

Administration of the Law at Fort Battleford: 1876-1885

Thanks to the North-West Mounted Police, settlers in Canada found a country free from desperadoes, vigilance committees and scalping Indians.

J.P. Turner

Maintenance of law and order is the most common theme in early histories of the NWMP. Histories of the North-West written prior to and immediately after World War I focussed on what was viewed as the problem of establishing civilization amid what was still characterized as threatening Métis and Native populations. These accounts reflected the times and preoccupations of the authors, who were almost exclusively male and Anglo-Canadian. The law-and-order theme in the official records was an extension of, or mirrored, the justification for the use of force and physical violence against Aboriginal populations. Natives, it was thought, threatened the establishment of an agricultural base for the white immigrants who were being encouraged to settle in the West. It is evident from early histories like Edmund H. Oliver's contribution to Shortt and Doughty's *Canada and Its Provinces*, and John Hawkes' *The Story of Saskatchewan and Its People*¹ that it was important for white settlers to feel confident in the ability of the police to make the West safe for settlement. Victorian Canadians also felt a need to be protected from the threatening forces of untamed nature and those who, in their minds, lived close to nature.

Over time, the law-and-order theme gave way in historical accounts to the image of the NWMP as agents of the National Policy; the Mounties were portrayed less as military enforcers of British and Canadian law and more as a police force ushering in the newcomers.² With Aboriginal populations no longer a threat, historians did not have to emphasize the necessity of using physical or military power to gain the respect of local Native people. Histories written since World War II were more "liberal" in their outlook, but paid scant attention to Native populations. Historians increasingly saw the Mounties as policemen for the large white populations that were increasingly occupying the plains as the National Policy blossomed under the Laurier Liberals. This view reflects the transformation of law enforcement in a society moving from a reliance on *dominio* (or force) to one in which hegemony (or cultural persuasion) directed the authorities responsible for social control. With the establishment of Anglo-Canadian culture and its legal systems, the use of physical force was no longer as urgent and Aboriginal populations could be controlled by less crude means. As the ideology of those who held power began to permeate educational and social institutions, the images and models for acceptable behaviour were reproduced and disseminated in books and through teaching in schools and churches. Thus, the tools for controlling behaviour effectively became cultural and the reliance on overt presence of force decreased.

Only recently have historians looked again at events in the Canadian West that involve relations between white and Native populations, and have begun asking questions about the nature of the power relations between them in the period of North West Mounted Police administration.³

The Mission of Law and Order

It is difficult to find a balanced history of the NWMP, largely because of the many previous laudatory accounts that have mythologized their mission. The lasting success of the generic Mountie as collective hero of Canada's national consciousness has led some to express concern about the country's penchant for authority.⁴ Early popular studies such as A.L. Haydon's *Riders of the Plains* did much to entrench the image of the undaunted Mountie faithfully serving the Crown. It is obvious from the opening sentences of his book that the police were not stationed in the West primarily to serve the local people, but were given power to enforce and transplant a way of life onto the prairies. Haydon reflected the aspirations of his own generation when he wrote of the traditions of the "British race" being carried west by the Mounties, who to his mind were not sufficiently valorized:

It is a characteristic of the Rider of the Plains that he does not waste words upon his deeds; to this is due the general ignorance of his solid achievements... It is time that an authoritative history of the Royal North-West Mounted Police should be added to the regimental records of the British Empire.⁵

Instead of pointing out that the police became part of a greater coercive treatment of Native populations after 1885 (through the pass system, for example), Haydon says that the Mounties' role became more difficult after 1885.⁶ He argues, against the evidence, that Natives continued to be lawless, thieving, killing and generally threatening toward the peaceful settlers. Were it not for the stalwart role of the Mounties, Haydon thinks that their defiant and aggressive attitudes would have led to "far more serious consequences."

Today such writing is no longer in the mainstream, but such views toward Aboriginal people were not uncommon or isolated. In a very significant way, the "Indian problem" was perceived by the fledgling police force as its most important obstacle to establishing law and order. They maintained their reputation by their manner of treating the Aboriginal people; it was this treatment that set standards against which others yet to arrive in the territories would be judged and measured. All new arrivals would be instructed in what constituted acceptable behaviour. Thus the legendary stories of the Mounties began.

Of the same generation, yet less emotional in tone (if not in content) is the work of historian Edmund Oliver. Oliver was a contributor to the prestigious twenty-three-volume series, *Canada and Its Provinces: A History of the Canadian People and Their Institutions by One Hundred Associates*, published in 1914.⁷ Those who wrote this history were mostly from an Anglo-Celtic background and did little primary research. Oliver, a professor of history at the University of Saskatchewan, contributed the sections related to the West. He was familiar with Haydon's book and used it as the major reference for his sections on the North West Mounted Police. Like Haydon, he presented the police as officers of law and order, but defined their role more broadly, showing the Mounties to be not only enforcers of the laws but men who made the law as well. "The officers of the force not only maintained order

throughout the country, but they also suggested legislation. The early territorial ordinances governing irrigation, branding of stock and marriages by justices of the peace have their origin in that knowledge of local conditions which the police alone possessed."⁸ Like Haydon, Oliver also saw the local Aboriginal population as the major concern for the police up to 1900.⁹ Aggressive attitudes would have led to "far more serious consequences."

