
Arthur E. O'Meara, Friend of the Indians

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BY E. PALMER PATTERSON II

THE COMPLETION of the transcontinental railroad to Vancouver in 1886 brought new waves of settlers to the west coast of Canada. The Indians of coastal British Columbia, already concerned about earlier encroachments upon their lands by the whites, had good reason to fear that they would soon be displaced by the newcomers. For, unlike other parts of Canada, much of the land in British Columbia had passed out of Indian hands without legal alienation.¹

Landholding was an integral part of the social, economic, political, and religious life of the Indians. The Indians' relationship to the land went far beyond simple ownership; it was a complex psychological and spiritual phenomenon. Among many of these peoples, group ownership was the pattern, and possession meant use (as for hunting) or spiritual identification, not necessarily continuous occupation.² Consequently, it is doubtful that they understood what the white man intended when he offered to pay for land.

The Europeans looked upon these factors in Indian culture as either negligible or nonexistent. As early as 1861, Amor de Cosmos, editor of the *Victoria Colonist* (and later premier of British Columbia), had advised his readers:

Shall we allow a few red vagrants to prevent forever industrious settlers from settling on unoccupied land? Not at all. . . . Locate reservations for them on which to earn their own living and if they trespass on white settlers punish them severely. A few lessons would soon enable them to form a correct estimate of their own inferiority and settle the Indian title too.³

This attitude still prevailed at the turn of the century.

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In 1906 a delegation of Squamish Indians, headed by Chief Joe Capilano, went to England to present to Edward VII a petition regarding the Indian land question. In their petition the Indians stated that titles to Indian lands had not been properly extinguished, that whites had settled on Indian lands against the wishes of the Indians, that all appeals to the Canadian government had been in vain, and that Indians had no vote and were not consulted by Indian agents on matters which gravely concerned them. Thomas R. E. MacInnes, a student of Indian protest, observed in 1914:

The King . . . was always looked upon by the Indians as friendly to their peculiar rights and privileges, first as an Ally and subsequently as a Protector and Great Father. . . . The Indians on the other hand at no time made, and to this day, will not make, an appeal to the colonial, provincial, or federal government in Canada as the sovereign power from whom they ask recognition of their title. Their appeal has always been made, and from British Columbia is now being made, direct to the King.⁴

The Indians' understanding of British and

¹ In this paper, the term "Indian" refers to one who is legally an Indian, recognized as such by the Indian Affairs Branch. It is possible for a person to be an Indian racially but not legally. Such a person would have no claim to lands reserved for Indians. The expression "legal alienation" is used to mean the legal acquisition of land by whites from Indians. Usually, the legal transfer is embodied in a treaty and includes some payment of money.

² Oliver LaFarge, ed., *The Changing Indian*, from a Symposium Arranged by the American Association on Indian Affairs, Inc. (Norman, 1943), 158-59; Harold E. Driver, *Indians of North America* (Chicago, 1961), 251; Diamond Jenness, *The Indians of Canada*, Bulletin No. 65, Anthropological Series No. 15, 6th edition (Ottawa, 1963), 124; William T. Hagan, *American Indians* (Chicago, 1961), 142.

³ *Victoria British Colonist*, March 8, 1861, quoted by Leonard A. Wrinch, "Land Policy of the Colony of Vancouver Island, 1849-1866," M.A. thesis (University of British Columbia, 1932), 258-59.

Canadian political organization was simplistic and lacking in comprehension, but they had the example of the white men for taking their petition to London. British Columbia leaders also looked to London rather than to Ottawa, perhaps with the intention of using London as a lever against Ottawa.⁵ In March, 1860, a Mr. Foster had advised the Legislative Council of the Colony of Vancouver Island:

We are told that we have to extinguish them; they have never been acknowledged by this House, nor by any Colony or the British government. [Hear! hear!] They never existed; we merely acknowledge that a compensation is due them for changing their position. This the Home government should do.⁶

In his remarks, Foster expressed the obduracy of the whites, as well as their inability or unwillingness to understand the attitudes of the Indians toward their land or to admit the validity of these attitudes.

The official British land policy in North America was directed toward protecting Indian land claims. Since the Royal Proclamation of 1763, the British government had recognized Indian title or interest in the land and had insisted that titles to Indian lands had to be extinguished legally. When the governments of the United States and Canada became involved in Indian land claims, they too adopted this policy. As a consequence, most of the lands in British Columbia which had been alienated legally were those that had been taken over by the Dominion government or by the Hudson's Bay Company. Thus it is evident that, although the whites did not understand fully the precise nature of the Indians' concept of "landholding," the practice of making treaties and agreements with Indians for the transfer of their lands to non-Indians

was well established prior to the time British Columbia joined the Confederation.

