

Imperial Legacies (Post)Colonial Identities: Law, Space and the Making of Stanley Park, 1859–2001¹

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Beautiful Stanley Park, one of the show parks of America ... has many cultivated spaces, but its chief attraction to both citizen and visitor, is that the park commissioners have kept it, for the most part, in its primeval state. Thus, of all large centers on the continent, Vancouver probably can claim the only large park within its city boundaries, almost as Nature [sic] made it – (*The Buzzer* 1925)²

Stanley Park isn't just Vancouver's biggest tourist attraction. It's also Vancouver's soul, offering the elusive experience of deep and absolute calm found only in an ancient place – (Grant & Dickson 2003: 9)

Stanley Park is the third largest urban park in North America. Located in downtown Vancouver, British Columbia (BC), the 960-acre park was opened by civic authorities in 1888, only two years after the city was incorporated. From early on, Stanley Park became a popular leisure space for Vancouver's 'citizens' and visitors alike. Today, as one of the most frequented tourist destinations in BC, the park remains an important attraction, offering a variety of year round recreational opportunities and drawing approximately 8 million visitors annually (Grant & Dickson 2003, Steele 1985, 1993). Importantly, Stanley Park also occupies a significant geographic and symbolic space in Vancouver's imaginary. Often described as 'the foremost symbol of Canada's most beautiful city' (Steele 1985: 7), the park is celebrated in

tourist books, brochures, and on visitor websites as a ‘virgin forest’ that reflects a uniquely ‘natural west coast atmosphere,’ including an array of plants, wildlife and ancient trees.³

Despite these tourist and popular descriptions, however, the region we now call Stanley Park has been (and continues to be) a site of local and national contestation, involving competing territorial claims between Aboriginal peoples, various levels of government, park authorities and local interest groups.⁴ These conflicts and struggles, both past and present, have been masked and obscured through commodified representations of a natural wilderness, and have only recently become the object of scholarly focus (Barman 2004a, Mather 1998, MacDonald 1984). This article is an attempt to further problematise the ‘natural’ and ‘pristine’ landscape of Stanley Park through an excavation of the socio-legal conflicts that have and continue to mark the space, materially, metaphorically and symbolically. What are the historical displacements and legal exclusions that have shaped the making of Stanley Park? What types of juridical and disciplinary technologies did authorities rely upon to construct the territory into an urban green space? How did Aboriginal peoples respond to these colonial processes? And finally, how have these struggles been constitutive of and constituted by Vancouver’s civic identity?

Landscapes, as cultural geographers and others have reminded us, are not conterminous with a fixed and stable reality, but are the shifting material and representational products of social, legal and moral struggles (Blomley 2003, Mitchell 1996: 24, Schama 1995). Although parks appear to be natural spaces, beyond the reaches of law and history, they too are ‘made up’ as wilderness landscapes, often through the very laws and governmentalities that make the idea of ‘nature’ attractive to begin with (Hermer 2002, Nelson 2002, Zukin 1991). However, the making, or rather, remaking of landscapes also involves ‘overlapping memories, narratives, and physical structures’ (Said 2002: 248). The land that is now Stanley Park is in fact sacred territory, ancestrally owned by local Coast Salish communities. In other words, the ‘natural’, ‘empty’, ‘wilderness’ — was imposed upon a territory that was already

claimed, inhabited, and defined by the Coast Salish. From the mid-19th century onwards, authorities asserted their own colonial narratives of ‘empty land’, declaring the forested region as theirs, converting it first to a military reserve and then to a civic green space. To achieve their imperialist objectives, colonial administrators relied on a number of technologies, including mapping and the rule of law, in their efforts to re-territorialise local Aboriginal communities.

By now, colonial and postcolonial scholars have illustrated that colonialism was an ongoing project that was never fully achieved or realised. Rather, there was often a sizeable gap between prescription and practice (Stoler 2002) as well as a series of inconsistencies and ambivalences that were produced through the ‘tensions of empire’ (Bhabha 1994, Cooper & Stoler 1997, Said 1993, Stoler 2002). In the making of Stanley Park, for example, colonial displacements directed at the Coast Salish were often met with defiance, resistance and subversion and were also complicated through internal divisions among the colonisers themselves. Therefore, the local outcomes and effects of colonialism were incredibly complex and often contradictory. As I argue throughout, Coast Salish resistance to the park making process produced unintended results that shaped the material and representational landscape in important ways. One significant outcome of these struggles has been a deep ambivalence — a simultaneous evocation and erasure of Native peoples — that is evident at various points in the park making process and has been inscribed onto the land itself.

Landscapes, however, are not only objects to be seen or texts to be read but are also important sites of cultural production where collective and individual subjectivities are formed (Darian-Smith 1999, MacKenzie 1988, Mitchell 2002). In his book *Landscape and Memory*, Simon Schama addresses this issue by untangling the cultural identities imposed upon a variety of landscapes, including wilderness settings. ‘Even landscapes that we suppose to be most free of our culture,’ Schama explains, ‘may turn out, on closer inspection, to be its product’ (1995: 9). Following from these insightful observations, I argue that the in/visibility of Aboriginality — the Aboriginal presence/ absence in Stanley Park —

was both constituted by and constitutive of Vancouver's civic identity. During the late 19th century, colonial authorities were aiming to construct Vancouver as a British settler city, an identity that was contingent upon the discursive and material erasure and invisibility of Aboriginal peoples. By the early 20th century, Aboriginality became increasingly commodified and incorporated into Vancouver's civic image, and by the late 20th century, this identity became one of multiculturalism and (post)colonialism, in which Aboriginality figured centrally. These shifting identities, I argue were formative of and partly concretised through the discursive and material geographies of Stanley Park.

Throughout the article, I attempt to trace this simultaneous erasure and evocation of Aboriginality — through maps, law and cultural commemorations. I am particularly interested in how this in/visibility has structured both the figurative and literal landscape and the identities that have been produced in the process. In the first part, I trace the ways in which colonial maps were used to legitimise 'spatial vacancy' and to facilitate the erasure of Aboriginal peoples. However, I point out that this process was never straightforward or complete. While maps were always open to multiple meanings, some colonial authorities (re)drew Native peoples and Indian settlements back onto earlier charts of the region. Yet despite these contradictions, cartographic practices — however incomplete — did enable colonial authorities to reconceptualise the land, projecting their own visions of territory and spatially inscribing multiple social, political, legal and cultural identities.

In the second section, I focus on the ways in which the rule of law was used to displace Aboriginal peoples, and the complexities and contradictions that emerged in the process. For example, I explore the ways in which law was evoked to define and categorise Aboriginality as ontologically authentic and the implications this had for the territorial claims made by the region's mixed-race inhabitants. While the law was used to displace, I point out that it was also a site of resistance and struggle. Importantly, this section also shows how the mixed-race families residing in the park relied on colonial technologies, including mapping and law, to assert their own territorial claims.

In the third and final section, I discuss the commemoration of Aboriginality through commodified representations of totem poles and Northwest Coast Native art placed in Stanley Park. Paradoxically, by the 1920s, at the time that the city was attempting to physically remove Native peoples from the park, the city was also representing Aboriginality through the erection of totem poles and a proposed Indian village. Tourism sites and representations, as several scholars have observed, are contested and polyvalent, offering multiple readings and interpretations (Rojek & Urry 1997). Although the totem poles are certainly commemorative of an Aboriginal presence, I argue that this evocation could also be read as an absence, another attempt to erase the Coast Salish and their territorial claims from the landscape. A central argument that runs throughout the article is that this greater visibility of Aboriginal peoples in Stanley Park reflects a larger shift in Vancouver's civic identity, from a British settler society to a (post)colonial, multicultural and cosmopolitan city.

Given the contentions surrounding the term 'postcolonial' in social and cultural theory (Bhabha 1994, McClintock 1995), a brief note on terminology is necessary here. My use of this term throughout is deliberately bracketed. Although Canada's national identity is presently constructed and articulated through the rhetoric of multiculturalism and (post)colonialism, Aboriginal peoples are still contesting and negotiating the complex legacies of colonialism, including land and resource rights (Harris 2002, Monture-Angus 1998). Thus, postcolonialism — as a periodisation — in Canada is still yet to be achieved. Drawing from the work of several geographers, I do however invoke the term spatially. As Blunt and McEwan point out, 'postcolonialism should also be understood as a geographically dispersed contestation of colonial power and knowledge' (2002: 5), a process, which I argue, is evident in the making of Stanley Park.

Colonial maps

As many geographers, and more recently, cultural theorists have pointed out, maps were both discursively and materially central to the conceptualisation, legitimisation, and administration of European colonialism (Beylea 1996, Edney 1997, Gregory 1994, McClintock 1995, Phillips 1997). As Harley explains, '[m]aps were the first step in the appropriation of territory. Such visualizations from a distance became critical in choreographing the colonial expansion of early modern Europe' (1992: 532). Yet many, including Harley, caution that the relationship between maps and colonialism was never a linear or unidirectional one (Harley 1992: 527). How then did maps work within the colonial encounter? What were their effects? What sorts of identities did they produce?

