

HERMAN MERIVALE AND COLONIAL OFFICE INDIAN POLICY IN THE MID-NINETEENTH CENTURY

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ABSTRACT/RESUME

This paper outlines the gradual movement of Indian policy from Britain, where Merivale was instrumental in its development, to the various separate colonies of British North America. By the time Canada was formed in 1867, there existed a series of regional Indian policies, rather than a comprehensive, "sea-to-sea" policy.

Cette étude décrit le déplacement graduel, de la Grande-Bretagne (où Merivale exerça une influence prépondérante sur son développement) vers les diverses colonies de l'Amérique du Nord britannique, du siège de la politique relative aux indigènes. À l'époque de la formation de l'union canadienne en 1867, le véritable éventail de politiques régionales distinctes, qui dans ce domaine était déjà en place, tenait lieu d'une seule et unique politique pour tout le pays.

Historians have examined the origins of Canadian Indian policy and have generally agreed that prior to Confederation, it was a product of the ideas and actions of politicians and administrators in the Canadas.² This interpretation is partially true, but it has tended to obscure two important facts. In the first instance, before 1860, the Colonial Office in London, England and the colonial governors rather than the Indian Department were responsible for Indian (i.e. Indian and Metis) policy in British North America. The Indian Department dealt with administrative details while the British Government still held within its purview questions of policy. Other colonial governments in British North America had other administrative mechanisms. The emphasis on the development of this policy in the Canadas and its transfer in the 1860's and 1870's to the other provinces and to the Northwest Territories has also given the mistaken impression that there were no other Indian policies outside of the Canadas before 1867. Such was not the case, for an analysis of Colonial Office Indian policy reveals that Lord Grey, Secretary of State for War and the Colonies (1846-1852), and then Herman Merivale, permanent undersecretary from 1847 to 1860, in conjunction with the colonial governors had by the mid-nineteenth century developed a regional approach to the "native question" in British North America.³ This approach was contained within the framework of responsible government in British North America.

In the North Atlantic colonies Colonial Office Indian policy attempted to "insulate" the Micmac by confining them to Indian reserves, until they were ready for assimilation. Its aim in the Canaries was "amalgamation"; an attempt to reduce the number and extent of Indian reserves and to try to persuade Indian people to mix with the white population, by miscegenation and education. In the west the objective was amalgamation which would occur if the fur trade continued and if the position of the Hudson's Bay Company could be maintained. The Company administered Rupert's Land and was responsible to the Colonial Office for the welfare of the native peoples. On Vancouver Island and on the coast of British Columbia, Merivale and his colleagues relied on James Douglas to develop his own Indian policy. Douglas' policy consisted of insulation for those Indian people who lived close to areas of non-Indian population, and amalgamation for all other areas.

As they faced the problem of the future of the native peoples, imperial administrators in the 1840's and 1850's espoused pragmatic

rather than doctrinaire goals. They aimed at all costs to prevent conflicts between the indigenous inhabitants and white settlers concerning specific issues related to land and labour. In this regard Merivale was in an unusual position for, as a commentator,⁴ he provided the "best summation of the conventional wisdom of Empire (as it stood)", and, a few years later, had the opportunity as an administrator to test his ideas (Upton, 1973:55-55). The Colonial Office did not develop its policies entirely on pragmatic grounds because of the presence of Merivale as its chief civil servant. The responsibilities of a permanent undersecretary in mid-nineteenth century Britain were varied and crucial to the efficiency of the Colonial Office.

Merivale was an unusual permanent undersecretary, if compared with his predecessor, James Stephen, and his successor, Frederick Rogers. Born in 1806 as the son of a poor London lawyer, Merivale became, like his contemporary Thomas Babington Macaulay, a child prodigy. After attending the best public schools including Harrow (largely because his uncle had been the Headmaster of this institution), Merivale went up to Oxford for his B.A. and M.A. and at the age of twenty-two became a Fellow of Balliol College. Despite his academic achievements Merivale decided to become a lawyer and was called to the Bar in 1852. He soon found it exceedingly difficult to live in London and raise a large family on a lawyer's salary, and, accordingly, he eagerly accepted the offer of the University of Oxford to become Drummond Professor of Political Economy in 1837.

For the next five years Merivale was able to continue his study and writing dealing with questions concerning classical political economy, with a new emphasis upon the expansion of European empires overseas. As Drummond Professor his chief duties consisted of delivering a series of lectures which were published in 1841 as his *Lectures on Colonization and Colonies*. With his reputation now firmly established, Merivale continued to write on these questions for the Whig periodical, the *Edinburgh Review*. He was, however, unable to attain his next objective, the post of Regius Professor of Modern History at the University of Cambridge and for the next five years went back to the law as Recorder for the Cornish boroughs of Falmouth, Helston and Penzance.

In the fall of 1847 Merivale accepted Lord Grey's offer of

appointment as assistant undersecretary of state at the Colonial Office. Grey chose Merivale to replace James Stephen because of the latter's sudden physical and mental collapse and Stephen's recommendation that Merivale was the best external candidate. There were in Grey's view no suitable internal candidates. When Stephen was not able to return to his duties Merivale was promoted to the permanent undersecretaryship in the winter of 1848. Merivale, the intellectual, had become a career civil servant at the age of 41 and he remained an imperial administrator until he died in February 1874. Although he was initially greatly influenced by the ideas of Grey and Stephen, Merivale was not a sycophant at the Colonial Office. He introduced new ideas and procedures and frequently found himself far ahead of his more pragmatic colleagues. Nowhere was this more true than in Merivale's views on the "native" question.