In creating reserves, the British Columbia government allotted lands to the Indians on a two-fold basis: the Indians' place of residence and the government's assessment of their land needs. Land which was not obviously "in use" was claimed as Crown land. Since the Indians did not engage in agriculture, but depended instead upon the vast areas of rich growth for their "hunting and gathering" economy, the government regarded much of the land as "not in use." When British Columbia joined the Confederation, she began a long quarrel with Ottawa over the amount of land to be allotted per Indian or per Indian family. (The British North America Act of 1867 had delegated the administration of Indians to the Dominion government.) Ottawa recommended that 80 acres per family of five be set as the standard allotment. The British Columbia government proposed 20 acres per family of five or 25 acres to each five persons. This difference was the start of a recurring debate that was not settled until the early 1920's.

Indians were not allowed to pre-empt land after 1870 nor to record claims for unsurveyed lands after 1874. In 1876 the Dominion and the Province created a joint commission to study the problem of Indian land claims. Thirty-one years later the Commissioner reported mournfully that it seemed as though the job would never end. In 1909 Indians representing twenty tribes petitioned the King concerning their land title claims. The same year, British Columbia's Premier Richard McBride denied the existence of any Indian land title, and in 1910 he is reported to have told an Indian delegation bluntly, "You have no claim."⁷

It was at this crucial time that Arthur Eugene O'Meara, lawyer-missionary, entered British Columbia Indian affairs. O'Meara was born in 1859 at Port Hope, Ontario. His father was the Reverend Frederick Augustus O'Meara of Wexford, Ireland, a graduate of Trinity College, Dublin. While the elder O'Meara was at Port Hope, his congregation was noted for its support of missionary activity. He served for twenty years as a missionary among the Indians of Sault Ste. Marie and Manitoulin Island and is credited with making the first Ojibway translation of the Bible and the Book of Common Prayer.⁸

Arthur O'Meara, like his father and grandfather before him, also became a clergyman, but not until he was well past forty. He took a Bachelor of Arts degree at the University of Toronto in 1882 and in 1885 was called to the

⁴ Quoted from a statement by Thomas R. E. MacInnes, an official in the Indian administration, in Forrest E. LaViolette, *The Struggle for Survival: Indian Cultures and the Protestant Ethic in British Columbia* (Toronto, 1961), 127.

⁵ At about the same time that Chief Capilano was going to London, Premier Richard McBride of British Columbia was himself going there to present an objection to the meagerness of the Dominion's economic aid to the Province. See F. W. Howay, "Political History, 1871-1913," in *Canada and Its Provinces*, Vol. I, *Pacific Province* (Toronto, 1914), 136-37.

⁶ Wrinch, "Land Policy of the Colony of Vancouver Island," 257; the quotation is from the *Victoria British Colonist*, March 22, 1860.

⁷ Quotation from Andrew Paull, in *Vancouver Sun*, Nov. 9, 1950.

⁸ *New Era*, IV, No. 5 (May, 1906), 154-55. This publication was the official organ of the Missionary Society of the Anglican Church of Canada (The Church of England in Canada, as it was then known).

bar. During his legal career, he had the opportunity to plead cases before the highest court of that day—the Judicial Committee of the Privy Council. But even while he was practicing law, O'Meara interested himself in missionary affairs.

AFTER MORE THAN twenty years as a lawyer, O'Meara turned to the ministry. On April 19, 1906, he entered the diaconate of the Anglican Church in a ceremony at Trinity Church, Toronto. It is a comment on the character of the man—and probably upon the influence of his missionary forebears—that he accepted as his first assignment a post offered by Bishop Isaac O. Stringer of the Diocese of Selkirk (later renamed Yukon). In 1906 O'Meara moved to the mining town of Conrad. In this rough and ready society he showed his resourcefulness and the value of his previous experience. He conducted Anglican services in the tent which housed the territorially subsidized public reading room. When he found that almost no one remained in town on Sunday evenings, he took his mission out to the mining camps. O'Meara also served as financial secretary for Bishop Stringer from 1906 to 1910. In 1907 he was one of several clergymen and members of the laity who met at Whitehorse to discuss diocesan organization.

By the time O'Meara left Conrad in 1910, he had already acquired the interest which was to dominate his later life. In 1908 he went to Ottawa in connection with Indian affairs and to attend a synod. The following year the land question in British Columbia reached a new crisis when the Nass River Indians (known as the Nishga) formed an organization to protest what they regarded as threats to their land. This group delegated O'Meara to take their protests to England. Undoubtedly some white men were sympathetic to the cause, for these Indians had been missionized by the Anglicans from 1860 (and they are still part of the Anglican Church today). In March, 1909, Bishop Stringer gave his consent to O'Meara's participation in the project, but he noted that the diocese was not paying O'Meara's expenses and he implied that O'Meara had his heart set upon the undertaking.⁹

It is not clear how O'Meara obtained this assignment. He had been in Victoria to put his children in school there. And he had been in Vancouver to talk with the Reverend Dr. Louis N. Tucker, one of Bishop Stringer's correspondents. In the pamphlet, *The Protection of Native Races: Reverend Dr. Tucker's Appeal on*

Behalf of the Indians of British Columbia (1914), O'Meara is described as a barrister, formerly of Toronto, who had given up his law practice to become a missionary to the Indians, and he is referred to as a "representative of the Friends of the Indians of British Columbia," a group which was organized in 1910.¹⁰

On March 11, 1909, O'Meara wrote to H. A. Cody, a fellow clergyman in the Diocese of Yukon, describing his mission in behalf of the Nass River Indians and giving his impression of what would probably happen.