What emerges from such interpretations is that the main concern of the early NWMP administration was to deal with the pacification of Natives in what Prime Minister Macdonald referred to as "that fretful realm." The institutions to establish systems of education, legislation, municipal and judicial tribunals were to constitute a Canadian presence, and Aboriginal populations were expected to assimilate into the Anglo-Canadian society. The link with the East was to be through the Canadian Pacific Railway's transcontinental system, which was to herald the inauguration of a "new order for the white settlers."¹⁰ The Aboriginal and Métis presence was the main obstacle of the police up to the turn of the century. In this sense, the Mounties were established primarily to deal with a Native threat to new white settlement. In fact, the police were originally intended to disband after their function had been completed; they were not meant to be a permanent force.

The broad authority given to the police in the era of the National Policy enabled them to carry out a wide range of administrative activities. They had the power to administer and enforce British and Canadian law in the territories, but that law was not the law of those already living in the West. The NWMP powers referred to laws contained in the act of 1873. Oliver mentions only Canadian and British law in his section on "Law and Justice on the Prairies"; these were the laws he hoped would lead to the Canadianization of the territories. The laws and traditions of the Aboriginal peoples were ignored. The culture to be nourished was to be Anglo-Canadian; the culture to be denied was that of the Native groups.

Few laws were enacted to aid the Native or Métis populations in making adjustments to the changing realities they faced in the 1870s. Big Bear had asked for laws that might have helped to conserve the diminishing buffalo herds. But most of the laws and regulations, especially in the Indian Act, were made to restrict and contain Aboriginal activity. Nor was much done to give them any power in the established Territorial Council which ended up being dominated by eastern Canadians. Indeed, the early ordinances passed by the Council dealt with fires, irrigation, stock branding, marriages and licensing. The West functioned as a colony administered from Ottawa. Officials recorded in glowing terms the accomplishments brought about by the colonization of the prairies. Even in 1964 the commissioner of the Royal Canadian Mounted Police could write in an introduction to a new edition of *Riders of the Plains*:

Great cities now stand where log forts of the company stood one hundred years ago. Take nothing away from the missionaries, the explorers and the traders who first ventured into this land of nomadic Indian nations, but realize that it was the police who made it possible for the pioneer settler to bring his women and his children into this great lone land in safety. It was the presence of the police that permitted him to dip his plow into the prairie's beneficent earth and garner its rich rewards. Seldom in the history of man has such a fantastic empire of new land been opened to peaceful settlement with so little turmoil, so little corruption and, except for 1885, so little of the violence and bloodshed that followed the passage of other great historic migrations.¹¹

This legacy of police administration has been so influential that even one hundred years later their history is still written from a single perspective — one that only presents the viewpoint of the colonizer. It is a voice unable to show sympathy for the aspirations of those peoples who lived in the West before the police arrived. The political culture that the force represented was one deferential to imposed authority. It was a tradition which, with the exception of the 1837 revolution in the old provinces of Canada, lacked a sense of people's democracy in a country much devoted to law and order. The force was answerable to an authority that was far away, and the police bore little relationship to the Natives in spite of claims in their own histories to the contrary. The great powers of the police put them in the position where they were the law, not merely its enforcers. The commissioner of the NWMP automatically held a seat on the Territorial Council, which was the lawmaking arm of the legal system then emerging in the West.

As well as potential makers and enforcers of their own laws, the police were given powers as magistrates so they could administer the same laws. The NWMP and Royal Canadian Mounted Police have always been in this extralegal position. The NWMP were not simply a state police force organized along military lines but were equivalent to colonial police forces in the old British Empire. In fact, the NWMP were directly modelled on the Royal Irish Constabulary.¹²

Culturally the force represented the narrow interests of the colonizer:

The RCMP's conception of 'upholding the law' has always been an imperial and material conception... The English-dominated force ... marched off into the sunset to bring civilization to the Canadian prairies, taking charge of dealing with all kinds of matters: from insurrection and railroad workers' strikes, from murder to playing billiards on Sunday, from control over native Canadians and the British and French Métis, to the regulation of liquor, gambling, and blasphemy.¹³

The law and order was then culturally determined by the customs and standards of Victorian Canada. Vague concepts that refer to absolute forms of justice mean little without appreciating the context within which the police functioned.

The NWMP as Agents of the National Policy

It has been argued that police administration of the law was fair and the term "benevolent despotism" has been used to describe its function; however, a closer examination of Aboriginal-NWMP relations, especially after 1885 and culminating in the case of Almighty Voice, suggests a revision may be necessary. By the late nineteenth century, the police no longer showed sympathy to the Natives but saw them as the enemy. The NWMP were armed with broad powers to introduce "law and order" and ensure that an Anglo-Canadian way of life would be established in the West. R.C. Macleod, NWMP historian, censures academic traditions that suggest a repressive police state in the West. Macleod maintains that structure does not dictate function and that, even though the police enjoyed broad powers, these powers need not of necessity be abused. Macleod maintains that an examination of the police record suggests a fair treatment of minority groups by the Mounties and an equitable and fair execution to enforce the liquor laws in the North-West:

This last point is stressed rather heavily ... among academics and other social critics to assume that structure dictates function; that because an institution enjoys wide powers, those powers must necessarily be abused. An examination of

the treatment of minority groups by the police, of their handling of criminals of all types and of their approach to one particular problem, enforcement of the liquor laws of the North-West Territories, provide abundant evidence that the Mounted Police almost invariably used their authority wisely and well.¹⁴

Here the limits in place for the police were to be found in “informal controls. ... in the political system and tradition within which the police operated, in the semi-military tradition of the force, and in the social structure of late nineteenth-century Canada.”¹⁵ Though there is evidence of the fair treatment of Aboriginal people by the NWMP, it may be too sanguine to suggest that the police were inherently fairer than other members of the same Victorian society from which they were recruited, or that they were more tolerant than any other force armed with broad powers which bore the burden of bringing civilization to Aboriginal people. A careful examination of the acculturation process shows the police involved in both overt and subtle forms of cultural subjugation that reflected their belief in the superiority of the culture they represented and were to impose. They remained agents of Anglo-Canadian hegemony over the West, often treating the local people as inferiors and sneering at their culture. This they did as much by ignoring the Native community as through overt acts of physical force.