Here, I briefly explore how maps figured in the making of Stanley Park. I suggest that while maps did order space through the imposition of new political, economic and cultural meanings — through claims to scientific authority — maps also enabled the *partial* erasure of Aboriginal peoples who already inhabited, defined and used the land. I suggest that this process was both ambivalent and partial, as an Aboriginal presence was sometimes incorporated into maps, in the form of villages for example.⁵ Despite this presence however, early colonists in BC and elsewhere relied on maps in their efforts to deterritorialise local First Nations communities. Ann McClintock reminds us that mapping is a form of power, 'a technology of possession, promising that those with the capacity to make such perfect representations must also have the right of territorial control' (1995: 27–8). Thus, it was colonial administrators, backed by the exactitude of cartography, who had the power to map and unmap the presence of Aboriginal peoples at their will.

But the role of the map had a much greater significance than territorial displacement. Across various colonial settings, European control was never a foregone conclusion. Colonial administrators were not only faced with significant and sizeable Indigenous populations, but ones that often resisted and subverted the colonial technologies imposed upon them (Said 1993). Maps did not only produce spaces but also

facilitated the creation of corresponding colonial identities. Richard Phillips argues that ‘identities are mapped in real and imaginary, material and metaphorical spaces’. Maps, he explains, ‘naturalise and normalize, fixing constructions of identity and geography’ (1997: 45). In the case of Stanley Park, maps enabled colonial administrators to both make legal claims to the land and to assert a civic identity at a time when the European population in the region was still relatively small. The colonial identities that were produced through mapping, as I discuss below, were contingent upon the authority of maps (we are legally entitled to this territory) but facilitated multiple, competing and fractious social and spatial identities.

Mapping colonial territories

The area we now know as Stanley Park was first charted in 1791 by a Spanish explorer by the name of Narvez. His cartography was modified in 1792 with the arrival of another Spanish explorer, Galiano, who mapped the area as an Island, a map that would later be replicated by Captain George Vancouver (Steele 1985: 12). Despite the presence of Aboriginal peoples, their corporeality and territoriality were written out of these early charts. Although George Vancouver documented an encounter with ‘about fifty Indians in canoes, who conducted themselves with great decorum and civility’ near what is now Stanley Park (Vancouver ed Lamb 1984: 580), the map he drew represented these lands as though they were ‘vacant’, devoid of any human presence and thus in need of domestication, development and European settlement.

What these early colonists did not record was that this territory was and still is owned by several Coast Salish Communities — the Squamish, Musqueam and Tseil-Watuth (Burrard). The Coast Salish have long occupied this territory — using the land for hunting, fishing and for ceremonial purposes. They have never relinquished their ownership, either through treaty or otherwise. The long lineage of these communities is confirmed and corroborated by anthropological evidence found at an Indian village called X’way X’way, a site that was then renamed in 1912 as ‘Lumberman’s Arch’. A large midden — 8 feet deep and spanning 4 acres — was found at this site in 1888, at the time the park road

was undergoing construction. Tragically, the original park road was partially built with shells and other remains from the village (Matthews 1946). Middens have also been located at other sites within the park, confirming that the Coast Salish have resided on and used this land for millennia (Steele 1985: 12). These precontact histories have been obscured and undermined partly through the maps drawn by George Vancouver and others that erased the Coast Salish and their histories of place.⁶

In much the same way that European settlement in Canada was commissioned through the doctrine of *terra nullius* (Culhane 1998: 48), Stanley Park was also constituted through a series of colonial logics and practices that rendered the land ‘empty’ and its original inhabitants in/ visible. As David Goldberg explains, the ‘conquest of racialized space was often promoted and rationalized in term of ... spatial vacancy: the land’s emptiness or emptying of inhabitants.’ He elaborates that the ‘drive to racialize populations rendered transparent the people so racialized: it left them unseen, merely part of the natural environment, to be cleared from the landscape — urban or rural — like debris’ (1993: 185–6). Mapping was one technology that promoted the idea of emptiness, a discursive moment in which the colonial government and later the city of Vancouver imposed legal names and meanings upon an area that was already claimed and defined. Although two Indian villages were documented on an 1863 map drawn by BC’s Attorney General Henry Crease,⁷ earlier and subsequent maps dispossessed Aboriginal peoples — at least discursively — erasing them with blank spaces. Many of the original place-names such as X’way X’way and Claythoos, were not only written out and replaced by Euro-Canadian ones but were also wiped out from the cartographic record, only to reappear in the mid-20th century (Steele 1995: 73).⁸

It is important to keep in mind that the doctrine of *terra nullius* was not uniformly held or applied across Canada. In what is now Canada, Aboriginal land title was only partially acknowledged and in geographically specific ways. Briefly, in the Prairie provinces and in Ontario, Aboriginal land rights were recognised, negotiated and extinguished through the signing of treaties. However, the colonial government in what is

now BC largely ignored the rights of Aboriginal peoples and signed only 14 treaties, all of which were on Vancouver Island (Tennant 1990: 10). In lieu of treaties, Governor James Douglas set aside reserve lands for Aboriginal peoples, small parcels that were to include all lands ‘used’ by First Nations communities. The allotment of reserves was a contentious issue in BC that raised serious controversies between the provincial and federal governments (Brealy 1997/1998, Fisher 1977, Harris 2002, Tennant 1990). Although some colonial administrators intensely debated the size and location of reserves — Douglas for example argued that reserves should be as generously allocated as possible — the mapping of reserves located Aboriginal communities on small tracts of land and discursively and materially located them outside of the newly configured colonial settler society (Brealy 1997/1998: 184–5).

Despite these inconsistent and conflictual discussions over Aboriginal land rights in BC and Canada, the doctrine of *terra nullius* — uninhabited lands — figured centrally in the making of Stanley Park. The Imperial and Dominion governments — followed by the province and the city — relied on the assumed legality of ‘spatial vacancy’ to erase the Aboriginal inhabitants from the much desired and sought after waterfront landscape. In 1859, the colonial government relied on early maps when they appropriated and redefined the land around Burrard Inlet as a military reserve. Despite the long established presence of the Coast Salish, the colonial government — like the maps drawn by Narvez, Galiano and Vancouver — made no mention of them. In fact, colonial authorities also paid little attention to the word of observers. One source described the Indian camping ground as ‘one of the oldest in the inlet’.⁹ Although some colonial administrators — including Crease — did recognise the presence of Coast Salish communities, others dismissed these villages as ‘temporary shelters’, which were utilised and occupied only during the fishing season.¹⁰

Colonial authorities discussed and debated the fate of the land as though it was a vast and uninhabited ‘primeval forest’ or a temporarily settled one, only to appoint themselves as the ‘original’ owners and occupiers who then had an undisputable territorial claim. They justified their remapping and appropriation of the territory through fears of a

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possible American invasion. The suitably located peninsula was to be redefined as a military reserve, intended to protect New Westminster, the British Colony's recently appointed capital city, from a potential attack coming south of the border. Administrators predicted that in the event of an invasion, the Americans would probably dispatch troops via Burrard Inlet. The soon to be park, yielding expansive views, was thought to be an invaluable military sight and lookout point (Mather 1998: 39). Mapping and (re)naming the space — from Coast Salish territory, to military reserve, and then as Stanley Park — paved the way for the legally mandated colonial encroachment of Indigenous territories. By appropriating the area for military purposes, the various levels of government sealed the fate of local Aboriginal and mixed-race inhabitants as 'illegal occupiers of the land', a fate although contested by many, would eventually lead to their eviction in the years to come.

Mapping colonial identities

The making of Stanley Park was a long and protracted process that was characterised by a series of local and national struggles around space and identity. While the Dominion government had set aside the region around Burrard Inlet for military purposes, the city had its own ideas as to what could be done with this beautiful and valuable property. The city of Vancouver was incorporated in April 1886. Only one month later, officials began discussing ways in which they could lease the government reserve. Because the threat of an American invasion was no longer imminent, city officials assumed that the land was of little value to the Department of Militia and Defense. Although (and perhaps because) the population of white colonists was still very small, civic officials insisted that what the city desperately needed was to establish a colonial presence and to foster a sense of community. A park was proposed as a suitable site for the cultivation of a British identity in the newly formed frontier city.

Throughout the late 19th and early 20th century parks became important spaces for the making of national and civic identities in various colonial settings (MacKenzie 1988, Neumann 1996). As Ian Hoskins writes of the Australian context:

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parks ... were ... important spaces for the formation of national identity. They were the arenas in which the minds and bodies of 'the people' or the citizenry were cultivated and the spaces in which elaborate and defining civic rituals took place (2003: 7).