You will be interested in hearing that I am just about to leave for England upon a mission of considerable importance. The main object of the trip is to interview the Secretary of State for the Colonies with a view to securing some satisfactory adjustment of the claims of the Indians of British Columbia. These Indians have for forty years been treated in some respects most unjustly by the Government of British Columbia. Matters have recently reached a sort of crisis and the Indians are keenly alive to what they consider their rights, namely the whole Province, which has not yet been extinguished by treaty. I am undertaking the mission at the request and at the expense of the Indians themselves.¹¹

It is significant that O'Meara chose to emphasize the Indian aspect of his trip. He had represented the Diocese of Yukon at meetings held in Vancouver in February, 1909, to discuss a proposed Anglican Theological Seminary to be established in Vancouver, and he had been commissioned to go to eastern Canada and to England in connection with a fund-raising drive for the seminary. But his letter indicates that it was not the church assignment that he considered his most important activity while he was in England.¹²

O'Meara "threw himself into this Indian work to the exclusion of nearly everything else, from 1910 . . . partly for humanitarian reasons and partly because he had then decided there was a

⁹ Bishop I. O. Stringer to H. A. Cody, March 30, 1909, Letter No. 20, Stringer Envelope, Archives of the General Synod of the Anglican Church of Canada, Toronto (hereafter cited as Archives, General Synod). The photograph of O'Meara shown on p. 93 is reproduced from *Report of Synod of the Diocese of Yukon Held at Christ Church, Whitehorse, Y.T., September 10th, 11th and 12th, 1907*.

¹⁰ Stringer to Cody, April 7, 1908, Letter No. 11, Stringer to Cody, Sept. 2, 1908, Letter No. 14, Stringer Envelope, Archives, General Synod; *The Protection of Native Races: Reverend Dr. Tucker's Appeal on Behalf of the Indians of British Columbia*, a talk delivered in Toronto, March 18, 1914, published by the Canadian Association of Friends of Native Races (1914), in Pamphlet Boxes, Howay-Reid Collection, University of British Columbia Library, Vancouver.

¹¹ O'Meara to Cody, March 11, 1909, O'Meara Envelope, Archives, General Synod.

¹² Frank A. Peake, *The Anglican Church in British Columbia* (Vancouver, 1959), 153.

great legal challenge in many phases of administration, land rights, and other concerns of the Northern Tribes." Launching into his new work, he published a pamphlet, *The British Columbia Land Situation: A Great Question to Be Settled*. Also in 1910 a delegation which was almost certainly the Society of the Friends of the Indians petitioned Premier McBride. It received a brusque reply: "You have no claim." O'Meara himself probably headed the delegation whose membership, variously reported at one hundred and one thousand, included some veteran missionaries as well as other British Columbia leaders, both white and Indian. Two Indian members of the delegation, the Reverend Peter Kelly and Andrew Paull, were associated with O'Meara in the Special Committee of 1927 and in other activities directed toward the welfare of the Indians. It is interesting to note that the Reverend Mr. Kelly, writing in *The Native Voice* of February, 1960, about Premier McBride's response of fifty years earlier, stated: "since that day the provincial government has not altered its position."¹³

In April, 1911, Prime Minister Sir Wilfrid Laurier indicated the government's concern that the Indians be heard and their grievances settled. He suggested that the courts should decide whether the Indians had a claim. Encouragement of this kind was received with enthusiasm by the Friends of the Indians. The pamphlet, *The British Columbia Land Question from a Canadian Point of View: An Appeal to the People of Canada*, is typical of the compilations which made up a considerable portion of Indian arguments about the land question. This pamphlet included quotations from Sir Wilfrid Laurier, the Honorable Telesphore Fournier, Lord Dufferin, and other well-known persons supporting Indian land claims, as well as the

Reverend Dr. Tucker's statements about interviews with Canadian ministers. Although the author of the pamphlet is not identified, it probably was prepared by Tucker or O'Meara.¹⁴

In 1912 the Dominion and the Province reached an agreement, called the McKenna-McBride Agreement, which was intended as a



Anglican Theological College
of British Columbia, Vancouver

Arthur E. O'Meara

means to a final settlement of all differences over Indian lands between British Columbia and the Dominion. It led to the creation of the Royal Commission of 1913-16, whose purpose was to determine reserve areas. For the several years of its duration, the Commission provided the government with a convenient answer to all Indian demands and inquiries. When Indians presented their land claims to the Commission, it declared itself unable to act upon them and explained to the claimants that it was simply carrying out the terms of the Dominion-provincial agreement. Among those who were hired to act as interpreters for members of the Commission during the interviews was Andrew Paull, who was closely associated with O'Meara until 1927 and who remained an active figure in Canadian Indian circles thereafter.

