

THE COWBOY LEGEND: OWEN WISTER'S VIRGINIAN AND THE CANADIAN-AMERICAN FRONTIER by John Jennings

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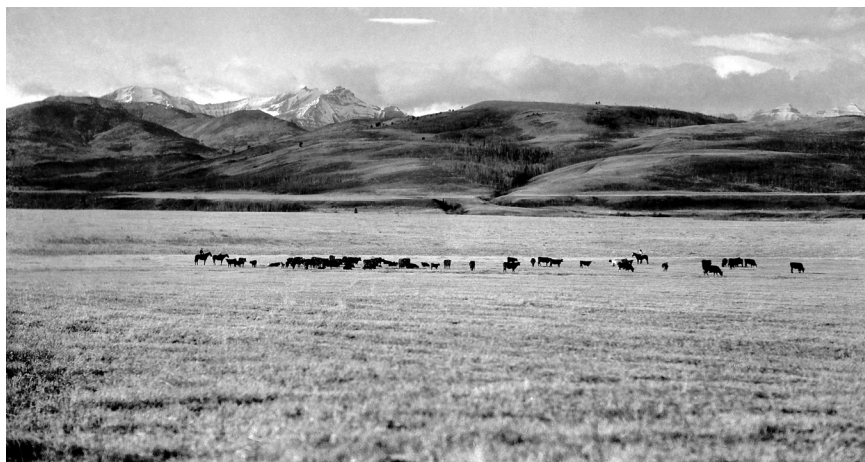
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6: Alberta (1888–1904)

In the fall of 1885, shortly after spending the summer escorting Wister, Johnson left Wyoming for Alberta, riding his big black horse, Monte (renamed Sailor in Canada). When he reached Alberta, by way of the old Indian trail that ran practically unbroken from Mexico to Canada, he stopped at the ranch of Joe Trollinger on Mosquito Creek, midway between Fort Macleod and Calgary. He looked over the range and was pleased with what he saw. The grass could support far more cattle than could the Powder River country, the land was well sheltered, and he was told that stock wintered easily in the area, famous for its chinook winds. Besides, a cow worth twenty-five dollars in Wyoming went for forty in Alberta.

Fred Hesse had asked him to scout the Alberta range for good grazing land. By 1885, Moreton Frewen was acutely conscious that northern Wyoming was overstocked and was desperately trying to persuade his board in London that as many cattle as possible should be moved to Alberta. As early as 1883, Frewen, who has come down to us in Wyoming history as the quintessential English twit, was ahead of most in predicting the end of the free range in northern Wyoming.¹

Fred Hesse's reports to Frewen in 1885 undoubtedly reinforced Frewen's belief that the company was facing a crisis. Hesse estimated the loss of cattle over the previous winter at 15 percent, significantly greater than in previous years.² The number of calves in 1885 was way down from the previous year, and the 76 herd was down to 48,550 from 55,000. The range in Johnson County was in bad shape from overgrazing. (The earlier refusal of the large ranchers to countenance a lease arrangement was now coming home to roost!) The dividend of the Powder River Cattle Company had been a



Typical ranching country of southern Alberta. The chinook winds in winter dropped their moisture in the mountains and often blew enough snow off the range to allow grazing all winter. Glenbow Archives, NA 67-6.

mere 3 percent in 1884; clearly, some new solution was necessary. So, at roughly the same time that Johnson was looking over the range in Alberta, the shareholders of the 76 sent Dick Frewen in 1885 to look at grazing land in Montana and Alberta. He sent back a glowing report from Fort Macleod, in southern Alberta, and, acting on that report, Moreton Frewen went to Ottawa to pay a visit to his friend Sir John A. Macdonald, prime minister of Canada, to see if the 20 percent import duty on cattle could be waived.³

The situation in 1885 was somewhat complicated because, under pressure, Moreton Frewen had resigned as manager of the Powder River company and had been replaced by someone who opposed moving any cattle to Alberta. But by 1886, after some threatened resignations on the Board by those opposed to moving herds to Alberta, the opponents were finally persuaded that the herds should be moved – largely because of the very serious overgrazing of the northern Wyoming range. Horace Plunkett became manager and ordered Hesse to make the necessary arrangements to move cattle north. There was now some urgency in the situation because the cattle had to cross the Canadian border before September 1, 1886, in order to avoid the import duty. To complicate matters, the man who was to supervise the drive, E. W. Murphy, was caught in the middle of the feud between Plunkett and the Frewen brothers. He had been fired in 1885 for being short on the count of some cattle being moved to the Powder River range.⁴ The Frewens thought the charge was absurd. But Plunkett refused

to rehire him, undoubtedly because Murphy was too loyal to the Frewens, who were making Plunkett's life miserable with their attempts in London to control the board.

Eventually, in May 1886, the responsibility for the drive to Alberta was taken out of Plunkett's hands, and Murphy was rehired to supervise the drive. Johnson was sent north that same month to scout the trail, and on June 25, 7,500 head were started north with Johnson as trail boss. He had carefully studied the route that the cattle should take, stopping briefly in the Judith Basin in Montana to visit a budding artist friend named Charlie Russell, whom he knew from several roundups. The cattle were divided into three herds, which Johnson trailed slowly over the five hundred miles to Mosquito Creek, after first killing all the late calves, which would not have survived the winter. The cattle arrived in Alberta in August in good shape, ready to face the winter, and just beating the import duty deadline. They were then driven to the land that Johnson had scouted in 1885, which the company had now leased in E. W. Murphy's name – grazing land on Mosquito Creek and the Little Bow River, midway between Fort Macleod and Calgary.⁵ (The land was leased for twenty-one years at one cent an acre per year.) Murphy was pleased, reporting that the cattle had come through well and that Alberta had ten times the grass that Wyoming had.⁶

Frewen decided to lease land in Alberta because Canadian law gave him security of tenure on his leased land. There would be no overstocking, as was the case in Wyoming by 1885. He intended to keep the stock in Alberta for two years because Canadian law stipulated that American lessees could circumvent the 20 percent import duty if they kept the cattle in Alberta for at least that long.⁷

Moreton Frewen came to Alberta in early October to inspect the herd, and he, too, was well pleased, until he happened to drop a cartridge into a campfire, which exploded and embedded some rather painful shrapnel in his leg.⁸ When he saw the Alberta range, Frewen felt vindicated in his view that as many cattle as possible should be moved north, and he wrote Clara the same month that he hoped all the Powder River cattle could be moved to Alberta – that it was the only salvation for the company.⁹ Seeing the relatively virgin Alberta range only confirmed his view of several months earlier when he had visited Wyoming and reported to Clara: "I don't see how we can avoid heavy loss this winter again. It is impossible to disguise it, the business has quite broke down on these ranges. There never can be any recovery. ... I dread the coming winter; if it is a severe one, half the cattle in Wyoming will die for sure."¹⁰ What needs stressing here is that it was not just the freak winter of 1886 to 1887 that destroyed the old era of the open

range in Wyoming. The writing had already been on the wall for several years.

The winter of 1886–87 was also severe in Alberta, but the 76 herd survived reasonably well, with few losses.¹¹ Other ranchers didn't fare so well. A. E. Cross on the a7 lost 60 percent of his stock, Walter Skrine, 70 percent. The average loss in the Calgary area was 25 percent and in the Medicine Hat and Highwood country, 50 percent.¹² But the situation was far worse in Wyoming. Fred Hesse reported in the spring of 1887 that the Powder River herds just melted away; that winter killed 75 percent of the herd.¹³ The 76's Alberta herds thrived on their new range, but the company could send no more cattle north to Canada from the ravaged grasslands of Wyoming because the Canadian import duty was now in place. By 1888 the Powder River company was facing bankruptcy; by 1889, the Wyoming herd was down to 13,000 head.¹⁴ The ordinary shareholders had lost their entire investment – so the company was forced to sell the Alberta herd.¹⁵ They sold it in 1889 to Sir John Lister-Kaye of the Canadian Agricultural Coal and Colonization Company, to become part of the enormous Stair 76 Ranch. In 1890, Pierre Wibaux, a Frenchman ranching in Montana, bought what was left of the Powder River herd.¹⁶

Lister-Kaye, in many ways, was the Moreton Frewen of the Canadian range, a flamboyant English aristocrat with grand ideas. His dream was to form English colonies in the Canadian West and to this end, he imported Englishmen, horses, sheep, and pigs, which he established on ten different farms and ranches. But by 1895, his ventures had soured and, like Frewen, he was replaced as manager by his board and eventually frozen out. The company continued until the disastrous winter of 1906–7 in Alberta, which killed about two-thirds of the livestock. In 1909, the directors disposed of all their land to the meatpacking firm of Gordon, Ironside and Fares (for whom Johnson later worked). That firm operated the 76 until the 1920s when it sold the ranch to Canada Packers, thus ending the 76.¹⁷

Meanwhile, Johnson had returned to Wyoming in the fall of 1886, leaving behind four of his crew who decided to stay in Alberta – Roy Cowan, Tom Lusk, Blue Osborne, and a cowboy Johnson referred to as Nigger Tom. But he was not to remain there for very long. He could see that the great days of Wyoming ranching were gone. The Powder River Cattle Company was going under, and if that great company could not make it, there was little hope for the other big ranches. He was also greatly disturbed by the atmosphere of hostility between the old-timers and both the new settlers and the cowboys who were trying to establish ranches on land claimed by the big ranches.



Hunting party in the Wind River country, 1887. Wister is standing, pouring a drink for their Native guide. Laurie and Jean Johnson believe that the man second from the right, with his hand on the tent flap, is Everett Johnson. Photo by Copley Amory. American Heritage Center, University of Wyoming.

But before he left permanently for Alberta, he was to have two brief encounters with Owen Wister, who had come back to Wyoming in the summer of 1887, this time to hunt in the Wind River country. Wister had written to Johnson of his plans and had suggested that they somehow meet. Johnson said that he caught up with Wister's party several days out of Fort Washakie and had a short visit. Although there is no mention of Johnson in Wister's journal for 1887, Wister does mention in his journal entry for August 9 that a cowboy had come into camp when they were about ninety miles from Fort Washakie. Several days earlier, Wister had recorded that he had shot a magpie and stewed it for dinner. Johnson, without knowing what Wister had written, remembered that Wister had shot a hawk and stewed it. So it seems possible that this cowboy was indeed Johnson.

And there is, perhaps, a small mystery involved in this meeting. In Wister's published journals and letters, his daughter has included a picture of this hunting party that Copley Amory, one of Wister's two Boston friends

on the trip, provided. The caption identifies George West as the person seated third from the left. But all the members of the hunting party are identified in the caption. So who took the picture? Johnson's son, Laurie, and his daughter-in-law, Jean, have said that there is no question in their minds that the man identified as George West was actually Johnson. The cowboy in the photograph bears his unmistakable attitude, and the scar on his chin from an Indian scrape in Arizona is evident in an enlargement.

Wister came back again to the Wind River country in 1888, and Johnson saw him again briefly, but he gave no details of the meeting. The fact is, Johnson liked Wister but didn't attach much importance to the friendship. All his life he was very reticent about his friendship with Wister. It was his friends who had worked on the VR with him in 1885, Roy Cowan, Monte Cunningham, and Lorenzo Smith, who noised it about, after the novel came out, that Johnson was clearly the Virginian. Johnson put far more stock in his friendships with his Wyoming cowboy friends.

Before leaving Wyoming forever, Johnson paid a short visit in 1888 to his mother, who lived near Rochester, and then returned to Wyoming to say his goodbyes. Although he would remain fiercely loyal to the country of his birth, Alberta was to be his home for the rest of his life. As he rode north driving a team and buckboard and trailing his favourite cut horse, Johnson noticed that much of Montana looked overstocked and overgrazed. And he could see the changes that were taking place in the range industry. Barbed wire was intruding itself everywhere he looked, and cowboys were losing the aura of the free range, spending less time in the saddle than in the somewhat demeaning tasks of fencing, haying, and tending crops.

On reaching Alberta, Johnson stopped for a time at the Quorn Ranch, on the south side of Sheep Creek, or Stony Crossing as it was then called, just west of Okotoks. An English syndicate that ran about 5,000 head of cattle owned the Quorn, one of the big ranches of southern Alberta. But the owners were mainly interested in horses. The ranch was named for the famous Quorn hunt, one of the foremost in England, and the real aim was to produce horses for the British Army and for the English hunting field. To this end, one hundred Irish mares and a half dozen top Thoroughbred stallions had been imported. At this time, the Quorn was raising the finest horses in Alberta.¹⁸

Johnson recalled that the first night there, he went in to dinner and the first man to sit down was a tall Black cowboy. Johnson stood back, expecting the man to be ordered out, but all the other men sat down, and Johnson reluctantly did the same. He had never before sat at dinner with a Black man, and he could not understand how the other cowboys seemed to be on



John Ware and his family, 1896. Ware came to Alberta up the cattle trail from Texas and was considered by many to be Alberta's finest bronco rider. Glenbow Archives NA 263-1.

equal terms with him. He happened to be in presence of John Ware, one of the most respected cowboys on the Alberta range. Johnson later grew to have great regard for Ware but could never bring himself to be familiar with him.¹⁹ The talk at dinner was mostly of horses. The Quorn's horses were clearly very fine, but no match in toughness to the cow ponies that had evolved from the Arab and Barb stock of Spain and North Africa. In the Quorn breeding program can be seen the beginnings of a major Alberta industry that owed much to the influence of the early English ranchers.

From the Quorn, Johnson moved on to Calgary, where he helped a friend, Charlie Perry, move some horses to the Ghost River country west of the city. This spectacular foothills country, with the backdrop of the Rocky Mountains, would be the future home of Johnson's son Laurie and his daughter-in-law Jean. The family is still ranching there. On the way back to Calgary, he stopped to visit his two old friends from the VR, Roy Cowan and Blue Osborne. Then south to the Bar U Ranch, where he had agreed

Fred Stimson, shareholder and a manager of the North West Cattle Company, which owned the Bar U Ranch. His roots in the eastern townships of Quebec are very clear in this portrait. Glenbow Archives, NA 117-1.



to be foreman, replacing George Lane in 1889.²⁰ Lane had been the ranch's original foreman, but he left the ranch to go into the business of buying cattle. Johnson agreed to go to the Bar U when the 76 folded. The ranch was owned largely by the Allan family of Montreal, owners of the Allan Steamship Lines and Canada's richest family. Fred Stimson, one of the shareholders of the North-West Cattle Company, as the Bar U syndicate was called, managed the ranch. When Johnson was hired by Stimson, he came with an impressive reputation. An early rancher, Lachlin McKinnon, described Johnson as "one of the top cow-hands who came up from Wyoming."²¹ This was a view seconded by D. H. Andrews of the 76, who now ran several ranches for the Canadian Land and Ranch Company. His recommendation for Johnson stated: "A first rate cowman, in fact, I think about the best all around cowman in this country, and he is very good with young horses."²²



The Bar U buildings looking west. The last building on the left was Fred Stimson's house.
 Glenbow Archives, NA 466-12.



The Bar U Ranch buildings with Pekisko Creek in the foreground. The ranch is now a National Historic Site. Author's photo.



The Prince of Wales and George Lane, owner of Bar U, in 1919 during the Royal visit of that year. As a result of this visit, the Prince of Wales fell in love with the ranching country of southern Alberta and decided to buy an adjoining ranch, the Bedingfeld Ranch, which he renamed the EP Ranch (for Edward Prince). Glenbow Archives, NB 16-149.

The Bar U was situated in the heart of Alberta's ranching country, in rolling foothills country southwest of Calgary, with the Rocky Mountains close at hand. The ranch possessed some of the best cattle grazing land in the West. Sheltered timbered valleys protected the stock in the winter, and frequent chinook winds cleared the land enough for grazing. As late as the 1950s, these winds allowed the ranch to feed very little hay through the winter.²³

Stimson established the Bar U in 1882 and was the driving force in the formation of the syndicate. The ranch started with a capitalization of \$150,000. Sir Hugh Allan and his brother Andrew each had 250 shares, which together represented a third of the total shares.²⁴ The foundation herd of 3,000 head had been brought from Idaho by Tom Lynch and a group of cowboys that included John Ware. By 1890, when Johnson was foreman, the Bar U had over 10,000 cattle and 800 horses, including several superior imported stallions. Among them was the imported Thoroughbred stud Terror, one of the finest horses Johnson ever saw. At this point, the ranch

had 158,000 acres under lease.²⁵ Stimson, like his neighbour C. M. Martin on the Quorn Ranch, was attempting to breed hunting horses for the British market.²⁶

Fred Stimson had married Mary Greeley Smith in 1886. When she came down with scarlet fever in 1889, a nurse was sought. Fortunately, one was found who had just arrived from England and was staying with her uncle, Joe Laycock, at a ranch just north of Calgary called the Grange. Mary Bigland came to the Bar U as Mrs. Stimson's constant companion. She and Johnson soon saw much of each other, since he was the only one that Mrs. Stimson trusted to carry her. They soon decided to marry.

Ebb and Mary were married at the Grange on November 18, 1891, by the minister of Knox United Church in Calgary, Reverend Herdman, who may have been a bit startled by Johnson's choice of best man – Harry Longabaugh, also known as the Sundance Kid. He was in Alberta at the time working for the Bar U. Johnson was thirty-one at the time and Mary twenty-four. He was listed as Presbyterian, and she as "English Church" – Anglican. It is not known where they spent their honeymoon – perhaps at some special spot in the Rockies.