The forms of discrimination and subjugation the Native people had to endure were not only the fault of the police, but also of the attitudes and intolerance of the culture the police represented. No matter to what lengths academic scholars go to document that police despotism was benevolent, they cannot erase the fundamental prejudice entrenched in Victorian attitudes to race: that Aboriginal peoples are relegated to an inferior status. It was the “us (white ‘civilization’) against them (‘savagery’)” attitude that completed the basic binary oppositions that constituted the culture of the late nineteenth century. The paternalistic mission was clear:

The force was to be a civil one under military discipline. The Prime Minister had stated that he wanted as “little gold lace, fuss and feathers as possible” in the North-West Mounted Police. He did not want a crack cavalry regiment, but an efficient police force for the enforcement of law and order in a rough and ready country. The outstanding objectives were: to stop the liquor traffic among the Indians by whites, to gain the respect and confidence of the Indians, to teach them respect for the law while acquainting them with the great changes pending to break them of many of their old practices by tact and patience, to collect customs dues and to perform all duties such as a police force might be called upon to carry out.¹⁶

Thus the goal of the Mounties could eventually be described as a cultural one — to gain the trust of the Natives and then wean them from their customs and beliefs by enforcing laws intended to diminish the Native culture. This was also to be done by example, persuasion, government programs and education.

Macleod was confident that “Canadianization” of the West was of the greatest benefit to the greatest number of individuals. Its optimism firmly presented the history of material progress in the West. Indeed, there was virtually no mention of the police role in enforcing the pass laws, the permit system, or aiding government policies such as the severalty laws designed to make lands negotiated by the Natives under the treaties more vulnerable.¹⁷ He replaced the image of the police as physical enforcers of law and order with an image that portrayed the police as agents of a new society and the final triumph of the hegemony of an Anglo-Canadian way of life for the prairies. In his estimation, it was Native

culture that prevented them from benefiting from the wealth generated by the National Policy, and he slipped into the civilization/savagery paradigm of earlier historians when he wrote, "Had the Canadian government poured massive quantities of money and effort into the reserves [as they were obliged to under the Treaties,] it would not have made a great deal of difference. Even today, as the experience of aid to underdeveloped nations and the literature on the subject demonstrate, no one is even close to understanding how to use the resources available to change a primitive society into a modern one."¹⁸

Macleod's explanation of the police function in pacifying the West remains as unsatisfactory as those of earlier generations of police historians. More recently, new research suggests other explanations for the failure of the National Policy to include all people in the development of western Canada, explanations that go beyond blaming the victim.

The Relationship Between the NWMP and the Aboriginal Peoples Through the Acculturation Process

The police, as representatives of official authority for the Crown, acted as agents on behalf of the Canadian government and were instrumental in negotiating the treaties on the prairies. Their presence at the negotiations was more in terms of military (*dominio*) authority than in a policing capacity; they were a ceremonial extension of the Canadian governmental authority. In a sense, the treaties were the culmination of the move by British and Canadian colonizers to gain possessory rights to Native lands.

NWMP attendance at the treaty negotiations coincided with the establishment of the Battleford post at the confluence of the Battle and North Saskatchewan rivers. Superintendent Walker, with his troops (made up primarily of "E" Division), had travelled northwest to the Battleford area and had chosen a height of land for a fort. After the construction of the outpost, begun under Sub-Inspector Frechette, Walker and his group continued to Carlton with the main portion of the troop. At this point the Mounties were to provide a military function by escorting the treaty commissioners who were to arrive at Carlton, but a rumour circulated at Carlton that Chief Beardy intended to stop the government party at a site along the south branch of the Saskatchewan River with the apparent purpose of signing a separate treaty with them. Walker immediately marched his men southwards to investigate and found Beardy's Cree. No problems were encountered between the two groups. The official history of the force suggests it was the very presence of the Mounties in their orderly, military attitude that overawed the Cree.

The police trotted past the Cree in their smartly polished uniforms and in military attitude: "On that day a lasting impression sank into many a redskin's mind, and the scheme to block the governor's passage was promptly abandoned."¹⁹ The police role in these early contacts was clearly to establish the authority of the government party, and to show the Natives who was in control and who held ultimate power.

The large commission party made up of more than one hundred Red River carts reached Fort Carlton in mid-August 1876. The officials included Lieutenant Governor Morris; Chief Factor William Christie; the Honourable James McKay; Dr. A.G. Jackes, secretary to the commission, and Pierre Laveille, NWMP guide

and interpreter. After some preliminary negotiations with the Cree, it was agreed that treaty negotiations would begin on 18 August 1876.

It was important for the commission to have a military aura accompanying the negotiations in order to present an image of control and authority. It was primarily in this role that police participation was indispensable. The atmosphere of significant ceremony was created by the government party to establish itself in a position of power. The negotiations began with the Cree conducting their own ceremonies before meeting the government men. The official history describes the ceremony with the lingering ethnocentrism of the 1950s:

The Indians drew together amid a bedlam of gun firing, beating of drums, yelling and chanting. Turning towards the headquarters marquee, with their mounted warriors in front, they advanced *en masse*. After a display of barbaric horsemanship by painted and feathered riders, the chiefs, medicine men, councillors and musicians moved closer and sat down on buffalo robes and blankets.²⁰

On this first day the Natives consisted of 250 lodges — about 2,000 people. The introductions of the chiefs were made by Peter Erasmus, the interpreter chosen by the Natives. The government then proceeded to describe what it was offering. Morris explained his position as a “servant” of the Queen with a brief history of the negotiations of other treaties. Morris spoke at some length of his intentions:

We are not here as traders, I do not come as to buy or sell horses or goods, I come to you, children of the Queen, to try to help you; when I say yes, I mean it, and when I say no, I mean it too.