While the Commission was doing its work—supposedly settling Indian land problems for British Columbia—the Nass River Indians decided to pursue a more direct course of action. On the advice of O'Meara, they submitted their complaints through him to the Governor-Gen-

¹³ Charles W. Smith, *Pacific Northwest Americana: A Check List of Books and Pamphlets Relating to the History of the Pacific Northwest*, 3rd edition, revised and extended by Isabel Mayhew (Portland, 1950), No. 7587; Richard S. O'Meara (son of Arthur E. O'Meara) to the author, Jan. 22, 1963; Peter R. Kelly, "Steps to Equality," *The Native Voice* (Vancouver, B.C.), Vol. 14 (February, 1960), 3.

¹⁴ "Claims of the Allied Tribes of British Columbia," *Special Committee of the Senate and House of Commons Appointed to Inquire into the Claims of the Allied Indian Tribes of British Columbia as set forth in their Petition Submitted to Parliament in June, 1926: Proceedings, Reports, and the Evidence* (Ottawa, 1927), 133 (hereafter cited as *Special Committee*, 1927); *The British Columbia Land Question from a Canadian Point of View: An Appeal to the People of Canada*, published by the Conference of Friends of the Indians of British Columbia, Jan. 31, 1914.

eral. The answer they received—also through O'Meara—was that they must await the decision of the Commission. O'Meara was told that if the Indians were not satisfied with the decision of the Commission, they could take their case to the Judicial Committee of the Privy Council.¹⁵

This suggestion exactly suited O'Meara's own idea of the correct line of action, and no future official statements to the contrary seem to have made any impression upon him. On February 17, 1914, O'Meara wrote to Paull, advising him that he had just returned from England and emphasizing the importance of getting a Privy Council decision on the Nishga Petition, as the Nass River Indians' presentation came to be known. O'Meara stated that after the decision on the Nishga claims, the Indians would be able to get settlements on other claims as well. (It is not clear from the available evidence whether this trip was the one about which O'Meara wrote to Cody in 1909 or a later one.) Throughout his relationship with the Indian groups, O'Meara maintained the position he had outlined to Paull in the letter of 1914. But he had not invented the idea himself, nor had he ever received any official encouragement.¹⁶

AN ORDER IN COUNCIL of June 20, 1914, offered the Canadian government's solution to the problem. It proposed that the Indian claims against the Province be tested in the Canadian courts, and, if necessary thereafter, that they be appealed to the Judicial Committee. Before this could be done, however, the Order in Council stipulated that the Indians would have to agree in advance to accept the land allotments of the Commission and compensation for other lands, should the courts find in their favor. The Indians refused to agree to these terms on the ground that acceptance in advance of any court decisions would weaken their case. They were probably right, but perhaps not in quite the way they thought. Clearly the government was eager to bring to an end the Indian land problem, and the Indians' case was already weakened by this desire. The government's ambition was not to be realized for more than a decade, and during this interval it was always more interested in finding a solution than in the solution itself. Inevitably, this approach added to the Indians' disappointment.

In November, 1914, the Minister of Justice, C. M. Doherty, explained to O'Meara that the Indians had to accept the Order in Council before further procedures could begin. The tone of the Minister's letter suggests that his patience

with O'Meara was wearing thin and that the bounds of official civility and restraint were nearly breached. It was unconstitutional to go directly to the Judicial Committee, he wrote, and he implied that O'Meara was overreaching himself in his counsel to the Indians:

His Royal Highness' Government is determined for these reasons, which have been so often explained to you and those whom you profess to represent, not to advise or concur in proceedings looking to a decision in which the courts of the Dominion shall not have an opportunity to express their views. If, therefore, it be possible for me to make any statement here which can consistently with the amenities of official correspondence, impress you with the futility of urging upon this government a reference direct to the Judicial Committee, I beg of you to consider that statement incorporated in this letter.¹⁷

As Doherty reluctantly acknowledged, O'Meara was acting as legal counsel to the Indians and apparently proposed the course of action. Exactly how much he had to do with originating and preparing the Nishga Petition, which strongly influenced the Indians' thinking, cannot now be determined. During the summers of 1913 and 1914, he had gone among the Nishga on the Nass River, carrying a portable typewriter, attending meetings, and acquainting himself with the people.¹⁸ The Nishga Petition, which emerged from the work of these two summers, became very important in the later Indian arguments. It argued from the Royal Proclamation of 1763, which the Indians regarded as having granted recognition of their land title in British Columbia, a territory unquestionably west of the Proclamation Line.

