Horse Stealing and the Borderline: The NWMP and the Control of Indian Movement, 1874-1900

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ABSTRACT. In the late nineteenth century, prairie Indians were confined to a series of reserves, a key instrument in this process being the NWMP. The NWMP imposed Canadian law on the tribes, giving special attention to those who were stealing horses and using the international border as a shield, because this activity was the most obvious vestige of Native independence. The NWMP was less concerned with the actual thefts than with ending the free life of the Indians so that they could be integrated into industrial capitalism. Within a short time, the Indians were indeed confined to their reserves and were no longer able to freely cross the border. Although many found places in the new economy, the final stage of this process of assimilation was never fully completed.

Within a span of only twenty years, 1870-90, the nomadic way of life of the Indians of western Canada came to an end with their forced confinement to a series of reserves. A decade later, most of the remaining structures intended to create "brown white people" out of these Indians were in place. A key instrument in this process of "Canadianization" was the North West Mounted Police (NWMP), a paramilitary force created in 1873 for the express purpose of bringing law and order to the West. In the 1880s, the NWMP imposed Canadian law on the prairie tribes, and specifically targeted Native horse stealing as a crime that could be used to circumscribe Indian movement and restrict Indian men to their reserves, symbolically crushing their way of life. The NWMP was less concerned with the actual thefts, many of which involved "Canadian" Indians stealing from tribes south of the border, than with ending the "wild" and free life of the Indians. The police helped secure Canadian control of the western hinterland so the land and its inhabitants could be integrated into the new world of industrial capitalism. By the turn of the century, horse theft and Indians crossing the border in an uncontrolled fashion were things of the past. Many Indians who had hunted buffalo only a few years before were on the way to finding a place in the new economy as wage labourers, although the final stage of this process of assimilation was never completed.

Several fairly recent attempts have been made to place this "Canadianization" of the Native people within the theoretical concept of class struggle. Ron Bourgeault, writing in 1983, argued that Native society was gradually transformed by capitalism, with class divisions closely following along
Table 1  
Summary of Indian Horse Stealing Cases in the NWT, 1879-1889

<table>
<thead>
<tr>
<th>Year</th>
<th>Indian Horse Stealing/Total Cases</th>
<th>Total % of Indian Crime</th>
<th>Horse Stealing % of Indian Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>1879</td>
<td>3/5 = 60.0%</td>
<td>32</td>
<td>26/82 = 11.5%</td>
</tr>
<tr>
<td>1880</td>
<td>3/13 = 23.0%</td>
<td>24</td>
<td>24/98 = 23.0%</td>
</tr>
<tr>
<td>1881</td>
<td>7/12 = 58.3%</td>
<td>23</td>
<td>19/84 = 36.8%</td>
</tr>
<tr>
<td>1882</td>
<td>10/16 = 62.0%</td>
<td>21</td>
<td>59/278 = 16.9%</td>
</tr>
<tr>
<td>1883</td>
<td>5/12 = 41.7%</td>
<td>11</td>
<td>44/386 = 11.3%</td>
</tr>
<tr>
<td>1884</td>
<td>5/31 = 16.1%</td>
<td>9</td>
<td>52/596 = 9.6%</td>
</tr>
<tr>
<td>1885</td>
<td>29/48 = 60.4%</td>
<td>32</td>
<td>194/612 = 31.5%</td>
</tr>
<tr>
<td>1886</td>
<td>5/12 = 41.7%</td>
<td>3</td>
<td>15/602 = 2.5%</td>
</tr>
<tr>
<td>1887</td>
<td>3/9 = 33.3%</td>
<td>11</td>
<td>47/422 = 11.1%</td>
</tr>
<tr>
<td>1888</td>
<td>4/17 = 23.5%</td>
<td>10</td>
<td>41/417 = 9.7%</td>
</tr>
<tr>
<td>1889</td>
<td>15/21 = 71.4%*</td>
<td>14</td>
<td>95/660 = 15.8%</td>
</tr>
</tbody>
</table>

* Waiser appears to be in error here. The author's examination of the Sessional Report for 1889 puts the figure at 5/14 = 35.1%. This would also put the figures of the next two columns into doubt.


In the West, he speculated that this process began as the fur trade extended west from Hudson Bay. Bourgeault believed the mercantile capitalist system transformed the nomadic Cree Indians into serf-like dependents of the local factor. It is accepted that a modern capitalist system had begun to penetrate the West in 1810 with the introduction of modern business methods in the Hudson's Bay Company (HBC), consolidated by the appointment of George Simpson as HBC administrator in 1830. In 1870, when the Canadian government purchased Rupert's Land from the HBC, the area was formally linked to the markets of eastern Canada and the rest of the world. The Plains tribes, who lived communally and still hunted buffalo, for the most part remained outside this system. Bourgeault's views were concerned mainly with the Métis. David Leadbeater's study of the political economy of Alberta dealt with some of the specifics of the integration of the Plains tribes into the new world of capitalist accumulation. The critical instrument implementing government policy in this early period of economic transition was the NWMP. For Leadbeater, the NWMP's suppression of crime committed by Indians, Treaties 6 and 7, and the Indian Act of 1876 were linked to changing patterns of "socio-economic development" of the Prairies. This development required that the Indians be moved off valuable land to allow for European settlement, and then concentrated on reserves to provide the arriving settlers with a ready pool of low-wage labour.
Within such a class-conscious view it has been theorized that those who control the means of production, the dominant capitalist classes, will give law-making and law-enforcement bodies the power to act in their interests. Several authors have attempted to define specifically the nature of crime within such a theory. Richard Quinney represents an extreme pole of a class approach to crime. Quinney believed that all crime was the result of class conflict: either crimes of resistance or crimes of control. A somewhat more moderate approach is "Claus Offe's Theory of Welfare and Justice under Capitalism" as outlined by Ian Taylor. According to this view: "The state's function is in creating the conditions in which the process of [capitalist] accumulation can occur." Threats that might upset this include "kinds of behaviour that are considered incompatible with the orderly pursuit of surplus value production." It is these kinds of behaviour which must be controlled and are defined as criminal by the law-enforcement and judicial agencies who wield power for the capitalists.