I want you to think of my words, I want to tell you that what we talk about is very important. What I trust and hope we will do is not for to-day and to-morrow only; what I will promise, and what I believe and hope you will take, is to last as long as that sun shines and yonder river flows.

You have to think of those who will come after you, and it will be a remembrance for me as long as I live, if I can go away feeling that I have done well for you. I believe we can understand each other, if not it will be the first occasion on which the Indians have not done so. If you are as anxious for your own welfare as I am, I am certain of what will happen.

The day is passing. I thank you for the respectful reception you have given me. I will do here as I have done on former occasions. I hope you will speak your minds as fully and as plainly as if I was one of yourselves.²¹

The first day ended with the arrival of more Mounties from Fort Saskatchewan under the command of Superintendent W.D. Jarvis. This increased the number of police support to about one hundred men. On the second day the two groups continued their discussions. It was the Natives’ turn to speak, beginning with Mistowasis, Atakoop, James Smith, John Smith, Chipewyan and others. They generally pledged their loyalty to the Queen and outlined their wishes for the treaty. (One problem emerged to interrupt the negotiations. This was Chief Beardy’s initial request to meet with the governor at Duck Lake. The governor, having refused, later invited Beardy to join the others at Carlton.) Then Morris spoke and outlined in some detail the provisions he would include in the treaty, such as schools and agricultural assistance. During this process, another request came from Beardy. He wanted to be informed of the terms of the treaty and given material provisions which the commissioners supplied to members of the negotiating parties. The provisions were offered to Beardy as an enticement if he came

to negotiate. The chiefs then asked for time to consider the government's proposal. According to the official police history, there was a delay after these initial meetings. This was interpreted as the Cree stalling for more supplies. The chiefs all outlined the needs of their bands and spoke of loyalty to the White Mother. After their speeches, they asked for time to confer with their people and retired to their lodges. One historian suggested that they were in no hurry to strike a deal since the government rations supplied while negotiations were going on were "to their liking."²² After the request for time, Morris responded with a short statement:

This is a great day for us all. I have proposed on behalf of the Queen what I believe to be for your good, and not for yours only, but for that of your children's children, and when you go away think of my words. Try to understand what my heart is towards you. I trust that we may come together, hand to hand and heart to heart again. I trust that God will bless this bright day for our good, and give your Chiefs and Councillors wisdom so that you will accept the words of your Governor. I have said.²³

On the third day Morris indicated his impatience with the slow response from the Cree, and it was Poundmaker who replied:

We have heard your words that you had to say to us as the representative of the Queen. We were glad to hear what you had to say, and have gathered together in council and thought the words over amongst us, we were glad to hear you tell us how we might live by our own work. When I commence to settle on the lands to make a living for myself and my children, I beg of you to assist me in every way possible — when I am at a loss how to proceed I want the advice and assistance of the Government; the children yet unborn, I wish you to treat them in like manner as they advance in civilization like the white man. This is all I have been told to say now, if I have not said anything in a right manner I wish to be excused; this is the voice of the people.²⁴

Morris answered by saying the Cree must trust the Queen and her promise to help future generations.

The last day of the negotiations was the most intense with the Cree again putting forward a list of requests to which Morris promised some additional provisions. At the end of the exchanges between the governor, Poundmaker and Red Pheasant, a general agreement was struck over the provisions. On 24 August 1876, the treaty was presented and signed:

the governor invested each chief with his uniform, flag and medal. The uniform consisted of a scarlet coat decorated with gold lace and a top hat with gold band. In the evening, the councillors were presented with blue coats and hats similar to those given to their chiefs. The medal bore an etching of the Queen's head and an appropriate inscription. ...

On August 26 the Indians assembled at "Carlton House," their chiefs, and councillors proudly decked in the new uniforms. They had come to say farewell. They shook hands with the commissioners, well pleased with the way things had turned out and profuse in their gratitude for what had been granted them. They all joined in three cheers for the Queen, Governor Morris, the Mounted Police and Chief Factor Lawrence Clarke. Firing the guns in the air, they gradually dispersed.²⁵

The commission then moved to Duck Lake where it was able to come to an agreement with Chief Beardy as well. On 5 September, three days after Beardy

signed Treaty 6, the commissioners' retinue moved on to Fort Pitt. Superintendent Jarvis and his men had travelled ahead of the main party and, with a band playing, the Cree were escorted into the HBC post to meet with the commission. The police performance in this ceremonialism brought a great crowd of Natives to witness the "unusual" activities of the government commission. Negotiations similar to those at Carlton took place from 5 to 7 September between Morris and the leading chiefs, Sweet Grass and Yellow Sky. As at Carlton, the Cree asked for more time to consider the nature of the treaty and met again on the ninth to have matters clarified. After the majority of the Cree signed, speeches were made. Little Hunter spoke on behalf of his people:

I am here alone just now; if I am spared to see next spring, then I will select my Councillors, those that I think worthy I will choose. I am glad from my very heart. I feel in taking the Governor's hand as if I was taking the Queen's. When I hear her words that she is going to put to rights this country, it is the help of God that has put it in her heart to come to our assistance. In sending her bounty to us I wish an everlasting grasp of her hand, as long as the sun moves and the river flows. I am glad that the truth and all good things have been opened to us. I am thankful for the children for they will prosper. All the children who are sitting here in hope that the Great Spirit will look down upon us as one.²⁶

