. R.N. Wilson to Messrs. Weed and Campbell, 2 January 1905, Blood Agency letterbook, 1903–5, GA.
43. Venne, *Indian Acts and Amendments 1868–1975*, 25. There may have been a time, however, when women who “married out” had to produce proof of a “legal” marriage before they could receive their fifty dollars for ten years’ annuities. In 1895 Indian Commissioner A.E. Forget informed Nancy LaVallie that she would need to sign papers before a local (Swift Current) Justice of the Peace or Minister of the Gospel and to produce evidence of her legal marriage. See A.E. Forget to Nancy LaVallie, 18 April 1895, file 1239 pt. 7, vol. 3594, RG 10, LAC.
44. Rev. W. Nicolls to Assistant Commissioner of Indian Affairs, 1 April 1889, file 1564 pt. 4, vol. 3559, RG 10, LAC.
45. A. Forget to Rev. Nicolls, 4 April 1889, file 1564 pt. 4, vol. 3559, RG 10, LAC.
46. Report from the Duck Lake Agency, 4 August 1887, file 1239 pt. 8, vol. 3594, RG 10, LAC.
47. R.S. McKenzie to Indian Commissioner, 17 April 1893, file 1239 pt. 8, vol. 3594, RG 10, LAC.

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54. Deputy Superintendent General of Indian Affairs to the Bishop of Qu’Appelle, 11 February 1895, file 486-2-5, vol. 6816, RG 10, LAC.
55. Deputy Superintendent General to W. E. Jones, 16 May 1895, file 486-2-5, vol. 6816, RG 10, LAC.
56. M. Millar to D. Laird, 18 July 1907, file 74 pt. 4, vol. 3559, RG 10, LAC.
57. M. Millar to D. Laird, 7 August 1907, file 74 pt. 4, vol. 3559, RG 10, LAC.
59. D. Laird to Thomas Aspdin, 18 December 1903, file 74 pt. 5, vol. 3559, RG 10, LAC.
60. “J. J.” to D. Laird, 28 December 1903, file 74 pt. 5, vol. 3559, RG 10, LAC.
62. Ibid.
63. T. Aspdin to D. Laird, 30 December 1903, file 74 pt. 5, vol. 3559, RG 10, LAC.
64. T. Aspdin to D. Laird, 13 January 1904, file 74 pt. 5, vol. 3559, RG 10, LAC.
65. Carry the Kettle and Crooked Arm to D. Laird, 8 January 1904, file 74 pt. 5, vol. 3559, RG 10, LAC.
66. T. Aspdin to D. Laird, 13 January 1904.
68. D. Laird to “N. J.,” 29 December 1903, file 74 pt. 5, vol. 3559, RG 10, LAC.
69. T. Aspdin to D. Laird, 21 May 1904, file 74 pt. 5, vol. 3559, RG 10, LAC.
71. I. J. Taylor to the Bishop of Saskatchewan, 19 April 1892, SAB.
73. S. R. Marlatt to D. Laird, 28 September 1906, file 74 pt. 30, vol. 3559, RG 10, LAC.
75. Samuel Marsden to S. Marlatt, 20 August 1906, file 74 pt. 30, vol. 3559, RG 10, LAC.
76. Unnamed author to undisclosed recipient, 1 February 1912, file 64, 535, vol. 3832, RG 10, LAC.
78. W. Sibbald to D. Laird, 12 December 1903, file 74 pt. 16, vol. 3559, RG 10, LAC.
79. D. Laird to W. Sibbald, 16 December 1903, file 74 pt. 16, vol. 3559, RG 10, LAC.
81. D. Laird to P. Primrose, 19 March 1903, file 74 pt. 20, vol. 3559, RG 10, LAC.
82. P. C. H. Primrose to the Commissioner, NWMP, 25 March 1903, file 411/03, vol. 256, series A-1, Royal Canadian Mounted Police (RG 18), LAC.
83. Rev. S.D. Chown to Frank Oliver, 6 October 1910, file 57,045–1, vol. 3816, RG 18, LAC.
84. D. Scott to S. Chown, 19 October 1910, file 57,045–1, vol. 3816, RG 18, LAC.
86. J.D. McLean to T. Moore, 3 July 1912, file 57,045–1, vol. 3816, RG 18, LAC.
87. See file 74, pt. 7, vol. 3559, RG 10, LAC.
88. Indian agent, Birtle (Manitoba), to the Director of Indian Affairs, Secretary, 7 September 1898, file 94, vol. 3881, RG 10, LAC.
89. W. Sibbald to D. Laird, 22 December 1900, file 74, pt. 12, vol. 3559, RG 10, LAC.
90. Frog Lake Community Club, Land of Red and White, 1875–1975 (Heinsburg: s.n., 1977), 82.
91. Inspector J. Howe, “Report for the month ending 32 December 1891,” 7 January 1892, file RCMP 1892, nos. 43–54, box 58, RG 18, LAC.
92. Esther Goldfrank, Goldfrank fieldnotes, p. 21, GA.
93. Ibid., p. 367.
94. Indian agent Crooked Lake to undisclosed recipient, 26 February 1897, file 94, vol. 3881, RG 10, LAC.
95. Laird to undisclosed recipient, 21 April 1906, file 74, pt. 3, vol. 3559, RG 10, LAC.
96. H.E. Sibbald to David Laird, 22 March 1904, file 74 pt. 16, vol. 3559, RG 10, LAC.
97. T. Cory to D. Laird, 7 August 1906, file 74, pt. 3, vol. 3559, RG 10, LAC.
98. T. Cory to D. Laird, 5 July 1907, file 74, pt. 3, vol. 3559, RG 10, LAC.
100. J. McKenna to George Mann, 5 October 1906, file 74, pt. 4, vol. 3559, RG 10, LAC.
101. Indian agent, Blood Reserve, to Indian agent, Browning, Montana, 23 November 1904, vol. 1722, RG 10, LAC.
102. Horton H. Miller to officer in charge, Piapot Reserve (Saskatchewan), 5 December 1910.
106. Ibid., 9–10.
107. Ibid., 12.
108. Ibid., 15.
109. Ibid., 17.