It seems that the Sundance Kid came to Alberta in about 1891, perhaps at Johnson's urging, and worked for both the McHugh brothers on the H2 Ranch and for the Bar U, breaking horses. He also worked at some point for the OH Ranch, north of the Bar U. Longabaugh was twenty-five in 1891 and was wanted at the time by the law in Wyoming for threatening a deputy sheriff. Two years earlier, he had been sentenced to eighteen months in jail at Sundance, Wyoming, for horse stealing – hence the adopted name. In August 1891, he was charged with cruelty to a horse while at the Bar U, but the charge was dropped. Perhaps this is why he was laid off as a "horse-breaker" for the Bar U. He spent the winter of 1892–93 in Calgary as a partner in the Grand Central Hotel, but the partnership with Frank Hamilton went sour for some reason and Longabaugh returned to the US to begin his fabled career as an outlaw.²⁷

Soon after they married, Mary, for some reason, convinced Johnson that they should leave the Bar U. He did so reluctantly and took up the job of foreman for the Military Colonization Company Ranch east of Calgary. It is hard to imagine Johnson being happy on the ranch, which had been started by the very eccentric General Thomas Bland Strange to raise horses for the British Army and to train young Englishmen in the arts of ranching. Strange had left by the time Johnson became foreman. It became Johnson's job to deal with a succession of English visitors who came to learn the art of

PROVINCE OF ALBERTA
DEPARTMENT OF PUBLIC HEALTH
DIVISION OF VITAL STATISTICS

FOR USE OF THE DEPARTMENT ONLY

08- 1471-1891

REGISTRATION OF MARRIAGE

BRIDEGROOM

1. PRINT name in full JOHNSON (Surname)		Cyril Everett (Christian names)	
2. Trade, profession or kind of work Foreman		3. Kind of industry or business North West Cattle Ranchers	
4. Bachelor Widower Divorced Bachelor (State which)	5. Age 31 (In years)	6. Religious denomination Presbyterian	
7. Citizenship (see marginal definition)		8. Racial Origin (see marginal definition)	
9. Residence High River, Alberta (Usual place of abode. If in city, street and No. If outside city or municipal limits, give sec., tp., rge. and post-office)			
10. Place of birth Virginia, U.S.A. (City or Town) (Province, State or Country)			
11. Name of father JOHNSON (Surname)		George (Christian names)	
12. Maiden name of mother (Surname)		Lucretia (Christian names)	
13. Birthplace: Father (Province or Country)		Mother (Province or Country)	

BRIDE

14. PRINT name in full Bigland (Surname)		Mary Eleanor (Christian names)	
15. Trade, profession or kind of work (If at home, state household duties) Spinster Widow Divorced Spinster (State which)		16. Kind of industry or business English Church	
17. Spinster Widow Divorced Spinster (State which)		18. Age 24 (In years)	
19. Religious denomination English Church		20. Racial Origin (see marginal definition)	
21. Citizenship (see marginal definition)			
22. Residence before Marriage Calgary, Alberta (Usual place of abode. If in city, street and No. If outside city or municipal limits, give sec., tp., rge. and post-office)			
23. Place of birth England (City or Town) (Province, State or Country)			
24. Name of father BIGLAND (Surname)		John (Christian names)	
25. Maiden name of mother (Surname)		Eleanor (Christian names)	
26. Birthplace: Father (Province or Country)		Mother (Province or Country)	
27. Date of Marriage 18 day of November 1891			
28. Place of Marriage Grange Farm, Calgary, Alberta (Name of Church or occupier of house. Also give name of city, town or village. If rural give M.D. No.)			
29. Licence Number ? Name of Issuer ?			
30. Marginal notations (Departmental use only)			

31. Signature of Groom	Harry Longabough
32. Signature of Bride	Calgary, Alberta
33. Signature of Witnesses	Marie Laveock
34. Signature of Address	Calgary, Alberta

I certify the above stated particulars are true to the best of my knowledge and belief.

Officiating Clergyman or Marriage Commissioner	Signature J.C. Henman Calgary, Alberta	Certificate of Registration Number
Religious Denomination		

(To be answered only if clergyman)

Filed at Calgary, Alberta on the 21 day of November 1891

District Registration No. 9 M.L. Bernard
Signature of District Registrar

(SEE OTHER SIDE)

For registration and mailing instructions see reverse side.

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General Thomas Bland Strange, an autocratic military figure, was the driving force in the forming of the Military Colonization Company Ranch, whose central purpose was raising horses for the British army and training young Englishmen in the arts of ranching. Glenbow Archives, NA 1847-2.

Previous page: Although John's given names are transposed, and his mother's name is misspelled, as are those of his best man, Harry Longabaugh, and the minister, Rev. J. C. Herdman, this is the genuine wedding certificate of Everett and Mary Johnson, November 1891.

ranching in the wilds of Alberta. It was probably all too reminiscent of his days on the 76, babysitting effete easterners and English aristocracy.

The ranch adjoined the Blackfoot Reserve, and Johnson hired a number of Blackfoot cowboys and learned enough of their language to communicate with them. Chief Old Brass was a frequent visitor. It is important to pause here to point out that Johnson, the Indian fighter, under quite different circumstances became a friend of his Native neighbours, enough so to call Old Brass a good friend. The Blackfoot had not taken part in the 1885 Rebellion, and Johnson could recall no tensions with his Blackfoot neighbours, who were trying very hard to settle in as farmers.

After leaving the Bar U, Johnson stayed only a short time as foreman at the MCC Ranch. In 1893, Gordon and Ironside persuaded him to locate

a ranch for them, which they named the Two Bar, in the Wintering Hills south of the Red Deer River. Johnson laid out the buildings in a manner similar to the Bar U. Here, he and Mary had their two sons, Robert Everett and Laurence Branch. In later years, Mary spoke of the Two Bar in a way that made it clear that these were very happy days. Johnson later became a cattle buyer for the company of Gordon, Ironside and Fares who, by 1906, were the largest cattle exporters in the world.²⁸

Jean Johnson recalled several of Mary's stories from this time, especially one incident when Johnson was having trouble bringing in a bunch of skittish horses and was trying to corral them. Thinking she could help, she rushed out of the house, which had the effect of scattering the horses "from Hell to breakfast." When she yelled to Johnson, "What should I do now?," he answered, "Go in the house and hide under the bed."

She also recalled, with obvious pride, an incident on Calgary's main street, Stephen Avenue, which at the time was a mixture of mud and construction material. Johnson was riding along the street just as a runaway team and democrat went tearing past. He took off in pursuit, freeing his rope as he caught up. Just as he came even, a large pile of lumber loomed in his path. Mary said it was quite a sight watching him leap the pile and on the landing stride throw a loop over the heads of both horses. The street was busy; his quick action and skill with a rope probably prevented a nasty accident.

Most of the big ranches in early Alberta, like their counterparts in Wyoming, owned very little land. The Bar U, for instance, one of the biggest ranches in the Canadian West, at first did not own a single acre of deeded land, although its original two leases in 1881 totalled 114,000 acres. It was not until 1891, almost a decade after its formation, that Stimson applied for a homestead entry. The census that year showed seventeen people living on the ranch. The census also gave an interesting "snapshot" of the Alberta ranching frontier a decade after its inception. It listed those in the ranching community by background: 80 percent came from eastern Canada or Britain (42 percent from eastern Canada and 37 percent from Britain); 17 percent were American.²⁹ By the next census of 1901, these percentages would change significantly. By 1901, there were fewer American foremen like Johnson on the big ranches and also fewer American cowboys. But the census showed an increase in Americans who crossed the border to take up farms and small ranches.³⁰ The great American influx into Alberta in



The Bar U general roundup of 1901. The technology of ranching in Alberta was exactly the same as in the American West, but one striking difference is seen in the middle of this photograph. The presence of the Mountie spoke of a very different tradition of law on the Canadian ranching frontier. Glenbow Archives, NA 1035-5.

the 1890s went mostly to the farm sector.³¹ The statistics point to an important fact. The Canadian ranching frontier in its formative period was overwhelmingly Anglo-Canadian or British. It was only later, when social, legal, and political institutions had already jelled, that Americans began to arrive in numbers, many of them to become small-scale ranchers.

The Alberta ranching frontier that Johnson came to in the 1880s was in many ways similar to that he had left in Wyoming, but there were a few not-so-subtle differences. Certainly, the geography was similar, not so much to Wyoming as to Montana. The Powder River country was far more arid and treeless than the Alberta ranching country in the foothills of the Canadian Rockies. And the practice of ranching was much the same. In terms of technology, the Alberta ranching frontier was an extension of the American frontier. And the Native peoples, who by now had been shunted onto reserves to make way for white settlement, were separated artificially by the Medicine Line. But there the similarities ended. The cultural atmosphere of the Alberta ranching community shared some similarities with its

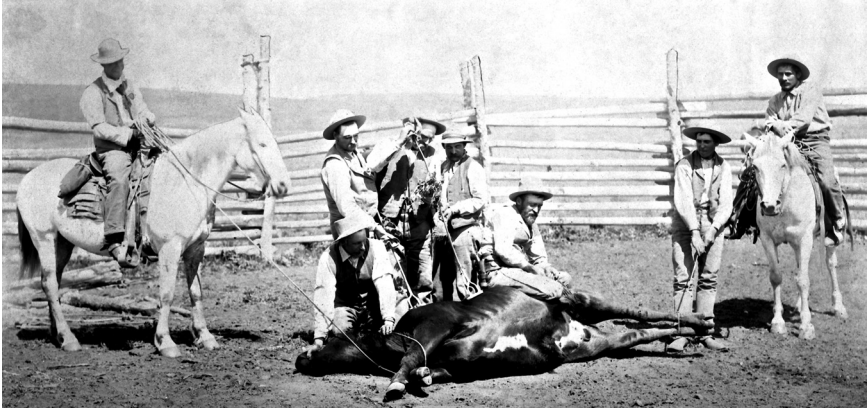


Bar U cowboys during the roundup of 1901. A NWMP stock inspector on far left. Charlie McKinnon, foreman of the Bar U, is on the left, boots in the foreground and face hidden. Glenbow Archives, NA 1035-6.

American counterpart, but it was far more English than American and the political and legal set-up was very different. This ranching community was also deeply influenced by a very different frontier past.

From the landing of English colonists at Jamestown in 1607 and at Plymouth Rock in 1620, the American frontier witnessed three centuries of almost constant warfare with Native peoples as Americans moved west, intent on dispossessing these peoples of their lands. As Robert Utley, the distinguished historian of the American frontier concluded, the American frontier saw three centuries of “mutual incomprehension”; neither side was willing to compromise or find some middle ground.³²

The Canadian frontier developed very differently, largely because of geography – and botany! Canada is uniquely blessed with an arterial network of lakes and rivers, which became the country’s early means of transportation and communication. Only 5 percent of Canada is arable. Because of eastern Canada’s dense forests, most early travel, of necessity, was by water, using Native bark canoes. And these bark canoes were unique to



Branding a steer, 1893. The practice of “heeling” a steer (throwing a loop under a hind leg) and dragging it to the branding fire has not changed on many ranches since Texas herds started heading north on the cattle trails. Glenbow Archives, NA 5182-1.

Canada. The map of the growth of the birch tree is essentially a map of Canada. As it happens, the bark of the birch tree is the only bark in the world capable of being formed into a good canoe, because the lines of growth of birch bark are transverse, unlike all other barks, whose lines of growth are longitudinal. Unlike longitudinal bark, birch bark can be cut and shaped into the elegant and functional shapes of the surprisingly tough Native birch bark canoe. And this birch bark canoe was found only in Canada and small areas of the northern United States.³³

Most of Canada lies north of what geographers call the Canadian necklace – the axis of water that begins with the St. Lawrence River on the east and extends west through the Great Lakes, Lakes Winnipeg and Manitoba, the Saskatchewan River system, and, finally, the Athabasca River, Great Slave and Great Bear Lakes and the Mackenzie River to the Arctic Ocean. Above that line lies the Canadian Shield and below, the relatively thin line of agricultural Canada. Because of the unique geography of the Canadian frontier, Canada’s borders were defined by canoe exploration and, even though Alberta’s ranching frontier was greatly influenced, as was the American frontier, by the horse, this ranching frontier’s institutions and customs were mostly determined by the frontier of the canoe, by the autocratic control of the Hudson’s Bay Company and, later, by the equally autocratic control of the federal government. The local self-determination of the American frontier was conspicuously absent from the later Canadian frontier that included the ranch country of Alberta.

The result of this geography is the fact that when the French settled along the St. Lawrence River in the early seventeenth century, they quickly realized that it was far more profitable to enter into mutually beneficial trade alliances with Native groups than to dispossess them of land largely unsuited to agriculture. Canada's future lay with water and the bark canoe of Native peoples, in a land with more navigable water systems than any other place on earth. Later on, Native groups in southern Canada were forced from arable land, but only after peaceful relations had been firmly established with French fur traders from the St. Lawrence and English traders from Hudson Bay. When the North West Mounted Police came west in 1874, they were not met with hostility; instead, they were able to take advantage of a legacy of almost three centuries of mutually profitable trade relations on the Canadian frontier. Although the Mounted Police, on their march west in 1874, feared Blackfoot hostility because of the Blackfoot's history of aggression toward American fur traders on the Missouri River, they met with none. The Blackfoot had been trading pemmican for many decades at Fort Edmonton and had formed peaceful relations with these traders. The Mounted Police could thank the HBC for the Blackfoot's friendly reception.

On the political side, when the Dominion of Canada inherited the fur trade's vast domain at the time of Confederation, it had to quickly develop policies and laws for this territory. Canada's Fathers of Confederation consciously forged institutions that were the opposite of those in the United States. As much power as possible should be given to the central government, and there would be no loose talk about the "pursuit of happiness." As Donald Creighton, one of Canada's pre-eminent historians, has said, Canada was brought into Confederation by a generation of mid-Victorian colonials who valued the political system they had inherited and "would have been sceptical about both the utility and the validity of abstract notions such as the social contract and the natural and inalienable rights of man."³⁴ Canada's fathers were less taken with noble sentiments than with making things work in a practical way. To them, the doctrine that mankind on the loose was innately perfectible smacked of pure humbug.

These same men determined policy for the development of the Canadian West. In sharp contrast to the philosophy of the Northwest Ordinance, the blueprint of the American westward movement, which gave enormous scope to local self-determination, Ottawa's territorial policy kept tight control of all aspects of development in the formative period of the North-West Territories, now southern Saskatchewan and Alberta. A small council, appointed by Ottawa, governed the area. And the federal government completely controlled territorial law and Native relations, in a conscious attempt

to reverse what most Canadians saw as a glaring failure in American territorial policy.

In crafting its western policy, Ottawa was continuing an established practice in the West. As part of Confederation, the British government ceded to Canada the vast domain of the Hudson's Bay Company (HBC), at that time the largest private fiefdom in the world – one-twelfth of the entire world! The Company had held autocratic sway over Canada's West in a fashion that left little room for democratic self-expression. All policy was in the hands of its governor, Sir George Simpson, who imposed rules of conduct and policies of trade with the Native peoples that dictated peace. The original charter of the Company had imposed on it the obligation of preserving law and order in its territory, and it was an obligation that the Company took seriously after it acquired a total monopoly of the Canadian fur trade in 1821, the year of its amalgamation with its rival, the North West Company.

The year 1821 was a watershed in the history of the Canadian fur trade and Native-white relations on the Canadian frontier. The moment allows the historian to make several important arguments regarding the nature of the North American frontier. Canadians, in a somewhat insufferable way, love to tell their American neighbours how much more peaceful the Canadian frontier has always been. Not so! In the era of intense fur trade rivalry before 1821, the fur trade frontier in Canada was extremely violent, largely because of the staggering quantities of alcohol used to induce trade. In the maddened pursuit of profit, a number of fur traders were murdered, and Natives were debauched with liquor by unscrupulous traders. In other words, the western Canadian frontier was much like the American frontier; unscrupulous whites had virtually no restraints placed upon them. As a result, Native relations were extremely volatile.

But all this changed dramatically after the Seven Oaks Massacre of 1816, in which the Métis of the North West Company killed Robert Semple, the governor of the HBC's Red River colony, and twenty of his men. As a result of this incident and because of the general tone of lawlessness in fur country, the British government forced the two rival companies to amalgamate in 1821; they came together under the Hudson's Bay Company's name. The atmosphere of liquor and violence between companies changed overnight to one of autocratic, centralized authority. The new governor, Sir George Simpson, issued a series of edicts outlawing liquor in most of Indian Country and establishing a stern code of behaviour toward Native peoples. Literally overnight, he changed the course of Canadian history, imposing on the Canadian West a relative harmony that was in striking contrast

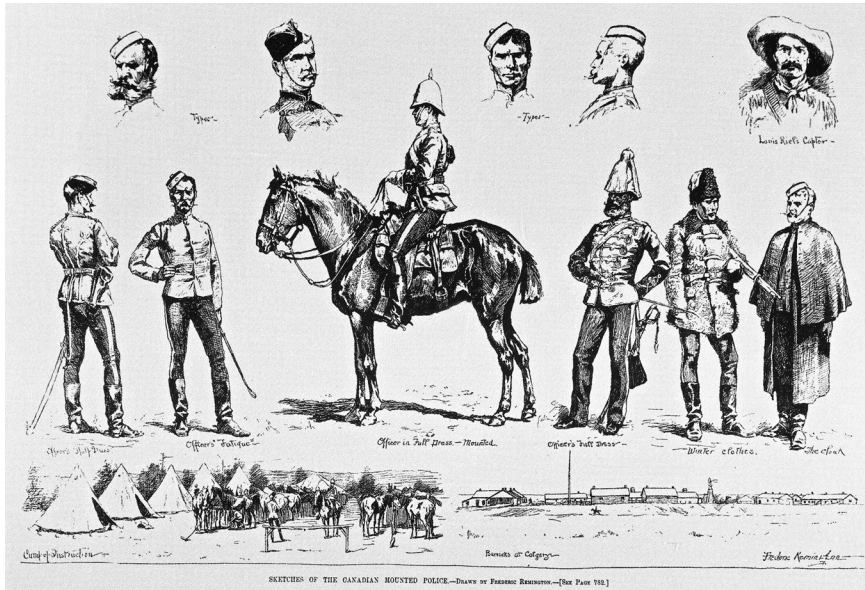
both to former days on the Canadian frontier and to the atmosphere south of the border. The critical issue, of course, is that Simpson had no qualms about stifling the self-expression of that small element of riff-raff that, on the American western frontier, knew few restraints and was responsible for most of the violence and disastrous Native relations.³⁵

After 1821, the policy of strict social control on the frontier became the Canadian trademark. And when the Canadian government took over the HBC domain after Confederation, it merely continued the company's almost feudal policy of centralized autocracy. All important aspects of western development were tightly held by the federal government – the territorial council, land policy, Native relations and, most critically, the law.