One major problem that developed for the commission was the arrival of Big Bear on 13 September. Big Bear told the commission he could not sign without consulting his people and had not known the date of the negotiations. He also expressed his concerns about the preservation of the buffalo. Sweet Grass and Red Pheasant tried to persuade Big Bear to sign the treaty, but to no avail. Big Bear met with Morris and told him he did not want to be disloyal, but did not feel he could sign without his people being present. He then agreed to meet with treaty negotiators again the next year. In retrospect, the refusal of Big Bear to sign was prophetic, for, throughout the next decade, the government commitment to aid the Natives in making the transition to an agricultural economy proved to be an abysmal failure. This was not so much due to the Cree, whose willingness to farm has been solidly documented, but more to government ineptitude, neglect and the inability to keep its financial promises. The reasons for ignoring Big Bear during the bargaining are not clear, but it has been proposed that the government deliberately chose to sign treaties as early as possible with the Christianized chiefs who were under the influence of their priests and ministers. This, it was thought, would encourage others who had doubts about signing and convince them to adhere to the treaty promptly for fear of being excluded from the supplies granted to the signatories. To allow Big Bear, a powerful orator and leader of other non-Christian chiefs, a high profile in the negotiations might have swayed the doubters away from agreeing to take reserves and to begin the settlement process:

Because Big Bear had arrived after the treaty was concluded, he had no chance to negotiate and discovered that the door seemed closed to further discussion. He knew, however, that the Indians who had signed Treaties One and Two had become dissatisfied and that the government had altered the terms four years later. If the government could renegotiate those treaties, he saw no reason why they could not do so with Treaty Six, particularly if all the Plains Crees could speak with a unified voice. Stubborn and intractable when he believed he was right, Big Bear was not willing to meekly accept what the Christian chiefs had taken. He would try, with determination, to get a better deal for his people.²⁷

Most importantly, what had been agreed to in the treaties in the Battleford area

was a commitment by the government to assist the Cree in the transition to an economy based on agriculture. Distinctive to Treaty 6 was the procurement of the starvation and medicine-chest clauses. It was provisions such as these that allowed Big Bear correctly to believe that the treaties were more flexible than Morris would let on and that changes could be made through continued negotiations.

Without doubt, the majority of the NWMP concerns in the period between the signing of the treaties and 1885 were with the Native population. This is especially clear when looking through the *Sessional Papers*, where the annual reports of the police reflect their preoccupation with Native peoples. Immediately after the treaty signing, the police were most concerned with those who had still not signed Treaty 6 and those who had signed reluctantly and perhaps without a sound understanding of how the treaties would be administered. Two such leaders were Big Bear, who did not sign an adhesion to Treaty 6 until 1882, and Beardy, who signed in 1876. The gradual increase of the police numbers from 1876 to 1885, when Fort Battleford became the biggest force in the West, shows the great concern of the Mounties with the Battleford Cree.

According to the official police history, the problem with Chief Beardy was that he claimed to have signed a treaty that gave him better conditions than those who had signed at Carlton or Pitt. Beardy apparently told the police that Morris, by coming to Duck Lake, had given him a better deal. By 1878, Beardy and his band were still demanding more, and Superintendent Walker finally intimidated the band into accepting their supplies under the threat of getting no goods at all. Then, in 1880, Beardy ordered three head of cattle killed for a celebration, which was done against the wishes of the farm instructor. The Mounties arrested the Natives named in the warrant and escorted them to Prince Albert. There was little or no recorded protest from Beardy's band after their men had been sentenced and their leaders imprisoned and humiliated.

The almost constant concern of the police with the Natives of the area can also be seen through their duties in supervising and distributing annuity payments. In some instances, these meetings were an occasion for other Natives to appear and sign adhesions to Treaty 6. It was also a time when those who still refused to sign would appear to ask more questions about the treaties — in a sense, to continue to negotiate. It was this kind of behaviour that has been used as an example of the Treaty Rights movement which was a continuing process in the minds of the Cree who had signed the original treaties. Many Aboriginal leaders did not view the treaty as a once-and-for-all agreement but saw the treaty as the beginning of a process of negotiations that has continued to the present day. According to the police, the treaty payments required strict vigilance and tact in dealing with the large number of Natives in the area. The Mounties were now escorts and pay clerks in addition to their role as keepers of order. Administration of payments and transportation to the sites were very time-consuming processes:

In the Battleford district, "non-coms" and men were detailed to make payments at Fort Pitt, also on the reserves along Battle River and in the neighbourhood of the lakes to the west and north. The Force also assisted at other payments made on the several reserves in the Eagle Hills south-east of Battleford, and at Cumberland House on the Saskatchewan.²⁸

To the NWMP, the spectre of Big Bear always loomed over their efforts to secure a prairie safe for white settlers. Each year his movements were reported to

the force until 1882, when he finally signed Treaty 6. The police reports claim that he had at one time threatened to use force to feed his starving followers:

About 150 of Big Bear's warriors, all armed and mounted, appeared. Messengers accompanied them with summary demands from Big Bear for food — which was flatly refused. They were told that: no assistance of any kind would be given to non-treaty Indians; they need not seek help from the Mounted Police or the Indian Department; any attempt to force the issue would be disastrous to them. ... presently Big Bear and his collection of outlaws drifted away. The last seen of them was a motley group slinking towards the plains on what was said to be a horse stealing expedition.²⁹

After Big Bear signed, police efforts were concentrated on getting him to take a reserve in the North Saskatchewan area.