In BC, I argue that the park making process was certainly underpinned by larger concerns about identity and community. On 12 May 1886, Vancouver's City Council made its first resolution by way of a petition. The petition endorsed the new Mayor to request of the Dominion Government that 'the whole of that part of Coal Harbor Peninsula known as the Government Reserve be conveyed to the City of Vancouver for a Public Park' (cited in Steele 1985: 16). In June of that same year, a bush fire destroyed the newly incorporated Vancouver, making the city's search for a civic identity, in the form of a public park, all the more urgent.

The city's application for a park was pondered and debated across both metropole and colony, drawing in the city, the Dominion government of Canada, British Columbia's provincial government, as well as the Imperial government in London. City officials who excitedly envisioned the space as 'gardens of delight' (Hood 1929: 18) were faced with a one-year wait, a delay caused largely by legal and jurisdictional battles between the provincial and Dominion authorities about who had rights to the land. Despite the fact that the Dominion government had already set aside the land for military purposes, there was some question as to the legality of their claim. Briefly, the province insisted that all lands that had not been legally transferred to individual owners by the time BC joined Canada in Confederation in 1871 remained the property of the provincial government as Crown lands. In other words, they argued that the thousand acres belonged to them.¹¹ Not surprisingly, there was never any mention here of the Squamish, Musqueam or Tsleil-Watuth and their ancestral territorial claims.

Despite growing pressure from the province, both the Imperial and Dominion governments agreed that the area was rightfully cordoned off as a military reserve. Specifically, they argued that the Department of Militia and Defense held legal rights to this territory that could be

dated back to the mid-19th century. With this issue settled at least momentarily, the Dominion government began deliberating the park question. The initial response was far from supportive. Joseph Trutch, the Dominion government's agent and former Commissioner of Land and Works, dismissed the city's request altogether. The Commissioner of Land and Works, he wrote, has 'no intention as present of disposing any of the land in this province that have been reserved for military purposes'.¹² Vancouver's first Mayor, Malcolm Alexander MacLean was determined to reterritorialise the area as a leisure space and responded with a petition. In 1887, the Privy Council and the Department of Militia and Defense approved the city's request by Order-In-Council. There was one condition, however. The Dominion Government would 'retain the right to resume the property when required [for military purposes] at any time'.¹³

After two years and many improvements to the landscape — including the creation of a carriage road around the reserve¹⁴ — the park was officially opened. Following a brief discussion, city officials named the park after Lord Stanley, Canada's Governor-General of the day. Stanley accepted the City's invitation to formally open the park. The opening, which took place on 27 September 1888, was ritualised and celebrated in a spectacular way. The festivities were not only in honour of Vancouver's new park but also marked the city as a site of British colonial triumph. Municipal authorities proclaimed the day to be a holiday for all of Vancouver's 'citizens'. A 'grand procession' which included the city band and the 'Fire Brigade' led a parade that began in the city and followed the newly constructed park road until it reached the site of Khaytulk's grave.¹⁵

Khaytulk, also known as Supple-Jack, was a member of the Squamish Nation and the son of Chief Khaatsahlano. His body was buried at a grassy clearing in the newly formed park near the end of Pipe-Line Road. Although authorities had described him as a 'squatter', who had been residing illegally on the government reserve since the early 1860s, his son August Jack insisted that his father and grandfather had lived in the area long before European colonists arrived to

(re)map, (re)name and appropriate it.¹⁶ The decision to hold the Park's opening at the site of Supple-Jack's grave needs some discussion. Susan Mather — one of the few who have written about Stanley Park — describes this as a 'symbolic act that discursively obliterated any continued Coast Salish control of the land' (1998: 72). While locating the origins or conception of Stanley Park at Supple-Jack's grave may have reinforced the colonial myth of conquest and of the 'vanishing Indian' (Mather 1998: 72), I want to suggest a more ambivalent reading.

The birth of Stanley Park was made possible by a series of government technologies aimed at erasing the presence of Aboriginal peoples. However, as I suggested earlier, this process was only partial, as the Coast Salish presence was marked in several maps and then erased in others. This simultaneous presence and absence was also symbolised by Supple-Jack's grave, the new park was being formally opened in and through the not so distant colonial past. The celebrations that marked the opening of Stanley Park and brought together the city's largely British elite, did not only inaugurate the birth of a Park but the birth of a 'civilised' imperial city — a little piece of empire — that was imagined and constituted in relation to the perceived racialised 'primitiveness' and 'savagery' of Aboriginal peoples. By the early 20th century, signifiers of Aboriginality — including the Aboriginal sacred — became integral to the meanings that were to be inscribed upon Stanley Park. As I discuss in subsequent sections, traces of Aboriginality were made increasingly visible by city and park authorities, who commodified this presence for tourists and visitors as an enhancement of Stanley Park's 'wild' and 'natural' landscape. In other words, Supple-Jack's grave did not simply reflect the end of Aboriginality, but foreshadowed an era in which Aboriginality would be made increasingly visible, albeit in a very specific and managed way.

The contestations around Stanley Park did not end with the federal, provincial and municipal governments. Rather, the park was a continual site of conflict as local interests had competing visions of what Vancouver's new greenscape should represent. Shortly after the park was opened, several private companies expressed an interest in purchasing Deadman's Island, a small island adjoining the main park

and fondly termed by locals as the ‘Isle of Dreams’ (Hood 1929: 30). Throughout discussions between city authorities, capitalist entrepreneurs and the federal government — Deadman’s Island, like the main park, was continually constituted as an ‘empty’ and ‘uninhabited’ space. Authorities did not only erase the Aboriginal inhabitants that had long utilised the Island, but more importantly, they masked the sacred meanings that Deadman’s Island (like Supple-Jack’s grave) held for local Coast Salish peoples. In 1888, just several months following the official park opening, Mr Cooke, the owner of the Vancouver Iron Works Company, proposed to ‘develop’ the Island and offered to purchase it from the Dominion Government. Although Cooke himself was not a military man, he insisted that ‘the shoal water can never be of the slightest use for military purposes’.¹⁷

These discussions of Deadman’s Island implied that the land was empty while at the same time obscuring its sacred meanings. To begin with, the 8-acre island — like the mainland region of the park — was anything but uninhabited. The area had been long utilised by the Coast Salish, and was also a popular spot frequented by European fishers. Importantly, the Island was also a burial site, where the Squamish had laid their ancestors to rest following a war with some ‘Northern Indians’.¹⁸ Many local histories were told of Native peoples who ‘buried their dead high in the trees’, however, Euro-Canadian colonists had their own histories, recollecting that the city’s early ‘pioneers’ and Chinese immigrants were also left there to rest in peace.¹⁹ Although the General Commanding Military Officer denied Cooke’s application, explaining that the island ‘might prove to be of immense value when the general defense of the city came to be considered’,²⁰ these histories of the Aboriginal sacred were never invoked or discussed.

In 1899, another request was made to purchase Deadman’s Island, this time by Mr Ludgate, the President of the Vancouver Lumber Company. Ludgate explained that he represented a ‘number of very large Canadian and American Capitalists’. He proposed to build a ‘large mill on the site and promised to draw large profits from it’, thus contributing financially to the city and the province.²¹ The Dominion government flatly denied Ludgate’s request. In response, he offered to lease the

land for \$300 per year.²² Despite the much-needed profits that an additional mill could bring to the newly formed city, the Major-General refused once again: ‘I would consider that it would be highly inadvisable to close any lease of the nature indicated until it was made quite clear that the island in question would not be required for some portion of the defense.’²³ Other officials from the Department of Militia and Defense disagreed with this position, insisting that there were few military reasons to justify the refusal of Ludgate’s offer. On 14 February 1899, a 25-year lease — set at \$500 per year — was signed between Ludgate and the Honorary F W Borden, the Minister of Militia and Defense.²⁴

The military’s decision to lease the island ‘shocked’ Vancouver residents. Although no one questioned how the industrialisation of Deadman’s Island would dispossess the material, symbolic and sacred landscape for the Coast Salish, many voiced concerns about what a proposed lumber mill in Coal Harbor would do to the newly constructed image of Vancouver. In particular, civic authorities seemed to be concerned about the aesthetics of the city. As one source warned, the ‘proposed conversion into an ugly mill site’ would cloud the ‘picturesque harborial cluster in the waters of Coal Harbor’.²⁵ The city had similar concerns and relied on the law to contest the Dominion government’s decision. Municipal authorities asserted that the federal government had breached their lease agreement and that Deadman’s Island constituted part of Stanley Park. As Mayor David Oppenheimer explained in his letter to the Land Agent:

It is stated that a lease has been privately granted to a sawmill company of that portion of the park known as Deadman’s Island. The city has occupied this island and improved it by building a bridge connecting it with the main land and opening up a trail through its length. We are advised that legally our claims to the reserve for park purposes is good and that Deadman’s Island forms part of it.²⁶

By appointing themselves as the ‘original inhabitants’ who developed and cultivated the land (Razack 2002: 3), civic officials and interest groups rallied to keep the Island, insisting ironically that the encroaching capitalists would not take *their* land away (the way they had

expropriated the land from the Coast Salish). The Harbor Master condemned the lease, claiming that ‘it would be dangerous and inconvenient to ships laying at anchor’.²⁷ Similarly, the Brockton Point athletic club promised that they would ‘do everything possible to prevent this action’.²⁸ The public outcry proved to be successful and was followed by a series of legal actions aimed at dissolving the lease between Ludgate and the Federal government (Steele 1985: 34–6). Although Ludgate was able to retain his lease until its expiration in 1924, the strong reactions and resistance from local interest groups meant that his visions of Deadman’s Island as a profitable mill site were never realised.