One of the first acts of the government in Ottawa, on acquiring the new domain from the HBC at the time of Confederation, was to establish a police force to assert sovereignty and bring order to the area. The North-West Mounted Police were crucial to the process of continuing the HBC legacy of relative harmony between races. But they were mainly there to oversee the process of making treaties with the plains tribes and shunting them to one side so that white settlement could proceed without fuss. The Mounted Police were the main instruments in this process. Sir John A. Macdonald's National Policy aimed to fill the West by building a transcontinental railway and then enticing settlers with the promise of free homesteads on the American model, with the ultimate goal of replacing the Native hunters with a West full of white farmers.

If one is looking for the principal difference between the Canadian and American plains frontiers, the Mounted Police are the key, both in the atmosphere they created on the Canadian Plains and in the attitudes and policies that led to their formation. Essentially the Mounted Police were the product of a nineteenth-century Canadian belief in strong central government and law, and an equally strong anti-Americanism. The governing generation after Confederation was very consciously attempting to create a counterbalance on this continent to the American "experiment." They believed without question that extreme democracy, strong state rights, and especially a relaxed attitude toward the law had done terrible harm to American development. The American Civil War, Canadians argued, was the logical outcome of a bad system. So Canadians, with an air of smug superiority tinged with grudging envy for the vitality and economic dynamism of America, consciously set about to create something quite different.

The starting point was a more sober view of mankind. Canadian leaders were convinced that American notions of liberty and egalitarianism had led to a minority of undisciplined Americans perverting their society.



Remington sketch of the North-West Mounted Police, *Harper's Weekly*, October 1888. The stern military bearing is a striking contrast to western American sheriffs and the Texas Rangers, a loose militia with a great facility with guns.

Canadians constantly commented on the staggering levels of violence and dismal Native relations in the US and concluded that a lack of both social deference and stern law were the principal causes. The Canadian governing class believed very firmly that the lower orders in society must not be allowed the self-expression that was accepted in the US. Clearly, Americans had lost John Stuart Mills' definition of liberty – that it must not infringe on the liberty of others. Canadian political rulers believed that American democracy had all too often become clear licence, the negation of true liberty. Canadian leaders emphatically placed order and stability before personal liberty.

When the North-West Mounted Police was created in 1873 to bring order to and assert sovereignty over Canada's new western empire, it was established as a federal force with almost absolute power over the early destiny of the Canadian plains frontier. At first, they were the sole federal presence in the North-West Territories, other than a few surveyors. They were responsible for all aspects of government policy and quickly became the symbol of both the official Canadian presence on the plains and of the Canadian style.

In theory, the NWMP established a police state in the Canadian West. The officers were either stipendiary magistrates or justices of the peace. Thus the British system of law, so cherished by Canadians, was theoretically subverted. At first, the Mounted Police held all aspects of the law in their own hands and blandly ignored the independence of the judiciary, so central to the British system. Yet, it can be argued, it was precisely this subversion of the law that resulted in the success of the Mounted Police – and their popularity. They were able to control, with relative ease, the small disreputable white element on the frontier which, under the American system of divided legal jurisdictions and ultra-democratic law, was allowed to run amok, terrifying both Native people and frontier towns.³⁶ Because the Mounted Police, at first, had complete control over all aspects of the law, their justice was swift. This is a critical consideration when comparing Mountie law to that on the western American frontier. One of the central justifications on the American frontier for vigilantism was that constituted law was too slow and cumbersome – and costly! Too many slick lawyers got criminals off on technicalities. One of the major reasons for the complete absence of vigilantism on the Canadian frontier was that Mountie law was clear and direct – and timely.

The Mounted Police, being removed from the pressure of local influence and, at first, in absolute control of the entire legal system, soon established an atmosphere of order that was in dramatic contrast to that below the border. The stock explanation is that the western movement in the US was spontaneous, while on the western Canadian frontier the law, in the form of the Mounted Police, preceded settlement, rather than following it. This simplistic line of reasoning explains practically nothing. What is important is what the law did when it got there. Law is not a uniform commodity that just happened to find its way to the Canadian West at an earlier stage of frontier development. Law is a fundamental expression of a nation's character, and the legal system that the government imposed on the Canadian plains was very different from the code that shaped the American West.

It is fascinating to see these early Mounties through the eyes of one particular American immigrant from Iowa and the Dakotas. Wallace Stegner recounted his instant impression of the Queen's law hanging in the waiting room of the courthouse at Weyburn, Saskatchewan – the framed portraits of Mounties, representing Canadian law in the West. It was an impression that remained unchanged after half a century.

The resolute, disciplined faces and the red coats glimmering
in the shabby room filled me with awe. I can see the portraits yet;

they were burned into me as if I had been photographic film.... They hang in my head, unaltered and undimmed after nearly half a century, static, austere, symbolic. And if I had known all the history of Canada and the United States I could not have picked out a more fitting symbol of what made the Canadian West a different West from the American....

The important thing is the instant, compelling impressiveness of this man in the scarlet tunic. I think I know, having felt it, the truest reason why the slim force of the Mounted Police was so spectacularly successful, why its esprit de corps was so high and its prestige so great. I think I know how law must have looked to Sioux and Blackfoot when the column of redcoats rode westward in the summer of 1874.

Never was the dignity of the uniform more carefully cultivated, and rarely has the ceremonial quality of imperial law and order been more dramatically exploited. ... But given the historical context, red meant to an Indian of the 1870s friendship and protection, and it is to the honor of an almost overpublicized force that having dramatized in scarlet the righteousness of the law it represented, it lived up to the dramatization.³⁷

Even before the Mounted Police arrived in the West, the legal set-up for the western frontier was being established in Ottawa. The 1873 act which created the North-West Mounted Police established a legal framework for the area. Lesser cases were to be tried without jury by two stipendiary magistrates sitting together or by a judge of the Manitoba Court of Queen's Bench. Charges punishable by death were to be sent to the Manitoba court. There was to be a further refining of this act in 1875 and, by 1877, all criminal cases could be tried in the NWT. The first stipendiary magistrates, the senior judicial officers, were appointed in 1876, two years after the arrival of the Mounted Police.³⁸

The role of the stipendiary magistrate was terminated with the creation of the Supreme Court of the North-West Territories in 1886, but it should be stressed that, from the moment of the arrival of the NWMP in 1874, effective law was established in the West and only refined by later federal enactments. A rowdy West was never allowed to germinate. Since one of the Supreme Court judges appointed in 1886 was the former Commissioner of the Mounted Police, James F. Macleod, the continuity with early Mountie law was also maintained. These judges were given all the powers of the judges of the Manitoba Court of Queen's Bench.³⁹



WHEN LAW DULLS THE EDGE OF CHANCE

Charles M. Russell, "When Law Dulls the Edge of Chance." The North-West Mounted Police ensured that there would be no vigilantism or lynch law on the Canadian ranching frontier.

It is important to dwell briefly on the Mounted Police because they established policies and attitudes on the Canadian plains that had a profound influence on the emerging character of that frontier, including both the Alberta and the Saskatchewan ranching frontiers. The first thing to understand about the NWMP is that the officers, the ones who dictated policy and set the tone on the frontier, came almost exclusively from the upper levels of Canadian and British society. They brought with them a strong sense of social hierarchy, a devotion to the idea of British law, and a firm belief in Victorian propriety, which translated into a determination that the frontier environment would not get the better of them. They attempted to impose on the Canadian plains, with some success, a rather prim Victorian morality that was in striking contrast to the atmosphere in the American West – no drinking, no gambling, no swearing on Sunday.

The NWMP also brought prohibition with them to the West; it was their only real source of unpopularity with the general population, until its repeal in 1892. The North-West Territories Act of 1875 prohibited the import, sale, exchange, barter, and manufacture of liquor in the Territories.⁴⁰ The federal government was determined to end the illicit liquor trade

with Native peoples, so western whites were cut off too, unless they could obtain a “medicinal permit” from the lieutenant-governor of the North-West Territories. As time would show, these permits were all too easy to obtain or circumvent. The enforcement of this prohibition was somewhat half-hearted. Its main purpose was to prevent the selling of liquor to Native people; to that end the NWMP were successful. In addition, the NWMP used the all-embracing vagrancy law to clear western towns of transients intent on stirring things up. The prime concern of the Mounted Police was to contain that small element that was responsible for most of the trouble with the Native peoples on the American frontier, and, to this end, they were very successful. The whisky traders from Fort Benton literally evaporated when they discovered that the Mounted Police could, and would, convict them on Native testimony. They decamped very abruptly.

It is not surprising that much ingenuity went into circumventing a very unpopular liquor policy. The stories are legion regarding the smuggling of liquor under the Mounties’ noses – hollow bibles being one of the favourite smuggling devices. There is the supposedly true story of a Mountie waiting patiently behind a pillar on a train platform for someone to collect a barrel making a very suspicious sloshing sound. He waited all day near the barrel, while the man who came to collect it, seeing the Mountie on guard behind his slim cover, crawled under the station platform with an auger and some containers, drilled through both the platform and the bottom of the barrel and liberated the nectar. And the Mounties had their own methods of liberating illicit whisky in winter, their favourite procedure being to dump the confiscated whisky in a snow bank and later sneak back for it; they had no fear of eating yellow snow!

Whisky and guns! The two most powerful architects of crime on the American frontier. The post-Civil War American West was perhaps the leading gun culture in the world, a dubious honour that did not diminish in the slightest, nationwide, as the frontier period receded. Federal policy in the Canadian West in the last quarter of the nineteenth century was very consciously established as the antithesis of American practice. The Mounted Police brought not only prohibition to the western frontier but also strict handgun laws (as outlined in the introduction). It was all too clear that most western American crime was urban, triggered by liquor and made lethal by the presence of handguns. So the Mounties brought with them in 1874 a prohibition against carrying handguns in towns.

The Canadian West was as much a hunting culture as its American counterpart; carrying a rifle was normal practice. Handguns were a different matter. There was no practical need for them. On the American

range, cowboys got into the habit of carrying them, especially when they were trailing through Indian country. After a time, the revolver became a symbol of the trade. Some American states and territories had laws against carrying handguns but, as Philip Jordan remarked, these laws were universally unobserved, though an exception was usually made for church.⁴¹ Jordan adds that all sorts of Americans carried handguns – judges and lawyers, travelling salesmen. Yet it is the cowboy who is associated more than any other figure with the handgun. Jordan makes an important distinction. Cowboys usually carried their revolvers high on their waist; gunmen slung them low.⁴² Although most American cowboys were not expert with guns, the popular image of the cowboy has become firmly associated with the handgun.

In the Canadian West, a number of cowboys carried guns, in spite of the NWMP edict against them. Many cowboy memoirs indicate that most did not carry guns. For instance, Floyd Bard, an early Alberta rancher, stated bluntly that no one carried a gun.⁴³ Fred Ings said, “I can’t recall that there was the rowdy, lawless behaviour of the story books when cowboys went to town. In fact, on trips to town, their guns were generally left at home.”⁴⁴ Henry Caven remembered much the same: “There was none of the Wild West gunman stuff that the movies portray about early American west days.” Wallace Stegner, growing up on the Saskatchewan–Montana border at the edges of the Canadian ranching frontier east of the Cypress Hills, recalled a Montana cowboy by the name of Murphy “who may have been in Canada for reasons that would have interested Montana sheriffs.” On the Canadian side, he carried his six-gun on the inside of his coat because “Canadian law forbade the carrying of sidearms.” Murphy was finally killed by a Mountie in Shaunavon who was overly jittery: there was bad blood between them, and the Mountie knew that Murphy was carrying his six-gun, although probably only “for reasons of brag” and not with evil intent. “When Montana cattle outfits worked across the line they learned to leave their guns in their bedrolls.”⁴⁵ By the late 1880s, it was not uncommon for cowboys to carry pistols in the Canadian West, but it was very uncommon for them to use them.

In discussing the American cattle outfits that crossed the border to the area east of the Cypress Hills, Stegner commented on the American cowboy’s gun culture:

But it is likewise true that American cow outfits left their gun-law cheerfully behind them when they found the country north of the Line well policed, that they cheerfully cooperated with the

Mounted Police, took out Canadian brands, paid for Canadian grazing leases, and generally conformed to the customs of the country. They were indistinguishable from Canadian ranchers, to whom they taught the whole business. Many Canadian ranches, among them the 76, the Matador, the Turkey Track, and the T-Down-Bar, were simply extensions of cattle empires below the border.⁴⁶

Stegner could have been describing Everett Johnson. He, too, cheerfully left his six-guns at home and cheerfully adapted completely to his new surroundings in Alberta, though he never lost a deep nostalgia for Wyoming and its culture of excitement and danger – and freedom.

The Mounted Police arrested any cowboy caught firing a pistol in the streets.⁴⁷ And, certainly, taking the law into one's own hands was not tolerated. There was no need to carry handguns for personal safety; the commission of an armed crime was treated with the utmost strictness. The upshot of this federal handgun policy was that the Canadian West was almost as peaceful as the East. There was much petty crime and many minor assaults, but very little armed crime.

As different groups migrated to the Canadian West, tensions between groups were bound to surface, as happened when a large group of Mormons came to southern Alberta and settled in the Cardston area, hoping to avoid the worsening atmosphere in Utah over the issue of polygamy. At first, an atmosphere of hostility existed that could easily have flared into open violence. In fact, tensions were so extreme that a number of settlers in the Cardston area requested that the Mounted Police grant them special permission to carry firearms for their protection. The NWMP quickly answered this request, warning the settlers that carrying firearms (presumably handguns) was illegal; such actions would be punished with the "utmost severity."⁴⁸ Undoubtedly, if the Mormons had not been protected by the Mounted Police and if the local settlers had been allowed to carry handguns, some incident could easily have turned ugly and escalated into serious violence.

Martin Friedland, former dean of law at the University of Toronto and a leading expert in the area of comparative Canadian–American law, has set forth in lucid and compelling terms the differences between Canada and the United States in the area of criminal law. In his *Century of Criminal Law*, he argues that a critical issue was handgun legislation. This came into effect across Canada in 1892, but earlier in the Canadian West. In 1885, the federal government enacted legislation for the North-West Territories requiring a permit for carrying a handgun. The legislation imposed a jail term of six months for carrying a handgun without a permit. Prior to this,

the federal government, in 1877, had put forward Canada's first handgun legislation, stating that, unless a person had reasonable cause to fear an assault, the carrying of a handgun was forbidden. R. Blake Brown adds that "fear of allowing Canada to adopt a gun culture similar to that in the United States thus helped motivate Canadian legislators to adopt new gun measures." This federal legislation applied equally to the West.⁴⁹ Because of this handgun legislation but, more so, because of the general legal thinking that lay behind that prohibition, "Canada did not have a wild west. ... The role of the Mounties in the west is one of those myths that turns out to be true."⁵⁰ Friedland quotes David Breen in making the point that the control of liquor and handguns in the Canadian West resulted in a relative calm:

Between 1878 and 1883, only five murder cases were brought before the courts. An incident in December 1895 in which a Texas foreman of [a] ranch beat an adversary to the draw and shot him in the stomach caused the editor of the Macleod Gazette to call attention to the rarity of such incidents with the observation that this was only the second time since the paper was established in 1882 that he had been able to report a gun fight. The police vigorously discouraged the carrying of side arms and the mere pointing of a revolver was sufficient to bring imprisonment.⁵¹

Hugh Dempsey, in his book *The Golden Age of the Canadian Cowboy*, could find only three accounts of gunfights in Canadian cattle country in the early days, and American cowboys figured prominently in those. Two occurred in 1885, and one early in the twentieth century. Only one man, Robert Casey, was killed during this era.⁵² One other incident though is worth recounting, a near killing in Pincher Creek by Jesse Hindman, a man wanted by US authorities. When a man tripped over a bench in a poolroom and knocked him down, Hindman pulled out a handgun and shot at him. For this, he was given five years in jail.⁵³ Dempsey made a special point of recounting this case, and the severity with which it was treated because it was so unusual. One statistic says it all: there was virtually no vigilante action and not a single authenticated lynching in the Canadian West throughout its history, except for one incident when American vigilantes entered British Columbia to lynch a Native boy (discussed in more detail below).

The overwhelming mission of the Mounted Police, forcefully expressed in so many early reports and diaries, was to establish law and order and to pursue Native relations in ways that were a clear contrast to American policy. The views of the early Mounted Police with regard to the American

West were based to a great extent on their contacts with American wolfers, whisky traders, deserters from the army, and other flotsam of the frontier. It was hard for them to see beyond this perspective, one constantly reinforced by accounts of lynchings, mob violence, and general lawlessness that filled early western American newspapers. The early Mounted Police records are full of lurid accounts of American lawlessness.⁵⁴

The determination of the NWMP to create a frontier very different than the freewheeling frontier of the Americans resulted in an ordered Canadian West in which relations between incoming whites and the Native peoples were rigidly controlled. A complex spiderweb system of patrols was initiated which kept the NWMP in constant contact with the Native peoples and with white settlers. It was at the heart of the Mountie philosophy of preventive law. The cattlemen were particularly well served. There were four division headquarters in cattle country, at Calgary, Fort Macleod, Lethbridge, and Maple Creek. As well, there were numerous detachments in each division, from which daily flying patrols were sent out on a regular basis to protect ranching country. Each of the four largest ranches had a NWMP detachment stationed nearby.⁵⁵

The patrol system, as Carl Betke has pointed out, also gave early settlers a sense of confidence that they were being looked after. Not only were the Mounties on patrol on the lookout for possible sources of crime, they were also to report crop failures and cases of destitution. The federal government, through the Mounties, was committed to providing seed grain in times of crop failure and relief from destitution in the form of food and clothing. It was in the federal interest to populate the West with settlers of good quality. It was up to the NWMP to assess that quality and to decide whether the aid was deserved. The NWMP held very strong opinions on the “deserving and undeserving” poor!⁵⁶

This patrol system, perhaps more than any other Mounted Police policy, accounted for their success. Maps of the patrol routes and tallies of the miles ridden on patrol are astonishing. And the voluminous weekly reports of the Mountie patrols make it clear that the force had an extensive and detailed knowledge of the territory under its jurisdiction. These weekly reports also give a far more detailed picture of crime on the Canadian frontier than do the reports in the annual sessional papers. And, in a very pointed reference to American frontier practice, the NWMP put order and the rights of the Native peoples decidedly ahead of the personal liberties of the early whites. (This equation would all too soon be compromised after the Native peoples were put aside on reserves!) One can see in the early Mounted Police actions

an uncompromising determination to demonstrate to Americans how to run a frontier.