The negative image of Big Bear in the official record was not deserved. In more recent histories written of the Cree, evidence is presented that there was substance to his complaints regarding government policy towards the Treaty 6 Natives. Prior to these studies, the record had been dominated by the image of Big Bear the troublemaker, rather than the diplomat and politician. His agitation for changes to government policy and a more responsive bureaucracy was quite wrongly labelled as "radical" by observers of the day, including the police. In some instances, after admitting the failure of government policy, the police were still able to write, "All [the Cree] were prone to exaggerate their shortcomings despite the fact that in many instances the government had done more for them than the treaty called for. Nevertheless it was self-evident that not enough was being done to meet their needs."³⁰

Sadly, it was Big Bear's arrest after the events of 1885 and his subsequent imprisonment that was to end his leadership of the dissenting Plains Cree. It was an arrest and imprisonment that was questionable even by the standards of that time, but it appeared to be the policy of the government to remove the leadership of the Plains Cree, however that might be accomplished.³¹

Even though the police tried to be optimistic about their success in moving Aboriginals onto reserves and making the West a safe place to settle, there was one problem that came up again and again in their reports that could not be ignored. This was the problem of starvation both on and off the reserves. Indeed, as early as 1878 at Battleford, a stockade was erected for fear that starving Natives might attack the fort where supplies were held. This not only led to the increased deployment of troops, but also to the establishment of sub-posts at Duck Lake, Prince Albert and Carlton, all administered from Battleford. In 1881, the Natives were in such a state of destitution that they even brought their horses into police posts to trade for two or three sacks of flour. Warnings by the NWMP to the government took on an urgent tone, especially in the late 1870s. With dissatisfied Natives not yet on reserves, the famine was viewed as a potential tinderbox that threatened the security of both police posts and settlers. Superintendent Walker was in a constant state of alert: "They [the police] knew that hunger-maddened men were dangerous..."³² The great hunger in the Battleford area was presented ominously by the NWMP:

During the past year there has been great distress and suffering from hunger among the Indians of this district, owing to the scarcity of game, the buffalo having entirely disappeared from this section.

I have experienced great difficulty with this matter, applications for relief being constantly made to me by starving bands of Indians.

Owing to the scarcity of flour and the uncertainty of the arrival of further supplies, I was able to afford but comparatively small assistance to the many thousands of starving Indians.³³

Battleford was even assisting beyond its jurisdiction:

I dispatched Inspectors McIlree and Frechette, at different intervals to the camp at the Blackfoot Crossing, with such provisions as I was able to get, to their relief, and to the extent I was able to spare from my limited quantity of stores; at one time I was reduced down to six bags of flour on hand. At this time (June) from 1,200 to 1,500 Indians, Bloods, Piegans and Sarcees, encamped around the Fort, were being fed, and later on as many as 7,000 men, women and children, all in a destitute condition, applied for relief; beef and flour were distributed every other day in small quantities to each family.³⁴

And the ominous report from the south:

Not only the Sioux, lately arrived, but the local Crees and Assiniboines suffered from the general threat of famine. In the various camps the rawhide drums could be heard day and night. Ceremony followed ceremony in the pagan belief that the happiness of other days could be thus invoked to return to the children of the Great Spirit. The younger generation continually displayed suppressed desperation, the elders made long speeches telling of days of war and plenty.³⁵

To these concerns was added the burden of official visits to the West. The 1881 visit from the Governor General — the Marquis of Lorne — required one-fifth of the strength of the force for escort and surveillance of the local Native population that was perceived as potentially “dangerous.” No incidents were reported and the plains tribes fully participated in the events during the visit that took the Governor General throughout the West. At Battleford he attended a grand powwow and inspected the police fort, reportedly “commenting highly” on the condition of the buildings. (On occasion, members of the Anglo-Canadian establishment would participate in Native celebrations, but this was rare and was reserved for “official” ceremonies and functions when it was important to communicate the appearance of harmonious relations to eastern constituents.) The Governor General was then joined by Indian Commissioner Dewdney at Battleford as the entourage proceeded towards Calgary.

The “Indian problem” required increased manpower. From the twelve men and sixteen horses at Battleford in 1876, the force grew dramatically by the spring of 1885. At that time, 200 men of their total force of 557 were stationed in the Battleford Division; 107 horses from a total of 200 were being used there.³⁶ These numbers are the best indication of the importance of NWMP administration in the Battleford area up to 1885.

It is evident that in this first decade the function of the NWMP force was a military one. Their actions in protecting Aboriginal culture have perhaps been overestimated, as it is evident from recent scholarship that the Mounties were agents of the National Policy and an eastern Canadian image of the West. Whether their legacy of despotism was benevolent is now open to re-examination and closer scrutiny.

The Emergence of Government Aboriginal Policy

As a signatory of the numbered treaties, the government assumed responsibility

under its obligation to provide seed and materials for farming the land, but in the early years of 1876-79, this was not enough. There was malnutrition and even starvation on many plains reserves. During this period, the government failed to provide a minimally adequate administrative structure.³⁷ Often materials and seed stipulated in the contract were not sent. Many problems were also due to a distant government in Ottawa that did not understand the problems and conditions in the West. For example, in 1876 it was still possible for the Minister of the Interior, David Mills, to think that all Natives were on reserves. This frequently led to policy decisions that did not relate to actual problems. However, it may be that the solution to the very difficult problems faced by the Natives was beyond the insights and resources available to that generation.³⁸ These problems were compounded when those starving tribes who had not initially signed treaties began to turn to the reserves as their hopes for subsistence from game on the plains waned.