A quick glance at the criminal cases dealt with by the NWMP, in 1879-89, will reveal that three crimes were predominantly associated with Indians: cattle killing, horse stealing, and bringing stolen property (horses) into Canada (see Table 1). In the late 1880s, a fourth crime — drunkenness — crept into the records with increasing frequency. On the one hand, cattle killing was rare, and almost exclusively an Indian activity. Cases involving horse theft, on the other hand, were much more common. Bill Waiser, in summarizing these cases from the Parliament of Canada's Sessional Reports, found that Indians were involved in about half of the horse thefts from 1879-89. An examination of the cases, in a similar period, involving stolen property brought into Canada revealed that they, as well as can be determined, all involved Indians bringing horses, stolen from American tribes, across the international line. It is clear that in the 1880s the NWMP successfully "clamped down" on this behaviour and ended cross-border horse-stealing raids. Since most of this activity involved Indians as both victims and perpetrators (something that one would not think the police would be overly concerned with), the question must be asked — why did this crime attract NWMP attention? The answer may be found in an examination of the NWMP's attitude and reaction to Native horse stealing which emphasizes the class conflict of the Leadbeater/Taylor model. Horse stealing across the border was given special emphasis by the police because it most clearly symbolized the Indian's free nomadic lifestyle, and eliminating it was the most obvious way to reduce their autonomy and control of their lives. Donald Swainson, commenting specifically on a single tribe, identified the process that was occurring: "In bringing effective federal rule to southern Alberta they [the NWMP] abetted the termination of the international aspect of Blackfoot life. This breakdown of regional international societies was part of the process of Canadianization." This "civilizing" or "Canadianization" of the West continued the process of bringing a preindustrial people and their land, into the capitalist economy, and the suppression of cross-border horse theft was an important part of this process.

The NWMP, formed as a paramilitary organization modelled on the
Royal Irish Constabulary, was intended to enforce Canadian law and carry out government policy in the West. The bill that created the Mounted Police, dated 23 May 1873, placed the federal government securely in control of the new police.\textsuperscript{15} The NWMP were a key instrument in connecting the West to eastern Canada, by establishing law and order and overseeing the peaceful settlement of the region. The police continued the task of incorporating the Plains Indian people into the legal system, a process that had begun at Red River in the previous decades. This was clearly justice on an Anglo-Canadian model, as R.C. Macleod wrote: "Much of the machinery of justice, including the courts and their officials, procedures, and the law itself, was transferred to the west without significant change."\textsuperscript{14} The NWMP was closely integrated with the courts — the act which created the force made all officers "stipendiary magistrates" and \textit{ex officio} justices of the peace, up until the creation of regular courts in 1886, even after which their judicial power remained considerable.\textsuperscript{15} NWMP justice gained a reputation for swiftness, and the police's effectiveness was, in part, due to the certainty of punishment.\textsuperscript{16}

The NWMP was well suited to administer justice in the interests of eastern Canadian capitalists. The officers were products of the elite of Upper Canadian society, or British-born, and they proceeded to recreate the emerging society of the West in the image of the one they had left behind. The police stressed the values of order and control, and established the legitimacy of a hierarchical social order.\textsuperscript{17} Race was an additional element in this process: "Race was a factor to be considered because it correlated with the class ideas which were so important to the force."\textsuperscript{18} This was not a situation unique to the western Plains. From the 1850s to the 1880s, the dominant classes created professional police forces all over North America to control subordinate groups and integrate them into a social and economic structure. This was done in a climate of crisis, such as the "lawless" West typified by the "Cypress Hills Massacre," which justified the raising of such forces to the general public.

The NWMP was very important in implementing Canadian Indian policy in the North-West Territories (NWT). Macleod has outlined how the NWMP assisted the government with its Indian policy which he divided into three periods: the cession of Indian lands, the restriction of Indians to reserves, and the assimilation of Indians into Canadian society.\textsuperscript{19} By the 1870s this policy was anchored in the reserve system, started in Upper Canada in the 1830s: "The reserve system ... was to be the keystone of Canada's Indian Policy."\textsuperscript{20} NWMP influence was important in influencing the major chiefs to sign the Prairie treaties such as Treaty 7. The Indian Act of 1876, revised and amended many times (for example, 1880 and 1914) created the modern Department of Indian Affairs (DIA) and established legislation to govern and control the Indians and keep them on the reserves.\textsuperscript{21} The police assisted in the implementation of the policies contained within the act.