The Nishga Petition was presented in the form of a "letter." On December 16, 1918, the Lord President replied by letter "to claims of the Nishga Tribe made in a letter of May 27, 1918." He told the petitioners that they should first go through the Canadian courts and then appeal to the Judicial Committee if necessary. He added that, if an executive action was the cause of complaint, the matter would have to come before the Secretary of State for Colonies and that even then, this could be done only on the advice of the Dominion government. After these conditions had been met, the petition could be brought to the Judicial Committee by the Colonial Secretary. The Indians did not understand

¹⁵ *Special Committee*, 1927, pp. 53-64.

¹⁶ O'Meara to Andrew Paull, Feb. 17, 1914, Paull Papers, in the possession of Mrs. Andrew Paull, North Vancouver, B.C.

¹⁷ *Special Committee*, 1927, p. x.

¹⁸ Richard S. O'Meara to the author, Jan. 22, 1963.

that this reply was a rejection of their petition, and they continued to believe that the petition had been formally presented in London and was pending there. One can only assume that this impression was encouraged by O'Meara himself, who in his single-minded determination could not accept such a clear rebuff.¹⁹

It is not surprising that O'Meara and the Indians wanted to deal directly with London. In 1922 the Liberal Premier of British Columbia, John Oliver, wrote:

The Federal Government is treating this Province in a way that it would not dare to treat a foreign country . . . if the spirit of the terms of Union is not kept, we shall go to the Imperial Government.²⁰

Oliver had apparently borrowed this line of attack from the Conservative Premier McBride, who practiced it with great skill.

Continued presentations of petitions to the Governor-General elicited the answer in 1920 that he could not act except through his constitutional advisers. No mention was made of the Judicial Committee. The King's representative told O'Meara flatly that the matter was closed. Another man might have been convinced by this reply, but not O'Meara. By this time he was deeply committed to a single line of attack, the one he had followed for at least eleven years, beginning with his 1909 delegation to take the Nass River Indians' protests to England. His entire strategy was centered unwaveringly on one solution: a Privy Council decision on the Nishga Petition. He had told Andrew Paull in 1914 that this procedure was superior to approaching the King himself, as Chief Joe Capilano had done without success. He remained firm in his belief that a decision on the Nishga Petition by the Privy Council would set the precedent for impartial settlements of all British Columbia Indian land claims. He insisted that disinterested jurists could be found in England, and he implied that he would be on familiar ground there. His almost fanatical single-mindedness had once again prevented him from accepting what was a clear refusal.

It is difficult to determine whether O'Meara deliberately deceived the Indians or whether he was simply incapable of accepting such a rebuff

and was therefore reporting to the Indians as honestly as he could. Unfortunately, most of O'Meara's papers were destroyed by his daughter many years after his death. A few of his papers are extant, and these, together with the official replies, help to clarify O'Meara's idea of proper procedure. But the motivation, complex as it must have been, can only be guessed at now.

ALTHOUGH the Nishga Petition did not meet with the success that O'Meara had hoped for and predicted, it did lead to the creation of the important Indian organization, the Allied Tribes of British Columbia. The group was composed of the Nishga, some southern coastal peoples, and some Interior Salish. It stemmed from a meeting of Salish held in 1915 at Spence's Bridge, British Columbia, in support of the Nishga Petition. Organized with the aid of white friends, the Allied Tribes became a training ground for Indian leaders and marked a significant turning point in the story of Indian protest, although O'Meara certainly did not realize it at the time. The day of the white "friend of the Indians" was drawing to its close and that of the Indian who voiced his people's needs was beginning.

The Allied Tribes immediately addressed itself to the cause of Indian land claims, and O'Meara became its legal adviser, but not without some objections. Forrest LaViolette says that

apparently the "final" letter from the secretary of the Governor-General had raised the question as to whether Mr. O'Meara should be retained as general counsel. This new memorandum [from Peter Kelly and James A. Teit] stated that he would be retained as counsel for the "newly formed Alliance of Indian Tribes of British Columbia."²¹

Andrew Paull and Peter Kelly held high offices in the Allied Tribes, but formulation of policy was shared with other white "friends of the Indians."

Representations and petitions submitted on the provincial and Dominion levels continued to request that the Indians be permitted to make a presentation to the Privy Council, despite the rebuffs that O'Meara had received. Apparently he was still able to keep such reverses from his Indian associates or to convince them that the objections could be overcome. By this time, however, some of the Indians—including Andrew Paull—had begun to suspect that O'Meara was unpopular with government officials.

The executive committee of the Allied Tribes met with Duncan C. Scott, the Deputy-Super-

¹⁹ LaViolette, *Struggle for Survival*, 133.

²⁰ Margaret A. Ormsby, *British Columbia: A History* (Toronto, 1958), 416.