By the early 20th century, Stanley Park was once again the subject of controversy. This time, civic authorities debated the iconography of the landscape through discussions of *who* could legitimately access the park. Whereas Aboriginal peoples had been rendered first in/ visible and then as illegally ‘squatting’ on government land as I discuss in the following section, Vancouver’s elite began debating the cultural and moral significance of the park by contemplating which ‘citizens’ should be allowed full and unconditional access. Although Stanley Park had been embroiled in various class struggles since its creation (MacDonald 1984), the impetus for these particular discussions came in 1910, when a private company had proposed to run electric trolley cars around the carriage road (MacDonald 1996: 170). The advocates of ‘city beautification’ complained that the trolley cars would bring lower class whites into the park thereby changing the meanings of the green-space and of the city. After considerable debate, the Parks Board — who themselves were members of the middle classes (McKee 1976) — sided with Vancouver’s elite by allowing buggies and motor cars, but not trams into Stanley Park (MacDonald 1996: 172–3).

If parks are indeed cultural landscapes that are produced through social, legal and moral contestations and constitutive of certain identities, how are we to read the discursive and material struggles over Stanley Park? Ann Laura Stoler and others have reminded us that colonial racisms were often about cultivating a homogeneous European identity that masked the fragility and instability of colonial rule. Colonial racism, she

explains, ‘was more than an aspect of how people classified each other, how they fixed and naturalised the differences between We and They’. Rather, Stoler argues that these types of racisms were also expressed in and through ‘how people identified the affinities they shared, how they defined themselves in contexts in which discrepant interests, ethnic and class differences, might otherwise weaken consensus’ (2002: 24–5).

Similarly, several geographers have taught us that struggles over territory often have more to do with identity than with the aesthetics, use and management of space (Anderson 1991, Jacobs 1996). For example, Jane Jacobs explains that ‘place-based struggles are also arenas in which various coalitions express their sense of self and their desires for the spaces which constitute their “home”’ (1996: 2). Colonial administrators were aiming to constitute Stanley Park as a little piece of empire, from which racialised bodies were to be made in/ visible. Importantly, civic officials clarified that this was a specific type of colonial space, one that was established for the use and enjoyment of Vancouver’s ‘respectable’ residents, those from the upper-middle classes who were worthy of ‘citizenship’. In the minds of Vancouver’s largely British elite, Stanley Park was to be a landscape that enabled the citizenry to cultivate their minds and bodies while at the same time signifying the imported cultural values of ‘British-ness’ and of their ‘home’ so far away from ‘home’. Thus, in a newly formed frontier city, sparsely populated by Europeans, the assertion of a British identity through the making of Stanley Park figured centrally in perceptions of colonial stability and rule.

While mapping was and is deeply implicated in the colonial project, I began with a discussion of maps as complex and ambivalent the effects of which are often contradictory. It is important to keep in mind that maps of Stanley Park did not always produce the desired outcomes. As I discuss in the following section, maps were also sites of struggle that enabled colonial subjects to resist the territorial displacements imposed upon them.

Legal displacements

The park making process was also prolonged due to legal complications. These difficulties centred on the ambivalent racial identities of the region's local inhabitants, and strategies for their lawful removal. From 1888 onward, when the park was first opened, the question of 'Indians' 'illegally' residing in the area became a topic of heated discussion. Although the city repeatedly asked that the land be vacated, the Coast Salish residents refused to leave. Because of jurisdictional disputes between the three levels of government, the occupants were not formally dealt with until the early 20th century. By this time, the city's concerns centred on approximately nine mixed-race families, most of who claimed to have lived in the area since the 1860s, but whose ancestors claimed a much lengthier lineage. Interestingly, colonial authorities were primarily preoccupied with how to racially and legally categorise these residents. A central question raised both in official and legal discourse was: were these inhabitants 'Indians'? Although these families resided in the soon-to-be park with relatively little disturbance — by the 1920s, the city became increasingly anxious that these residents could potentially acquire and assert legal claims to the land. Many feared that the park, which had recently become the 'citizens' chief pride', would be jeopardised by the 'presence of these intruders' (Hood 1929: 33).

In the late 19th century, when colonial administrators first designated the area as a military reserve, many Aboriginal peoples had been successfully relocated from Burrard Inlet to North Vancouver and up Howe Sound. However, there remained a small community of Aboriginal and non-Aboriginal families and their 'mixed-race' children who lived in the area now known as 'Brockton Point'. The first non-Aboriginal peoples to make this locale their home were three Portuguese colonists — Joe Fernandez, Peter Smith and Joe Silva, also known as Joe Silvey. Although little is known about these men, Jean Barman, a well-known BC historian, has drawn on oral histories in an attempt to reconstruct the life of 'Portuguese Joe' Silvey (2004b). Like the surviving written

records, these oral histories are also conflictual. What is known about Joe Silvey is that he married the granddaughter of Chief Kapilano. The two wedded under Indian law and eventually made a home at Brockton Point (Barman 2004b: 14). Joe Fernandez, Peter Smith and several other European men followed Silvey's example, marrying Native women and establishing homes in and around the Brockton Point area (Mather 1998: 51–7). By 1867, observers remarked that there were four houses at the point, that were 'weather beaten', and appeared to have been there for at least five or six years.²⁹ Three generations of these families lived in the area and were generally oblivious to the inter-governmental disputes over park making. However, the children of this community — who were born at Brockton Point and knew this as their only 'home' — were soon to be named as defendants in the Stanley Park 'squatters trials' that commenced in the early 1920s.

Despite the various difficulties that city officials encountered in their efforts to racially define and legally categorise the Brockton Point residents, in 1922 the city proceeded with their eviction process and initiated discussions with the federal government on how to remove the 'squatters' from Stanley Park. By framing the issue as a 'squatter problem' city and park officials once again tried to erase Aboriginal peoples from the landscape by closing off discussions about Native land title, a point I address in more detail below. The 'squatter problem' ignited old jurisdictional tensions between the various levels of government, as to who really owned the land and who was entitled to do what and when. While the city was concerned with protecting the park from 'illegal' occupants, the Superintendent of Indian Affairs raised the question of Aboriginal identity, emphasising that his Department was anxious about the 'protection of the interests of the Indians concerned'.³⁰ Despite these arguments about 'protecting Indians', the city commenced its legal action. In April 1923, the city of Vancouver joined by the Attorney General of Canada filed suit in the Supreme Court of British Columbia. Eight defendants were named — Tommy Cole, Agnes Cummings, Tim Cummings, Mary DeKosta (also spelled DeCosta), Mary Dunbar, Alfred Gonsalves, Edward Long and Maggie West — all of

who were required to prove their uninterrupted residence in the park.³¹ Aunt Sally, the ninth ‘squatter’ and the only one believed to be a ‘full-blooded Indian’ was not included in the suit as her title was tacitly acknowledged through an 1863 map which showed an ‘Indian house’.

Throughout the proceedings, the courts gave little credence to the land rights of Aboriginal peoples. At both the trial and appellate levels, the courts did not engage with the question of Aboriginal rights or Native land title. On the contrary, the Brockton Point families — whose racial identity revealed the complicated and hybrid outcomes of colonial processes — were placed outside legal definitions of Aboriginality, as I discuss below. Thus, the central issue in the case was whether the families could successfully claim possession through ‘squatter’s’ rights. Despite the fact that colonial authorities defined Aunt Sally as an ‘authentic Indian’, her claim too was advanced on the same basis. In the end, Aunt Sally was the only one able to establish the necessary 60 years of possession required under British Common Law. The critical evidence was a map that had been prepared in March 1863 by Corporal George Turner — an employee of the Royal Engineers. The map was found in the Provincial Archives shortly before the other trials began. One ‘Indian house’, which was assumed to be the home of Aunt Sally, was drawn on the map close to Lumberman’s Arch.³² W C Shelley — a prominent local entrepreneur who was also the Parks Board Commissioner — eventually purchased Aunt Sally’s home and the land upon which it was built. To ensure that the city would benefit from the purchase-sale, he paid \$15,500 to Mariah Kulkalem, Aunt Sally’s daughter, and was later reimbursed by the city (*Victoria Colonist* 14 November 1923: 1). However, the fate of the other families proved to be much different.