The prairie tribes that the NWMP encountered, the Cree, Blackfoot and Peigan, Assiniboine, Dakota, Gros Ventre and others, had somewhat different
HORSE STEALING AND THE BORDERLINE

notions of justice. They did not view horse stealing, when conducted against an enemy tribe, as a crime at all. To them it was a form of small-scale warfare, similar to a dangerous sport or game. In this context, horse stealing was a demonstration of male virility conducted for “economic security and social advancement,” undertaken mainly by young men seeking to acquire wealth or advance themselves socially. Prairie tribes, such as the Cree, viewed horses as a measure of wealth and status, and from the time of the acquisition of the horse to the mid-nineteenth century, horse theft was generally tribal in nature, although it had become more individualistic by 1870. Horse stealing was but a step from full-scale tribal warfare and could lead to such, but in any case it was often very bloody and retaliation and counterretaliation were often in order. In the summer of 1880, the Cree chief Pasqua, despite the opposition from the local Indian agent Captain Allen McDonald, left his reserve at Upper Fishing Lake (Fort Qu’Appelle), on a horse-stealing expedition to the United States. The raid eventually resulted in a battle between American Indians of the Gros Ventre and Mandan against some Assiniboine and Saulteaux that killed or wounded thirty-one Indians. In the 1880s and 1890s, horse stealing seems to have replaced warfare on a larger scale as an important expression of Native autonomy. The NWMP realized the place that horse stealing had in Indian culture and believed it was an activity which had to be stopped before the tribes would settle down on the reserves. In 1889, while at Fort Macleod, Superintendent Sam Steele commented: “Old warriors take this occasion [a Sun Dance] of relating their scalps and giving the numbers of horses they were successful in stealing. This has a pernicious effect on the young men; it makes them unsettled and anxious to emulate the deeds of their forefathers.”

Several authors, including Macleod and John Jennings, have examined the pattern of NWMP activities as they related to the prairie tribes, and placed horse stealing in the context of law enforcement in the NWT. Macleod saw the period 1874-85 as one of mutual respect and cooperation between the Native peoples and the NWMP: “Up to this point [1885] they [Indians] had been the primary concern of the police.” The second period began with the arrival of the railway and large numbers of settlers and continued until 1900. In the first period the police slowly educated the Indians about the new way of things, generally preferring to recover property rather than to arrest. Macleod noted that it was not until 1884, when organized gangs of non-Native horse thieves began operating, that such criminal activity attracted police attention. Macleod found that after the 1885 Rebellion, Indian horse stealing became the most serious external difficulty the police faced. It emerged as a problem because the tribes discovered that they could use the border as a shield; it did not attract a lot of police attention.

Jennings presented a somewhat different view of Indian crime and horse stealing. He also identified an early period when the NWMP was lenient with such crime, but believed that this changed in the early 1880s when the DIA became more involved in creating Indian policy. Jennings found that in 1880 the crime rate rose slightly, and in 1881 more Indians were convicted,
the formerly light sentences replaced by two- to five-year terms. Although some prisoners were also let off for lack of evidence, stiff sentences were handed down to repeat offenders. In 1882, non-Native crime increased as the CPR started to move West, but there was also a sharp rise in Indian crime. Jennings believed that the Indian crime rate remained static for the next three years, but noted that many Indians were involved in horse raids across the border.31

Jennings identified two major trends in the NWMP approach to horse stealing: an initial period of leniency, and a “crack-down” that started in 1880-81. Jennings seems to have believed that the DIA was mainly responsible for this change. This was a factor, but the NWMP pursuit of Indian horse thieves should be seen within a broader context. In 1879, the last major buffalo herds disappeared from the Canadian Prairies, eliminating the most critical element which could have maintained Indians as independent people. The NWMP and the DIA were then able to impose stricter measures, further restricting the Indians to their reserves. With the CPR on the way it was understood that the West must be quickly prepared for settlement. The implementation of these policies was helped along by the replacement of Colonel James F. Macleod, as commissioner of the force, by the more pliable A.G. Irvine.32 The “wild” life of the Plains Indians was not compatible with the plan the government had for the West.

The whole process was closely tied to events in the United States, which introduced additional factors. The disappearance of the buffalo herds from the Prairies forced many Canadian Indians to hunt south of the line, where the buffalo remained plentiful until 1883, and which led to increased cross-border horse stealing, which seemed to peak in 1884-85.33 This was not welcomed by American authorities, and was a problem the NWMP believed could develop into something more serious. Throughout the decade the NWMP was under pressure from ranchers, both in the United States and Canada, to end Indian interference in their operations. By 1880, the NWMP’s period of initiation was over and the penalties for horse stealing quickly became harsher. Within ten years, the Indians, confined to reserves, were discovering their place in the capitalist economy evolving in the West.

Horse stealing (and to a lesser extent cattle killing) was the Indian crime that the NWMP directed attention against because it most obviously represented the elements of the prairie Indian lifestyle that were incompatible with the emerging new world. This was echoed many times in the reports of the NWMP — the goal was to break the Indians of their “wild” and “lawless” habits, the most obvious manifestations of which were horse stealing and cattle killing.34 In December 1880, Superintendent L.N.F. Crozier, at Wood Mountain, summed up these sentiments well: “I very much fear that killing and stealing will increase to such an extent that the country along the border will be scarcely habitable ... [if they are punished for] ... horse stealing other Indian outrages along the border will cease.”35

The Canadian prairie tribes stole horses whenever the opportunity arose, and from anyone — neighbouring Indian groups with whom they
were not allied, settlers and ranchers, and even the police themselves. As a general rule, however, after the arrival of the NWMP horse stealing by Canadian Indians was directed increasingly against tribes south of the border. Conversely, Indians from Montana and Dakota Territories, when they had the opportunity, stole from tribes across the Canadian line. Large numbers of horses could be taken in a single raid. NWMP Superintendent Sam Steele reported that in April and May of 1889, Bloods and Peigans from southern Alberta stole a hundred horses from the Crow Reservation in Montana.36 Canadian Indians who were on the way to take horses from enemy tribes often took or killed livestock that belonged to American Indian agents, ranchers and settlers.