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111. W.M. Halliday to A.W. Vowell, 7 August 1906, file 94,189, vol. 3881, RG 10, LAC.
112. W. Halliday to A. Vowell, 5 September 1906, file 94,189, vol. 3881, RG 10, LAC.
113. W. Halliday to A. Vowell, 7 August 1906.
114. dia circular letter, 18 May 1906, file 94,189, vol. 3881, RG 10, LAC.
115. D. Laird to M. Millar, 23 July 1907, file 74, pt. 4, vol. 3559, RG 10, LAC.
116. Vowell to Pedley, 4 September 1906, file 94,189, vol. 3881, RG 10, LAC.
   Vowell to Pedley, 4 September 1906.
118. Halliday to McLean, (exact date obscured) 1907, file 486–2–5 pt 1, vol. 6816, RG 10, LAC.
119. A. McLean to A. Vowell, 19 September 1906, file 486–2–5 pt 1, vol. 6816, RG 10, LAC.
120. J. McKenna to the dia Secretary, 5 October 1907, file 486–2–5 pt 1, vol. 6816, RG 10, LAC.
121. A. McLean to D. Laird, 9 August 1907, file 486–2–5, pt 1 vol. 6816, RG 10, LAC.
122. A. McKenna to M. Millar, 25 July 1907, file 74 pt. 4, vol. 3559, RG 10, LAC.
123. M. Millar to Indian Commissioner, 2 August 1907, file 74 pt. 4, vol. 3559, RG 10, LAC.
124. Memorandum to the Deputy Superintendent General, 24 February 1908, file 180, 636 pt. 1, vol. 3990, RG 10, LAC.
125. Ibid., pt. 5.
126. Ibid., pt. 6.
127. In 1916 in British Columbia, Indian agents were appointed through the province as registrars of births, marriages, and deaths among Indians. They were authorized to issue licenses for marriages and were also authorized to perform marriages, although they were to “guard against any such exercise of the power to perform marriages between Indians as might impinge upon the rights of clergymen as to the performance of marriages.” The purpose was to “provide a ready means of marriage by civil contract for Indians who wish to be so married, and especially for those who, if not provided with such means, would resort to so-called marriage by tribal or Indian custom, or to concubinage.” They were to keep a scrapbook in which all the forms were to be pasted. See H.E. Young, “form letter to Indian agents,” 12 December 1916, file 64,535, vol. 3832, RG 10, LAC. In British Columbia an amendment to the 1897 Births, Deaths and Marriages Act was stated to apply to all races including Aboriginals, Chinese, and Japanese. The act was amended in 1899 to exclude Aboriginals from provincial registration. The act was amended again in 1916 to include the registration of Aboriginal people, with special forms for “Indian registrations” that were discontinued after 1956. Claire E. Gilbert (British
Columbia Provincial Archives), correspondence with author, 4 February 2004. Confusion continued, however, as agents worked with two sets of instructions regarding “Indian marriages,” one from the province and one from the dia. For this confusion see Chas. Perry to dia Secretary, 12 December 1932, file 64,535, vol. 3832, RG 10, LAC. Perry refers to a then recent decision of a stipendiary magistrate that upheld the validity of marriage according to Aboriginal law.

128. Deputy Minister of Justice to Deputy Superintendent General of Indian Affairs, 32 May 1908, file 32345, vol. 3762, RG 10, LAC.


130. J. McLean to undisclosed recipient, 5 August 1908, file 94,189, vol. 3881, RG 10, LAC.

131. David Laird to Edward Paupanakis, 5 October 1908, file 74 pt. 21, vol. 3559, RG 10, LAC.

132. R. N. Wilson to the dia Secretary, 4 June 1909, folder 59, Blood Indian Agency Series, GA.

133. Frank Pedley to R. N. Wilson, 12 June 1909, folder 59, Blood Indian Agency Series, GA.

134. dia Secretary to Thomas Cory, 22 November 1899, file 94, 189, vol. 3881, RG 10, LAC.