So the early ranching community was quite effectively protected from Native cattle killing. There would be occasional moments of hysteria, but, for the most part, the ranching community had a very sensible and understanding attitude toward its Native neighbours. There would be, for instance, some anxiety in 1890 when the Ghost Dance religion, which culminated in the Wounded Knee fight, reached its peak among the Sioux. But Mounted Police reports reassured the ranchers in Alberta that the local Native groups were not performing the Ghost Dance but, instead, were “going for the cotillion, eight-hand reels and quadrilles.”⁵⁷ Somewhat later, the theft of a cake, followed almost immediately by allegations concerning missing gingerbread, fuelled fears of a Native uprising. But, as usual, the NWMP were able to reassure the skittish.

With few exceptions, the early ranching community held sensible attitudes toward its Native neighbours. There certainly was a constant appeal for more NWMP protection, but there was also a general sympathy and understanding on the part of ranchers. A thorough survey of the diaries and letters of this early ranching community clearly demonstrates this. One rancher, H. M. Hatfield, said that the real problems were gophers and cutworms, not Indians.⁵⁸ Generally, relations with the Native peoples were friendly, though usually distant and condescending. Government policy, especially in the form of the pass system, resulted in a lack of contact, which in turn guaranteed a lack of friction. The sad truth is that, except on a few ranches situated near reserves, Native people and ranchers had very little to do with each other. Government policy produced two solitudes that rarely interacted, except on festive occasions. Most of the ranching community could carry on as if the Native peoples did not exist.

Some ranchers did hire Native or Métis help, especially at haying time or as cowboys, but the practice was not general. A survey of the photograph collection at the Glenbow Archives in Calgary shows that in the early days of contact, Mounties and ranchers liked to have their pictures taken with Native groups. But later, when the novelty wore off and the Plains tribes were consigned to reserves, these photos became almost non-existent.

By the mid-1880s, the NWMP reported that, due to their patrol system, horse stealing by both Natives and whites had virtually ended, except near the American border, where some American horse thieves were even prepared to stand the Mounted Police off at gunpoint.⁵⁹ In the 1880s and 1890s, horse stealing replaced inter-tribal warfare as a major preoccupation for Native peoples, who were forced by circumstances to accept reserve

life. Raids across the American border were deemed the most profitable since pursuit by law enforcement had to cease at the border. But after the improved patrol system instigated by Commissioner Herchmer after 1885, which concentrated on the border areas, Native horse stealing declined very significantly. This decline could also be attributed to the new telegraph and the good relations between the Mounties and the US Army and between Indian agents on both sides of the border. By 1890, the agent on the Blood reserve near Fort Macleod, the largest Indian reserve in Canada, could report that horse stealing across the American border had entirely stopped. By 1895, the NWMP could report that Native cross-border horse-stealing raids were “a thing of the past.”⁶⁰

However, Native cattle killing was another matter altogether. Even if caught in the act, Native poachers were able to escape through country they knew intimately. The NWMP did fear that ranchers would seek reprisals, but there is very little evidence that they did. The newspapers, of course, gave the impression that there was a Native epidemic of cattle killing. The violence of their language, in most cases, was inversely proportional to their knowledge of the situation. Mounted Police investigations, which had to scrupulously follow even vaguely plausible complaints, almost always found that the newspapers of cattle country grossly exaggerated the situation or had no convincing evidence for their allegations.⁶¹

Those who question the effectiveness of this patrol system clearly have not read the weekly NWMP reports or seen the map of patrol routes, which resembled a great spiderweb of crossing lines. Through a system of posts and flying patrols, the Mounted Police were able to cover vast areas effectively. These routes criss-crossed their jurisdiction and covered all areas where settlers and ranchers had established themselves or where Indian reserves were situated. It becomes clear from reading weekly Mountie reports that they had a fairly accurate sense of their territory mainly gained from word of mouth as they visited all the settlers in the area. It was only in the Cypress Hills that this system was not effective. The argument that there were too few Mounties to patrol a vast area misses the point. A single Mountie, or Mounties in pairs, could travel a very large area on horseback because there was no threat of attack. The greatest value of the patrol system was that trouble could be anticipated and defused. By keeping in touch with Native groups and white settlers on regular patrol routes, the NWMP were able to anticipate trouble and often resolve it before it became an issue. It is silly to argue, as some have, that it took too long to ride around the circumference of a large area and, therefore, the NWMP did not have an accurate knowledge of the country. The US Army could not initiate a similar system



Charles M. Russell, "Single-Handed," 1912. The NWMP prided themselves on being able to make single-handed arrests in Native camps. In reality, this only worked if Native chiefs cooperated. The practice broke down in the numbing atmosphere of the Native reserve.

because lone soldiers or small groups would have been patrolling hostile country, so the army was forced to follow a policy of retaliation and punishment of the innocent after the guilty were long gone.

The contrast between frontiers would be even more dramatic when Canada's northern gold frontier opened. The difference between the lawless atmosphere of the California gold fields in 1849 and the Klondike in 1898 could not be more striking. The California gold rush saw very little government presence. Lawlessness and racial violence toward Natives, Mexicans, and the Chinese went unchecked. The only effective restraints came from vigilante groups.

In the Canadian North, the first rumours of gold prompted the federal government to send an initial group of Mounties to the Yukon in 1894, four years before the stampede to that region. In the summer of 1898, the government also sent the Yukon Field Force, a militia unit of 203 officers and men, to back up the Mounted Police presence. At the height of the Klondike

rush, there were 350 Mounted Police and 200 men of the Canadian Army in the Yukon to maintain order. And, as in the Canadian West, Yukon Territory was governed by a council appointed by the federal government.⁶² When the rush of 1898 began, gold seekers were met at the top of Chilkoot and White passes by Mounties who welcomed some of the most hard-bit-ten miners in existence to Canadian territory and informed them that they required a year's supply of food (2,000 pounds) before they could proceed. Dawson City, the focal point of the gold strike, saw practically no serious crime.⁶³ The Mounties allowed free-flowing gambling and prostitution in Dawson City, but no guns! Firearms were not allowed in Dawson. Fist fights were endemic in Dawson, but not murders and, as in the Canadian West, there was no vigilantism. There were no lynchings, not even a threat of one. At its height, Dawson City had a population of 40,000, but there was never a murder in any of Dawson's saloons. In fact, during the intense period of the gold rush, from 1897 to 1901, there were only three murders attributed to the gold rush.⁶⁴

Meanwhile, almost within sight of the Mounties at the top of White Pass, lay Skagway in the American panhandle, the entrance to the Klondike at the end of Lynn Canal. Here the legendary Jefferson "Soapy" Smith and his gang terrorized Skagway without opposition from American law. (Smith earned the name "Soapy" from one of his scams – he auctioned off non-existent prizes in soap packages to gullible audiences.) Smith and his large gang of followers from Denver landed in Skagway in 1898. Soon they had taken complete control of the town through threats and well-placed bribes. The Vigilance Committee of 101 was formed to counteract his reign of violence, but Smith just formed his larger Law and Order Society and blatantly continued his robbing and killing spree, usually concentrating on those who had just struck it rich.

The end came for Soapy and his gang when they attempted to rob George Carmack, the man who had first found gold on Bonanza Creek. Carmack's shipment of gold was guarded on its way out of the Klondike by Charlie Siringo, an ex-Texas cowboy and Pinkerton agent, and by Zachary Taylor Wood, the senior Mountie in the Klondike and descendant of President Zachary Taylor. Carmack had caught wind of an attempt on his money, and unbeknownst to Soapy and his thugs, Carmack's Native relations and friends were alerted and suddenly materialized out of the fog, armed to the teeth, in bark canoes. Soapy's gang was forced to back down very publicly; after that, they never really regained the initiative. Shortly, Soapy was confronted by a member of the Vigilance Committee and killed in a shootout. What was left of his gang, after the ringleaders were dealt with

by the committee, quickly dispersed. Thus ended Soapy's reign of terror in Skagway, a dramatic contrast to the Mounties' reign of order in Dawson.⁶⁵ In the Klondike under Mounted Police control, as Ken Coates and William Morrison state, for the entire period of the gold rush, there was only one instance of a Native killing a white.⁶⁶ It is hard to imagine any more striking contrast in institutional differences between nations than this joint gold rush frontier, under almost exactly the same conditions at exactly the same moment. This example puts to rest the usual nonsense that the Canadian plains frontier was more peaceful than its American counterpart only because law preceded settlement, as if that was almost an accident.

One other small fact, which few have considered, bears thinking about. A great many Canadians cite the contrast between the racism and lynchings of the California gold strike and the orderly atmosphere of the Klondike to make the point that Canadians were, and are, far more orderly than Americans. But Dawson City, the heart of the Klondike, was essentially an American town. A large majority of gold seekers were Americans who followed the mining frontier up the spine of North America, from California and Nevada through Wyoming and Montana to the gold diggings in the Cariboo and Cassiar regions of British Columbia and, finally, to the Klondike and Nome gold strikes in the Yukon and Alaska. The vast majority of American miners in the Yukon welcomed Mountie law. It was institutions, not people, that made the difference, although that argument cannot be taken too far. Generally, Canadians were – and are – far more willing to accept control over their lives and their civil liberties than are Americans. These national qualities contributed to the making of the laws.

There is the story of the Dodge City gunfighter who was bounced out of Dawson City for “talking too loudly.” It is impossible to imagine said gunfighter putting up with that sort of officious authority in the American West, where personal freedom trumped all. And when the Mountie took his gun away, it was with the certitude that he didn't have to be quick on the draw, as was the case in just about any western American saloon, because the Mountie knew, and so did the gunman, that he represented a police force that would relentlessly hunt down the gunfighter if he dared question Mountie authority.⁶⁷

* * * * *

The law brought west by the Mounted Police was one reason that the Canadian ranching frontier was so unlike its American counterpart. The other reason, and a reason just as important, was the difference in land law. As has

been seen, American land law was chiefly responsible for the imbecility of the Johnson County War. Because of these differences, the emerging cattle frontier of western Canada developed in marked contrast to its southern counterpart. When prospective ranchers began to pour into what would become southwestern Alberta after the extinction of the buffalo in 1879, they found the area already constantly patrolled by the NWMP. There would be remarkably few serious incidents involving Natives in ranching country, although cattle killing in the early days after the extinction of the buffalo would cause numerous problems. The atmosphere of Fort Macleod, the earliest cattle centre, was much like that of small-town Ontario, despite the attempt of the *Macleod Gazette* to sell newspapers by indicating otherwise. The vagrancy law and forced sobriety stifled attempts to duplicate the free-wheeling atmosphere of the American cattle towns.

The first attempts at ranching in Alberta began in the mid-1870s, but a cattle boom did not develop until the early 1880s, after the Native peoples were put aside on reserves. Although the Alberta ranching frontier developed at almost the same time as that in Wyoming and Montana, its character from the beginning was quite different. The first reason for this difference is that the majority of the early ranchers were retired Mounted Policemen who had served three years in the force, thus making them eligible for attractive land grants. These ex-policemen gave the area both stability and a distinctive tone. Their social attitudes were very much those of Ontario and the Maritimes, not Texas, and, though most of these Mountie ranchers had a genuine liking for the American cowboys who came north, they had a thorough contempt for American legal institutions. They consciously distanced themselves from the atmosphere of the American range.⁶⁸

Then, in the early 1880s, Ottawa developed a land policy for the ranching country, which led, almost instantly, to a strong connection to the financial centres of eastern Canada and to a submerging of the initial influence of the American cowboys such as Johnson who had brought most of the early herds north to populate the Canadian ranching country. By the mid-1880s, Alberta ranching had become a mature extension of eastern and British financial interests, closely linked to the Canadian Pacific Railway and to the Conservative federal government of Sir John A. Macdonald.

Land policy for the ranching area was initially based on the Homestead Act of 1872, which was very similar to its American counterpart.⁶⁹ But, in 1881, Ottawa, paying little attention to democratic sentiments, shaped a policy for ranching country that was influenced by powerful forces within the Conservative government. The primary goal was to tie ranching interests to the federal Conservatives and to promote a ranching community

that would act as a buffer to northward expansion of American cattlemen. It was still an age of acute Canadian anxiety toward American expansion; the echoes of manifest destiny could still spook Canadian politicians.

As has been seen, American western land policy was strongly influenced by the belief that western land was “public land.” Out of this belief grew a strong conviction that the land was there for all Americans. Squatters’ rights became enshrined in law. The opposite held on the western Canadian ranching frontier. These new lands being opened by the federal government were termed “Crown Land,” the term suggesting a very different philosophy, and it was the duty of the Mounties to summarily turf any squatters who attempted to settle on ranching leases. Later, when the Conservatives gave way to a Liberal federal government in the 1890s, squatters on ranching leases did gain some rights. By then, however, the Canadian ranching frontier had become stable, and there was little danger of violence.

The 1881 lease policy essentially followed that of Australia, which had huge tracts of land unsuited to agriculture. The Canadian government opted for stability over democracy, guaranteeing a sure supply of beef for the western Native reserves and for the export market to Britain. By 1885, huge leases had been taken up in southwestern Alberta, encompassing more than two million acres, 50,000 head of cattle, and 5,000 horses.⁷⁰

The main force behind the development of a Canadian ranching policy was Conservative senator Matthew H. Cochrane, a close friend of Sir John A. Macdonald, who had built an internationally respected herd of Shorthorns, Herefords, and Aberdeen Angus cattle in the eastern townships of Quebec. He focused his interest in the early eighties on the prospect of the mass production of good beef on the limitless and cheap grazing lands of Alberta. The availability of the railway, refrigeration, and the British market pointed toward substantial profits. Senator Cochrane approached Macdonald with an argument that became the basis for Canadian land policy for southern Alberta’s ranching country. First, he assured Macdonald that a most successful export trade in cattle could be developed given the right conditions. Also, a properly constructed ranching community would bring stability to the West. If the goals of stability, improvement in the quality of cattle, and a safe investment climate were to be established, then the chaos of the open range system in the US must be avoided. That system was attractive at first, but was fraught with insecurity of investment, the total inability to prevent overstocking, and the unresolvable tensions between those competing for the “free range.” Instead, Cochrane argued, large-scale investors in the cattle business needed the security of long-term leases at reasonable rates and the right to purchase enough land for buildings and hay land. After

mulling these arguments over, Macdonald's cabinet introduced its grazing lease policy late in 1881. The government would grant leases of up to 100,000 acres for a period of up to twenty-one years. The rental fee was set at one cent per acre per year and, in order to deter speculation on these leases, the lessee had to place one head of cattle on every ten acres and was not allowed to go beyond this limit. Thus overgrazing, it was argued, would be avoided. (It was subsequently found that ten acres per head was not nearly enough.) Land could be purchased within the lease at two dollars an acre.⁷¹ Certainly, this system was not very democratic, but it would avoid the overgrazing and violent competition of the American range.

Senator Cochrane was also very influential in the federal government's policy for sheep ranching in the West. After initially being opposed to sheep, he changed his mind and exerted great influence on the government's decision in 1884 to allow sheep north of a line formed by the Bow and Highwood rivers, but not south of that line. So, in one rather arbitrary act, the federal government, in dictating that sheep would be allowed only north of the line of the Bow and Highwood, prevented the kind of sheep wars that ignited the "free land" of the American West.⁷² A significant difference can be perceived in the terminology of the two systems. In Canada, this lease land was called "Crown land"; in the American West the term "public land" was used. The different terms suggest an important difference in the philosophies of western land holding.

This federal policy immediately led to the era of the big cattle companies in the Canadian West, with Senator Cochrane leading the field. In the next half decade, much of the choice grazing land of southern Alberta found its way into the hands of friends of the Conservative federal government. Rich eastern Canadians and Britons with the right credentials soon dominated the Alberta ranching frontier of the 1880s. They saw to it that the ranching community would look to eastern Canada, not to south of the border. By 1887, over 4.4 million acres were under lease, and sixteen of these leases were for the maximum 100,000 acres.⁷³

When the inevitable howl was raised against the control of choice grazing land by a privileged few, Ottawa, at first, blandly ignored these populist outbursts. Western stability and Conservative fortunes were better served by alignment with these powerful interests. The federal ranching policy guaranteed that at least southern Alberta would be controlled by a group who were right-thinking: conservative in outlook, beholden to the government, steeped in the proper reverence for things British and colonial, and looking east rather than south economically and culturally. This was certainly not a cattle frontier of popular mythology!⁷⁴

But, by 1885, pressure from settlers became strong enough to force the federal government to amend the lease policy somewhat. Simon Evans argues, however, that even though the original lease law and its later variations caused minor clashes with settlers, these disputes were on a “dramatically different level” than those in Montana and Wyoming.⁷⁵ Settlement was to be allowed on the big leases, without waiting for the twenty-one year lease to expire.⁷⁶ Also, there would be no more twenty-one year leases, though the original ones were to be honoured.⁷⁷ By 1892, opposition to the big leases had reached a point that the federal government called a meeting with a number of prominent ranchers and informed them that the old leases would be cancelled by 1896 (six years short of the twenty-one years originally promised). In return, the ranchers could purchase up to 10 percent of their leases at two dollars per acre (later changed to \$1.25 per acre) and apply for new leases, which would be open to settlement. And the government sweetened the deal with a promise of more water reserves that would not be open to settlement.⁷⁸

In the election of 1896, Laurier’s Liberal government came to power. At first, under Minister of the Interior Clifford Sifton, little changed. However, in 1905, Frank Oliver, an avowed foe of the ranchers, became the minister. He saw big ranchers as a pampered elite, which, of course, they were. Oliver almost immediately put a number of water reserves up for auction. In 1905, he also tightened lease regulations by inserting a two-year cancellation clause. As Max Foran argues, “The 1905 regulations promulgated by a government unsympathetic to ranching interests represented the death knell of the ranching industry as it had existed after 1881.”⁷⁹ After 1905, the ranching industry retreated west into the foothills of Alberta where it was not in competition with agriculture. Oliver’s regulations and the vicious winter of 1906–7 resulted in ranching increasingly becoming a cherished way of life, not an economic system.⁸⁰ Of that terrible winter of 1906–7, Wallace Stegner wrote: “The net effect of the winter of 1906–07 was to make stock farmers out of ranchers. Almost as suddenly as the disappearance of the buffalo, it changed the way of life of a region.”⁸¹

Stegner has given us a compelling picture of that catastrophic winter of 1906 through the fictional eyes of a young greenhorn English cowboy, Rusty, desperately trying to prove his mettle and gain the acceptance of the old hands. He and his crew are caught by early storms as they attempt to bring in stray cattle missed in the spring roundup. In trying to head some cattle, Rusty’s horse stumbles, and Rusty is over his head “like a rock from a slingshot, clawing at nothing.” As he lies there, more dead than alive, one of his mates rides over and asks, “Bust anythin’?” That’s his only comment.