In the late 1870s, neither Canadian nor American law was prepared to deal with this sort of cross-border activity. No extradition treaty existed between the two nations, although the NWMP repeatedly called for some type of agreement.37 In Canada, a Canadian Indian could not be arrested for a theft which had occurred in the United States, unless the plaintiff went north to press charges — a trip that was often impossible because of the expense involved — although the stolen property could be confiscated.38 This was the same in American law. Because of this the NWMP increasingly resorted to arresting Indians for bringing stolen horses into Canada, a law that did not exist in the United States. Indians could be punished for possession of stolen property as if they had been caught stealing in Canada.39 Not only was American law weaker in this regard but initially American authorities, especially the civilian law enforcement officials, were indifferent concerning the recovery of Canadian horses, or were even hostile to the NWMP itself. This was true, for example, of J.J. Healy, a founder of the illegal whiskey trading post Fort Whoop-Up, who was sheriff of Chouteau County (Fort Benton area) in the late 1870s. The American military was more willing to cooperate, but technically was unable to act except in cases that involved army property.40

This lack of action contrasted sharply with the activities of the NWMP. They appeared to have made every effort to return and recover American horses for both civilians and the military. In May 1879, the NWMP recovered a group of horses for the United States Army, and eleven horses and a mule for two American civilians, going as far as paying Indians cash to retrieve them. The operation received the personal attention of Fort Walsh Superintendent, J.M. Walsh; A.G. Irvine, the NWMP commissioner; and the deputy minister of the Interior.41

It is evident that the NWMP were not just interested in stolen horses; they needed to appear to the Americans to be in control of Canadian territory and able to deal with any problems that occurred, especially those which concerned Indians. There was always a fear that Indians north of the 49th parallel would use Canada as a base of operations against the United States Army, perhaps provoking the Americans to stage a punitive military expedition, or that a full-scale tribal war would result from these horse-stealing raids.42 Control of the border had to be maintained, and Forts
Macleod and Walsh were built with that in mind: "The massing of the Force at these posts near the frontier has no doubt secured tranquility in that section of the Territory and prevented the American Indians from using Canadian soil as a base of operations for prosecuting the war with the United States." 

The possibility that Canada might be used as a base to fight the "Long Knives" did not materialize until the disappearance of the buffalo in 1879. From the spring of 1879, until the last wild buffaloes were killed in Montana's Judith Basin in the mid-1880s, Indians based in Canada went south to hunt, and in conjunction with these hunting expeditions horses were stolen and cattle were killed. These Indians were often escorted or driven back across the border by the United States Army. The most famous incident occurred during the 1876-81 exile of the Dakota Sioux in Canada. In early 1879, Sitting Bull's people went south in search of the herds, but in mid-summer were forced back by troops under General Nelson A. Miles, after a skirmish south of the Milk River. That same year groups of Canadian Cree and Assiniboine went south, to the Milk and Missouri Rivers, to hunt. Along the way the Cree stole horses and killed ranchers' cattle. These Indians returned before the end of 1879, but more went south in the spring of 1880. Such intrusions were not appreciated by the American Army, or by the Crow and Peigan who threatened to fight the Canadian Indians and break their American treaties if the government did not protect the buffalo ranges. The United States military in Montana, on 14 September 1881, issued orders to the commanding officer of Fort Assiniboine (the United States Army insisted on spelling the name of their fort "Assiniboine," as opposed to the generally accepted "Assiniboine," and I have retained their orthography) to use soldiers if necessary to force the "return north of any who may cross to South of the line." In 1881, Cree chief Big Bear again went south, and with some Blackfoot, raided the Crow. This time they were confronted by the United States Army and ranchers organized into ad hoc militia regiments, and the Indians were forced to return to Canada. The NWMP and DIA officials increasingly believed that these movements south were actually intended to steal horses or "lift scalps" and would soon result in more serious incidents with the United States military. This was an important factor in the decision to refuse several Indian bands, including those under Big Bear and Piapot, reserves in the Cypress Hills in 1881-83, as one author commented:

The movement south of Canadian Indians was also not appreciated by American ranchers or businessmen, and these people were not shy in protesting to the Canadian government or to the NWMP about the situation. The DIA Annual Report for 1881 mentioned that Montana ranchers,
concerned about Canadian Indians stealing their horses and killing their cattle, approached United States authorities about the matter. American officials eventually brought this to the attention of Prime Minister John A. Macdonald, as superintendent general of Indians Affairs, and to the governor general. Montana-based businessmen like I.G. Baker, who also had extensive operations in Canada, were quick to inform the NWMP of the loss of some of their property due to the actions of Canadian Indians. Such was the case when Canadian Cree took forty horses from Indians on the Marias River, and killed nine cattle and several horses belonging to Baker. Montana newspapers like J.J. Healy’s Fort Benton Record were eager to support these ranchers and businessmen, and always quick to criticize the NWMP and label their efforts to stop this activity as feeble or calculating.

In the early 1880s, the NWMP began in earnest to put a stop to Indian horse thefts. The most important measure they adopted was the selective use of considerably more severe sentences for horse theft and the possession of stolen horses in Canada. These measures could not have been successful had they not occurred in conjunction with the expansion of the patrol system and the NWMP outpost network. The police were also aided by the United States military who, by the mid-1880s, were more willing and able to cooperate in ending the international connections of the Plains tribes.