In 1841, Merivale pointed out that four alternatives had been put forward to address the "native question": extermination, slavery, insulation and amalgamation. By the 1840's Merivale and his colleagues considered only insulation and amalgamation to be practicable. The work and the influence of the humanitarians and their organizations had effectively ruled out extermination and slavery. Insulation proved to be unsatisfactory because it led to the alienation of native land and ultimately to economic dependence. Amalgamation, a gradual and ultimately a consciously assimilative policy, entailed in the long term the complete or partial loss of the native culture and economy. The "native question" was not, however, decided entirely by the application of these schemes but rather by a response to other pressures: the demands of the settlers for colonial self-government, the desires of British politicians and the Treasury to rationalize the British Empire in economic terms, the failures of missionaries to "civilize" the "natives" and of great significance, the active resistance of the native people against those persons who wanted to change their way of life.

As an imperial commentator Merivale had advocated the maintenance of metropolitan control over the relationship between the white settlers and the native peoples by a policy of insulation or amalgamation. In 1841 he inclined toward the latter as the "only possible Euthanasia of savage communities".⁵ Later Merivale recognized that neither insulation nor amalgamation would provide satisfactory solutions to the "native question" in British North America.

By the 1840's British civil servants, politicians, commentators and white settlers believed that the native population did not fit into any future political or economic plans for the development of the British North American colonies. Although Indian and Metis problems reached the Colonial Office, very little action was taken on them.⁶ To a certain extent Merivale and his colleagues were hampered by their lack of knowledge concerning these people. Merivale's views were representative of his contemporaries, when in 1841 he described the Indian people in the following way:

. . . they seemed possessed of higher moral elevation than any other uncivilized race of mankind, with less natural readiness and ingenuity than some but greater depth and force of character; more native generosity of spirit, and manliness of disposition; more of the religious element; and yet, on the other hand, if not with less capacity for improvement, certainly less readiness to receive it; a more thorough wildness of temperament; less curiosity; inferior excitability; greater reluctance to associate with civilized men; a more ingovernable impatience of control. And their primitive condition of hunters, and aversion from every other, greatly increases the difficulty of including them in the arrangements of a regular community. (1967:493)

They would not be very easy to absorb by amalgamation, for, except for their" religiosity, they were usually regarded as "barbarians" or "savages".⁷ In contrast the Metis, having already experienced amalgamation through the fur trade, by miscegenation, were highly regarded. Merivale observed that miscegenation "... affords a considerable check to that mutual repulsion which arises merely out of prejudices of colour, and for which there can be no substantial reason where slavery does not exist. And there is strong testimony to the superior energy and high organization of many of these half-blood races."⁸ Merivale got some opportunities to test these views at the Colonial Office.

The North Atlantic region, comprising the colonies of New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland, had been one of the first areas which had experienced Indian-Euro-

pean contacts in British North America. By the mid-nineteenth century the British government was still not any closer to a satisfactory solution. Beothucks in Newfoundland had become well nigh extinct and the Colonial Office believed that a similar fate would befall the Micmac who inhabited the Island and the other colonies (Upton, 1977). The major problem facing native people, colonial governments and the Colonial Office alike was the development and implementation of equitable policies with respect to Land and labour. Although Micmac title to the land had been vaguely defined and acknowledged by the British government as a usufructuary right, non-Indians continued to alienate Micmac land with impunity. No doubt the "ideal Indian was the invisible one", but Micmacs like other persons were not "ideal" and moreover were visible in the nineteenth century.

In the 1850's the Colonial Office believed that the Micmac people should be amalgamated as soon as possible. Hitherto they had not been forced to relinquish their traditional existence as hunters and fishermen and every attempt to persuade them to turn to agricultural pursuits had failed (Upton, 1974:3, 1975:44-54). A variation on the reserve system had been tried in New Brunswick but had proved to be unsatisfactory. The Micmac had been given land only for their occupancy and use. No title in fee simple to the land was wanted; nor were they compensated for their aboriginal interest in lands. Indeed, until 1847 very little had been done for the Micmac, despite the ceaseless efforts of Moses H. Perley, the Superintendent of Indian Affairs in New Brunswick, to draw the attention of the authorities in the colony and London to problems of the Micmac.

In 1844 Perley succeeded, with the co-operation of the governor, Sir William Colebrooke, in passing an Indian Act. Although the Act was passed with the best of intentions it proved to be a disaster for both Micmac and administrators alike. Indian Reserve land was alienated and only fifty acres of land was given to each Indian family. Moreover the Micmac were removed to separate villages and whatever lands they had held previously were to be sold or leased at public auctions, with the proceeds to be placed into a trust fund which was to be used to "civilize" them. Perley and the Micmac soon perceived the inadequacies of this legislation. The Micmac received no compensation for the lands they had relinquished to the

Crown by the Act because few white settlers could afford to buy the land. Consequently the land was sold at very low prices, often on credit and most of the revenue obtained had only paid for the administration of the land sales. The Act had also done nothing to prevent another serious problem, the presence of squatters on Indian land. The Micmac complained to Perley who raised these objections with the governor. The latter, however, argued that he could do nothing as long as the Assembly either refused to grant the Micmac an annuity or declined to lease the land on a long term basis. Colebrooke sent a report on these proceedings to Downing Street (Upton, 1974:5-14; 17-19).