Another cowboy, who has seen Rusty flying through the air, says, “You should have seen old Rusty get piled today. You was up in the air long enough to grow feathers.” Another adds, “When he see his horse was too slow, he took off and flew.” This is the end of the discussion. No commiseration! The cowboy code dictated that Rusty make light of his condition, although he could hardly walk or see straight.

Stegner gives one of the most haunting descriptions of that terrible winter, when cattle died in the thousands, and the cowhands occasionally risked their lives for what was left of the herd:

[Rusty] is furious at their violent, futile effort. ... Inhuman labor, desperate chances, the risk of death itself, for what? For a bunch of cattle who would be better off where their instinct told them to go, drifting with the storm until they found shelter. For owners off in Aberdeen or Toronto or Calgary or Butte who would never come out themselves and risk what they demanded of any cowboy for twenty dollars a month and found.

But those cowboys stayed loyal to the outfit. At the height of the blizzard, as the crew are trying to find a line shack before they die of exposure and cold, one of them [Spurlock], who is completely played out, begs to stop for a moment. Rusty takes over and somehow coaxes and bullies him to keep going for the few more miles to the shack, thus saving his life, though he can hardly stand himself. Soon, men recently on the point of freezing to death are joking with each other. One cowboy’s evil-smelling feet are the only ones not frozen because “Cold couldn’t get through that crust. ... I think you shouldn’t make any mistake and wash them feet till spring. We’ll need somebody around to do the chores while we get well.” Another comments, “I tell you,” as he lifted his left foot out of the bucket [of snow] and raised his right one tenderly in, “there’s no business like the cow business to make a man healthy and active. There’s hardly a job you can work at that’ll keep you more in the open air.”

The Rusty Cullen who sat among them was a different boy, outside and inside, from the one who had set out with them two weeks before. ... The notion insinuated itself into his head, not for the first time, that his sticking with Spurlock ... was an act of special excellence, that the others must look upon him with a new respect because of it. But the tempting thought did not stand up under the examination he gave it. Special excellence? Why hadn’t anyone

praised him for it then? He knew why: because it was what any-one of them would have done. To have done less would have been cowardice and disgrace. It was probably a step in the making of a cowhand when he learned what would pass for heroics in a softer world was only chores around here.⁸²

Federal lease policies for the western Canadian ranching frontier were announced, as one might guess, just before the federal election of 1882. Senator Cochrane, of course, was first in line, followed by a who's-who of eastern society. Montreal, then the financial centre of Canada, was well represented by the Allan family of the Allan Steamship Lines, who were the principal investors in the Bar U (the North-West Cattle Company), and by William Winder, an ex-Mounted Policeman, principal investor in the Winder Ranche Company.

British interests were among the first to take advantage of the initial 1881 lease policy. They were led by Alexander Stavely Hill, a British Conservative MP, and Lord Latham, Britain's Lord Chamberlain, who were major investors in the Oxley Ranche Company, and by Sir John Walrond-Walrond, founder of the Walrond Ranche Company. The Marquis of Lorne, Canada's governor general, was a shareholder, together with his A.D.C., Sir Francis de Winton, in the Alberta Ranche Company.⁸³ The list goes on. As has been seen, this situation was very similar to the Wyoming range in the 1880s. The difference is that there was a far greater acceptance of these people in the Canadian West. After all, Canada was still, in mentality, a British colony. Although there was certainly some animosity toward the rich and toward the titled English, and a certain spoofing of upper-class ineptitude on the range, there was a far deeper English community than in the American West. The presence of both ex-Mounties who had taken up ranching and a large number of English farmers and small-scale ranchers created a very different atmosphere than that in Wyoming, with its deep resentment for rich foreigners who were grabbing the American people's birthright. This class structure in Alberta was strengthened by the ranching managerial class, which, with very few exceptions, consisted of eastern Canadians or Britons of financial consequence. As David Breen who, together with his mentor L. G. Thomas, is one of the leading experts on the early Canadian range, has pointed out:

The Canadian range was never in the hands of "wild and woolly" westerners, either American or Canadian. The ranch country was instead under the supervision of middle and upper class

easterners. ... Power in the Canadian West was exercised not by men carrying six-shooters and wearing chaps but rather by men in well-tailored waist coats. ... Unlike the American West, early management did not arise from the indigenous frontier population. ... American influence, contrary to popular belief, was restricted to the few American foremen and cowboys. ... Moreover, after 1885 the number of Americans constantly diminished and by 1890 even most cowboys were Canadian or British.⁸⁴

Thus, the atmosphere of the Canadian range soon took on a somewhat colonial cast that almost eclipsed the initial atmosphere established by American cowboys and trail bosses such as Johnson who first stocked the Canadian range.

Max Foran has recently argued in his authoritative study of the early Alberta ranching industry that the Canadian leasehold system introduced in 1881 resulted in an absolute contrast with the American cattle frontier. Formal leaseholds “precluded rangeland violence in western Canada.” Foran adds, “In sharp contrast to the American experience, the survival of the leasehold system [in Alberta] helped consolidate the ranchers’ privileged position.”⁸⁵ And as David Breen has argued, the presence of the Mounted Police to enforce federal lease policy meant that overgrazing was not the severe problem that it became south of the border, where competition for cattle range often led to violence. Also, the Mounted Police regularly removed squatters from the big leases. In the American West, squatter sovereignty was a sacred principle; in the Canadian West, the opposite held.

There was, however, one celebrated case of threatened violence on the Canadian range that occurred when the Mounted Police attempted to remove a squatter, Dave Cochrane (no relation to Senator Cochrane), from the Walrond Ranche lease. Cochrane, a former member of the Mounted Police, allegedly asked the manager of the ranch, Duncan McEachran, for \$5,000 for his improvements before he would leave. McEachran, outraged, refused. Thereupon, Cochrane lit a match to light his pipe, with the comment that it took only one small match to burn the entire range. McEachran paid up! Subsequently, in 1891, fire destroyed three hundred tons of hay at the Walrond Ranche in what was probably a case of arson. This case has been used to demonstrate Canadian range violence. Actually, it indicates the opposite. The Cochrane episode was an isolated one; when fire destroyed the hay on the Walrond Ranche, the Mounted Police provided the ranch with special protection for a year and a half.⁸⁶

Simon Evans' recent study of the Alberta range, *The Bar U and Canadian Ranching History*, a magnificent achievement that now sets the standard for the history of the Alberta ranching frontier, complements the work of Thomas, Breen, and Foran. On the issue of government policies, Evans states, "No more stark contrast exists between the cattleman's frontier in Canada and in the United States than in the differing roles played by the central governments of the two countries in the management of their western lands."⁸⁷ In striking contrast to Canadian lease legislation, the American cattle empire was "outside the protection afforded by the law," leading to illegal fencing, the violent defence of "accustomed range," and range wars such as the Lincoln County and Johnson County wars. As discussed earlier, western American ranchers rejected legislative proposals similar to the Canadian lease arrangements of 1881 because they thought they could dominate the public land and wouldn't have to fence it or pay taxes.

It has generally been argued by leading historians of the Canadian range – L. G. Thomas, David Breen, Hugh Dempsey, Simon Evans, Max Foran, and Edward Brado, as well as by Paul Sharp, the American historian of the Canadian–American western frontier – that the combination of land law and the protection of the Mounted Police resulted in a ranching frontier significantly more peaceful than its counterpart to the south. Hugh Dempsey gets it exactly right in his book *The Golden Age of the Canadian Cowboy*:

But the Canadian West was not like the American West – either the real one or the imaginary one of pulp fiction. Canada had no lynching of horse thieves, gunfights at the OK Corral, crooked sheriffs, or gunfighters travelling from town to town looking for trouble. On the other hand, the Canadian West was not entirely docile; it had its share of horse stealing, cattle rustling, boot legging, theft, general mayhem and murder.

There was a noticeable difference in the presence of the law in the American and Canadian West. Americans were not essentially a lawless people, but if they found themselves in a situation where the law was ineffectual or nonexistent, they had no hesitation in making their own rules. ... This is what happened on the frontier. In some areas, the only jurisdiction was the army, and its mandate was limited. As the ranching industry became established, marshals and sheriffs were elected, but there was no way they could control the flotsam and jetsam of a disrupted society that spread across the American frontier after the Civil War. As a result, horse thieves were lynched and cowboys settled their differences with

six-shooters. Men were governed more by their attitude of right and wrong than by the dictates of the law. The Canadian West was entirely different.⁸⁸

One historian of the Canadian–American ranching frontier, however, vehemently disagrees with these other historians of the Canadian range. Warren Elofson argues in three recent books, two of which are on the Canadian–American ranching frontier, that the peaceful Canadian ranching frontier was a myth; not only was there more violence on the Canadian side than most historians acknowledge, but he even mounts a provocative, if very questionable, argument that American vigilante law was more effective than Mounted Police law.⁸⁹ He also accuses many in the Mounted Police of being both inept and corrupt. His major charges are important enough to answer in some detail since his books are the first major scholarly studies of comparative law on the Canadian–American ranching frontier in two generations, since Paul Sharp’s *Whoop-Up Country* published forty years ago.⁹⁰ If he is right, Canadian historians –including the present author – have been seriously misleading their readers!

Elofson’s general arguments are supported by a small group of historians centred at the University of Calgary, who back his theme that the western Canadian frontier was far more violent than usually pictured, and the western American frontier far less so. However, their evidence is meagre and far from convincing. For instance, Louis Knafla has argued that there was, indeed, vigilantism on the western Canadian frontier, but his evidence is minimal and unconvincing.⁹¹ Knafla has also accused early Canadian anglophone political leaders of promoting Canada as a far more peaceful and law-abiding society than the aggressive and dynamic American society in order to attract immigrants and steer them away from the US.⁹²

Certainly, these revisionist historians are right on two counts. The level of violence and lawlessness on the American frontier is often exaggerated; as well, there was lots of petty crime on the western Canadian frontier. My disagreement with them – and it is a fundamental one – is their claim that the western Canadian frontier was lawless and, by inference, not that different from the western American frontier. That argument is categorically wrong.

It is probably true that many Canadian historians have gone too far in stressing the peacefulness of both Canadian society in general and western Canadian society in particular in order to draw a sharp contrast with American society. The sharpest contrast has been drawn usually between the shoot-’em-up American West and the rigid colonial West under Mounted

Police control. And it is certainly true that a number of early Mounties wrote memoirs that were more than a little self-serving. The Mounties came west with a determination to show the Americans how to run a frontier; in places, their writings verge on propaganda in stressing how peaceful the Canadian West was under their jurisdiction. There was, in fact, lots of minor crime in the Canadian West on the level of drunkenness, assaults, and petty theft. But there was a marked absence of serious crime. Thanks to the Mounted Police and to the code of law they brought with them, it was almost non-existent. The Mounties, of course, didn't always get their man, but they certainly tried their best. Their determination and perseverance were legendary. If they had been inept and corrupt, the western Canadian population surely would have reacted by forming vigilante groups. This never came close to happening.

Typical of the tone of this revisionist writing is that of Lesley Erickson's *Westward Bound*, which argues that new research has exposed the "mild vs the wild West paradigm of the Canadian vs the American West as a false dichotomy."⁹³ But these revisionist historians do not make their case. Erickson, for example, is writing in the field of social crime. She finds many examples of the ill-treatment of Native women by frontier courts or of hired men who compromised the boss's wife behind the barn. These are important issues, but they hardly constitute grounds for calling the Canadian West lawless. Those of us who argue that there was a dramatic difference in the levels of endemic violence and lawlessness on the two frontiers acknowledge that there was considerable petty or social crime on the western Canadian frontier. But these revisionists cannot find examples on the western Canadian frontier of persistent Indian wars, the violent persecution of minorities by uncontrolled mobs, range wars, lynchings, shoot-ups in cattle town saloons, or the presence of professional gunmen. How do those who so categorically state that they have dispelled the myth of the peaceful Canadian western frontier account for the almost total absence on their supposedly lawless Canadian frontier of boot hills, lynchings, and barroom shootouts?⁹⁴

Some revisionist historians have relied heavily on local newspapers to argue that there were much higher crime rates on the western Canadian frontier than usually acknowledged. But these newspapers are an extremely doubtful source. It is all too easy to find lurid accounts of crime in these papers, but the accounts are usually not to be trusted. R. C. Macleod, a leading historian of the western Canadian frontier and of Mounted Police history, and Heather Rollason Driscoll have shown decisively in two important articles how biased and unreliable some of these early papers were, especially the *Calgary Herald* and *Macleod Gazette*, and particularly when it came to

the reporting of Native issues. For instance, they point out that one study of crime in early Calgary, Tom Thorner's article "The Not So Peaceable Kingdom: Crime and Criminal Justice in Frontier Calgary," the subject of his University of Calgary master's thesis, was based largely on the *Calgary Herald*.⁹⁵ As Macleod and Rollason Driscoll point out, Tom Thorner's use of the *Calgary Herald*, which was "full of vitriolic descriptions of Native people," as a basis for his assessment of crime rates is very suspect. He concluded that most of the cattle killing and horse stealing were being done by Natives. "Thorner does not appear to have considered issues of reliability such as whether or not the paper selectively reported cases. Nor does he consider how the attitudes of the editor and the lobby groups affected how crime was reported."⁹⁶ Macleod and Rollason Driscoll came to a very different conclusion.

They have clearly shown that the *Macleod Gazette* and the *Calgary Herald*, the two newspapers of the Alberta ranching frontier, were seriously biased when reporting Native crime. These papers made it seem that there was far more Native than white crime, while the statistics show conclusively that the reverse was the case.

Our evidence showed that Natives were significantly under-represented in the jails compared to whites in the population and were often treated with a degree of leniency not shown to any other group. This generalization holds true for all kinds of crime from simple assaults to murder. The only partial divergence from the pattern concerns livestock theft where Native crime rates were higher than for other categories of offences, but even here the rates for Natives were lower than for the rest of the population.⁹⁷

It is important to realize that today's high rate of Native incarceration was not always so. At a time when the Cree, Blackfoot, and Assiniboine populations were reeling from the extinction of the buffalo, their forced subjugation to reserve life, and the overwhelming onslaught of disease, they were clearly the most law-abiding element on the frontier.⁹⁸ Their forbearance in the face of starvation and the end of their way of life was astonishing. And the meticulous work of Macleod and Rollason Driscoll, based on the court records of the Mounted Police and the reporting of the leading frontier newspapers, directly contradicts the loose claims of those who argue that these Native groups were responsible for widespread violence and crime.⁹⁹

Readers of the *Macleod Gazette* in particular would conclude that Natives figured very prominently in crime. The paper made it seem that Natives

were the major source of crime on the frontier; court records showed clearly that the opposite was the case.¹⁰⁰ For the period 1878 to 1885, there were only forty-five cases of violent crime in the entire area under Mounted Police control for Natives and whites combined. These mostly involved threats with firearms. This amounts to six cases a year! There were only five homicide cases for the entire period, and only two involved Natives.¹⁰¹ That leaves three white homicide cases in eight years, a rather pathetic statistic to confront for those intent on arguing that the western Canadian frontier was seething with murder and mayhem.

The evidence of Macleod and Rollason Driscoll is very strongly substantiated by the first in-depth study of the relationship between Native groups in Saskatchewan and the Canadian legal system in the last quarter of the nineteenth century. Shelley Gavigan's recent book *Hunger, Horses, and Government Men: Criminal Law and the Aboriginal Plains, 1870–1905*, published by the Osgoode Society for Canadian Legal History, is a very impressive and detailed study of Mounted Police law and relations with Native peoples. Although the book does not cover the Alberta ranching frontier, its conclusions are equally applicable for that region. Gavigan's purpose was to expose the Native side of the legal relationship. Her conclusion is very close to that of Macleod and Rollason Driscoll: crime was very rare in Native society, with the exception of horse stealing, which was not a crime under Native law, and cattle killing, which was probably inevitable given the semi-starving state of Native peoples.¹⁰² Gavigan found very few cases of Native drinking, and she actually made little mention of Native horse stealing and cattle killing.

Gavigan's most startling conclusion is that the court system treated Native defendants with scrupulous fairness, and, most surprising of all, these defendants learned to use the court system to their benefit. Contrary to the findings of Lesley Erickson, who claimed much ill-treatment of Native women by frontier courts, Gavigan found practically none, arguing that the defence of Native women in the Saskatchewan court system was especially impressive.¹⁰³ This is clearly an area for further investigation. And she provided convincing evidence that when a Mountie did abuse his authority, he was treated very harshly.¹⁰⁴

Certainly, the Native peoples of the plains had every reason to descend into lawlessness as the buffalo vanished, as did their whole way of life, to be traded for the soul-destroying atmosphere of the Indian reserves. That they did not become lawless and vindictive is a remarkable testament to their strength of character and the resilience of their culture. As ranches took root, Native peoples were in the process of being retooled into wards

of the state, without any say in the matter. They were told by overbearing missionaries, teachers, and farm instructors that everything they had believed in for millennia was wrong. Instead, they were to renounce paganism and the nomadic way of life for the civilizing influence of farming. Their souls would be redeemed from the everlasting fires of hell by Christianity. Under these conditions, all the old certainties evaporated, as their chiefs – the holders of the old ways – were ridiculed by these upholders of the new order and Indian agents replaced the chiefs as figures of authority. Braves in the making, with hormones raging, were now told that horse stealing would lead to jail; they must, instead, impress their intended sweethearts with how many potatoes they could hoe!

Government officials, armed with the insufferable certainty of late nineteenth-century zeal to save the Native peoples from themselves, predicted that the old ways would be gone in a generation. A new generation, properly Christian and embracing the new agriculture, would rise from the ashes. Actually, it could be argued that there was a surprising lack of racism in this outlook, but the officials more than made up for it in their cultural arrogance and in their astounding blindness toward Native culture. There should be no surprise that, under these conditions, Native society became unhinged. The real surprise is that these Native groups did not lash out more than they did at their oppressors.