²¹ LaViolette, *Struggle for Survival*, 137. Teit was another prominent white "friend of the Indians."

intendent of Indian Affairs, in August, 1923. The Indians expressed their willingness to settle out of court for an equitable sum of money. If an acceptable settlement could not be agreed upon, they would then go to the Privy Council. This proposal proved to be abortive, however, because Scott regarded the Indians' figure as too



Native Voice, July, 1901

Chief Joe Capilano, 1907

high. It is not clear what part O'Meara played in planning this particular overture.

In January, 1925, the Indians announced that they were ready to go to London, and they asked the Dominion government to finance the trip. The Parliamentary discussion of this request brought O'Meara's name into Hansard. The Minister of the Interior, Charles Stewart, told the Commons:

A gentleman whose name is no doubt familiar to most hon. members, Mr. O'Meara, spends his whole time investigating this very vexed question and preparing briefs for consideration.²²

Stewart said that he had no strong objection to the Indians' plan to go to London, and he pointed out that they wanted Ottawa to finance

the trip. He suggested that the probable outcome of a Privy Council decision would be a demand for a monetary solution to the land claim, which the Canadian government was already willing to meet.

The situation seems to have reached an impasse. The government was unwilling to act, and the Indians could not go to London. The deadlock was broken in June, 1926, when the Allied Tribes submitted a petition asking for a Parliamentary investigation of their claims. This request led to the creation of the Special Committee of the Senate and House of Commons to investigate the claims of the Allied Tribes of British Columbia.

This new proposal proved to be an important one, for it led to a complete change in the Indian method of approach to government. At the time, neither the Indians nor their advisers—and especially not O'Meara—recognized the importance of their action. Presumably the Indians hoped for better treatment from the Liberal government of Prime Minister W. L. Mackenzie King and therefore appealed to the legislative rather than to the administrative wing of the government. Did this new move indicate that O'Meara's influence upon the Indians was weakening or that he had been converted to a new goal? O'Meara was the counsel chosen by the Indians, and he stubbornly adhered to his original ideas, even when the new approach bore fruit in the formation of the Committee. It seems most likely, then, that neither he nor the Indians themselves realized that their strategy had taken a new direction which could never lead to the Privy Council.

Nevertheless, the Indians were at last becoming aware that O'Meara was not their most effective representative and that they should assume more responsibility themselves. Andrew Paull had written to the Chief Inspector of Indian Agencies in 1922 asking that he be paid by the government to help the "illiterate" rank and file of the Allied Tribes draw up a statement for a proposed meeting with the Minister of the Interior and the Superintendent of Indian Affairs.²³ Obviously, he was seeking to enlarge his own scope of action, but others too had begun to think that O'Meara wanted too large a role in Indian affairs. The place of the "friend of the Indians" was giving way to that of the Indian as his own representative, though the time of full independence had not yet arrived. By this

²² Dominion of Canada, 14th Parl., 4th Sess., *Debates of the House of Commons* (1925), CLXIX, 4993-94.

time O'Meara was in his late sixties and had been a "friend" for some twenty years. He continued to counsel against anything done without his advice and presence. He had become locked in a certain posture, and he had come to think not only that his views were correct, but that he himself was indispensable—one of the sad consequences of his advancing age. Throughout his life he had been working *for* the Indians, not *with* them, and now they were becoming sophisticated enough to detect the difference.

THE YEAR 1927 was the climax of O'Meara's lifetime of effort and of the British Columbia Indian lands claim. The Special Committee of the Senate and House of Commons was appointed in March to inquire into the claims of the Allied Tribes of British Columbia. Six members from each house sat in the Committee. Its witnesses included Andrew Paull and Peter Kelly of the Allied Tribes, and with them as counsel were Arthur E. O'Meara, A. D. McIntyre, and Warwick Beament. Beament was a young Ottawa lawyer and a friend of O'Meara, and his testimony shows his close agreement with O'Meara's goals and procedures.

The lengthy testimony heard by the Committee recounted the various arguments upon which the Indians had based their case. Members of the Indian Affairs Branch, including Duncan C. Scott, testified before the Committee. Most of the arguments for the Indians were presented by Paull and Kelly. The two young men were encouraged to speak freely, especially by Richard B. Bennett (Conservative, Calgary West, leader of the opposition and later prime minister of Canada) and by Henry Herbert Stevens (Conservative, Vancouver Centre, the ranking member of his party from British Columbia). The testimony suggests that the Committee's attitude toward the Indians was condescending, perhaps even paternalistic. The Committee members, who were considerably older than Paull and Kelly, were probably genuinely surprised to learn that the young Indians were able to speak so coherently for their people. Paull and Kelly, both of whom were in their mid-thirties, very likely found it a heady experience to be the center of attention.

O'Meara and his legal colleagues sensed the direction in which the questioning was leading. O'Meara contended that the Committee's func-

tion was not to judge the issue of the land claims, but rather to direct the claim of the Allied Tribes to the courts. The Committee members emphatically disagreed. O'Meara insisted upon reading elaborate prepared statements and long documents which were interpreted as supporting the land claim. These submissions were certainly very lengthy and doubtless tedious to listen to, and the Committee seems to have regarded O'Meara's presentation either as irrelevant or as capable of being submitted in written form without having to be read aloud.