This despatch found its way to Lord Grey, Secretary of State for War and the Colonies, the Land Emigration Commissioners and the permanent undersecretary in 1848. Colebrooke had argued that unless the situation was changed immediately the material development of the colony would be considerably set back. Very pointedly he wrote that the Micmac needed less land and the white colonists and entrepreneurs more.⁹ Merivale minuted that the Colonial Office should wait until a further report was submitted by the new governor, Sir Edmund Head. In the meantime he observed that the land question was very important: "... if the assembly continue to sell Indian land at 4 s. (shillings) an acre there would be only a capital of £12,000 secured for their benefit after all the existing reserves had been parted with."¹⁰

Head's report was based largely on Perley's original criticisms of the Act but the governor sought to find a compromise between Perley's position and the Assembly's assertions that the Act had not been given sufficient time to prove its usefulness. In fact the Act had been a failure, the Micmac were left with less land and no money for the land they had relinquished, in addition to the social and economic dislocation caused by their removal to separate villages. Yet Head proposed to keep the Act and simply set up a "new set of instructions" which he believed would ameliorate the condition of the Micmac. Significantly he also noted that there were only two ways to deal with the "native question" in a colony of this sort: to recognize that the Micmac had legal rights and let them fend for themselves or to recognize their rights but make them wards of the imperial government to protect them from the white settlers.¹¹ With the approval of the Colonial Office Head proceeded with his plan but soon he had to confess that he had failed. Gloomily he

reported that it seemed unlikely there would be any "permanent improvement" or any "real advancement" because the Assembly, comprised of non-Indians, refused to provide help for the Micmac population which was declining and did not pose a threat to the settlers. During the remainder of his years in the colony, Head spent little time on Micmac problems because he was preoccupied with the introduction of responsible government. This emphasis boded ill for the Indian people because the settlers were consistently ignorant of and hostile to Indian interest (Upton, 1974: 20-29). Head also refused to let Perley implement the new instructions to the Indian Act because Perley had supported Micmac objections to it. Technically Head was correct but now he had lost the most informed official on Micmac affairs in the colony.¹² Apparently without exhibiting too much concern, (McNab, 1978, Ch. 6) the Colonial Office informed the governor that he would implement and administer the new regulations without Perley's aid.¹³

Head's scheme failed because it had done nothing to prevent the alienation of Micmac land. The white settlers continued to ignore the Indian Act.¹⁴ Squatting remained a fundamental problem.¹⁵ In the 1850's the Indian fund never became large enough to provide relief and no additional financial aid was forthcoming from the colonial Assembly or from the British government. Ironically the Micmac, although suffering economically, survived partially because a dearth of financial resources prevented Head's policy of "improvement" from being implemented (Upton, 1974:22; 25-25). The situation in Prince Edward Island and Nova Scotia was similar to New Brunswick although there were some differences. In Newfoundland the Micmac were not considered to have any special status because they lived in isolated communities on the western and southern coasts of the Island and there was no pressure on their lands until later in the twentieth century. No treaties or any other similar agreements have been signed with them. They were almost invisible.

An incident occurred in the mid-nineteenth century which epitomized the Colonial Office's neglect of the Micmacs in all of these colonies. Silas Rand, a Baptist minister and one of the few individuals seriously concerned about the welfare of the Micmac in Nova Scotia, sent a petition to Downing Street on their behalf. When it crossed his desk, Merivale noted that he did not believe it

was genuine because it "was written and conceived in English" rather than in Micmac. Thus, the Duke of Newcastle, then Secretary of State for the Colonies, merely referred the claims of the petitioners back to the colonial government and, as usual, nothing more was done (Upton 1975:22-24 51). Micmac requests for aid were not taken seriously by the Colonial Office and the local government.¹⁶

Colonial Office Indian policy in the Canadas was a blend of insulation and amalgamation. The Indian people were to be put on reserves and thus would be protected from the white settlers. Except for these reserves, Indian lands would be ceded formally by the Indian people through treaties and would be made available for purchase to the ever-increasing number of emigrants from Britain. The civil servants in Downing Street, ever mindful of the Treasury, also assumed that putting Indians on reserves and encouraging them to amalgamate with the white population would lower the cost of Indian administration. Presents, which had been given to the Indian people to secure and maintain the early treaties of peace and friendship and military alliances with the Indian people, would cease to be distributed. By the mid-nineteenth century, if not before, the Colonial Office's primary interest in Indian affairs in the Canadas was economic rather than humanitarian.

Unlike the situation in the Atlantic colonies, the Colonial Office had much more knowledge about the Indian people in the Canadas. It was derived primarily from the writings of travellers, missionaries and military personnel.¹⁷ Nevertheless Colonial Office Indian policy in the Province of Canada was always subordinated to the economic and political priorities of free trade and responsible government. Nothing was allowed to stand in the way of the economic and political development of non-Indians in the Canadas. This objective was stated by Lord Grey: "With regard to the Indian Department, as by the arrangement lately made, the extinction of the charge (except so far as some payments for their lives to individuals) is provided for within five years, no further steps are required to be taken." His policy was implemented by Merivale, after Lord Grey left the Colonial Office in 1852 (1853:265-268).