Aboriginal policy and the administration put in place to implement it originated in Ottawa. The first policies from the early 1870s were part of a process intended to settle Natives on reserves. The main task of the first two Boards of Commissions was to sign treaties with the Natives, especially in the fertile belt where settlers were expected and encouraged to take up lands according to the National Policy.

By 1876, with the treaty-making completed, changes were made to correspond to the duties that emerged. The Board of Commissions was replaced by a system of Indian superintendents with two or more Indian agents in each superintendency. Under this arrangement, there were four superintendencies for the area east of the Pacific Coast to the Ontario-Manitoba border: the Victoria, Fraser, North-West and Manitoba superintendencies. The arrangement was articulated by David Laird, Mills' predecessor as Minister of the Interior.³⁹ The agents were first to distribute annuities, then instruct the Natives in farming, and finally advise them in the transition to proposed agricultural life that was to be established on the reserves. It was, to say the least, a vast task for a handful of agents. In the North-West Superintendency alone, there were 17,000 Treaty Natives to administer. The Indian agents had the least amount of time for farm instruction which, ironically, was the task that the Natives required most. Many of the farm instructors hired to assist in developing agriculture proved to be sadly inept. Most had little farm experience and were unsuitable for dealing with a society that was so different from their own. Much tension and misunderstanding resulted from this situation.

This administration proved disastrous. The Natives had been encouraged to settle on reserves, but the agricultural policy the government was proposing was not able to provide them with enough food for subsistence. It forced many Natives who were willing to farm to return to hunting in order to survive — precisely what the government wanted to avoid. Money granted by the treaties proved to be grossly inadequate to purchase enough food to provide basic nutrition. The absence of farm equipment also prevented farming beyond the very primitive level. When provided, equipment usually lacked adequate and proper instruction for its operation. When broken, there was no means for repair and much of the machinery remained virtually useless. The Natives were interested in learning about mechanized farming practices, but complained that little teaching was available. Instead, they actually provided the farm instructors with free manual labour, while the profits did not even go to the workers.

The instructors were also directed by Ottawa to implement a policy of “work for rations” which the Natives resented. They thought the rations were a right, not something to be earned. In Treaty 6, they pointed to the famine clause, as Native culture demanded sharing with those in need and assistance to the sick. While the policy was intended to instill in the Natives the idea that rations could not be handed out, but had to be earned by completing tasks, the Natives found this to be humiliating and menial. They also saw little use in the busy work demanded of them.

With no solution from the starvation on reserves in sight, the government recognized the need to revise its policies. In 1879, it began the Home Farm Plan, which was to provide examples of proper farming practices on model farms. Under the direction of the farm instructor, Natives were expected to work on these farms for nothing and then use the experience gained to manage their own farms. Besides receiving education, the farms were meant to provide them with enough food to stave off starvation and to supply seeds for future crops. The program proved to be a failure as the Natives resented the free labour demanded of them. They wanted wages.

By 1882, Macdonald’s government had begun to cut back all government programs, and the Home Farm Plan was one of the first casualties. This attempt at using model farms fizzled dismally. Proper and competent administration was lacking, as were adequate resources. The problems of farming on reserves were a concern to government officials throughout the early 1880s, but the only solution provided was to send more farm instructors and Indian agents. In areas where there were no model farms, little was done to provide instruction in agricultural practices beyond the presence of a farming instructor, if one was available. These were poorly conceived solutions to what were becoming increasingly complex problems that would require more comprehensive remedies to solve. The Natives were beginning to give up on a government that during the treaties seemed so anxious to assist them to adapt to agricultural life on the reserve.⁴⁰

The NWMP as Enforcers of Government Policy

By the mid-1880s, the NWMP were called upon more often to deal with problems arising from decisions made in Ottawa. It was clear that the policy for assisting the Natives to make the transition to an agricultural way of life was not working. This is demonstrated by two incidents involving the NWMP: the Yellow Calf Incident in the Qu’Appelle district and the Craig Incident in the Battleford area. The police who had worked for many years to earn and gain the respect of the Natives were now called upon to deal with eruptions of violence resulting from ineffective government policies. They were becoming enforcers of unpopular legislation in contrast to earlier times when much of their activity, from the Cypress Hills Massacre onward, had been to assist in the protection of the Natives from aggression.

By 1884, the government was still enforcing the policy of “work for rations” among the Aboriginal members of the numbered treaties. The only exceptions made were for the sick or disabled, even though on most reserves there was less and less to work for, and the Natives resented jobs that were merely to give them something to do. They felt humiliated doing work they saw as pointless. Even Indian Commissioner Edgar Dewdney admitted that “the tools and implements

provided at the time the treaties were made, go but a small way to keep so many employed."⁴¹ Thus, tension grew on the reserves as food shortages became more acute and agriculture was failing to provide even a subsistence-level supply. The Craig Incident occurred on the Little Pine Reserve ten miles from Battleford in the spring of 1884.