In 1880, the NWMP attitude towards Indian horse thieves changed. Before this date (though it must be remembered that records are incomplete) there is but one case in the NWT of an Indian being convicted and sentenced (three months with hard labour) for horse theft. In the years 1880-82, eight Indians received sentences ranging from two to five years of hard labour in Stoney Mountain Penitentiary (Manitoba), and several others received sentences of two to three years. As A.B. McCullough correctly noted in a history of Fort Walsh, the apparent increase in the number of thefts was not the result of increased activity, “it was the result of an increased severity in sentencing.” At first these measures were directed mainly at Indians stealing on Canadian soil, rather than at combating cross-border theft. The NWMP were particularly tough on repeat offenders. Little Fisher, who had been convicted of larceny the year before, on 11 October 1880, received a sentence of six months with hard labour in the Fort Walsh jail, for horse theft. Despite escaping at least once from the “temporary prisoner’s room,” because a careless policeman on “provost duty” had left an ax there, Little Fisher served out his sentence and was released. However, when he appeared in court again charged with horse stealing, in May of 1881, he was sentenced to five years in prison.

In his 1881 report, Superintendent Crozier, commanding officer of Fort Walsh, commented that bringing stolen horses into the country had previously not been “considered by them [the Indians] as an offence,” and that the courts had dealt leniently with this sort of activity. This state of affairs had certainly ended by the time of Crozier’s report and the transportation and possession of stolen animals was being dealt with harshly. The assumption appears to have been that the persons who were involved in such
activity were always the actual thieves. In September 1880, four Indians were sentenced to fourteen days each for the transportation of stolen property. In 1882, a year that also saw an increase in non-Native horse theft because of the arrival of the CPR in the West, an Indian was sentenced at Fort Macleod to two years in prison.

The NWMP “crackdown” on the transportation of stolen horses into Canada reached a peak in the following two years. When thirty-four horses were stolen from I.G. Baker in Montana, and reported to be in Canada, the police from the Maple Creek detachment acted swiftly — they found all but three of the stolen horses and returned them to him. In May 1883, eleven Indians were sent to Stoney Mountain for two years each on the charge of transporting stolen property across the border. Irvine commented with satisfaction: “So far as our Indians were concerned, this summary justice had the effect of putting an end to their raiding expeditions.” Other arrests, both involving horse stealing and transportation of stolen property, followed that summer in the Cypress Hills. They all resulted in convictions, with sentences ranging from two to five years with hard labour. According to Irvine these had the “most beneficial results.” Two more Indians were convicted at Fort Macleod for horse theft: one received six months at hard labour, the other four years. The convictions and harsh sentences continued
in 1884: seven Cree were convicted at Regina for transporting stolen property, and received sentences from one month to two years; and, on 15 November, two Bloods and one Peigan were given two years each at Fort Macleod for horse stealing.60

These arrests occurred within the context of efforts to remove bands under Big Bear, Piapot, Little Pine, Lucky Man and Foremost Man from the Cypress Hills; indeed, it appears the arrests were part of DIA and police strategy.61 In March 1883, acting assistant commissioner of the DIA, Hayter Reed, under orders from Indian commissioner for Manitoba and the North-West Territories, Edgar Dewdney, was despatched to Fort Walsh to accomplish this. Over the next three months, with the full cooperation of the police, Reed made promises and cut off rations in order to get the Indians to move.62 A special tactic was to assure the Native leaders that fifteen Indians, arrested in the Cypress Hills that summer for horse stealing and currently incarcerated in disease-ridden Stoney Mountain Penitentiary, would receive reduced sentences if they complied with the wishes of the government. By the end of summer the chiefs and headmen had led their people to the north and west, out of the Cypress Hills, but to the consternation of the Indians no prisoners had been released. Apparently they had believed that Reed had meant immediate release, and not simply a reduction of their prison sentences.63 Under pressure from the Native leaders, Dewdney finally had these Indians freed on 14 March 1884, ordering the warden of Stoney Mountain to release the prisoners and allow members of DIA to conduct them to their reserves.64 (See Table 2.)

By 1885, Irvine was able to report there was "a falling off" of horse stealing by Indians.65 Paradoxically the 1885 statistics represent the high point of convictions of Indians for crimes related to horse theft. However, it is evident that the eleven Indians sentenced in Regina, in November 1885, to one to four months in jail, and the five Indians who received from two to six years for horse theft or illegal possession of horses, at Battleford in September, were actually being punished for their part in the North-West Rebellion of 1885. This, in itself, illustrates the way the police were able to effectively use these laws to punish Indians for unlawful behaviour.66

After 1885, the number of convictions of Indians for horse stealing and related crimes gradually diminished, but penalties often remained harsh, and officers of the force seemed more eager than ever to advocate strict measures to end the problem. In December 1886, Superintendent J.H. IIlree, commanding officer of "A" Division (Maple Creek) went just short of advocating that horse thieves be shot on sight, and concluded: "I have advised several times that severe measures should be used with these Indian horse thieves."67 A year later, at Fort Macleod, Sam Steele believed that officers of the force should retain enough power, in light of the judicial changes in the NWT, to "inflict severe punishment on [Indian] horse thieves." Steele, who was an admirer of American-style "summary justice" and who recommended it for Canada, said that the Bloods and Peigans were turning stolen horses over to their chiefs for fear of punishment.68 The new
commissioner of the force, Lawrence W. Herchmer, understood these feelings, and in his report for 1889 promised that the police would act with "speedy justice" to make our territories dangerous to those "bringing stolen horses into Canada." Penalties remained heavy for convicted Indians, especially when compared to the many non-Native prisoners who were released. In May 1887, two Bloods, The Dog and Big Rib, were convicted of stealing horses from non-Natives at Medicine Hat, and received five years each at hard labour, but the pair never went to jail because they managed to escape.