During the 1840's Merivale became aware of the problems faced by the Indian people, particularly the inefficient manner in which they had been, and were still being, administered by the Indian

Department (Merivale, 1957:494-495). However, while he was at the Colonial Office, he did not attempt to change this state of affairs because he was more concerned about the consequences of responsible government in the Canadas and the relationship between the native population and the Hudson's Bay Company in Rupert's Land and the other Hudson's Bay Company's territories. In his Lectures he portrayed the problems with which he believed the Indians in the Canadas were confronted. Although the British Government had promised to protect their hunting territories when it issued the Royal Proclamation of 1763 their condition was:

. . . a remarkable instance of the mischievous manner in which even the best intentions towards the Indians have been carried into execution. After declaring in the most solemn language the perpetuity of the cession of the lands, it ends with the saving clause, "unless the Indians shall be inclined to part with them". By virtue of this proviso, every art has been introduced to obtain their consent to the usurpations made upon them; bit by bit they have been deprived of their magnificent hunting-grounds, which are not altogether possessed by whites (1967: 506).

Later, instead of attempting to correct this problem, Merivale supported a policy which exacerbated it.

From 1855 to 1860 the Colonial Office debated the feasibility of giving the government of the Province of Canada the power to control Indian affairs and the methods to be adopted to facilitate this change. A commission was appointed in 1858 to inquire into these problems (Clarke, 1953:164-166). After reading the commission's report of 1858 and Head's suggestions, Merivale concluded that it would be advantageous to "get rid of the responsibility of the Home Government"¹⁸ in Indian Affairs and his view prevailed in the Colonial Office. He prepared the despatch which gave effective control over Indian affairs in the Canadas to the local government as long as its actions were "... consistent... with the full preservation of the faith of the Imperial Government so far as it may be pledged to the natives."¹⁹ This decision was an abrogation of responsibility because the Colonial Office was now relinquishing effective control over Indian affairs to non-Indian

colonial interests. The Indian people or their representatives were not consulted concerning this change. In 1860 responsibility for their affairs was delegated to the Government of the Province of Canada. After 1860, the Colonial Office was replaced by colonial politicians, administrators and, after 1867, the Department of Indian Affairs (Upton, 1975:59-60; Leighton, 1975:218-19).

In the Canadas the Colonial Office's land policies were also inconsistent. Merivale had argued in 1841 that white settlers should have control over their land (1967:433) but he failed to reconcile the difference between the colonists using the land for agricultural and other purposes, such as mining and lumbering based upon European forms of proprietary rights, and the native population's subsistence economy based on hunting and fishing and their aboriginal title to the land (1967:114). Before this time the problem had not been of great concern to Governments and there had been no "systematic regulation" for the disposal of lands. There had been plenty of land for all of the inhabitants to use for whatever purpose, while the "danger from Indians" kept the colonists from straying too far into the wilderness (1967:96). By the 1840's, however, land hunger was increasingly evident and, in response, the Colonial Office attempted to implement new theories concerning land and labour, based largely upon the theories of classical political economy. Thus, by these canons, a colony was deemed to be developing satisfactorily if it was gradually becoming self-sufficient in land, capital and labour. Of the three Merivale argued, as a classical political economist and a follower of Edward Gibbon Wakefield, that labour was the most important because "land and capital are both useless unless labour can be commanded".²⁰ Clearly Merivale and his colleagues valued the labour of the white settlers far more than that of the native people. They believed the Indian economy would eventually disappear and the Indians would either become extinct or assimilate with the non-Indian population.

To Merivale and his colleagues, the "native question" appeared to be very different in Rupert's Land because of the presence of the Hudson's Bay Company and its monopoly. The fur trade was still an important economic activity although it was beginning to decline in the southern areas. The Indian and Metis people were the chief source of labour and participated directly in or supplied goods to

the fur trade.²¹ At the Red River Colony there was a small agricultural settlement. Already, by the mid-nineteenth century there were signs of a shift from the fur trade and the buffalo hunt to a commercial agricultural economy (Ray, 1974: 195-216).

In this area Merivale's primary concern was with the conflict between the Hudson's Bay Company, which had a monopoly, and the subsistence economy and the rights of use and occupancy to the land and resources by the native people. Merivale believed paradoxically that despite the Company's monopoly, the Company's presence was generally in the economic interests of the native peoples. The future of the native people here would be developed by amalgamation, particularly miscegenation, because of the impact of the fur trade. The presence of the Metis was a sign that this process of amalgamation had already begun. Consequently Merivale always defended the *status quo ante bellum*, and the Hudson's Bay Company.

In 1848, soon after he had taken up his new position in Downing Street, Merivale had to deal with the complaints of a Metis spokesman based in London, Alexander K. Isbister, who had charged that the Hudson's Bay Company was contributing to the decline of the native people in Rupert's Land by its use of alcohol as a trading item.²² In responding to Isbister's allegations, Merivale placed great weight on the report of Major John Crofton, who was then governor of Assiniboia and military commander to the Hudson's Bay Company and in this particular matter, was influenced by Sir George Simpson, Governor of the Hudson's Bay Company in British North America. Crofton's report exonerated the Company of all the allegations made by Isbister. The Colonial Office subsequently dismissed them as well. Merivale concluded that the Company's rule was "very advantageous to the Indians" and warned the Secretary of State for War and the Colonies, as he was to continue to do throughout the 1850's, that if the Company's control ceased then the fur trade would be thrown open to all traders, there would be increased competition, prices would rise and liquor would be used indiscriminately. The situation would therefore become much worse for the native people than it was.

However, Isbister was not content to "let sleeping dogs lie", a tactic used frequently by the Colonial Office itself, and he bombarded Downing Street with letters of protest and petitions

in the next few years. Merivale suggested to Lord Grey that the only way to prove or to disprove Isbister's allegations was to appoint a military officer or English traveller to check on these complaints and then have that individual report directly to the Colonial Office. Another possibility was to appoint a commission in England, the members of whom could be sent to Rupert's Land. These alternatives were not followed because of their cost and also because, as Merivale warned Grey, a direct investigation of the Company's activities would lead eventually to the Colonial Office having to replace the Company with a crown colony.