135. Mary R. Bogart to dia Secretary, 29 November 1909, file 57,045–1, vol. 3816, RG 10, LAC.

136. Emily Cummings to the dia, 19 February 1910, file 57,045–1, vol. 3816, RG 10, LAC.

137. dia Secretary to M. Bogart, 2 December 1909, file 57,045–1, vol. 3816, RG 10, LAC.

138. Pedley to the National Council of Women, 28 February 1910, file 57,045–1, vol. 3816, RG 10, LAC.


143. Assistant Deputy Superintendent General of Indian Affairs to the Deputy Minister of Justice, 6 October 1910, file 32345, vol. 3762, RG 10, LAC.


145. Assistant Deputy and Secretary to W. M. Halliday, 17 February 1912, file 64,535, vol. 3832, RG 10, LAC.
146. “J.C.,” “Memorandum.”
147. Ibid., p. 1.
148. Memorandum, “Question as to what action, if any should be taken against the Indian ‘T.M.F.,’” file 1299–1914, vol. 2406, int. 163, RG 13, LAC.
149. Deputy Minister of Justice to Assistant Deputy and DIA Secretary, 20 May 1914, file 1299–1914, vol. 2406, int. 163, RG 13, LAC.

EIGHT Conclusion

2. Ibid.
3. Ibid.
5. Ibid., n.p.
7. Ibid., 505.
8. Ibid., 510.
10. Ibid., 510.

APPENDIX

3. Ibid., 470.
4. Ibid., 473.
5. Ibid., 477.

7. M. Christianson to the DIA Secretary, 12 November 1941, file 486–2-8, pt. 1, vol. 6816, RG 10, LAC.


9. Duncan Campbell Scott, “Circular to Indian Agents,” 2 January 1914, file 486–2-8, vol. 6816, RG 10, LAC. On one copy of this circular in this file a note to the deputy minister is written saying that “a couple of hundred copies have been obtained.”

10. Thomas Dewhirst to the Minister of Indian Affairs, 17 August 1914, file 486–2-8, vol. 6816, RG 10, LAC.

11. A.S. Williams to D. Scott, 20 June 1917, file 486–2-8, vol. 6816, RG 10, LAC.

12. Letter, Charles C. Perry to the DIA Secretary, 20 October 1921, file 1921, 2203, vol. 263, RG 13, LAC.

13. Letter, E.L. Newcombe to D. C. Scott, 10 February 1921, file 1921, 156–175, vol. 255, RG 13, LAC.


18. Telegram, J. D. McLean to J. Hawksley, 1 April 1925, file 486–2-8, vol. 6816, RG 10, LAC.


20. Whether those defined as “Indians” are British subjects or not has been a subject of debate. In their submission to the Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, Session 1946, the Grand Council, North American Indian Brotherhood, argued that as wards of the Crown, Indians were not British subjects. They did not have the powers and privileges of British subjects who, “in the ordinary accepted sense, are those born on British soil, or naturalized, who at the age of 21 are fully competent persons, competent to vote at Federal and Provincial elections, competent to vote on Referenda or Plebiscites; have a voice in Parliament and representation therein; may run for office in Federal and Provincial elections; are competent to manage their own affairs.

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so that they may buy or sell their real holdings from whom and to whomever they choose without permission of any Governmental body; are fully competent to sue and be sued before any of the Courts of this country, have absolute freedom of testation, etc., etc. But the Indian is in an entirely different category. He has none of the powers mentioned above.” See Canada, Special Joint Committee of the Senate and the House of Commons Appointed to Examine and Consider the Indian Act, minutes of proceedings and evidence no. 21, Tuesday, 13 August 1946 (Ottawa: Edmond Cloutier, 1946), 837.


22. dia Secretary to S.L. Macdonald, Indian agent, Battleford, 3 January 1933, file 486–2-8, vol. 6816, RG 10, LAC.

23. C.P. Schmidt, quoting Dr. Alfred Montreuil, to the dia Secretary, 15 January 1934, file 486–2-8, vol. 6816, RG 10, LAC.


25. W. Paul to W. Christianson, 30 October 1941, file 486–2-8, pt. 1, vol. 6816, RG 10, LAC.

26. W. Paul to Registrar General, 30 October 1941.

27. Letters, F. Edwards to T. MacInnes, 6 November and 17 November 1939, file 486–2-8, pt. 1, vol. 6816, RG 10, LAC.


29. J.P.B. Ostrander to T. MacInnes, 17 April 1940, file 486–2-8, pt. 1, vol. 6816, RG 10, LAC.


31. Letters, T. MacInnes to F. Edwards, 8 August and 27 November 1940, file 486–2-8, pt. 1, vol. 6816, RG 10, LAC.


34. W. Cory, memorandum prepared to T. MacInnes, 13 August 1941, file 44, box 5, H.W. McGill Papers, ga.


39. Ibid., 157.

40. Ibid., 199.

41. Ibid., 202.