The careful work of Gavigan and Macleod and Rollason Driscoll is a much-needed corrective to the overheated contentions of Warren Elofson that the western Canadian frontier was violent, that many Mounted Policemen were both ineffective and corrupt, that there was “a great deal of [Native] bitterness and racial animosity that often manifested itself in violence and death,” that Montana vigilante law was more effective than Mountie law, that there was vigilantism and lynching on the Canadian frontier, contrary to the assertions of Canadian historians, and, finally, that the Canadian West saw a number of gunfights.¹⁰⁵ This, indeed, is a riveting list of accusations that, if true, essentially overturns the established interpretation of important parts of western Canadian history. If his charges are left unchallenged, general readers and historians alike will assume that his views are acknowledged to be the new “truth.”

Thus far, Elofson is the only historian to make such charges. The importance of his otherwise impressive books requires a reply, since one of the fundamental arguments of this work is that the two frontiers were very dissimilar precisely because of the very marked differences in the levels of violence. More to the point, the very different legal institutions and cultural

attitudes toward violence and crime on the two frontiers accounted for much of these marked differences.

For a start, in *Cowboys, Gentlemen, and Cattle Thieves: Ranching on the Western Frontier*, Elofson argues: "While Canada saw no large-scale Indian/white massacres on the ranching frontier of the type glorified by American film, there was a great deal of bitterness and racial animosity that often manifested itself in violence and death."¹⁰⁶ This, indeed, is a startling charge, if true, and a dramatic departure from established wisdom. There are two issues here. Elofson implies, first, that the theme of extreme violence on the American frontier was the product of American films, not responsible historical research. Well, highly regarded historians have provided overwhelming evidence to the contrary, of pervasive violence, whether cattle town barroom shootings, lynch mobs, Indian wars, racial violence against Mexicans and Chinese on the mining frontier, persistent labour violence, or the range wars of the Lincoln and Johnson counties and Pleasant Valley variety. There is a vast amount of carefully documented material on western American violence. The Canadian Plains frontier was singularly free of virtually all that sort of violence.

A key part of Elofson's evidence for this claim of violence and death is the lynching by Canmore, Alberta, residents of two members of the Kootenai tribe in 1888.¹⁰⁷ But Hugh Dempsey, one of the Canadian West's most respected historians and the foremost historian of western Canadian Native history, has pointed out in a review of Elofson's book that the lynching did not take place in the Canadian West, as Elofson implies, but in Montana, near Flathead Lake.¹⁰⁸ And Dempsey pointed out that there is no evidence that Canmore settlers were involved in this lynching.¹⁰⁹ "It was purely an American affair." In fact, Dempsey states, there is no evidence of any lynching at any time in the Canadian ranching country, or anywhere else in the Canadian West.

Elofson also cites two famous Native murder cases to indicate the prevalence of racial "violence and death" on the western Canadian frontier, those of Charcoal and Almighty Voice. Both killed several people, including Mounties. Hugh Dempsey again has questioned Elofson's findings, pointing out that Charcoal's killing of Sergeant Wilde of the Mounted Police was a special case that did not demonstrate a trend. Dempsey contends in his biography of Charcoal that Charcoal first killed a fellow Native whom he caught messing with his wife and then killed Wilde because he intended to commit suicide and needed someone important to precede him to the Spirit World to announce his coming and to be his emissary, a custom common to the Native peoples of the plains. And Charcoal was apprehended in 1897 by

his own two brothers.¹¹⁰ So the example of Charcoal hardly makes Elofson's case.

Nor does Almighty Voice, who was not, as Elofson states, a Stoney, nor was he hanged. Almighty Voice was also a special case and had nothing to do with ranching country. He was a Cree, not a Stoney, the grandson of Chief One Arrow, whose reserve was at Batoche, the focal point of the 1885 Métis Rebellion in Saskatchewan. Almighty Voice was a product of that rebellion; he created a sensation in the 1890s because his case was so unusual. He was arrested for killing a settler's cow. His father, John Sounding Sky, was also in jail at the time for stealing a coat and some money. Almighty Voice escaped jail and almost immediately killed a Mountie who attempted to arrest him. There followed a spectacular manhunt, during which Almighty Voice wounded several more. He was finally surrounded in a wooded area by the Mounted Police, who brought in two field guns, one of which blew him up, contrary to Elofson's contention that he was hanged. Thus ended perhaps the most tragic moment in the relations between the NWMP and the peoples of the Canadian Plains, whose world was undergoing "the dying of the light."¹¹¹ Almighty Voice's anger was not directed toward the settlers and ranchers but, instead, the desperate atmosphere of the reserve. His was the ultimate defiance; he had eluded capture for over eighteen months and killed four people – all without a pass from his agent!¹¹²

There was only one other Mounted Policeman killed by a Native during the nineteenth century. In 1879, five years after the arrival of the NWMP, Marmaduke Graburn was mysteriously murdered while out on patrol. The presumed killer, a Blackfoot named Starchild, was acquitted for lack of evidence by a jury made up mostly of ex-Mounties, even though the jury thought he was probably guilty.¹¹³ One of the jury members, E. H. Maunsell, a rancher and former Mountie, had this to say: "As a matter of fact it required greater courage to acquit Starchild than to convict him. ... There is no doubt the verdict we gave was not a popular one. The whole country was crying out for vengeance."¹¹⁴ Starchild was later put in jail for bringing stolen horses into Canada. In jail, he learned English and, when released, became a scout for the NWMP. The killing of three Police in twenty-five years by Natives does not seem to justify a verdict that racial "violence and death" "often" manifested itself on the Canadian frontier.

But what about friction and violence between ranchers and the Cree and Blackfoot? Virtually all historians of the Canadian ranching frontier have emphasized the lack of hostility in the relationship. But, once again, Elofson differs. In *Cowboys, Gentlemen, and Cattle Thieves* he recounts an incident in 1887 near High River in which a rancher shot at and killed a

Blackfoot and fatally wounded another for killing cattle.¹¹⁵ He uses this incident to claim that there was an atmosphere of “general” hostility and violence between ranchers and Native people. Consistently, Elofson takes a solitary incident and elevates it to a general principle. In fact, this incident demonstrates the exact opposite. Throughout the period of the ranching frontier, this was the only incident recorded by the Mounted Police of a rancher shooting a Native. And again Elofson gets his facts wrong. Only one Blackfoot was killed, not two, and the Blackfoot had not been killing cattle.¹¹⁶ In 1887, a rancher named Thompson followed a group of Blackfoot who had broken into his house and stolen a few things. When Thompson and a friend, Tucker Peach, approached the Blackfoot camp, they were fired on. They retaliated and fatally wounded Trembling Man. According to the *Calgary Herald*, Peach was also wounded.¹¹⁷ The killing of Trembling Man caused a great state of excitement among the Blackfoot, and the NWMP had a hard time calming them down.¹¹⁸ This incident was exactly the sort of Native-white clash that frequently resulted in reprisals or war in the American West. As already stated, this was the only incident of its kind, but the *Calgary Herald* was convinced that the country would soon be aflame in an Indian war. The newspaper used the incident to call for “Indian removal!”¹¹⁹

Elofson’s other example of poisonous relations with Native people on the ranching frontier includes a charge of vigilantism, a practice supposedly absent from the Canadian frontier. He states that, in 1894, a man named Skinner on the Blackfoot reserve was killed by an irate father for refusing food for his sick child. For a start, Elofson has both the spelling of the name and the date wrong. This, perhaps, is being picky, but it doesn’t inspire confidence. On April 3, 1895, the ration issuer on the reserve, Skynner, was shot and killed by Scraping High after his son died of tuberculosis. An investigation disclosed that another Blackfoot had threatened to shoot Skynner for hurting his wife. And there were other complaints. It appears that Skynner had it coming.¹²⁰ After killing Skynner, Scraping High took up a position in the burial ground and held off the NWMP and a group of civilian volunteers for two days. He was finally killed by Constable Magnus Rogers.¹²¹ This episode does not reflect murder and mayhem in ranching country; it instead reflected a situation exclusive to the reserve system at a time when the reserve population was in a state of semi-starvation.

Elofson claims that this “trigger-happy” group of citizens was executing vigilante justice on Scraping High. How can this be vigilantism if these citizens were helping the NWMP? The whole point of vigilantism was that it was extra-legal. Also, the three Blackfoot chiefs who sat on the inquest into Scraping High’s death absolved the Police and citizens of all blame. Instead,

their wrath was directed toward the Indian Department and the reserve school system.¹²² If, as Elofson contends, there had been a “trigger-happy” shootout, the three chiefs would certainly not have acted as they did. The Mounted Police looked into this case very carefully. There is a large file, which gives no indication that there was any vigilante activity whatever.¹²³ There were, in fact, only two Native attacks on Indian reserve employees during the entire frontier period, an extraordinary testimony to Native forbearance, given their desperate situation.¹²⁴

Although vigilantism never gained a foothold in the Canadian West, there were several cases of what might be called vigilantism that are revealing. In 1892, a man named Skallent was murdered near Edmonton. Almost immediately, suspicion pointed to a man named Ole Mickelson. He disappeared, and Inspector Piercy, in charge of the Edmonton Mounted Police detachment, took charge and had posters printed offering a reward of \$200 for assistance in his capture. Mickelson was seen near Red Deer (halfway between Edmonton and Calgary), and a group of armed citizens gave chase. Mickelson fired on the group and, in returning the fire, one of the group, William Bell, killed him. This killing touched off a major debate over law and order in the North-West Territories. Newspapers saw Bell as a hero; the Mounted Police were horrified. Bell was tried in the Supreme Court of the North-West Territories for killing Mickelson when he might have been arrested alive. The jury found Bell not guilty; locally, he was elevated to the status of a hero. Inspector Piercy was severely chastised by the commissioner of the Mounted Police for lack of judgment in offering a reward without the sanction of the lieutenant-governor and involving civilians. Inspector Piercy, sternly reprimanded for instigating what might be considered vigilante justice, committed suicide.¹²⁵

Shortly after this incident, in 1895, the town of Lethbridge became embroiled in another incident involving one James Donaldson, who was openly having an affair with the wife of his landlord, Charles Gillies. Gillies committed suicide, whereupon a group of seven or eight masked men, including Sergeant Hare of the Mounted Police, ambushed Donaldson, tarred and feathered him, and dragged him through Lethbridge to the Lethbridge House, a local saloon. It appeared that this punishment was universally popular with all save Mounted Police officialdom. Superintendent R. Burton Deane referred to the incident as an “unprecedented occurrence of lynch law.”

It proved impossible to prosecute the masked men. Donaldson would not give evidence. Sergeant Hare gave evidence, but then escaped across the US border, as did another key witness. Despite Commissioner Herchmer’s

insistence that the guilty parties must be convicted, the jury could not reach a verdict. The case was a fiasco, but the relentless attempt of the Mounties to bring the guilty parties to justice did send the message that this sort of action would not be condoned. There are no other cases like this on record.¹²⁶

Elofson also contends that there were several lynchings on the Canadian frontier. His evidence is anecdotal and very meagre. He claims, for instance, that in 1882 a man named Bowles was lynched because he didn't help put out a prairie fire near Fort Macleod. His evidence? The *Macleod Gazette*, a notoriously unreliable source. Paul Sharp has alluded to this same lynching and one other in the Canadian West, also citing the *Gazette* for the lynching of Bowles. The second lynching Sharp mentions was that of the driver of the Macleod stage, who allegedly made his passengers get out and push the stage up a steep hill. His evidence? Absolutely none! The fact that there is no mention of either of these supposed lynchings in Mounted Police files means that they almost certainly did not happen. In both cases, the reasons for the lynchings seem very unconvincing. Also, the NWMP were under very strict orders to investigate any rumours of lynchings. There is nothing in Mounted Police records to suggest that they even *might* have happened.¹²⁷

There has been, in fact, only one properly verified lynching in the Canadian West. In 1884, a group of American vigilantes crossed into British Columbia from Washington Territory and lynched a Native boy, Louie Sam, a fourteen-year-old Sto:lo boy, whom they accused of killing a shopkeeper in Nooksack, Washington Territory. The vigilantes hanged him from a tree near Sumas, BC, after forcibly taking him from the custody of a special deputy who was transporting him to Canadian officials. Canadian undercover police officers went to Nooksack and found evidence that the boy had been wrongly accused. In fact, some of the members of the lynch party had profited from the murder of the storekeeper. In 2006, the Washington senate offered an official apology to the Sto:lo Nation in a ceremony in the Washington state legislative building.¹²⁸

Did the western Canadian ranching frontier have the sort of gunfights and barroom shootups usually associated with a raw frontier? In a word, no! Hugh Dempsey in *The Golden Age of the Canadian Cowboy* could find only three gunfights in cattle country in all of the frontier period and only one death. Even if there were a few more, they would hardly justify the charge that there was "considerable gunfighting." There just wasn't!¹²⁹ In Beahen and Horrall's history of the Mounted Police, their discussion of murders, which would have included lethal gunfights, found that from 1892 (when liquor was first allowed in the North-West Territories) to 1900, there were fifteen murders in the Territories, and ten of them were family affairs. That

leaves five in eight years – hardly a number that would be found on any self-respecting gunslinger frontier.¹³⁰

There were two areas of crime that did cause the Mounties a huge headache – Native cattle killing and both Native and white horse stealing. On the open range, it was extremely difficult to detect cattle killing. For Native people who had just watched the buffalo disappear, cattle killing was an irresistible temptation. With the border so close, cross-border horse stealing was relatively easy. Together, these two categories accounted for the majority of the Mounted Police's work.

Most of the cross-border horse stealing was concentrated in the area from the Cypress Hills, just north of the Alberta-Saskatchewan border with the US, and east to the Big Muddy Valley, south of present-day Regina. This was far from the Alberta ranching frontier. The badlands of the Big Muddy, into which horse thieves could disappear without a trace, was the northern end of the Outlaw Trail, which stretched from Mexico to the badlands of Saskatchewan. In this area of the Cypress Hills and the Big Muddy, the only serious gangs of Canadian-American cattle country were concentrated. It was perfect horse-stealing country. If pursued by the Mounties, they just slipped across the border into American territory, and vice versa, if chased by American authorities.

Beth LaDow has written about the area just below the Canadian border from the Cypress Hills to the Big Muddy. The American community of Havre, just south of the Cypress Hills, was the Dodge City of the North, notorious for its drinking, gambling, and general lawlessness. It was the boot-leg capital of the northern plains.¹³¹ And then there was Landusky, Montana, described by the western artist Charlie Russell, only partly tongue-in-cheek:

The leadin' industries is saloons and gamblin' houses ... the shootin's remarkably accurate an' almost anybody serves as a target. ... Funerals in Landusky is held at night under a white flag, so that business ain't interrupted in the daytime.¹³²

This area from Havre and Landusky to the Cypress Hills and the Big Muddy gained the reputation of being the most lawless area of the northern plains, ideal for hiding stolen horses. Here the famous Nelson-Jones gang held sway. Frank Jones was an American, and Charles "Red" Nelson a Canadian. The gang even included an ex-Mountie, Frank Carlyle.¹³³ When Jones was killed in a shootout in the US with law officers, he was replaced by Dutch Henry Leuch (pronounced Youch!). The gang then became the Dutch Henry Gang, and was very unusual on the frontier in having three Canadian members.

They were operating in the only corner of the Canadian/American frontier where they could function as they did.¹³⁴

The Big Muddy Valley was very close to the small settlement of Willow Bunch, whose historical claim rests on its French Canadian trader Jean Louis Legare, who was chiefly responsible for returning Sitting Bull to the American authorities in the spring of 1881. In the fall of 1876, thousands of Sioux crossed into Canada as political refugees after the Custer fight. Sitting Bull joined them the next spring with 135 lodges, swelling Sioux numbers to a peak of 5,600.¹³⁵ These Sioux settled in a region from the Cypress Hills to the area around Willow Bunch. These are largely forgotten years in the history of the Sioux because Sitting Bull was a great disappointment to those who saw him as the scourge of the West. He behaved in Canada as a model citizen. Much of the information about him in these years from 1877 to 1881 lies in the field of diplomatic relations between the US, Canada, and Britain. The issue of the Sioux refugees in Canada was the first one that tested the Treaty of Washington in 1866, the new accord between the three countries that was meant to clear the air after the Civil War.

For the next four years, the Sioux remained in Canada. They were remarkably peaceful, but Canadian authorities viewed them as a potential powder keg. Their presence in the Cypress Hills, a disputed area between the Cree and Blackfoot and the last refuge of the buffalo on the Canadian plains, upset the balance significantly. They hastened the end of the buffalo, so that by 1879, they were in a state of starvation, killing their horses and trapping gophers to keep alive.

Finally, it seems that the one who convinced Sitting Bull to return was the Willow Bunch trader, Jean Louis Legare. He offered to escort the Sioux south to Fort Buford. When he turned up at their camp with wagons loaded with food and started south, the starving Sioux had no option but to follow the food. Sitting Bull arrived at Fort Buford at the end of July 1881. He handed his gun to his young son to surrender; he couldn't bring himself to do it. Then, contrary to the government's promises, Sitting Bull was arrested and taken to Fort Randolph to be imprisoned for two years, after being stripped of all his authority.¹³⁶

It would seem that most of the crime in the Canadian West was centred in the Cypress Hills–Big Muddy region, but one would reach a very different conclusion from reading the newspapers of the Alberta ranching country. It is very clear from reading the *Macleod Gazette* and the *Calgary Herald* that order would not have prevailed between the new settlers and the Native groups if the settlers, as in the American West, had been in control of the law. An editorial in the *Macleod Gazette* in 1883 gives a glimpse of what

would have been, at a time when, according to the Mounted Police, the Native peoples were showing extraordinary restraint in the face of starvation and the end of their way of life:

It has just come to this, these Indians must be kept on their reserves, else the indignant stockmen will some day catch the red rascals and make such an example of them that the noble red man will think h_ll's a poppin, besides a probable attack of kink in the back of the neck [hanging] and we can't say that we should greatly blame them either. That a lot of dirty, thieving, lazy ruffians should be allowed to go where they will, carrying the latest improved weapons, when there is no game in the country, seems absurd.¹³⁷

Two months later, the *Gazette* added a footnote, "If we are obliged to fight these Indians to stop their depredations, let the entertainment commence."¹³⁸

As the *Calgary Herald* replaced the *Macleod Gazette* for the title of the leading newspaper of ranching country, it, too, took up the cry. The paper made it clear that it didn't really care what happened to its Native neighbours, as long as they didn't "infest our streets." A Native dog that killed a Calgarian's chicken warranted front-page coverage, an example of the evils of allowing Indians off their reserves.