The Colonial Office, adopting the advice of its permanent under-secretary, refused to contemplate the difficult and expensive alternative of establishing and administering a crown colony in Rupert's Land. Isbister, who claimed, (in his letters to the Colonial Office), to be a representative of the native population, had advocated this course of action. He claimed that Rupert's Land was their homeland and that the native people should have the right to colonial self-government like non-Indians in the eastern British North American colonies. But Merivale also believed that the native people of British North America were not ready for British institutions (McNab: 1978b:21-38). The Indian people were, of course, still viewed by the British government as warlike "savages" and therefore could not be trusted at all. Consequently Merivale fell back on the rationale that establishing a crown colony would simply cost too much. Moreover the Hudson's Bay Company had one important advantage:

. . . their power of dealing on a regular system with inferior or less powerful races. The Hudson's Bay Company have converted for trading purposes an immense region into a fur preserve, with a success which is perfectly astonishing, and could not be believed were it not in evidence from the supply of furs. Of course, this was simply for their own interest. But it could only be done through introducing a strict and vigorous discipline, which nothing but self-interest would have introduced, and which forms the best possible basis of dealing with savages.

In the same minute Merivale also compared the situation in Rupert's Land to that of the American west and concluded that

there was no "... alternative between the present system and perfect freedom, that is, such a state of perpetual war and pillage as subsist in the American prairies." Rather frankly he wrote that "... Mr. Isbister would have us destroy a regular government on account of its corruption, when the only alternative for it is anarchy." Grey followed Merivale's suggestions and sent out a despatch based on his minute.²³ For the Colonial Office law and order and economy were more important priorities than the problems and demands of the native people in Rupert's Land in the mid-nineteenth century. In the years that followed the Colonial Office refused to be deterred in its support of the Hudson's Bay Company.

In 1858, after a Select Parliamentary Committee submitted its report on the Hudson's Bay Company and the future of Rupert's Land,²⁴ Merivale received a letter from the Reverend Griffiths Owen Corbett, a "popular" Anglican clergyman from Headingly (Pannekoek, 1979), which asked that the fights of the Indian and Metis people be considered and dealt with by the British Government. Merivale's response was important because he was the most knowledgeable civil servant in 13 and 14 Downing Street on this subject:

... I mean the claims of the Indian Tribes over portions of Lord Selkirk's land and generally over the territories comprised in the Charter. The Americans have always taken care to extinguish such fights however vague. We have never adopted any very uniform system about them. I suppose the H.B.C. had never purchased from such claimants any of their land. And I fear (idle as such claims really are, when applied to vast regions of which only the smallest portion can ever be used for permanent settlement) that pending discussions are not unlikely to raise up a crop of them.²⁵

There was, however, no formal land claims made at this time. Except for the Selkirk "Treaty" of 1817, the Indian interests were initially dealt with in the 1870's when the "numbered" Treaties were signed.

Despite being rebuffed the native people and their spokesmen did not stop sending their letters of protest and petitions to the Colonial Office. In December 1859, William Kennedy again raised

the issue of Indian and Metis claims in Rupert's Land. Merivale advised the Secretary of State to answer William Kennedy, Isbister's uncle and a spokesman for the Metis, (Sealey and Lussier) with great caution because the matter was one of "considerable importance". Again he observed that the British government had never recognized the "territorial fights" of the native population in this area. He believed there had been no conflict in the past because of the reciprocal self-interest of the Hudson's Bay Company and the native people in the fur trade and the modicum of land hunger. He advised Newcastle to do nothing "until the question of the Company's rights to the soil are terminated" because "... it might be pretty safely assumed, that no right of property would be admitted by the Crown as existing in mere nomadic hunting tribes over the wild land adjacent to the Red River Settlement. But the agricultural Indian settlements (if any such exist) would be respected and that hunting ground actually so used by the Indians would be reserved to them or else compensation made".²⁶ However, the land question remained unresolved and continued to cause conflict. It was a factor in the armed resistance of the native people in 1869-1870 and in 1885.²⁷ These difficulties became the responsibility of the Government of Canada after the Hudson's Bay Company had surrendered and sold its land to Canada in 1869-1870.

In the Pacific Northwest the native population was very different from the other regions of British North America. The Indian people lived by and from the sea. Their economic and cultural life was relatively rich and they were in a position to resist the encroachments of fur traders, gold miners and white settlers on their land and labour. Moreover they outnumbered their white counterparts until the late nineteenth century and were considered by the latter to be extremely warlike.²⁸ Not surprisingly, there was more evidence of armed conflict in the Pacific Northwest than elsewhere in British North America, but it never matched the degree of violence south of the 49th parallel in the Washington Territory. In the Pacific Northwest Colonial Office Indian policy was largely dictated by the ideas and actions of James Douglas, colonial governor of Vancouver Island and British Columbia, because the armchair administrators at the Colonial Office knew very little about the region or its indigenous population.