The rule of law, as many legal scholars have argued, has been integral to the expansion and ordering of British colonialism. Like Christianity, British law figured prominently in ‘civilising’ and displacing Aboriginal traditions and cultural practices (Darian-Smith & Fitzpatrick 1999, Fitzpatrick 1992). In the context of land for instance, the foundation of law’s universality has excluded Aboriginal people who have viewed

property in ways that are fundamentally different from Western property regimes (Culhane 1998, Blomley 2003), a point that comes up repeatedly throughout the ‘squatter’s trial’. The trial, which began in the Supreme Court of British Columbia, was then heard in the BC Court of Appeal, and finally in the Supreme Court of Canada. Throughout these proceedings, the eight defendants were required to rely on British law to prove their land title and tenure. Because there were no deeds or land transfers to prove occupancy, the defendants’ case relied primarily on their own testimony as well as the word of witnesses who were called by their legal counsel. A number of observers recalled that the houses at Brockton Point could be traced back to the 1858 Gold Rush.³³ Others spoke of fences and gardens that illustrated Euro-centric and individualist notions of private property and which defied assumptions about Aboriginal peoples as ‘primitive’ and ‘nomadic’. In the end however, the trial judge ruled in favour of the city. In his reasons for judgment, Murphy J, the presiding judge in the case, discounted the ‘Indian testimony’, describing it as conflicting and ‘unsatisfactory’.³⁴ Because the Turner map indicated the ‘occupancy of Aunt Sally and shows no other’,³⁵ explained Murphy, he could only acknowledge her claim. Thus, the defendants could not have inhabited the land, as they had so persistently claimed.

In spite of the oppressive potential of the rule of law, the defendants relied on the law to resist the city’s encroachment. Determined to stay at Brockton Point, seven of the defendants appealed Murphy’s decision to the BC Court of Appeal. This time, two of the three appellate judges — who took the testimony of Native peoples at its word — ruled in favour of the Brockton Point residents. Once again, the courts failed to engage with the issue of Aboriginal title, but rather, constituted the residents as ‘ancient pioneers’. Martin J concluded as follows: ‘I see no reason why the Crown or the Courts in this province should regard these ancient pioneers of Stanley Park in a less favorable light than similar pioneers have been regarded in other parts of Canada.’³⁶ In other words, the Brockton Point residents did not have territorial claims dating to time immemorial, but were simply there a few years before Euro-Canadian colonists. Not surprisingly, the city and Attorney General

appealed the Court of Appeal's decision to the Supreme Court of Canada. In 1924, the highest court of the land unanimously dispossessed the 'squatters' and in doing so proclaimed Stanley Park to be a cultural symbol of Vancouver's colonial identity, a land that was not only 'uninhabited' but also 'pristine'.

While the colonial legal displacement of Indigenous peoples from their ancestral territories is hardly surprising nor new given the work of Aboriginal and non-Aboriginal scholars in Canada and elsewhere (Churchill 1997, Monture-Angus 1998, Tennant 1990), what is particularly revealing in the case of Stanley Park is *how* Aboriginal peoples were dispossessed. As many scholars have argued, undesirable bodies including those racialised and impoverished are often manufactured as 'illegitimate' and 'trespassing' and thus evicted from public space (Kawash 1998). Predictably, the various levels of government constituted the Brockton Point residents as illegitimately and illegally occupying the public space of Stanley Park by constructing them as 'squatters'. To 'squat' is to occupy an unoccupied land with the intent of gaining title or rights to it.³⁷ Based on anthropological evidence discussed earlier, we know that the territory — which was remade into Stanley Park — was not 'unoccupied', but on the contrary has had a long history of Aboriginal occupation dating back to time immemorial.

From the time that the military reserve was constituted, the Dominion government and later the city relied on colonial technologies to construct the Coast Salish as illegal intruders. As early as 1865, one source reported to the Colonial Secretary that 'a Squamish Indian called Supple Jack has squatted for the last three years on the land in question'. While there were 'two male relatives now living near him', he added that there was little objection to 'their remaining where they are', as they 'can at any time be removed, the ground does not belong to their tribe'.³⁸ During the trial, the City and Attorney General continuously referred back to the Imperial government's designation of the territory as a military reserve. They rationalised that there were no claims to the land, and had there been claims, these were extinguished when the military reserve was created.

Ideas of illegality were also articulated through discussions about the temporality of the resident's homes. In both the trial and in official discourse more generally, the homes of the Brockton Point residents were referred to as 'huts', 'shacks', and 'Indian houses'. These terms conjured up ideas about the 'lack of civility' displayed by 'Indians' and contrasted this with the rooted-ness, civility and permanency embodied by European colonisers and in their conceptions and uses of property. These arguments were pursued throughout newspaper coverage and in the trials, as the lawyers for the City and Attorney General repeatedly questioned what sorts of materials were used to build the homes — lumber, scraps or logs — and how these dwellings were actually assembled.³⁹

A more specific strategy of evoking temporality was to argue that the families could not claim an uninterrupted title to the territory in question, as their houses were built on the shore below the tide's high-water mark. The city argued that because of variations in water levels, for instance, the 'premises so occupied were not the same or identical premises and property as the lands and premises now occupied by the Defendant'.⁴⁰ This position was reinforced through other narratives that alleged the houses had been relocated or destroyed. The city argued that in 1887, when the park roadway was being constructed, the road was 'built through the said lands and premises in question, and any shack, fence, or other structure or erection on the said lands and premises was moved'.⁴¹ One year later in 1888, when Vancouver was hit by a small pox epidemic, witnesses recalled that the residents of Brockton Point were compulsorily held in quarantine while the city burned down their homes (Mather 1998: 77–9). Notwithstanding these violent evictions, the houses in Brockton Point soon reappeared and remained part of Stanley Park's landscape until the early 20th century.

Importantly, the legal displacement of the Brockton Point community was also initiated through discussions about racial identity — were these people 'Indians', continental Europeans or 'half-breeds'? Mixed-race heterosexual relations were commonplace in many 19th-century frontier settlements, and BC was no exception (Barman 1997/ 98,

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Perry 2001). While these relations were accepted to varying degrees during this period, by the turn of the century inter-racial heterosexuality evoked considerable anxiety among colonial authorities, as these unions were increasingly seen as an affront to the formation of a 'respectable' and permanent Euro-Canadian settler society (Mawani 2002). Mixed-race children were especially problematic, as they were thought to transgress colonial categories, and thus imperilled the boundaries that tenuously established racial identities (Stoler 2002). In western Canada, fears of mixed-race heterosexuality did not only centre on the possibility that racially mixed children could claim European privilege, but that they could also make demands for land and resources through Aboriginal rights (Mawani 2000). It was precisely the racial hybridity of the Brockton Point residents and the fluidity as opposed to fixity of their racial identities that raised anxieties for colonial administrators.

Fears about racial categories were particularly evident in mid-19th century legal reforms. From the 1850s onward, colonial authorities in Canada made numerous attempts to define 'Indian-ness' and to codify it as a racial and legal category. This process proved extremely difficult. To begin with, authorities had competing visions of who was an 'Indian' — some evoked blood while others favoured culture. Secondly, and perhaps more importantly, colonial administrators also treaded carefully around racial categorisations as Aboriginal claims to land and resources were contingent upon establishing inclusion within specifically defined racial taxonomies (Mawani 2000). In other words, if mixed-race peoples were defined as 'Indians', authorities feared that they could fraudulently gain access to a whole set of 'special privileges' including land, hunting and fishing rights. Despite the ambiguities around and troubles with defining Aboriginal identity, federal authorities did make one issue clear — Native women who married non-Native men would lose their Indian status, a patriarchal provision that was not only inapplicable to men who married non-Native women, but that remained firmly codified in Canadian law and thus divided many of Canada's Aboriginal communities until its repeal in 1984. Because all of the Brockton Point families included Portuguese men married to Native

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women, local authorities were certain that they could not define themselves as 'Indians' and thus could not make territorial claims based on Aboriginal rights.