The NWMP could not have achieved the results that they did in the suppression of horse stealing, especially related to cross-border activities, without the improvement and the expansion of the patrol system and the system of outposts. These were the organizational changes which insured that Indian thieves would face justice, or at least lose their horses. The police had always utilized patrols and outposts, but after 1885 Herchmer instituted a system of systematic patrols which eventually covered the police's entire jurisdiction, concentrating on the border areas. Herchmer's initial motivation to do this may well have been the gangs of non-Native horse thieves from Montana who started to operate in the border regions in 1884. The patrol system was very effective and many, including contemporaries such as Herchmer, and Indian agent William Pocklington, and historians such as R.C. Macleod, have credited it with ending horse stealing. A good example of police efficiency in patrolling the border occurred in April 1889, when Superintendent Richard Burton Deane, commanding the Lethbridge detachment, was informed that Canadian Indians had left for the United States to steal horses. Deane warned Colonel Otis, his counterpart at Fort Assiniboine, who wired back that the thieves were returning to Canada through the Sweet Grass Hills with Gros Ventre horses. Deane, who had fifty-six men patrolling night and day, found the Indians with a "flying patrol," and although the criminals escaped, many of the horses were recovered. The network of NWMP outposts went hand in hand with the patrol system to increase police effectiveness in dealing with horse thieves. The expansion of the number of outposts after 1885 was especially important in protecting ranchers from the Indians. NWMP outposts had existed since the force had been in the West and they had been recognized as being effective against horse stealing since the early 1880s. From 1886 to 1889, Herchmer established many more outposts in the NWT such as Writing-on-Stone, a post on the Milk River in southern Alberta, which was built to stop Blackfoot, Assiniboine and Gros Ventre "raids across the border." As ranching took hold in southern Alberta, the police extended special protection to the ranchers' livestock. A few ranchers vocally complained about Indians, mainly American, interfering with their stock. Some, like Senator W.F. Cochrane, owner of the Cochrane Ranch, had influential voices. In a letter sent to his father on 4 January 1885, Cochrane told of how the NWMP were tardy in placing men at the old Standoff Post near his property, and that he considered going to their superiors. This sort of pressure evidently worked, and by 1889 the NWMP had a system of outposts within a few miles of the
home ranch of the four major ranching operations in Alberta, including the Cochrane Ranche and the Walrond Ranche. 79

Despite some initial problems, the NWMP were always eager to establish good, cooperative relationships with the United States military and Indian agents to stop cross-border horse stealing. 80 It is clear that events south of the border were important in the NWMP successes against the horse thieves. This is understandable, as American authorities were involved in exactly the same process as the police. The establishment of the NWMP’s system of forts, in 1874-75, was followed by the American Army’s defeat of the Dakota Sioux and their occupation of the northern Plains with a series of new military installations: Forts Keogh, Custer and Missoula (1877); Fort Assiniboine, which replaced the old fur trade post Fort Benton (1879); and Fort Maginnis (1880). 81 Fort Assiniboine, acting in conjunction with its sister — Fort Buford (1868) — was particularly important in dealing with cross-border horse stealing as it was expressly built to stop Indians from coming across the Canadian border. Soldiers from Fort Assiniboine were involved in roundups of Canadian Cree in 1881, 1883, 1884, 1885, and in the two “anti-Cree campaigns” of 1895 and 1896. 82

The NWMP developed an effective working relationship with the officers of Fort Assiniboine, who, by 1883 seemed to have been willing to go well beyond official regulations to cooperate with the police. Critical to this cooperation was the use of the telegraph system which came West with the railroad. Army or police officials on either side of the border could relay accurate descriptions of horses to each other before the culprits had even crossed the border. On 3 October 1883, the quartermaster of Fort Assiniboine was able to supply the commanding officer of the Maple Creek detachment with full descriptions of stolen horses — within days of the crime. 83 The relationship the police developed with the United States military frequently bore fruit, as in late August 1883 when Colonel Jacob Kline of Fort Assiniboine returned fifty-three horses stolen from British subjects on the Bow River. The suspect, Dragon Fly, was turned over to the NWMP at Fort Walsh crossing at noon on 25 August. 84

This spirit of cooperation also extended to the DIA. In the mid-1880s they began to cooperate with American Indian agents to encourage their respective charges to remain on their proper side of the border; the agents often kept track of the Indians by recording who showed up for rations. In 1887, the enterprising Canadian Indian agent, William Pocklington of the Blood Agency, accompanied the NWMP, scout Jerry Potts, and Chief Red Crow, to arrange a “peace conference” at Fort Assiniboine between his Bloods and the American Gros Ventres, with the cooperation of United States Indian agent Major Field. This was the result of the theft, in May 1887, of eighty horses from the Assiniboine and Gros Ventre, in retaliation for six Bloods killed in the Sweet Grass Hills the year before. 85 In 1894, Pocklington and Captain L.W. Cooke, agent at the Blackfeet Agency, Montana, arranged a system for their respective reserve and reservation, which consisted of keeping careful track of those able to draw rations and then expelling
foreigners. If such an Indian was caught without a pass he was arrested and returned home; a second time meant a spell of hard labour and a police escort to the border — on foot. There were no third time repeaters.86 Pocklington declared that these arrangements prevented the "roaming between the two countries" of the Blackfoot and Peigan Indians.87

By the late 1880s, the police were full of praise for the United States Army's help in suppressing horse stealing; Superintendent W.D. Antrobus, at Maple Creek, singled out Colonel Otis, commanding officer of Fort Assiniboine, for his great assistance with such matters. The feeling in Montana was mutual. In 1888, Granville Stuart, leader of Montana's lynching movement, and head of the Montana Stock Association, lauded the NWMP for the swiftness of their justice.88