Merivale was the only person in the Colonial Office who had

any knowledge, however deficient, of the Pacific Northwest. In 1843 he had written that this region of North America was "... the last corner of the earth left free for the occupation of a civilized race." The Indians were, he concluded confidently and erroneously,

... few in number, chiefly subsisting by salmon fishing and on roots, and very inferior in physical power and in ferocious energy to their brethren of the Prairies. But, for this very reason, they offer the less obstruction to the operations of the colonist, and, it must be added, that their simple, inoffensive habits of life are found to be accompanied in many cases with a moral elevation, which ranks them in the scale of humanity far above most savages, and forms but too striking a contrast to the morals and habits of the wandering whites and half-breeds who visit them from the East (1845:185-188).

At the Colonial Office Merivale discovered that these Indian people were not "inferior", "simple" or "inoffensive". Moreover he was confronted with the problem of dealing with conflicts between these people and the "wandering whites and half-breeds" during the gold rush on the Fraser River.

At least until the 1860's Vancouver Island and British Columbia did not have the same problems associated with land as did some of the other British North American colonies. There was little demand for agricultural land. James Douglas avoided conflict over land by signing fourteen "treaties" with the Indian people on Vancouver Island between 1850 and 1854 and setting aside Indian Reserves for Indians elsewhere²⁹ There were few white settlers on the Island or the mainland. The Hudson's Bay Company had been responsible for colonization but it had accomplished little as it was hampered by the great distance from Britain and the high price of land set by the British Government in 1849.³⁰ Thus land was not the most important cause of Indian-white conflict, labour problems were much more significant. The Colonial Office did not understand these circumstances or their implications and relied on Douglas and the commanders of the ships of the Royal Navy to maintain law and order (Gough, 1971:88-89). Primarily preoccupied with avoiding the cost of warfare, which was occurring in southern Africa

at the same time, Colonial Office Indian policy was characterized by great quiet and, of course, reliance on James Douglas. As the Fort Rupert incident in 1850 reveals, this objective was sometimes difficult to attain.

The first governor of Vancouver Island was the inexperienced Richard Blanshard. Initially Blanshard had supported the Hudson's Bay Company's Indian policy, particularly that which opposed the "importation and manufacture of ardent spirits" and had dismissed allegations of "barbarous treatment of the Indians by the Company's employees" as "entirely without foundation". In the summer of 1850 he was confronted with a crisis when reports of the murder of three white deserters from a Company ship at Fort Rupert were received at Fort Victoria. The Newitty, a Kwakiutl group which inhabited the northern part of Vancouver Island, had apparently been responsible. By the time Blanshard's despatch reporting the incident had reached London he had taken matters into his own hands and, using men and ships of the Royal Navy, had punished the Newitty. Blanshard assumed that his actions, taken without the sanction of the Colonial Office, would be applauded by the mandarins in Downing Street. However, the Colonial Office was already disenchanted by Blanshard's quarrels with the Company's employees. After reading Blanshard's despatch Merivale minuted acidly that the ... Governor's account is so meagre it leaves everything unaccounted for." He advised Lord Grey to ask the Company for more information thereby short-circuiting the governor. It was more than six months before the Colonial Office discovered what had occurred at Fort Rupert and, even then, their account was based entirely on Chief Factor James Douglas' report, which was supported by the Hudson's Bay Company.³¹

The Company concluded that the murder of the three men, who were deserters from a company ship, made it imperative that Vancouver Island receive better military protection. Acting on Merivale's advice the Colonial Office dismissed the incident because it was . . . only that of the murder of three seamen who were trying to escape from their ship, in a part of the island distant from that occupied by the Company." There had been no direct threat to the colony by the Newitty. For his actions Blanshard received an official rebuke from Lord Grey.³² Although Blanshard had attacked the Newitty with the approval of the Company, including Douglas,

he had acted without specific instructions from London. He had made little impact upon the Newitts who had suffered few casualties. Blanshard, a victim of his own inexperience, in ill-health, disillusioned, hounded by the Company, resigned and was replaced by Douglas. After the debacle at Fort Rupert the Colonial Office let its new governor handle all aspects of Indian policy.

The Colonial Office had learned very quickly that in the Pacific Northwest its power to control Indian-white relations was, as Merivale put it, limited:

To give orders from hence as to the conduct to be observed towards Indians in Vancouver Island seems rather unlikely to be of much service. If the colony is to maintain itself, as was the condition of its foundation, the local government much needs to be left very much to its discretion as to dealings with the natives in the immediate neighbourhood of the settled parts, although distant excursions against them may be discouraged...³³

During the 1850's the Colonial Office completely supported Douglas when he acted in cases involving Indians. He avoided provoking open hostilities between Indians and white settlers, traders and miners. Thus Merivale was able to console himself with the fact that Vancouver Island did not have "... anything like the fearful massacres and fighting of which we receive occasional accounts from the American side of the frontier."³⁴ The Colonial Office's Indian policy in the western colonies of British North America was greatly influenced by distance and its reaction to what it believed were the inadequacies of American Indian policy.

During the 1850's James Douglas was given the opportunity to conduct Indian policy almost without any interference from either the Hudson's Bay Company or the Colonial Office. The latter repeatedly responded to Douglas' actions rather than initiating any policy from Downing Street.³⁵ Merivale was acutely aware of Douglas' power for, as he wrote in 1856: "... there can be no doubt the safety of the little British settlement here depends wholly on the firmness and discretion of the governor's conduct toward the Indians: military defense there is none."³⁶ Douglas was fully in

command of every situation. He was able to mount a successful expedition against the Cowichan on Vancouver Island with the aid of men and ships of the Royal Navy³⁷ and also to provide financial help to Governor Isaac Stevens when an Indian-white war occurred in the Washington Territory in 1857.³⁸ His greatest challenge, however, came in 1858.