Members of Big Bear's band had still not taken reserves and became the focal point for those who had doubts about signing the treaties. In 1882, these Natives were still looking for buffalo to survive on. In 1883, they had been escorted by the police onto a reserve near Fort Pitt. They stayed the winter but, in the spring, made ready to move to Poundmaker's reserve where the Cree said they had been invited. They did not like working for the instructors:

On Poundmaker's Reserve were about two hundred and fifty Indians, with a very large proportion of able-bodied men among them, fair workers, but resenting all, even advisory interference, and with an undisguised truculence of manner; showing pretty plainly that it was only the dire pressure of circumstances that had brought them to accept the restraint of Reserve life, and further that they were prepared to resist anything that looked like an encroachment on their free will, either as to what they should do, or how they should do it.⁴²

Robert Jefferson, the farm instructor on Poundmaker's reserve, thought the chief was attempting to increase rations and hasten the delivery of farming supplies and agricultural equipment. Poundmaker hoped to "constrain the authorities to make better terms and so to give the Natives a more hopeful outlook on the future."⁴³ Jefferson, who was usually sympathetic with the Natives, said:

Had the Indians known the term, they might have called this "patriotism." The Indian Department called it insubordination and contumacy, and all sorts of bad names, for all their policy had been directed to precluding such an event by closing every avenue that might lead towards it.⁴⁴

It was June, and Poundmaker's band had just completed seeding and was making preparations for its Thirst Dance. It was presumably to this that Big Bear had been invited. Thus, there were many Natives in the area who had come to join in this traditional celebration of the Cree, but those who were invited were not welcomed by John Craig, the farm instructor. He gave orders that no more rations would be given out. In response, Poundmaker ordered two weirs to be built across the river so the congregating Cree could be fed with fish. The Cree were almost prepared for the dance, having completed their lodge, when the incident occurred.

Just before the dance was to start, some Cree men went to Craig's store and demanded food for a sick Native child. Since Craig spoke no Cree and the Natives no English, there was confusion. Craig ordered the men out of his store, and, as Jefferson later wrote, "Craig seems to have lost his head, since the controversy ended in his pushing the men out."⁴⁵ As he was pushing them out, one of the Natives, Lucky Man, grabbed an axe handle and whacked Craig across the arm with it. Jefferson, who saw Craig shortly after, observed, "Craig's arm was not injured, but his feelings were."⁴⁶ Craig was determined to charge the men for the blow he had suffered, but knew that with the large number of Cree gathered in the area, it would be difficult to apprehend Lucky Man at that time. He tried to follow and arrest him, but the chiefs gathered at the dance site to block his way and refused to give the man up.

Craig immediately rode to Battleford and reported the incident to NWMP

Superintendent Crozier. At 9:00 A.M. the next day Crozier, twenty-three men and two farm instructors rode into the midst of the Cree dance. As the participants were painted, it was not possible immediately to identify the perpetrators of the attack on Craig. In the meantime, supplies from Craig's store on Poundmaker's reserve were loaded onto wagons to be taken away to Little Pine Reserve. On numerous occasions, the police talked to the chiefs, demanding they give up the person responsible for striking Craig. Each time, the Cree refused and delayed. Finally, it was agreed that after the dancing was over, the police would be allowed to arrest Lucky Man, but, when the moment arrived, the Cree attempted to hide the sought-after offender with a show of strength. The younger warriors excitedly milled about, threatening the police while Lucky Man wielded a knife, defying arrest. Finally, with great coolness, Crozier walked among the men, then suddenly and boldly made the arrest. The tension that Jefferson witnessed was extreme, but the incident ended there:

During that half hour, then, any little mishap would have started a row — a gun going off accidentally — a chance encounter — any roughness on the part of the police. Everything was ripe for our extermination; none would have escaped. However, it just was not to be.⁴⁷

This was the end of the Craig Incident. It showed that the NWMP were still respected enough to be allowed to carry out their justice. They had developed a trust and had a reputation of acting fairly, but, in a short period of time, the Natives had reached their breaking point. The NWMP had foreseen the dire situation the Natives were driven to and tried to protest. Agent Rae of Battleford wrote to the commissioner: "If ... the department is bound to stick to these present orders then full preparations should be made to fight them as it will sooner or later come to this if more liberal treatment is not given." Crozier sent an angry letter to Ottawa:

Considering what is at stake, it is poor, yes, false economy to cut down the expenditure so closely in connection with the feeding of the Indians that it would seem as if there was a wish to see upon how little a man can work and exist. ... My firm conviction is if some such policy as I have outlined is not carried out, then there is only one other and this is to fight them.⁴⁸

The police were merely agents, there to enforce the laws and government Native policy that unfortunately, even as they had observed, were no longer in touch with the circumstances on the reserves. John Tootoosis described how the incident was remembered by the Cree of the area:

What a bizarre affair it had been! If Craig had sensibly handed over the bit of food in the first place, all those lives would not have been placed in danger. The midnight run with the food supplies, (getting across the creek had been an ordeal) all the shouting and threats on both sides resolved simply by the final donations of rations to the Indians — Jefferson shook his head as he ruefully inspected his own garden. It had been trampled to the ground in all the excitement.

He had just received another one of those orders easier given than obeyed: "You stay with the Indians until they quiet down to show them *we* are not intimidated." Fortunately, Jefferson had replaced the much disliked former farm instructor, was well liked by Poundmaker, was married to his half-sister, and was a diplomatic and tactful man. This made him almost unique among Indian Department employees in the North Saskatchewan.⁴⁹

The incident was a harbinger of what was soon to happen among the Métis. Tootoosis stated that even that could have been averted:

If the government had planned to incite bloodshed it could not have done a better or more efficient job. Prime Minister Macdonald, preoccupied as he was with the affairs of the entire country (he was known as "Old Tomorrow" in the North-West) procrastinated on vital decisions until it was too late to avert disaster. Edgar Dewdney, Lieutenant-Governor as well as Indian Commissioner, seemed either unable to impress Macdonald, with the reality of the danger or he misjudged it himself. His Assistant Commissioner, Hayter Reed's, best known talent was that he could estimate exactly how much an oxen had to be fed to keep it working. He was not an expert in determining how much (or how little) Indians needed to eat in order to survive. The police filled their role as well as possible despite limited manpower and resources, but they were not the policy-makers.⁵⁰