As the DIA came more and more to the fore in dealing with Indians, the NWMP's role was gradually restricted to enforcing government policy towards Indians. One such policy seems to have been initially intended to stop horse stealing but soon had much wider applications. This was the introduction of the "pass law" in 1885. The first mention of the institution of a system of border passes was in 1882 when Prime Minister Macdonald suggested to the Privy Council it might be used to end raiding by both Canadian and American Indians. It was thought that such a system would discourage crossing of the border by Indians and that they would then "abandon their nomadic habits and settle down on reservations provided for them."89 It was not implemented at that time because it was believed that vigorous application of the vagrancy laws was sufficient. The pass system was next mentioned in Commissioner A.G. Irvine's 1884 annual report when he referred to the suggestion of Lawrence Vankoughnet, the deputy superintendent general for Indian Affairs, that such passes would stop Indians from loitering in settled areas. Irvine had doubts about the legality of such a "permit" system, a doubt that the police were to voice in the following decades.90

In 1885, the pass system was put into place by Lawrence Vankoughnet and Hayter Reed, after Major General Frederick Middleton had instituted it as a temporary measure during the North-West Rebellion. Reed primarily wanted to stop Indians from leaving the reserves and straying into the towns, but the system was also supported by the strong cattle lobby led by Senator Cochrane.91 The "pass law" was added as an amendment to the Indian Act, and made the Indian agent a local justice of the peace able to enforce the Criminal Code with regard to vagrancy and loitering laws. The system required that an Indian have a pass signed by an Indian agent in order to leave the reserve. It was generally only effective when rations were withheld as a punishment. The NWMP, the DIA, and the federal government all knew the "pass law" had no legal basis and violated the promises of Treaty 7 — promises that the Indians would not be confined to the reserves. Yet the police, according to Macleod, "co-operated with the Indian Department in enforcing it as a matter of mutual convenience."92

In the 1880s and 1890s, the NWMP had a difficult time enforcing the pass
system. Superintendent Deane, at Lethbridge, reported that the Blood Indians ignored it as they knew it had no valid basis in law. In May 1893, Commissioner Herchmer, after he was told by his legal advisors that the system was illegal, decided to end NWMP enforcement of the system, but this stop appears to have been only temporary. The force remained involved in enforcing of the “pass law,” but they were again doubting its legality in 1904. The DIA still continued to issue passes in the 1930s and 1940s, even though, by the mid-1890s, the belief that passes could keep Indians on the reserve had already largely been abandoned. All requests for passes were now to be granted and used only to obtain “a knowledge of their [Indian] movements.” By this time the pass system was hardly needed — other laws and measures had been enacted to erode the traditional life of the Plains Indians, such as the measures intended to end the Sun Dance. The pass system only had a minor role in ending horse stealing, but the idea behind it was the same as the NWMP efforts to end cross-border raids. As historian Sarah Carter wrote in reference to the system: “Prospective settlers also had to be assured that they had nothing to fear from Indians if they homesteaded on an isolated part of the prairie.”

If the pass system presented a problem for the NWMP the police found the “Act Respecting ... Public Morals” — the vagrancy law — a most useful tool and it was used in a limited way against horse thieves. In 1884, Irvine commented: “In connection with horse stealing, no less than in other crimes the Vagrant Act has been found, in the West, to be efficacious.” In the following decades, the vagrancy law was employed extensively to remove undesirable Indians from wherever the authorities did not want them.

In 1888, the NWMP reported that Indian theft of horses was no longer a very serious problem. This view was being increasingly confirmed by the reports of local Indian agents. Blood Indian agent William Pocklington wrote to the commissioner of Indian Affairs, Edgar Dewdney on 18 July 1889, that “there have been fewer war parties travelling round the country” in the last twelve months, and fewer rancher complaints. Indeed, a year later, Pocklington noted that Chief Red Crow turned in some Indians who had been attempting to bring stolen property into Canada. By then, the NWMP were also greatly assisted by the formation of Indian police forces. In 1890, Pocklington reported “not an instance of a single horse having been stolen from the south.” Indian agents like Pocklington began replacing their reports of horse stealing with glowing reports of the progress Indians were making in the wage economy: cutting hay, mining coal, cutting and freighting lumber. Initially much of this work was done for the agents themselves or the local NWMP detachment at Fort Macleod, but in the Lethbridge area the Indians were soon mining coal for settlers or “working out” for non-Native farmers in the district. In 1895, the new agent on the Blood reserve, James Wilson, reported: “The others, seeing their success, soon followed and thus we now have a large body of good working men.” NWMP crime reports for 1895 do not include any Indians accused of horse theft or the transportation of stolen property into Canada. By this time, the police and the Indian agents were identifying drunkenness and prostitution
as the major Indian crimes. Horse stealing was almost a thing of the past. As Wilson said of the Indians: "their proximity to the international boundary line made it much harder in former years to gain any control over them, because upon the least attempt at restraint they immediately crossed the line."\textsuperscript{107} In his 1898 report, Commissioner Herchmer said much the same thing — there were few cases of horse stealing in the West and the Indians were now no trouble; indeed they had a "growing inclination to make money, fostered by the Indian Department."\textsuperscript{108}