At one point Stevens told the Committee and all present, including O'Meara:

I know that this Committee would like to hear what any of the Indians themselves would have to say. I think that Parliament is always ready to extend to the personnel of our Indian tribes, representing themselves and others, a most courteous and kindly hearing. But I submit, not only from what I have experienced this morning, but from my knowledge of what has taken place in the last seventeen years with Mr. O'Meara acting as a counsel for the Indians, that he can do nothing but mystify and becloud the issue before the Committee. That is my conviction. I have let it go until this time, but I think the Committee will agree with me that it is now apparent, that instead of listening to Mr. O'Meara, we should hear from the Indians themselves, or their representatives. We will give them a most courteous hearing.²³

Stevens remarked that, when he was mayor of Vancouver, he had tried (presumably unsuccessfully) to work with O'Meara, and he accused O'Meara of having "deluded and deceived" the Indians. He did not corroborate this allegation, but perhaps he was referring to O'Meara's inability to accept or to report rebuffs.

The Committee continued to question Paull and Kelly on fishing, hunting, and their own training, background, and experience. The disposition of the land claims, however, was clear; the Committee would settle the matter, and there would be no appeal to the Judicial Committee. The two Indian witnesses, unprepared for this eventuality, were maneuvered into questioning the advice of their counsel. In the course of their testimony, they had admitted that they would be willing to take their case to the courts of Canada. But they did not get into any court. Instead, as far as the government was concerned, their efforts were to be abruptly terminated.

The tenor of the remarks by Committee members clearly indicates that they were hostile to O'Meara and that they held him responsible for the idea of taking the claims beyond the Canadian courts. They felt that Indian protests and land claims were primarily the result of "mischievous and designing" white men who

²³ Paull to W. E. Ditchburn, Oct. 25, 1922, Paull Papers.

²⁴ *Special Committee*, 1927, p. 88.

had misled the Indians into believing in claims which were "more or less fictitious."²⁵ It is clear that the members of the Committee had some basis for these attitudes and that they carried them into the hearings with them, which would suggest that the Indians' hopes (and O'Meara's) were foredoomed. The Committee declared that the land question was closed and directed that it be made illegal to raise money for the purpose of continuing to press the claim. All Indians were to be informed of this decision, and fifty-two Indian leaders were circularized to this effect. This parting shot was probably intended as a final rebuff to O'Meara.

O'MEARA, the single-minded fatherly zealot, had not fully informed Paull and Kelly of what he had actually been told during his years of effort in behalf of the Indians, but he does not seem to have deceived them deliberately. The evidence indicates that he was himself deceived by his own unshakable conviction and that he was simply unable to believe that matters were not going as he thought they should.

It seems unlikely that the Committee could at any time have granted the full claims of the Allied Tribes, that is, payment for more than 250,000 square miles of British Columbia land. The Indians had to submit to the policies of the white settlers (the majority) and to their view of the general good. The special gift of \$100,000 by the federal government to the Indians of British Columbia and the attention given to various specific problems were easily granted by the majority. As far as the government was concerned, after these concessions had been made, the issue was settled.

But the Indians were not satisfied, and their repeated calls for redress during the past twenty years make it clear that they still believe that they have been unfairly treated. Wilson Duff states categorically:

The Allied Tribes was a spent force and disbanded. The title question was dropped. Yet it was not forgotten and did not die. With the appearance in recent years of the native brotherhoods and the rebirth of the Nishga Tribal Council, it has to an increasing extent formed a rallying point for a growing Indian "nationalism." . . . In 1961 in Ottawa another Joint Committee of the Senate and House of Commons on Indian Affairs recommended the establishment of an Indian Claims Commission to settle all outstanding grievances, including the British Columbia land question.²⁶

This latest development in the land question indicates that, although O'Meara was mistaken

in the means (redress from London) by which he sought an answer to the question, he was right in believing that land was the Indians' deepest and most long-standing concern.

But what of O'Meara personally? He had devoted himself, and to some extent his family, to this consuming crusade. He had pursued his course regardless of opposition and even humiliation. The results of his efforts were failure to attain his prime goals, reproach by members of the dominant segment of society, the misgivings of the Indians, and a final "No" to his proposed solution to the problem. He died in 1928, the year after the Special Committee hearings.

In 1928 O'Meara's accomplishments would have seemed very small indeed. His inability to accept obvious rebuffs from both London and Ottawa and his consequent loss of value as a counsel undoubtedly reduced his effectiveness. But the issue was by no means so sharply defined then as it seems today, and the government had not really been so unanimous over the years in its rejection of O'Meara's course of action as it appeared to be immediately after the 1927 hearings. Beament's testimony was a perfect echo of O'Meara's. The British Columbia government itself often talked roundly of appeals to the Colonial Secretary over the head of the Dominion government. Furthermore, the Indians with whom O'Meara dealt were by no means simple children of nature, as the Committee discovered to its surprise. Kelly was a fully trained Methodist clergyman, and Paull was sufficiently well versed in the law so that in his later years he was able to plead Indian cases, although he never attained to the bar.