The Colonial Office feared the worst after it received reports of the discovery of gold and when, in the spring of 1858, thousands of miners arrived on the mainland. With his jurisdiction extending only to Vancouver Island, Douglas consulted the Colonial Office. Lord Stanley, then Secretary of State for the Colonies, reacted by leaving the whole matter to "Mr. Merivale's judgment". Merivale immediately gave Douglas power to govern the area that became the colony of British Columbia until a lieutenant governor's commission could be sent.³⁹ Although there was one clash between the miners and the Indians Douglas kept the situation well under control until the winter of 1859 when most of the miners left the area.⁴⁰

By 1858 the Colonial Office had become completely dependent upon Douglas for an effective Indian policy. Merivale's minute on a petition from the Aborigines Protection Society in 1858 reveals the extent of this reliance:

I would acknowledge civilly and do nothing more. These gentlemen are well meaning -- at least many of them -- and they represent a common and healthy British feeling; but the worst of it is that "protection of the aborigines" has become with them a "technical profession". They never see, or pretend to see, two sides of a case: consequently their practical suggestions, when they make any at all (which I must do justice to say, is very seldom) are of a character which would probably cause some astonishment to people on the spot.⁴¹

Sir Edward Bulwer Lytton, then Secretary of State for the Colonies, concurred with Merivale's assessment and instructed him to send a copy of the petition to Douglas as a matter of form, with no specific instructions to reply to the charges. By March 1860, when Merivale left the Colonial Office to become permanent under-secretary at the India Office, he was comparatively optimistic con-

cerning the future of Indian-white relations in Vancouver Island and British Columbia, especially since the Hudson's Bay Company had given up its futile attempts at colonization. The most important problems of Indian-white relations had not been solved. The Indian people remained a military threat, and as Merivale put it, "... it seems to be a very attractive region: and likely to prosper greatly, if the settlers can be secure against the Indians: at present (thanks to Hudson's Bay Company management) these seem very tractable". In order to avoid the experience of wholesale massacre prevalent in the United States, Merivale again advocated that Indian-white relations be regulated by the "... occasional use of the Queen's naval and military force", although he knew that the latter had an effect "more by shew than even by execution".⁴² After Douglas reded in 1864, his Indian policy deteriorated rapidly, and Indian land and labour became increasingly alienated by non-Indians.⁴³

In the 1830's and 1840's imperial commentators like Herman Merivale believed that metropolitan control of Indian-white relations in British North America was absolutely essential for economy and the maintenance of law and order, which were their primary objectives, as well as to protect and "civilize" the native population. By the mid-nineteenth century this ideal had been eroded because the Colonial Office had committed itself to a policy of colonial self-government. After the departure of Grey in 1852, largely influenced by the permanent undersecretaryt this policy of the Colonial Office meant that the white settlers would be allowed to control their own domestic affairs. Eventually all internal aspects of a colony's development would be given to the local legislature, including Indian policy. Potentially, here was the "dark side" of responsible government. By the 1860's formal or informal control over Indian policy, passed from the Colonial Office, which was at times an impartial if distant master, to the colonial politicians who represented the interests of the settlers and other non-Indians.

In 1860, ensconced in Leadenhall Street, in his new position as permanent undersecretary for the Indian Office, Merivale published the second edition of his *Lectures* and reflected on his administrative career at the Colonial Office and the ideas which he had advocated twenty years previously. His judgment of "native" policy in all parts of the British Empire, including British North America, was an honest lament for the lack of metropolitan control:

The subject, in short, is one which has been dealt with by perpetual compromises between principle and immediate exigency. Such compromises are incidental to constitutional government. We are accustomed to them: there is something in them congenial to our national character, as well as accommodated to our institutions; and, on the whole, we may reasonably doubt whether the world is not better managed by means of them than through the severe application of principles. But, unfortunately, in the special subject before us, the uncertainty created by such compromises is a greater evil than errors of principle (1967:521).

In the mid-nineteenth century the Colonial Office bequeathed to the Dominion of Canada the legacy of an Indian policy which was regional in its approach, was characterized by "perpetual compromises between principle and immediate exigency" and which continually vacillated in its purpose and implementation in all parts of British North America. With this Indian policy, or more correctly, these regional Indian policies, the Colonial Office established the framework for Canadian Indian policy after 1867.

NOTES

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2. See for example L.F.S. Upton, "The Origins of Canadian Indian Policy" *Journal of Canadian Studies*, Vol. 8, No. 4, November 1973, 51-61; D. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890", unpublished Ph.D. dissertation, University of Western Ontario, 1975; J.E. Hodgetts, *Pioneer Public Service*, Toronto, 1955, 205-225.
3. For a complete analysis of Merivale's life and imperial career see D. McNab,

"Herman Merivale and the British Empire, 1806-1874", unpublished Ph.D. dissertation, University of Lancaster, 1978 and specifically for his ideas on the "native question" see "Herman Merivale and the Native Question, 1837-1861" *Albion*, Vol. 9, No. 4, Winter, 1977, 359-384.