The NWMP had been instrumental in achieving this satisfactory state of affairs by imposing harsher sentences on Indians, and utilizing their effective patrol and outpost system to catch offenders and return horses. The police were aided in these endeavours by the American military, and the Mounted Police in turn assisted the Canadian DIA in circumscribing Indian movement. This was not surprising as all these groups had the same goal in mind — the restriction of the tribes to the reserve lands that the non-Natives had set aside for them, in preparation for the Indians to be absorbed into the capitalist economy. Horse stealing was the most prominent manifestation of continuing, albeit feeble, Native independence and it had to be suppressed. These historical events fit very well into a model of class conflict, like that proposed by Leadbeater and Taylor. This process, however, was not fully completed: the Indians on the reserves were never completely integrated into the new wage economy, despite the overly optimistic reports of Indian agents. In part, this was an unwanted result of the initial success of government policy — the confinement and then isolation of the tribes to the reserves, for the reserves were crucial elements in the ultimate survival of tradition Indian culture on the Prairies.\textsuperscript{109} There Indians were able to develop other forms of resistance in relative isolation and neglect on the very reserves which were intended as the crucibles of their assimilation.\textsuperscript{110}

\section*{Notes}


3. Bourgeault, "The Indian, the M\é\étis," 64.


5. Ibid., 5-6.


10. Ibid.
12. David McCrady observed that Canadian historians have concluded that although this process was coercive it was less violent than in the United States. He believed this was because, to some extent, prairie Natives “welcomed” the Canadians and the NWMP out of a greater fear of the Americans. See McCrady, “Stopping the Americans: A Comment on Indian Warfare in Western Canada, 1850-1885,” Journal of the West 32, no. 4 (1993): 48-49.
15. Hayter Reed, Acting Assistant Indian Commissioner for Manitoba and the North-West Territories, once requested that two DIA officials also be made “stipendiary magistrates” of the NWMP to combat horse stealing because the Indian Act was too restrictive. See National Archives of Canada (NA), MG 26, vol. 212, Macdonald Papers, letter from Hayter Reed to E. Dewdney, 15 February 1884, pp. 90045-47.
26. Macleod, NWMP and Law Enforcement, 144.
28. Ibid.; and Macleod, NWMP and Law Enforcement, 44. Horses stolen in Canada were traded in the United States and possibly even as far south as Mexico.


35. Ibid., 1880, p. 33.

36. Ibid., 1889, pp. 65-66.

37. Ibid., 1880, pp. 15-16.


39. NA, RG 2-1, O/C P.C., No. 859E, “Privy Council Minutes 21 April-3 May 1882, Approved 24 April 1882.” The relevant law was 32-33 Victoria, c. 21, s. 112 and 113. See also RG 10, "Indian Affairs Black Series," vol. 3790, file 28,748-1, memo of E. Dewdney, April 1883.


43. Ibid., 1876, p. 21.


45. Fort Assiniboine Preservation Association (courtesy of James S. Magera), Correspondence of Fort Assiniboine, Fort Assiniboine Letters, file 48.


50. Fort Assiniboine Letters, file 69.


56. Ibid., 1880, pp. 18-19.

57. Ibid., 1882, p. 36.

58. Ibid., 1883, pp. 18, 28.

59. Ibid., p. 36.

60. Ibid., 1884, pp. 44, 51.

HORSE STEALING AND THE BORDERLINE


64. NA, RG 10, "Indian Affairs Black Series," vol. 3770, file 33,972, "From the Manitoba Penitentiary — Release of Indian prisoners arrested at Cypress Hills for horse stealing, 1884."

65. NWMP, Annual Report, 1885, p. 10.

66. Ibid., pp. 105, 115-16.

67. Ibid., 1886, p. 27.

68. For justice, see ibid., 1887, p. 62; for punishment, see ibid., 1889, p. 66.

69. Ibid., 1887, report of Sam Steele, p. 62 and report of Herchmer, pp. 7-8.

70. Rider, a Blood Indian, was sentenced to two years in prison, see ibid., 1886, p. 148 and ibid., 1887, pp. 129-32.

71. Ibid., 1887, pp. 7, 148.


73. NWMP, Annual Report, 1888, p. 9; ibid., 1889, pp. 1-2; Macleod, "North-West Mounted Police," 86; and DIA, Annual Report, 1891, p. 82.


75. Ibid., 1883, p. 10.


80. The NWMP were eager to establish a relationship with the American authorities. See NA, RG 18, Series B3, vol. 2185, "Commissioner's Office Letterbooks, A.C. Irvine, Fort Walsh, 8 November 1880-31 March 1881," letter of A.C. Irvine to the Minister of the Interior, 8 December 1880. The differences which separated the two sides are outlined in RG 10, vol. 3740, file 28,748-1, 1881-1883.


84. At least, this is what was planned. The author assumes it occurred as the matter does not come up again in the literature. See ibid., file 81, 20 August 1883.
86. *Annual Report of the Commissioner of Indian Affairs* (United States), 1894, p. 87.
88. For Otis, see NWMP, *Annual Report*, 1888, p. 119; and for Granville Stuart, see ibid., pp. 7-8.
95. Hayter Reed quoted in Barron, "Indian Pass System," 37.
96. Ibid., 38.
102. Ibid., 1890, p. 60.
103. On 1 June 1887, Indian police helped the NWMP in returning a stolen horse, see NWMP, *Annual Report*, 1887, p. 51. See also McGinnis, *Counting Coup and Cutting Horses*, 187. In 1887 the United States also established Indian police forces in Montana.
104. DIA, *Annual Report*, 1891, p. 82.
105. Ibid., 1893, pp. 84-85; ibid., 1894, p. 87; and ibid., 1896, p. 156.
106. Ibid., 1895, p. 75.
107. Ibid., p. 154.