O'Meara's posture was not that of a man ignorant of legal procedures, but he did give the impression of being a fanatic who was unable to believe what he did not want to believe and who was probably hardened by public or official humiliation. Martyrdom does not tend to change a man's mind. Whether these characteristics made him a suitable counsel was questioned at the time by Ottawa and considered by the Indians, but they continued to retain him. Of his personal manner we have the evidence of the testimony. His persistence was obviously irritating, even infuriating, to government officials. Perhaps this in itself was of some

²⁵ *Special Committee*, 1927, p. ix.

²⁶ Wilson Duff, *The Indian History of British Columbia*, Vol. I, *The Impact of the White Man*, Anthropology of British Columbia, Memoir No. 5, 1964 (Victoria, 1965), 70.

aid to the Indians, for it may have led the Committee to turn more readily to the Indian witnesses. Their brief moment in the limelight made a lifelong impression upon them. In later years they frequently recalled this experience, and it doubtless helped to affirm in their own minds and in the minds of others their roles as spokesmen for the Indians.

To judge O'Meara solely on the disappointment of 1927 and the frustrating years leading to it would result in an incomplete and inaccurate evaluation of the man. He had encouraged the Indians to voice their grievances, to organize themselves into a body that could speak for them, and to take their claims to the highest figures in political life. He probably thought of himself as playing the role of catalyst and counselor, and, in a larger sense, this was his contribution. Although events did not go as he

had intended, he helped to create a generation of Indian men who could carry on their own campaigns. Sometimes the agitation has been ineffective, yet the Indians' efforts in their own behalf have gradually drawn attention to a variety of Indian problems. Even the land claim has by no means been laid to rest.

Arthur E. O'Meara, the "friend of the Indians," was instrumental in crystallizing the earliest movement for the redress of the Indians' grievances—the Allied Tribes of British Columbia. Although his method was criticized, probably no approach would have completely satisfied the Indians' demands. Without his efforts the way might have been longer and more obscure. He gave the Indians a voice and encouraged them, perhaps unwittingly, to develop their own. He is one of the minor heroes in the struggle for the rights of aborigines.

RECENT BOOKS IN REVIEW

As a City Upon a Hill: The Town in American History.

By PAGE SMITH. (New York: Alfred A. Knopf, 1966. xi, 332, xviii pp. Bibliography, index. \$6.95)

IF FREDERICK JACKSON TURNER in his prime had written this book, or, more likely, had compressed the idea which it elaborates into a short paper, he would no doubt have called it "The Significance of the Town in American History." For a generation or so it would have won wide acceptance, after which numerous revisionists would have subjected the "town hypothesis" to searching criticism. Before long the "town myth" would have been triumphantly exploded. Towns, really, the more dogmatic would say, never played any important part in American history at all. In fact, towns could hardly be said even to have existed. "Turner was wrong." After that the neo-Turnerians and the re-revisionists would have taken over.

There is some evidence to indicate that writers of American history are beginning—but only beginning—to take a somewhat more sophisticated view of their subject. There is no one "key" to American history; many forces have worked together to make it what it is. The English heritage cannot be discounted, but neither can the fact that the New World was long widely separated from the Old. The importance of immigration, the operation of the industrial revolution, the effect of westward expansion, all these factors and many more played significant roles. Pioneers did go west, they did conquer a continent, and it

did make a difference. Furthermore, they also clustered together in towns, from the earliest beginnings on down, both in the older colonial sections and along the frontier. This too made a difference. Finally, when some of the towns grew into cities, what a difference this made!

Page Smith has done a great service in pointing to the town as a fitting subject for historical research. Our literati, in such books as Hamlin Garland's *Main-Travelled Roads* (1891), Sherwood Anderson's *Winesburg, Ohio* (1919), and Sinclair Lewis' *Main Street* (1920), long ago recognized the importance of the town, but the historians, except for treatises on the old towns of New England and their western progeny, have hardly touched the subject; even the sociologists have done better. Smith divides American towns into two groups, the colonized and the cumulative. Many of the colonized towns, both in New England and in the West, "arose from a covenant of one kind or another"; others, like Topsy, just grew. Even the cumulative towns, however, produced some kind of substitute for the old religious covenant and, whether their residents realized it or not, achieved a culture deeply imbued with the "Protestant ethic." Down to the 20th century, the "centrality of the town in the experience of Americans," as Smith phrases it, was self-evident.

As a small-town boy who in his youth lived in eight small towns, five in Missouri and three in Wyoming, I have found this book delightful and provocative. Smith makes no pretense of saying "with final authority what the