If these Indians and their dogs are not kept on their reserves, there is liable to be trouble with them presently in Calgary. A stray shot at an Indian or his dog is a very little thing with an angry man, but might lead to no end of trouble.¹³⁹

The tempo of anti-Native sentiment in these newspapers escalated as a result of the 1885 Rebellion. By 1887, a bumper year for anti-Native bile, there were many references to "thieving redskins" and warnings that if a few were shot, it would have a good effect on the others. The same year, shrill editorials in the *Calgary Herald* were complaining that Canadian Indian policy was an utter failure because Indians were allowed to roam through settlements. The solution was to remove them to an Indian territory some distance from Calgary and open their reserves to white settlement.

The country is rapidly filling up, and it is unreasonable that a large tract of the very best of it should remain idle and unproductive. The interests of Calgary demand that steps be taken to induce

the Indians to give up their present reserve and accept one that will not be so much in the way of our development.¹⁴⁰

Two years later, the paper proposed a law preventing Natives from coming into Calgary. Directly under this editorial was another, entitled "Bigotry on the Rampage," accusing Ontario of small-mindedness and injustice on the Jesuit Estates question!¹⁴¹ The *Macleod Gazette* and the *Calgary Herald* served as constant reminders of what would have been if the federal government had loosened its grip on the law.

Wallace Stegner addressed the typical settlers' attitude toward their Native neighbours in southern Saskatchewan: "Most of the [settlers] were immigrants from sections of the United States and Canada where Indians were part of a lurid past ... they brought fully developed prejudices with them which we inherited without question or thought." If not for the Mounted Police, law and order on the western Canadian frontier would probably have been far closer to that of the American West in its treatment of Native peoples!¹⁴²

There was also a constant barrage of complaints and editorials in the *Gazette* and the *Herald* about rustling and cattle killing by both Natives and whites. If not for the iron control of the Mounties, vigilantism might have taken hold and settler friction with Native groups might have erupted into war as in the American West. But the simple fact is that white settlers on the Canadian plains, for all their threats, did not dare to take the law into their own hands. And in fairness to the ranchers, most of the silly and inflated talk came from urban communities. It is clear that the Mounties protected the Native population from the sort of prejudice that is reflected in western newspapers on both sides of the border.

There was, however, a dark side to the lack of serious crime in the Canadian West. Apartheid came to the Canadian West in 1882, as the reserve system came into effect. The Mounted Police, that year, under pressure from the Indian Affairs department, introduced the pass system, which was at first an informal system that required Natives to have a pass from the Indian agent if they wanted to leave the reserve. The system was initially implemented in an attempt to stop cross-border horse stealing and cattle killing on the open range, but this policy was in flagrant violation of the treaties, which promised the Native peoples free access to all land that was not in private hands. It also had no basis in law, as the NWMP were acutely aware. At first, many Mounted Police were extremely reluctant to enforce the system. But there is no getting around the fact that the Canadian government, through the Mounted Police, instituted a policy of apartheid

in the Canadian West. Peace and order trumped human rights and treaty obligations. The government feared that exaggerated newspaper reports of rampant horse stealing and cattle killing might lead to settlers taking the law into their own hands and decided it must sacrifice principles for order.¹⁴³ Here was the first instance of the Mounted Police's use of repression and dishonesty in the name of peace and order. Increasingly, the Mounted Police used the pass system to force a separation of races as the railway brought a flood of settlers to the Canadian West.

In 1884, the superintendent of Indian Affairs suggested the use of the pass system to prevent Natives from camping near white communities. At this point, the commissioner of the Mounted Police argued that a pass system would be "tantamount to a breach of confidence with Natives generally."¹⁴⁴ Such a system would be an act of bad faith with those chiefs who had been reluctant to sign the treaties; they had been reassured by promises of freedom to hunt and to travel for purposes of trade. When Indian Affairs complained that Natives were camping around towns for immoral purposes, the Mounted Police retorted that they had learned their immorality from the whites.

Indian Affairs kept up its pressure to make the policy official and, finally, as a result of the Rebellion, Sir John A. Macdonald gave in. The Indian Affairs department sent him a list of recommendations for the post-Rebellion handling of Native tribes in August 1885, with the comment that a pass system would be beneficial for the Natives' "own good and morality." Scribbled in the margins of this document are the initials JAMD – (John A. Macdonald). Here was the official sanction for the first breach of trust with the Native peoples of the plains.¹⁴⁵

Behind the implementation of this pass system, too, lay a fierce disagreement between the Mounted Police and the new Indian Affairs establishment. The NWMP argued that the Natives on reserves, with the buffalo now gone, must be better fed so that they would not resort to cattle killing. The Indian Affairs officials, in the 1880s, were increasingly alarmed that they were creating Canada's first welfare system and demanded that no food be given without work in return. The Native peoples of the Canadian plains were given the stark choice: work or starve. In reality, the only work possible on these new reserves was European-style agriculture, something very foreign to the Native hunting cultures of the plains. It was in this atmosphere that the Mounted Police had to handle a potentially explosive situation. Native cattle killing continued, as did ranchers' complaints, but the pass system undoubtedly kept the situation from boiling over. As settlers poured in, complaints mounted, reaching a crescendo in 1894. After years

of few Native arrests for cattle killing, in 1894 there were forty-nine.¹⁴⁶ In June 1894, a group of Bloods went to the Mounted Police and admitted that they were killing cattle because they were starving; their crops had failed, and their agent had cut back their rations. They admitted to killing as many as thirty head a month.¹⁴⁷ This situation led to the greatest number of arrests for cattle killing in the nineteenth century – eighteen arrested and sixteen convicted.¹⁴⁸

Clearly the presence of the Mounted Police kept Native-white animosity from erupting into open hostility. And their patrol system kept rustling on the open range from spilling over into vigilante action. There were, of course, hotheaded ranchers who complained vociferously about stolen stock and threatened vigilante action. But they did not take action, largely because most cattlemen realized that the Mounted Police were doing the best job they could with limited manpower. As well, the hotheads were warned very bluntly that any vigilante action would be dealt with strictly. Lynching would be considered murder!

Most historians writing on the pass system have argued that the 1885 Rebellion caused the government to impose it, but the system appeared informally as early as 1882. Though unstated by the NWMP, probably the most compelling argument for their finally agreeing to use the pass system was their conviction that Native cattle killing and horse stealing might result in ranchers resorting to vigilante action. The Mounted Police were so determined that there would be no vigilantism in their jurisdiction that they finally, though reluctantly, decided that good faith with the Native peoples of the plains was less important than preventing the possible rise of vigilantism. So they agreed to a policy that would reduce Native cattle killing and horse stealing, despite its glaring illegality.

There is one more very important consideration. Most frontier Americans were not going around shooting each other. Most were just as law-abiding as Canadians. The myth of the lawless American is just as distorted as the myth of the completely peaceful Canadian. The critical difference between the frontiers was that the small minority of Americans in the West who were causing most of the trouble could not easily be controlled because American legal institutions were largely ineffectual in doing so. In the Canadian West, the opposite was the case. The Mounties had tight control of the lawless white element through legislation related to liquor, guns, and vagrancy. And now they had equal control of the Native population through the pass system. Peace and order trumped liberty and individual rights. The NWMP regularly sent American troublemakers packing back across the border using the Vagrancy Act, if they were found loitering in

towns without proof of employment. It took only a small minority to give the American West its overheated reputation for lawlessness. And blame it, too, on the outlaws' publicists. They did a magnificent job of magnifying the badness of the American West.

What is most striking in these circumstances is how easily and happily Americans who emigrated to Canada adapted to Canadian customs and institutions when they came north. The vast majority who came to the early Canadian West welcomed the security provided by the Mounties' police state, as did, too, the thousands of American prospectors who came to the Klondike gold diggings in 1898 – to the point of producing a very large petition of thanks to the Mounties for making the Klondike diggings so safe. It is interesting, too, that an acknowledged Indian killer, gunfighter, and vigilante like Johnson in one setting became a quiet citizen in Alberta with many good friends among the Blackfoot and Stoney peoples. And he had no need for his six-guns. They were stowed away at the back of a cupboard. It is all about institutions.

A standard explanation for this difference of law and order on the two frontiers is that, in Canada, the Mounties arrived before settlement; in the American West, the law arrived somewhat later. This difference explains almost nothing, except that the Canadian philosophy put a very large emphasis on prevention. But, in Canada, when the law arrived, it was very different to that south of the border. That is the key point. The law of the Mounties and that of the Texas Rangers, for instance, were worlds apart. A study of these two institutions says much about the legal ethos that the wider societies created.

The first comparative study of the Mounted Police and the Texas Rangers, Andrew Graybill's *Policing the Great Plains*, appeared recently.¹⁴⁹ In many ways, Texas and Alberta are the bookends of the cattle frontier, and the Texas Rangers and the Mounties have acquired a similar national mythology. Also, the North-West Mounted Police came west in 1874, the same year that the Texas Rangers, after a long and picturesque career, were finally officially institutionalized. It is therefore most fitting that a comprehensive study of the world's two most famous police forces should finally be written. Graybill's book is both timely and thoroughly researched. It fits with what seems to be the new wave of focusing more on similarities than differences. This causes certain difficulties when comparing Rangers to Mounties, who were in their most significant aspects diametrically opposite. They were products of their cultures, and the culture of Texas was dramatically different from that of eastern Canada, where the Mounties originated. Their mandates, too, were vastly different; the Rangers, in their early days, were

essentially a loose militia whose central purpose was to rid Texas of Indians and Mexicans, using considerable violence if necessary. The Rangers brought with them an enormous pride as fighting men; their photographs bristle with armaments and the look of tough, trigger-ready frontiersmen. The Mounted Police were a completely different sort of force, a professional force who saw themselves as the inheritors of the military traditions of the British Empire. They represented an Anglo-Canadian Victorian culture that was completely at odds with the ethos of Texas. In their early years, they were chiefly concerned with bringing stability and order to the frontier and with establishing harmonious relations with Native peoples.

There is the saying in Alberta that Texans and Albertans are the same, except that Albertans like Americans better. Texas cowmen were certainly welcomed in Alberta, as long as they kept their revolvers holstered. And there is much evidence that Americans coming up the cattle trails to Alberta soon felt at home. Despite the perception that all Americans were fascinated by guns and violence, a fascination shared by many Canadians in a voyeuristic way, when Americans moved north and lived under very different legal institutions, the evidence indicates that the vast majority grew to see these differences in a positive light. A somewhat incongruous situation developed in the Canadian ranching community whereby Americans themselves were enthusiastically welcomed, but not some of their ideas. American cowboys, with their infectious openness and easy humour, provided a much-needed contrast to the tight formality of Victorian Canada. Any anti-Americanism directed at these cowboys was almost bound to be motivated by the conviction that all Americans were lacking in discipline and were thus innately lawless. There were, of course, just enough boisterous American cowboys on the Canadian range to feed the prejudice.

* * * * *

The early Alberta ranching community, as already indicated, at first developed into a unique enclave of eastern and British privilege. Most of those who established ranches in the 1880s shared similar backgrounds and attitudes. Most were well educated and came west with enough capital to establish themselves comfortably. Their style, in most cases, bore no resemblance to the harsh struggle for bare subsistence of the homesteaders. By the 1880s, the English with enough money to do so flocked to Alberta's ranching country more than to any other part of the British Empire.¹⁵⁰

Scores of historians have already pointed out Frederick Jackson Turner's oversimplifications. It is enough to say that there is no better example

of the inadequacies of the Turner thesis than the Alberta ranching frontier. These ranchers were almost as determined as the Mounted Police to impose their beliefs on this raw frontier and to recreate the sorts of communities they had left. The values that came with them from eastern Canada or Britain – reverence for the monarchy, belief in a conservative type of democracy, respect for property, and a strong link with the church – were essentially unaltered by the frontier environment.¹⁵¹ They failed dismally, however, in trying to persuade their cowboys to dress for dinner.

At first, this ranching frontier had an overwhelming English atmosphere. Many of the eastern Canadians who pioneered the ranching country shared the English belief that all things English were best. This was not just a case of a lingering and pathetic colonialism. The Alberta ranching frontier was developing at a time when, as Sir John A. Macdonald observed, Canada's gristle had not yet hardened to bone. Canada did not have the luxury of being truly independent. She was caught between two great powers, Britain and America, and Canadians of the period were still all too conscious of American manifest destiny. Britain was Canada's protector, a counterbalance to American domination and expansionist tendencies. It was also a period when Britain was at the height of her power; Canadians could feel superior in being part of an empire that bestrode the world – the greatest civilization, so most Anglo-Canadians believed, the world had yet produced. Canadians believed they were the inheritors of political, legal, and social institutions that had evolved through centuries and were tried and true. But a funny twist to this Anglo-Canadian mentality was that while many Canadians were prepared to lay down their lives for British ideals – as many did in the First World War – they detested nothing more than pompous Britons! They could not abide British condescension.

Turner's environmental imperative fades before this early Alberta ranching community. Certainly, the English ranchers were besotted with the landscape of the Alberta foothills, just as Wister was with the Eden he found in Wyoming, but the English ranchers, to the annoyance of many, preserved their Englishness and tried very hard to fashion an English colonial enclave in the Canadian West.

Yet, that said, one of the most striking features of Alberta ranching literature is how deeply affected these people were by the country they settled, by the foothills country of the Rockies, so different in its emotional appeal than the seeming endless flatness of the prairies. There is an excitement in the early writings of the ranching community that is rarely seen in other homesteading literature. With few exceptions, these early ranchers loved their life. The rhythms of ranch life were far more appealing than the

subsistence drudgery of the pioneer farmer. There was no literature of dark ennui, so typical of the sod-house prairies, or the images of dust and drudgery found in a novel like Sinclair Ross's *As For Me and My House*. Perhaps, more than anything else, the feeling of freedom and exhilaration that the horse gave to this life explains the special nature of ranching life.

The existence of the rancher revolved around horses, both for work and sport. Many of the early English ranchers brought with them a passion for racing horses and riding to hounds, with the coyote pinch-hitting for the fox, and neighbourhood dogs substituting for a proper pack of hounds. When the new sport of polo was introduced to the ranching community, it instantly became popular. And local gymkhanas were almost weekly affairs.

The other focal points of ranching life, of course, were the frequent dances, very much as Wister described the Bear Creek barbeque at the Searight Goose Egg Ranch. In the early days it was a community affair, involving ranchers, Mounted Police, Métis, and Natives.¹⁵² The most important institution in ranching country was the annual Mounted Police New Year's Ball, to which all were invited. Col. Macleod, the second commissioner of the Mounted Police, but the one who is rightly famous for establishing the basic character of the force in the West, set the tone very early on when he opened the ball by asking a Native woman to dance. Sadly, that tradition did not last.

Women, too, generally shared their men's love of ranching life, in contrast to their homesteading sisters. The note of resigned bitterness so often encountered in the writings of farming women who settled the prairies is conspicuously absent from ranching literature. It undoubtedly helped that they came to the West with money – otherwise ranching was an impossibility. And they were generally held in high esteem, especially by the cowboys. Though many of them worked very hard, they were seen as the mistresses of their ranches, not as the drudges of the subsistence homestead and the sod hut. The women of ranching country were usually as passionate about horses as were their husbands and often accompanied them on coyote hunts or shooting parties, riding side-saddle and sometimes in riding habit.¹⁵³ I knew an early horse buyer, Lou Chambers, who had great fun seeing the expressions on other people's faces when he would arrive to try out a rank horse and would put his wife's side-saddle on the horse and then buck it out. With a rider's legs crossed and locked, it takes a very good bucking horse to unseat a side-saddle rider.

Monica Hopkins, who ranched with her husband Billie in the very English ranching community around Priddis and Millarville, said that she loved every minute of her life there. After a crash course in domestic

science before leaving Ireland, which included the “intricacies of ironing,” she joined her husband in the West and, though she wrote of long hours of hard work on the ranch, she saw her new life as a great adventure.¹⁵⁴ Undoubtedly, her love of this new land was partly based on its non-threatening nature. She had a degree of financial security, was surrounded by her beloved books, and was part of a like-minded community that had imported and planted its beliefs and customs almost unaltered. Monica Hopkins was part of a ranching community that worked hard but still found plenty of time to indulge its love of sport and parties.

Almost every town had its horse-racing track, and there were at least half a dozen ranchers’ polo teams in the period before the First World War. It has been said that the first polo in North America was played in southern Alberta in 1886. Before long, there were ranching teams at Pincher Creek, Macleod, High River, Millarville, and Cochrane. Polo had come to England only a decade earlier.¹⁵⁵

However, as more Americans came north to establish smaller, mostly mixed-ranching and farming properties and more came from eastern Canada to establish comparatively modest ranches, the tone of ranching country changed from the earlier very English atmosphere. The most obvious manifestation of this change was seen in the institution of the rodeo, which was an echo of the open range and included activities such as roping and riding horses “meaner ’n cat piss,” as well as later additions such as bulldogging and chuckwagon racing. The American influence was clearly seen in the creation of the first Calgary Stampede in 1912 by American entrepreneur Guy Weadick.

An intriguing aspect of this rodeo world was that it was, perhaps, the only place where Native competitors could compete as equals with white cowboys and escape the Indian reserves. Starting with Cody’s Wild West, the Sioux were introduced to the rodeo and took to it instantly; it allowed them to reclaim their position as one of the great equestrian people of history. But Native enthusiasm for the rodeo was not without irony. The rodeo was not in their heritage. In fact, their customary handling of horses was usually the antithesis of the rough, often brutal, treatment of green horses on the open range. A customary Native way of gentling a young horse was to lead it beside an older, wiser horse to waist-deep water, with two riders seated on the older horse. Then one rider would gently ease himself onto the green horse, which was incapable, because of the deep water, of much more than a few crow-hops.¹⁵⁶ These were the original horse whisperers! Native participants in the rodeo were clearly reclaiming an important part of their

heritage of superb horsemanship, but they were also adopting a culture of the rodeo which was not part of their past.