Throughout the late 19th and early 20th century, the term 'mixed-race' or 'half-breed' was commonly used on Canada's west coast. Unlike other geographical locales, the category 'half-breed' was eventually legislated as a new racial type (Mawani 2000). The construction of a new racial taxonomy naturalised particular racial assumptions while simultaneously 'marking mixed-ness as an aberrant condition, as transgressive, and at the extreme as purity polluting' (Goldberg 1997: 63). This category was often used to displace and dispossess, as was the case in Stanley Park. Drawing from these ambiguous and problematic definitions of race, city officials held a very narrow definition of Aboriginality that excluded the Brockton Point residents. Although the settlement at Brockton Point was emblematic of a 'mixed-race' community, consisting of European men, Native women and their racially mixed children, there is evidence suggesting that the families respected and perhaps even followed Aboriginal customs (Barman 2004b: 12). However, authorities assumed (as they have done in current land claims disputes) that 'real Indians' are 'pure' and untouched by colonisation. Ditchburn, the Chief Inspector of Indian Agencies, drew on these theories and on colonial categories to insist that the Brockton Point families were not 'real Indians' but were illegal 'trespassers'. Evoking notions of blood quantum, he explained that of 'at least eight families living on park property, there is only one of pure Indian blood, the balance being either half-breeds or whites'.⁴² The local Indian Agent, Agent Perry, confirmed the Inspector's observations, reporting that Mary DeCosta was 'married to a white man and that her father was a white man'. He concluded that the 'family are certainly not Indians and their names are not on record in the census book of this office'.⁴³

Racial classifications and colonial categories, as many theorists have reminded us, have serious material implications for those bodies racially defined. Michael Omi and Howard Winant argue that how 'one is categorized is far from a merely academic or even personal matter. Such

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matters as access to employment, housing, or other publicly or privately valued goods ... are directly affected by racial classification and the recognition of "legitimate" groups' (1994: 3). In the case of the Brockton Point families, their racial demarcation as 'mixed-race' meant that they would receive no compensation. Despite their relationship with the land and with other Native communities, neither could they be relocated onto Indian reserves. The materiality of race and the colonial anxieties surrounding 'half-breeds' are especially evident in the case of Tommy Cole. Although the Squamish Nation recognised him as an 'Indian', who was 'deserving of the [same] protection of the Indian Department which was extended to Aunt Sally',⁴⁴ the federal government refused to acknowledge him as having any legal claims to Aboriginal membership. In a series of correspondence, the Department of Indian Affairs explained that while Cole's mother was an Indian, his father was a white man. Thus by law, Cole had no legal claims to Indian status. After some careful investigation, Ditchburn explained that the Squamish only very recently voted Tommy Cole into their membership in 1923. Notwithstanding the arguments put forth by Cole and the Squamish Nation, Ditchburn insisted that Cole was not an 'Indian' and was thus not entitled to compensation nor would he be able to move to the reserve. Ditchburn elaborated on this 'identity fraud' explaining that when he had visited Cole and his family in the park, 'they did not claim to belong to any band'. Thus, '[i]t is difficult,' he argued 'to see that he could be residing off a reserve all that time and afterwards claim to be an Indian or vice versa.'⁴⁵

In spite of these racial anxieties and disagreements about whether the Brockton Point residents were of 'pure' or 'mixed-blood', the issue of compensation was raised repeatedly. However, questions about who would do the compensating once again resurrected discussions about jurisdictional boundaries. While the Department of Militia and Defense advanced that this was the city's problem, the city insisted that although the residents were not 'Indians' in the legal sense of the term, it was still the federal government's responsibility to finance a settlement of this sort. From early on, the public was unsympathetic to the idea of

reimbursing the Brockton Point residents. One editorial in the *Vancouver Province* argued that the ‘squatters’ were not entitled to any compensation, the assumption being that the land was never theirs to begin with:

The Park and whole Park must belong to the city: no individuals except as a member of the community ... It is perhaps a hardship that these men should have taken up their habitation there in early days through ignorance ... Any sum which might be appropriated for them, however, must not be regarded in the light of compensation, but simply as a gift (26 April 1904: 6).

The Stanley Park ‘squatters trials’ ended with a somewhat paradoxical turn of events. Although the city was finally successful in legally removing the remaining inhabitants, authorities allowed the Brockton Point residents to remain in the park until the 1930s. Timothy Cummings, the last of the residents, resided in the park until his death in the 1950s. One local newspaper explained this irony as follows: ‘The Corporation of the City of Vancouver has a kindly feeling toward these old-timers and does not propose to evict them from the homes they have lived in so long’ (*Vancouver Province* 7 July 1925: 1). Rejecting this explanation of ‘colonial generosity’, I argue in the next section that because traces of Aboriginality were impossible to eradicate, by the early 20th century, a Native presence became a welcome addition to Stanley Park. Unlike the early European colonists who attempted to clear the Aboriginal presence from the park landscape, the next generation of Vancouverites packaged and commodified the Aboriginal presence for locals and tourists alike. Aboriginality added to Stanley Park’s ‘primeval forest’ and to the ‘authentic’ wilderness experience that it promised its patrons, while at the same time signifying a gradual shift from British colonialism to Canadian multiculturalism.



A.W. Ross & Company City of Vancouver
CP Townsite 1887-1889
Source: City of Vancouver Archives Map 42
Reproduced with permission from City of Vancouver Archives



Efrat Arbel and Holman Wang
Stanley Park 1



Efrat Arbel and Holman Wang
Stanley Park 2



Efrat Arbel and Holman Wang
Stanley Park 3

A managed in/visibility: totem poles and Indian villages

There is little doubt that government authorities were attempting to construct Stanley Park into a cultural icon, a landscape that was both constituted through and reflective of British colonialism. While the park-making process was contingent upon the removal of Aboriginal peoples and the region's other 'Others' (the Brockton Point families), this process, as I argue throughout, was always provisional and partial rather than entirely complete. An analysis that emphasises the displacement of Native peoples alone then is far too simplistic and is unable to adequately explain this partiality, the (un)mapping and (re)mapping of an Aboriginal presence, for example. Moreover, an explanation that focuses on displacement alone provides us with little insight into why the Brockton Point residents were allowed to continue residing in the park even though the city was within their limits to lawfully remove them. In this section, I attempt to explicate this in/visibility even further. I suggest that the racial ambivalence surrounding Aboriginality — this simultaneous presence and absence of Aboriginal peoples — has structured not only the material and discursive landscape of Stanley Park but has also constituted Vancouver's civic identity. Representations of Aboriginality — both in Stanley Park and in the civic (and national) imaginary — have been marked at specific times and in very particular ways.

Many scholars have argued that 19th and early 20th century colonial administrators imagined Canada as a 'white settler society', one that mirrored the cultural and racial sensibilities of the imperial centre (Stasiulis & Yuval-Davis 1995). Yet from the early 20th century onward, Aboriginal peoples and other racialised bodies were increasingly incorporated into a newly configured 'multicultural' and 'inclusive' Canadian national fantasy. As Eva Mackey observes, Aboriginal peoples were not erased from the settler narrative altogether. Rather, they became important actors in a story that affirms European settler progress. Although this visibility may seem inconsistent of a young settler colony,

Mackey explains that the managed presence of Aboriginal peoples has contributed to a national mythology of Canadian tolerance, innocence and generosity; a national narrative that, even today, suggests that colonisation was not as violent in Canada as it was in the USA and elsewhere (Mackey 1999: 26). Thus, this ‘heritage of tolerance’, to borrow once again from Mackey, is ‘actually a heritage of contradictions, ambiguity, and flexibility’ (1999: 25), the contours of which I have briefly sketched out in previous sections and will continue here.

The making of Stanley Park like the making of Vancouver (and Canada) has been structured on a desire and disavowal for Aboriginal peoples, an ambivalence that is evident in the simultaneous evocation and erasure of Aboriginality through mapping and law. Yet this ambivalence is also evident in the commodification and display of artistic and cultural representations of Northwest Coast communities, as I discuss below. By the 1920s, at the precise moment that the city of Vancouver was initiating the legal removal of the Brockton Point residents, park and city officials began commemorating and commodifying Aboriginality in Stanley Park. The contemporaneous displacement and commemoration of otherness in colonial settings was not unique or specific to Stanley Park, nor to BC for that matter. Writing about colonial architecture in administrative colonies, Nezar AlSayyad observes as follows: ‘at the same time that colonial governments were involved in suppressing indigenous cultural traditions, their fascination with the traditional customs of the “other” also generated the impulses toward its preservation’ (2001: 6). Although AlSayyad is writing about ‘built heritage’, these tensions are also evident in colonial initiatives aimed at preserving and displaying Aboriginal artefacts and art forms in Stanley Park. Park and city administrators began establishing certain managed and highly regulated spaces in which a Native presence could exist for local and tourist consumption. While the parks board and other organisations began actively recruiting Native art to display in the park, Aboriginal bodies including the Brockton Point residents were reconstituted from ‘squatters’ to real life ‘imperial specimens’ who were allowed to remain in the park, and whose bodies signified a colonial era long ago.

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Writing in the Australian context, Jane Jacobs argues that colonialism ‘has required a repression of the Aboriginal sacred and actively and anxiously continues this process’. But, she elaborates that ‘in doing so, it actually helps to produce/ reproduce the Aboriginal sacred, to amplify its presence, to ensure that it insinuates itself into the making of the nation’ (1996: 126). The repression of Aboriginality in the making of Stanley Park has indeed opened up various possibilities for an Aboriginal presence. It is important to keep in mind that this visibility and interest in Aboriginal peoples has partly to do with a growing fascination and fetishisation (Bhabha 1994) of Aboriginality. Yet this recognition was also influenced by a false security — that the land in western Canada had been successfully colonised and that Native peoples had been (re)moved to reserves, which in many cases were located away from European settlements.