4. H. Merivale, *Lectures on Colonization and Colonies*, New York, 1967, 521. All further references will be to this edit/on.
 5. H. Merivale, *Lectures*, 511. See also D.T. McNab, "The Colonial Office and the Prairies in the Mid-Nineteenth Century", *Prairie Forum*, Vol. 3, No. I, Spring 1978, 23-24.
 6. For example see Upton, "Colonists and Micmacs", *Journal of Canadian Studies*, Vol. 10, No. 3, August 1975, 53-56.
 7. *Ibid.*, 526-530; "British Mission to Shoa", *Edinburgh Review*, Vol. 80, July 1844, 56. Also see R. Fisher, *Contact and Convict, Indian-European Relations in British Columbia, 1774-1890*, Vancouver, 1977, 73-94.
- H. Merivale, *Lectures*, 538, 554-556. Also see S. Van Kirk, "Women and the Fur-Trade", *The Beaver*, Winter 1972, 4-21.. "Many Tender Ties", *Women in Fur-Trade Society in Western Canada, 1670-1870*, Winnipeg, 1981, 28-52.
9. Public Record Office, Colonial Office Records, (Here after cited as C.O.), C.O. 188/104 ff. 375-387.
 10. C.O. 188/104 ff. 135-137; C.O. 188/107 ff. 1669.
 - II. CO. 188/106 ff. 192-200.
 12. C.O. 188/106 ff. 197-200. W.A. Spray, "Moses Henry Perley", *Dictionary of Canadian Biography*, Vol. 9, 628-631.
 13. C.O. 188/107 ff. 305.
 14. C.O. 188/106 ff. 202-222. Compare with Upton, "Indian Affairs in Colonial New Brunswick", 21-22 and the situation in Nova Scotia, Upton, "Indian Policy in Colonial Nova Scotia", *Acadiensis* Vol. 5, No. I, Autumn 1975, 4.
 15. C.O. 188/109 ff. 278.
 16. C.O. 217/224 ff. 338.
 17. Upton, "Canadian Indian Policy", 51, 54, 59-60. Upton's interpretation of Merivale's view of Indians is misleading, see *Lectures*, 487-563, for Merivale's view changed from 1841-1861. Upton attributes his ideas in the

second edition of his Lectures in 1861 to his views in 1641.

18. C.O. 42/603 ff. 201-202.
19. C.O. 42/603 ff. 205-206.
20. Ibid. 256. See also McNab, "Herman Merivale", Ch. 3 concerning Free Trade and the British Empire.
21. H. Merivale, "Mexico and the Great Western Prairies" *Edinburgh Review*, Vol. 78, July 1843, 176; "Macgregor - American commerce and statistic", Vol. 86, October 1847, 394. For a more thorough analysis see McNab, "Colonial Office and the Prairies", 21-38.
22. A.K. Isbister, et. al., *A Few Words on the Hudson's Bay Company, with a Statement of the Grievances of the Native and Half-caste Indians*. London, n.d., 1-24. This petition was sent to the Colonial Office. For Isbister's background see D.B. Sealey and A.S. Lussier, *The Metis, Canada's Forgotten People*, Winnipeg, 1975.
23. C.O. 42/551 ff. 24-29. See also C.O. 325/243 ff. 3228; C.O. 6/23 ff. 11; C.O. 6/25 ff.55.
24. Parliamentary Papers, *Report from the Select Committee on the Hudson's Bay Company; together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Evidence*, London, 1857, iii-iv, 120-150.
25. C.O.6/27 ff. 261-262.
26. C.O.6/51 ff. 201-202.
27. See also Pannekoek, "The Reverend Griffiths Owen Corbett and the Red River Civil War of 1869-1870", *Canadian Historical Review*, June 1976, Vol. 51, No. 2, 13,5-149, and Desmond Morton *The Last War Drum*, Toronto, 1972.
28. Fisher, *Contact and Conflict*, 49-?2. Fisher has not adequately dealt with the role of Merivale and the Colonial Office in this study.
29. C.O. 305/9 ff. 361-363. For Douglas' Indian land policy see Robert E. Cail, *Land, Man and the Law*, Vancouver 1974, 171-172, 247 and Wilson Duff, "The Fort Victoria Treaties", *B.C. Studies*, No. 3, Fall 1969, 3;-57.
30. National Library of Scotland, Ellice Papers, E. 91, Edward Ellice to Henry Labouchere, September 30, 1856, ff. 94-95. See also J.S. Galbraith "Fitzgerald versus the Hudson's Bay Company: The Founding of Vancouver

- Island", *British Columbia Historical Quarterly*, Vol. 16, July - October 1952, 191-207. For Merivale's view see C.O. 615 ff. 549-550.
31. C.O. 305/2 ff. 36-37, 41-42.
 32. C.O. 305/3 ff. 360.
 33. C.O. 305/3 ff. 108.
 34. C.O. 305/4 ff. 80.
 35. C.O. 305/6 ff. 156; C.O. 305/7 ff. 106.
 36. C.O. 305/7 ff. 144.
 37. Provincial Archives of British Columbia, B 40-1, James Douglass to Admiral Bruce. See also C.O. 305/8 ff. 47 for Merivale's view.
 38. C.O. 305/8 ff. 257.
 39. C.O. 305/9 ff. 66. See also Gough, " 'Turbulent' Frontiers and British Expansion: Governor James Douglas, The Royal Navy and the British Columbia Gold Rushes", *Pacific Historical Review*, Vol. 41, No. 1, February 1972, 15-32.
 40. Merivale's assessment is in C.O. 6/26 ff. 455-456. W.P. Morrell, *The Gold Rushes*, (Second Edition), London, 1968, 123-125. See also Fisher, *Contact and Conflict*, 95-103 for a very different interpretation.
 41. C.O. 6/26 ff. 297-298.
 42. C.O. 305/10 ff. 186-187, 283-284.
 43. This interpretation is substantially different from that put forward by Robin Fisher in his *Contact and Conflict*.

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