Another Native training method seems terribly cruel, but there was a good reason for it. A horse would be tethered and left almost to die of hunger and thirst. Then, the owner would, with elaborate affection, bring it food and water. Ever after, the horse would return to that spot and to that person. On the plains, before fences, it was critical to be able to catch your horse easily. In an era of tribal raids and counting coup on the enemy, it could mean the difference between life and death.

The rodeo was just as eagerly embraced by the English ranchers of the Alberta foothills. It just goes to show that both the Native peoples and the English did have the capability to change and to come to a meeting of minds. In a very real way, the rodeo can be seen as the extension of the rendezvous, initiated in the fur trade of French colonial times, which meshed the traditions of medieval European trade fairs and the gatherings of Native groups to trade and gossip at traditional locations. The institution of the rendezvous spread across the continent to find its most picturesque setting in the gatherings of Native traders and American mountain men in the shadow of the Rockies. Roughly three-quarters of these fabled American mountain men were actually of French extraction.¹⁵⁷

The American influence, brought up the cattle trails, also included a brand of humour that only works with the right accent and lazy delivery. Cowboy humour is unique and distinctive. One form, made famous in Wister's frog story, is the long, drawn-out story, with the ending turned on its head once the listener is thoroughly sucked in. More often it was the pithy saying, such as the old-timer commenting on one particular winter that was so cold his nose froze solid, "Damned if it ain't. Hard enough to peck holes in a board." Or the well-known cowboy saying, "I had a bath last week and I don't feel so good anymore."

A cowboy friend of mine, and later a well-known sculptor in the tradition of Remington, Doug Stephens, told me of being on a spring roundup in the foothills when a freak snowstorm hit. He and one other cowboy had expected to get the cattle back to home base by nightfall, but were delayed getting coy steers out of the bush. They had nothing to eat, no warm clothes, and couldn't leave the cattle. By nightfall, they got the cattle as far as a fenced field where they could hold them. There was nothing for it but to hunker down under some old straw stooks that had been discarded. As Doug was finally drifting off to sleep, with melting snow dripping down his back, his companion gave him a big whack on his shoulder and said, "Doug, did you close that gate back there? I feel a breeze on the back of my neck."

My father loved to tell about a horse-buying trip to Colorado. He was staying in quite a decent hotel in Denver. As he was checking out, he saw a huge cockroach advancing across the foyer. It caused quite a stir and a very flustered manager was trying to deal with the situation when a bandy-legged old cowboy got off the elevator. He took one look, gave a great war whoop and yelled at his companions, "Grab her, boys, and ear her down til I throw a saddle on her!"

* * * * *

After establishing the Two Bar Ranch for Gordon and Ironside in 1893, Johnson's days as a ranch foreman ended for unknown reasons, though he later stayed on with Gordon and Ironside as a cattle buyer. But he was still very much a part of the ranching community. Shortly after leaving the Two Bar, an old friend from Wyoming, Blue Osborne, with Johnson's help, picked a site for a ranch about six miles from the Bar U in the Wintering Hills. Osborne had married Maggie Laycock, a cousin of Mary Johnson. It was Osborne who brought Bill Piggott, the great Black cowboy, from Texas to Calgary. Piggott is credited with originating bulldogging. He gave an exhibition of this art in front of the grandstand at Victoria Park, riding Blue's pinto cow pony. Johnson recalled that at one point in the proceedings, while Piggott was watching the steer roping, a steer got loose, jumped the fence in front of the grandstand, and took off after one of the spectators, Eneas McCormick. In a flash, Piggott grabbed the steer and bulldogged him down with his trademark method of sinking his teeth in the steer's nose and then letting go of the horns. As he stood up, he reached into his mouth and pulled out a tooth.

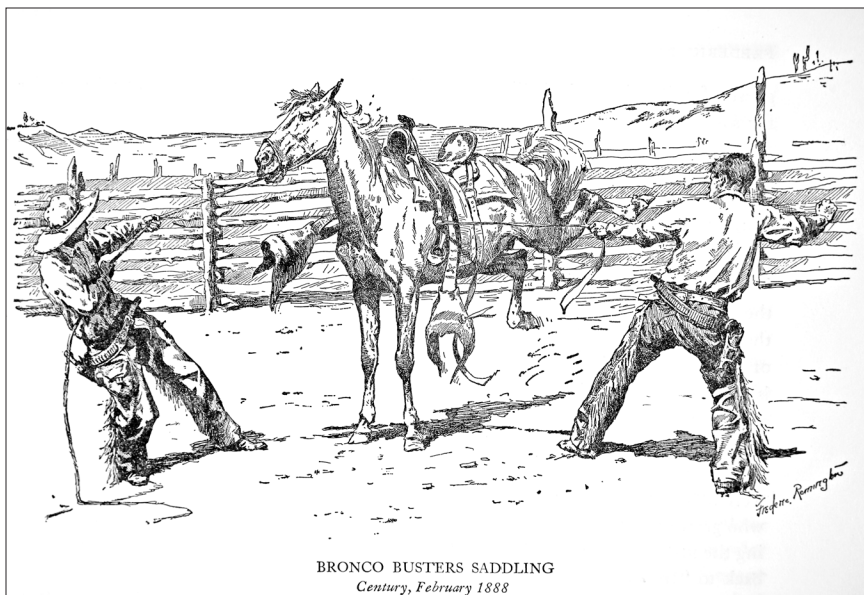
In the 1890s, Johnson began to concentrate more on raising horses than cattle. For a start, they were much more capable of rustling for their feed in the winter since their feet were better suited for pawing through crusted snow, something cattle have great difficulty doing. And prices were good. Johnson hired his old friend from Wyoming, Shorty Niar, to break the horses. Shorty, for a time, had been with Bill Cody's Wild West and delighted in telling that, when he was performing in England, whenever one of Cody's cowboys was bucked off, the King would shout, "Give him to Shorty! He'll ride him." No one wanted to point out to Shorty that the reigning monarch, Queen Victoria, was not a king! Johnson's friendship with Shorty was no doubt tested somewhat when Shorty, through carelessness, burned down the house.

In 1895, with prices for horses dropping in Canada, Johnson decided to take a few carloads of horses to Europe, hoping to find a better market. He spent a year in Europe, selling horses in France, Germany, and Belgium for prices that made the gamble worthwhile. While in Antwerp, sitting at a sidewalk café, he saw a man he knew from Wyoming days strolling by, “dressed to the nines.” Johnson called him by name, which caused the man to whirl around, with his hand reaching for his concealed pistol. When he realized who it was, the man sat down and chatted about old days. He had robbed a train in Montana and escaped to Europe with a great deal of money. They parted, the man knowing that a perverse article of the cowboy code would keep him safe from discovery. Johnson last heard of him in Cairo, where he had set himself up under the name Harrison Pasha.

When Johnson returned from Europe, it seemed that he might be willing to settle down. He went into partnership with a Captain d'Eyncourt, who had bought a ranch from Harry Critchley on Beddington Creek, about eighteen miles northwest of Calgary. Johnson had a log house built and then hired Tom and Ed Marshall to break horses. Their brother, Lee, was one of the best bucking-horse riders of the time. Four miles from the ranch was the Gibson's Cup of Tea Ranch. One of the Gibson boys, Tom, was to win the Canadian Championship for bucking-horse riding at the 1912 Calgary Stampede. Later, in the 1919 Calgary Stampede, Tom was injured, and his brother Guy was allowed to sub for him. He distinguished himself by putting in a top performance on the great bucking horse Fox. Both Tom and Guy worked for Johnson from time to time.

The other great bucking-horse rider who turned up in the neighbourhood was Shorty Niar, who was breaking horses for R. G. Robinson on the Big Spring Ranch. Johnson said, with a certain tone in his voice, that after Shorty moved into the neighbourhood, he kept a close guard on the matches. Shorty did turn up one day at the Johnson ranch for repairs after a run-in with the Robinson's Coach-horse stallion. The horse had Shorty down in the manger, chewing him up pretty badly. Shorty was heard to say, “You son-of-a-bitch, you had better make a good job of it. If ever I get out of here, you'll catch it.” Luckily, Mary Johnson, the trained nurse, was nearby to patch him up.

This was a good time to be in the horse business. Johnson's first love was always for horses, and business was good, especially after the Boer War began in 1899, creating a large demand for remounts. By now, Johnson's sons, Laurie and Bert, were able to help. They were still light enough to back the young horses when they first started into training.



Frederic Remington, "Bronco Busters Saddling," *Century*, February 1888. Rough methods of horse breaking were often necessary on the open range.

Good horsemen now wince at the frontier term "horse breaking." It evokes all the roughness and cruelty that were so common in the treatment of range horses. Many of the cowboys were not good horsemen, and the good ones often had to ride horses that had been broken in a hurry, often from a wild state. So there is no question that many of the early western training methods don't bear close scrutiny – they called for the use of savage bits, spurs, and quirts. One positive aspect of fencing the range was that cowboys could now spend more time gentling young horses, and they did not have to re-establish basics each time with half-wild mustangs roped from the herd.

Horses and dogs are perhaps the only animals with a natural generosity of spirit toward humans. In the case of horses, this quality has allowed humans to create a special bond or – all too often – to take terrible advantage of these gentle and trusting creatures. As ranching became more settled, there was a very important place for the gentle side of horse training, and people like Johnson and his sons Laurie and Bert were greatly admired; Laurie and Bert were in great demand to bring on young stock.

Happily, the cruel side of the horse business receded as ranches became established. But the old brutal traditions are sometimes still on display on the rodeo circuit or in the high-stakes world of show jumping. I once watched a friend almost killed in a national three-day event championship (cross-country jumping) because a team coach had made her practice with a wire attached to a tractor battery that was placed along the top rail of the training jump. Another wire was tied to the horse's tail. When the two wires touched, the horse got a hell of a jolt. This made the terrified horse try to jump beyond its capabilities. The horse clearly had something wrong with its back, which accounted for its sloppy jumping. In a national championship event, this terrified horse turned upside down over a jump and landed on top of its rider, who was in hospital for months. Anything for the country's greater glory!

And then there is the Calgary Stampede's chuckwagon race. It seems that every year or so a few more horses are killed, and every year or so a few more band-aid rules are added. But rules are not the issue. These rules cannot control the brutal training methods that sometimes take place behind the scenes. You just have to observe the wild look in the eyes of some of the chuckwagon horses as they are waiting for their heat to know that something bad is likely to happen. Fifty chuckwagon horses have died since 1986 at the Calgary Stampede. But the event is so popular and, more to the point, so lucrative that it remains. Fifty horses in twenty-five years is just considered "acceptable collateral damage!" It is truly sickening.

At the other end of the spectrum, I have watched Laurie Johnson on one of his superbly trained polo ponies, and it was clear to me that the best in western equestrian traditions had come down to him from his father – trust and partnership, and the understanding that the horse's mouth is sacred. For those who follow these principles, there is an extraordinary return – the lightness and confidence of a horse ridden by seat and legs, not hands, and liberated by the snaffle bit from the implements of torture that should be found only in museums.

Johnson took enormous pride in the smoothness of the horses he trained and the confidence of these horses in their riders. Johnson's horses were especially known for their gentle mouths, the ultimate testament to a good horseman. One of his cut horses was the top horse in its day in Alberta. But it wasn't all horses. Like many other ranchers, he loved shooting. He kept a setter and retriever and a pack of coyote hounds for hunting. One of his treasures was an English shotgun that Captain d'Eyncourt brought him from England.

Wolves at the time had moved south from their usual habitat and were a menace to young stock. One of Johnson's greyhounds, Sweep, caused quite a stir by catching and killing single-handed a strikingly large white female wolf. On the other hand, Edward Brado tells of an Alberta rancher who imported six Russian wolfhounds to deal with the wolf problem. He turned them loose on a large wolf, who sped off with the wolfhounds in hot pursuit. When the rancher caught up with the kill, the wolf had disappeared. Four of his dogs lay dead, a fifth was dying, and the sixth had a severed leg. Wolves don't grab and hold; they dart in and slash with teeth that cut like a knife.¹⁵⁸

Though Johnson was happy on the d'Eyncourt ranch and settled easily into Alberta ranching society, he always felt like a sojourner in his new country, an exile from his own. He would always remain, deep down, a Virginian and an American. And perhaps, like so many others who had known the frontier before fences, he found it impossible to settle completely into the quiet, fenced life of Alberta ranching. The d'Eyncourt ranch was the first place since leaving Minnesota forty years earlier that he could truly call home. But the restlessness persisted. Partly, perhaps, to get this restlessness out of his system, he made one last visit to Wyoming in the summer of 1900. The main purpose of the visit was to see Fred Hesse, who, after the failure of the Powder River company, had located a ranch on the middle fork of the Crazy Woman River. They had much to talk about, and Johnson returned home with an acute wistfulness for the old days, but glowing from the parting words of the reticent Fred Hesse. "You," Hesse told him, "were the best cowhand that ever worked for the Powder River outfit." It was a compliment that Johnson would never forget, coming from someone he considered one of the great cowmen of the American West. Hesse repeated these words about Johnson to others, so Johnson knew they were not just the parting words of a friend.

That same year, Mary went back to England to visit family, just in time to witness the pageantry surrounding the death of Queen Victoria and the mourning of an empire at its height. While she was away, Laurie and Bert moved their beds into their father's bedroom, and Laurie remembered his father's last words every night, "First one asleep, whistle!"

When Mary returned from England, she was accompanied by her youngest sister, Emily, who had met on the ship a dashing young soldier, Cecil Rice-Jones, returning from the Boer War and heading for the Canadian West to try his hand at ranching. He located in the Cypress Hills in southwestern Saskatchewan. He and Emily were married the next year, around the same time that the Johnsons had their next child, Frances Olive.

In 1901, the Duke and Duchess of Cornwall and York (the future King George V and Queen Mary) paid a visit to Canada and other parts of the Empire. The Royal entourage, which included the Canadian prime minister, Sir Wilfrid Laurier, and the governor general and his wife, Lord and Lady Minto, arrived in Calgary on September 29. They were given a typical Calgary welcome: a parade of cowboys and cowgirls, Native horsemen in full regalia, a Mounted Police honour guard on their matched black horses, and the obligatory gift of Stetson cowboy hats. The first order of business was a meeting on horseback between the Duke and three chiefs of the Stoney nation, located halfway between Calgary and Banff. The chiefs, Jacob Bearspaw, John Chiniki, and Jonas Big Stoney, reminded the future monarch with great ceremony of the ancient promises to their people, and the Duke replied with the equally ancient and hollow promise of honouring the treaties “as long as the sun shall shine and waters flow.”

The party then proceeded to Victoria Park, future site of the annual Calgary Stampede, where the Duke received the Mounted Police honour guard and presented medals to veterans of the Boer War. Then the royal party settled in to watch a rodeo, the horses first being blindfolded and saddled and then ridden from a standstill. Johnson had been asked to give a demonstration of roping, which he did on his favourite cut horse, Sailor. He roped, threw, and tied two steers, and then was presented to the Duke and Duchess. By this point in his life, he had left competition behind, but he still gave demonstrations and judged numerous competitions. Roping was not for the effete. As one old cowboy remarked about his roping hand, “It used to blister, but now it just smokes a bit.”¹⁵⁹

Johnson’s friend, Frank Ricks, who had a large reputation as a bucking-horse rider, was to ride against John Ware, the Black cowboy of early Alberta fame. He let Ware ride first and then declared Ware the winner; he said that no one could make a better ride. Many attempts had been made over the years to have a roping competition between Johnson and Ware. Johnson refused to compete against a Black man; Ricks was far more diplomatic! Ware was considered by many to be the best bucking-horse rider in Canada at the time of the 1893 Calgary Rodeo. But there was a question of style. According to L. V. Kelly, Ware rode by brute strength; Frank Ricks rode more by balance.¹⁶⁰

A frequent visitor to the ranch was Kathleen Parslow, daughter of the man who had bought the d’Eyncourt ranch. Kathleen greatly fancied Mary’s violin and spent many hours playing it, with Mary accompanying her on the piano. Kathleen, at this point in her mid-teens, had made her public debut in San Francisco at the age of six and, through the generosity of Lord

Strathcona, went on to study the violin at the Saint Petersburg Conservatory under the great Leopold Auer (the teacher of Jascha Heifetz). Kathleen Parslow undoubtedly became the most famous of Calgary's home-grown daughters. She went on to perform with great success in both North America and Europe. She taught at the Toronto Royal Conservatory and founded the Parslow String Quartet.

Shortly before the disastrous winter of 1906–7, Alberta's equivalent of the Great Die-Up in Wyoming, the d'Eyncourt ranch was sold to the company of Parslow and Hamilton, who moved cattle onto the ranch just in time to lose 1,000 head in that catastrophic winter. Now, for the second time, Johnson avoided having cattle under his care during another "storm of the century." When Captain d'Eyncourt sold the ranch, the Johnson family moved into Calgary, and Johnson began buying cattle for Gordon, Ironside and Fares, a job that kept him away from home for long stretches. Mary did most of the bringing up of the boys.

In 1904, shortly after Johnson moved to Calgary, *The Book* arrived by mail. Laurie and Bert remembered their father's excitement as he began to read the copy of *The Virginian*, sent to him by Owen Wister, with the inscription, "To the hero from the author." He was overcome with emotion. Laurie recalled watching his father reading the book, springing to his feet and pacing the room, muttering, "I'll be damned," or "The old so-and-so. Fancy remembering that."

Johnson did not say, then or later, that he was the Virginian. As the fame of the book spread, it was others who voiced the theory that the book was based on him. One of these was Loranzo (Ren) Smith, who had worked at Wolcott's VR Ranch that summer of 1885 when Wister and Johnson were there.

G. J. Fuller, the Alberta cowboy artist, worked at one time for Ren Smith, and wrote to Jean Johnson:

Ren was no slouch with a rope, but he often remarked that Ebb Johnson was the best all round cowboy he had ever known. It would seem to be more than just a coincidence that throughout Wister's book, from catching the rope-wise pony to killing Trampas, he should portray the birthplace, the mannerisms, accent, character and personality of a man he knew as well as he knew Ebb Johnson and not be aware of the fact.