Although deeply problematic, the presence/ absence of Aboriginality and its fetishisation produced certain conditions that enabled the Brockton Point residents to remain at ‘home’, at least temporarily. In 1923, shortly after the trial began, several Vancouver residents wrote letters to the various levels of government protesting the trial and the attempted eviction of the park’s residents. Interestingly, these discussions also reveal the racial ambivalence and the desire for an authentic origin that marks colonial discourse (Bhabha 1994: 74–5). Margaret Perceval was one of the neighbouring ‘citizens’ who wrote to government officials including BC’s Premier and Canada’s Prime Minister. In her letter, Perceval denounced the city’s actions to ‘evict the Indians from Stanley Park’ and appealed to authorities to allow them to stay. Perceval was particularly fond of Mary DeCosta. Unsure of DeCosta’s racial designation and classification, she described her as ‘a poor Indian woman, or half-breed, rather, who has lived close to the nine o’clock gun for many years’.

Perceval explained that DeCosta had lived in the park ‘all her life and her parents and grandparents before her’. She insisted that the Dominion government should make provisions to allow the ‘poor creature’ to ‘spend the rest of her days where she is’.⁴⁶ In a subsequent letter to

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MacKenzie King, Canada's then Prime Minister, Perceval argued that DeCosta's 'little place is not an eyesore by any means, quite the contrary'. She appealed to the city's growing desire for an Aboriginal presence in Stanley Park and pointed out that the removal of the Brockton Point residents would in fact contradict the city's broader intentions. Perceval explained that the city's aim had been to put up 'an Indian village and totem poles to make a pretence of bringing our Indians and yet this inhumane eviction will take place unless you stop it'.⁴⁷ MacKenzie King's office responded by thanking Perceval for her 'courtesy in writing him ... on behalf of the Indians'. He assured her that her request would be forwarded to the Superintendent of Indian Affairs and would receive 'every possible consideration'.⁴⁸

We will never know whether Perceval's letter writing campaign influenced the city's decision to allow the Brockton Point residents to remain in the park. However, it does appear that the city of Vancouver eventually picked up on the contradictory nature of their actions — their symbolic desire for Aboriginality on the one hand, and their material eviction of Native bodies on the other. While the Supreme Court of Canada's decision enabled the city to lawfully remove the residents, the families were allowed to stay, provided they paid one dollar a month as tenants-at-will. In 1929, one source made the following observations about the houses at Brockton Point and their occupants:

Now these quaint little habitations are likely to remain for many years to come, occupied peacefully by the descendents of the original owners. With outlines softened by the mellowing hand of time, they harmonize delightfully with their setting and add picturesqueness and a pleasing touch of human association which make them far from being a detriment, a distinct acquisition to the Park (Hood 1929: 36).

The Brockton Point residents enjoyed a very short stay in the park. Several years later, in 1931, the city asked them to vacate their premises and gave them three months notice to leave. On 25 June 1931, the homes of all the residents — except for that of Tim and Agnes Cummings — were burnt to the ground (Mather 1998: 38). Newspaper accounts suggest that the 'squatters' were relocated to city houses, which were

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acquired by tax sale. In return for giving up their homes, the Brockton Point residents would be able to live ‘free of rent’ for a period of three years (*Star* 10 July 1931). Tim Cummings somehow evaded this latest eviction and continued to live near Brockton Point until his death in 1957. The Cummings ‘cottage’ was marked as a sort of heritage site and was ‘considered “interesting” to the tourist passerby’.⁴⁹

City officials made Aboriginality visible in other ways as well. By the 1920s at the same time the Brockton Point residents were preparing to go to trial, the city began to construct an Aboriginal presence in the park through the active solicitation of Northwest Coast art. Ironically, many prominent Vancouver residents donated ‘authentic’ artefacts including canoes and totem poles that had been appropriated from various Aboriginal communities residing along the west coast. The totem poles in Stanley Park — one of the most popular and frequented tourist sites in BC today — were the first totem poles placed outside of either museums or Indian villages (Hawker 2003: 34). Displayed first at Lumberman’s Arch (where Aunt Sally’s home had been mapped), the poles were then moved to Brockton Point in 1963, unintentionally marking the place of the Brockton Point residents, long after they had been (re)moved. Park officials were sure that the totem poles would incite a great deal of tourist attention. One of the first totem poles to arrive in Stanley Park was presented to the Park Commissioners by James Garden, a member of the BC Legislative Assembly. As one of Vancouver’s daily newspapers explained, the pole was an important contribution to the landscape and ‘will be an object of curiosity to visitors as well as many local residents’ (*Vancouver Province* 16 January 1903: 1).

The totem poles along with other artefacts displayed in Stanley Park were intended to be part of an Indian village that was proposed by the Art Historical and Scientific Association of Vancouver (AHSAV). In 1921, the AHSAV proposed to build a ‘genuine’ Indian village and Hudson’s Bay Trading Post. As one source wrote in 1929: ‘It was the intention [of the Parks Board] to reproduce as closely as possible a typical village of the Kwakiutl Indians, as these and the Haidas [sic] were the most outstanding and intelligent of the tribes on the Coast.’

Native builders, carvers and artists were to be employed, and ‘every case was to be taken to secure scientific accuracy in the constructions of the lodges and their furnishings’ (Hood 1929: 69). The proposed village was a serious endeavour, evident in detailed maps and plans at the City of Vancouver Archives. Despite popularity among the municipality and others, the official narrative explains that there was a lack of funds to support such a project. What is absent from this historical account however is the fierce resistance that was put forth by the Squamish Nation. The Squamish argued that such a village would obscure the presence and the rights of the Coast Salish (*Vancouver Sun* 23 March 1984: B8). The intention of the AHSAV and the parks board was not to commemorate the territory’s original inhabitants they argued, but to commercialise a displaced ‘authentic’ Aboriginality that was imported from Vancouver Island and the Northern Coast. The Squamish argued that such a neatly packaged representation would perhaps satisfy the ‘tourist gaze’ (Urry 1990, 1991) of visitors and locals, but would obscure the presence and the territorial rights of Stanley Park’s original inhabitants.

Stanley Park’s totem poles have since become one of the most visible and visited landmarks in the park. On Parks Canada’s website, beside a commonly displayed photo of the totem poles, it reads: ‘We respect our lands and waterways. Vancouver’s Stanley Park is a beautiful testament to the integration of nature and culture, modernity and history.’⁵⁰ But as Robert Young and others have reminded us, culture, race and racisms cannot be neatly separated from each other, and on the contrary have been mutually constituted in multiple, conflictual and contradictory ways. Young explains that:

Culture has always marked cultural difference by producing the other; it has always been comparative, and racism has always been an integral part of it: the two are inextricably clustered together, feeding off and generating each other. Race has always been culturally constructed. Culture has always been racially constructed (1995: 54).

While the totem poles could be read as signifying an Aboriginal presence, if we think about them as cultural and racial markers, they

could also be read as an evocation of colonial categories and taxonomies that signify a pre-modern and primitive Aboriginality, one which enables the constitution of the Euro-Canadian self.

However, the totem poles could also be read as an absence. Ironically, the totem poles — intended to reflect an ‘authentic Otherness’ (Jacobs 1996: 137) — tell us little about the Coast Salish, the original inhabitants of Burrard Inlet. Six of the seven poles in the park are Kwakiutl poles that were brought from Alert Bay on Northern Vancouver Island, and the seventh pole represents the Haida, who reside in Northern BC (Steele 1985: 52–6). Ronald Hawker argues that the ‘conflation of different societies and linguistic groups into one “totem pole culture” is exemplified by the crest poles of the “distant Kwakiutl” being placed in Stanley Park and thus contributing to the erasure of physical reminders of the local Salish (who did not conventionally raise free-standing poles) and their claims to the park and other parts of the city’ (2003: 41). Thus, the poles could also be interpreted as a void, an erasure of colonial history, context and Aboriginal resistance.

In July 2001, the Kodak Corporation, the Parks Board, and the city of Vancouver collaboratively built a new interpretive site and gift shop at the totem poles site. While the site provides a brief history of the Coast Salish, there is no discussion of their removal, or of the contestations that have followed, and that continue. The gift shop, ‘Legends of the Moon’, is staffed by non-Aboriginal peoples and carries a variety of tourist mementos ranging from high priced Northwest Coast art to postcards, and magnets that allow you to ‘make your own totem pole’. This manufactured Aboriginal presence, which is now the most visible material and discursive marker of Aboriginality in the park, can be read as a further erasure. The totem poles and the interpretive site tell us little about the histories of colonial racism that continues to structure the local and national landscape, materially, metaphorically and symbolically. To elaborate, this commemoration of Aboriginality tells us nothing about the ways in which the Coast Salish peoples and mixed-race communities who long resided in what is now Stanley Park were forcibly removed and relocated, or of the multiple ways in which they

resisted European encroachment on their territories. Today, the totem poles continue to reflect colonialist meanings of 'primitiveness' commodified and neatly packaged for tourist consumption. This managed and defined visibility of Aboriginality in Stanley Park is yet another reminder that postcolonialism in Canada is still a long way away.

Conclusions

In his book *Postmodern Geographies*, Edward Soja reminds us that we 'must be insistently aware of how space can be made to hide consequences from us, how relations of power and discipline are inscribed into the apparently innocent spatiality of social life, how human geographies become filled with politics and ideology' (1989: 6). This article has aimed to partially address Soja's challenge by interrogating the 'apparently innocent spatiality' of Stanley Park. The park, which is commonly described as a vast 'wilderness' and 'primeval forest', did not just exist as 'virgin territory'. Rather, the landscape was made as such through a series of colonial technologies that were aimed at displacing the region's Coast Salish inhabitants, but which were often resisted and subverted.

In this article, I have attempted to trace the contours of the struggles over Stanley Park. Specifically, I have tried to pay close attention to the ways in which these contestations have marked the landscape both materially and metaphorically. Colonial displacements, as I have argued throughout, were never straightforward or linear. These processes were often met with fierce resistance from the colonised and are still being contested even today. If a common feature of the colonial project involved the conquest of territory and the rewriting of history naming Europeans as the original owners of the land in question, Native peoples around the world have been forced to challenge these colonial historical truths with their own 'counterhistories' (Foucault 2003: 73).

This article has also traced the in/visibility of Aboriginal peoples in the park making process through mapping, legal categorisations/displacements and finally in cultural representations of Aboriginality. I

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have argued throughout that this ambivalence — the presence/ absence of Aboriginality — has not only structured the landscape we now call Stanley Park but has also been constitutive of Vancouver's civic identity, first as a British settler city and then as a site of (post)colonialism and multiculturalism. The territorial struggles over the land in question continue into our present. Two years before the city of Vancouver celebrated Stanley Park's centenary, local Aboriginal leaders reminded Vancouverites about the territorial displacements through which the park has been constituted. In a letter to the *Vancouver Sun*, published on 19 February 1986, Chief George of the Burrard Indian Band, Chief Ernie Campbell of the Musqueam and Chief Joe Mathias of the Squamish Nation denounced the newspaper's lack of historical context in previous editorials about Stanley Park:

The aboriginal people have lived in the Vancouver area for thousands of years. What is now Stanley Park formed part of our aboriginal lands where our ancestors hunted game and gathered food. We have never given up our rights to this land by treaty or otherwise. A claim to our traditional territory including Stanley Park and Deadman's Island is at present before the federal government's office of Native claims (19 February 1986: A5).

The respective Chiefs urged the people of Vancouver 'not to support the campaign to transfer Stanley Park and Deadman's Island to the City', unless their pending claims were resolved (A5).

Despite the contentious history of Stanley Park and the competing claims made by the Squamish, Musqueam and Tsleil-Watuth, the federal government and local interests have continually tried to erase these counterhistories. In 1988, on the 100-year anniversary of Stanley Park, the Historic Sites and Monuments Board of Canada reterritorialised the park once again, designating it as a National Historic Site. In the agenda paper submitted to the Board for review, there was no mention of the Coast Salish nor was there any discussion of their claims, past or present (Coutts 1988). Rather, the history of Stanley Park has been constructed as a history of colonial triumph, progress and city making, a narrative that has obscured the displacement of and resistance from Aboriginal peoples that I have detailed here. To rupture 'innocent' landscapes is

not simply to acknowledge the presence of Aboriginal peoples and their territories, but is also to reveal the complexities and ambivalences of those colonial histories that have and continue to structure social, legal and geographical relations in Canada.

Notes

- 1 Earlier drafts of this article were presented at the American Law and Society Association meetings in Miami, 1999 and at the Peter Wall Institute for Advanced Studies at The University of British Columbia, 2001. Thanks to the participants for their useful questions and remarks. I would especially like to thank Cathy Coleborne, Bruce Miller, David Sealy, Nan Seuffert and the two anonymous reviewers for their comments on earlier drafts. Thanks also to the City of Vancouver Archives for permission to reproduce the map and to Efrat Arbel and Holman Wang for creating the photographic images. Finally, I would like to extend my deepest gratitude to Jean Barman for her commentary, advice and generosity.
- 2 BC Electric Railway Company, *The Buzzer*, May 1, 1925, volume ix, 48, 2. City of Vancouver Archives [herein after CVA]. Vancouver Parks and Recreation Board Clipping File, 50-F-1-File 2.
- 3 See for example <<http://www.city.vancouver.bc.ca/parks/parks/stanley/>> (accessed 25 August 2003).
- 4 Stanley Park is still the subject of pending land claims by the Squamish, Musqueam and Tseil-Watuth.
- 5 I have found two maps where this is the case. Thanks to Jean Barman for help with finding the second one.
- 6 One of the first records of X'way X'way was on a map drawn by City of Vancouver archivist Major Matthews and August Jack Khatsahlano. See *Stanley Park with Indian Names* (1932). Major Matthews Map Collection, Map P10, Neg 8. CVA.
- 7 H P P Crease, "Burrard Inlet with Pencil Notations," British Columbia Archives [hereinafter BC Archives], S616.8(87)B968/1863. A pencil sketch in Crease's hand at the edge of the map reads: 'Going out (off of mill) 13 Aug 63.'
- 8 Steele notes that Claythoos, the home of August Jack and Supple Jack, has not been recorded on any maps.

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- 9 From J B Launder to the Colonial Secretary (3 June 1865). CVA. Major Matthews Topical Files. "Supple-Jack-Khaytulk." Add. MSS. 54 505-C-6-File 319 Fiche #AM 0054.013.04367
- 10 Memorandum of Conversation with George Cary, circa 1930. CVA. Major Matthews Topical Files. "Stanley Park Indian Villages." Add. MSS. 54 505-C-6-File 303 Fiche #AM 0054.013.04351
- 11 'Correspondence and Papers in Reference to Stanley Park and Deadman's Island, British Columbia.' Canada Sessional Papers, 68A. Ottawa: Printed by Order of Parliament, 1899 (hereinafter Correspondence and Papers).
- 12 Trutch to Caron (6 May 1886). Correspondence and Papers: 14.
- 13 Copy of a Report of a Committee of the Honorable Privy Council, approved by His Excellency the Governor General in Council, on the 8th day of June, 1887. Correspondence and Papers: 15.
- 14 Ross to Caron (24 March 1886). Correspondence and Papers: 12.
- 15 CVA. Major Matthews Topical Files, 'Supple-Jack-Khaytulk'.
- 16 CVA. Major Matthews Topical Files, 'Supple-Jack-Khaytulk': 2.
- 17 Cooke to Chrisolme (28 March 1888). Correspondence and Papers: 16.
- 18 Cooke to Chrisolme (28 March 1888).
- 19 Cooke to Chrisolme (28 March 1888).
- 20 Major-General to Deputy Minister of Militia and Defense (7 May 1896). Correspondence and Papers: 23.
- 21 Martin to Borden (3 February 1899). Correspondence and Papers: 23.
- 22 Ludgate to Borden (3 February 1899). Correspondence and Papers: 23.
- 23 Hutton to McDonald (8 February 1899). Correspondence and Papers: 24.
- 24 CVA, Major J S Matthews, Topical Files. "Deadman's Island." Add. MSS. 54 504-B-4 File 44A. Fiche # AM0054.013.01108.
- 25 Martin to Borden (3 February 1899).
- 26 Mayor to Dominion Land Agent (25 February 1899). Correspondence and Papers: 26.
- 27 McLeod to McLagan (1 March 1899). Correspondence and Papers: 35.
- 28 Sweeney and Saunders to Buscombe (1 March 1889). Correspondence and Papers: 36.

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- 29 See *Attorney General and City of Vancouver v Alfred Gonsalves* (1925). Vancouver Public Library Special Collections, 971.133v22ca (hereinafter *Gonsalves*), at 59.
- 30 Deputy Superintendent of Indian Affairs to Perry (27 November 1922). National Archives of Canada [hereinafter NAC], RG 10, volume 4089, file 521,804. Reel 10186.
- 31 The actions were initiated as two trials. See supra note 27. See also *Attorney General of Canada and the City of Vancouver v Agnes Cummings* (1925). NAC RG125, volume 523, file 5074,28.
- 32 There are questions as to whether this is really Aunt Sally's house as she lived close to Claythoos and not Lunberman's Arch. Thanks to Jean Barman for pointing this out.
- 33 'Direct Exam of Emma Gonzales', *Gonsalves*: 85.
- 34 Murphy J 'Oral Reasons for Judgment', *Gonsalves*: 173.
- 35 'Oral Reasons for Judgment', *Gonsalves*: 174.
- 36 Martin JA 'Full Reasons For Judgment', *Gonsalves*: 198.
- 37 I've taken this definition from the *Oxford Paper Back Dictionary* (1994, Oxford Press, Oxford).
- 38 From C Brew to the Honorable the Colonial Secretary (7 June 1865). CVA. Major Matthews Topical Files 'Supple-Jack-Khaytulk'.
- 39 *Gonsalves*: 73.
- 40 *Gonsalves*: 12.
- 41 *Gonsalves*: 12.
- 42 Ditchburn to Scott (28 July 1919). NAC, RG 10, volume 4089, file 521. Reel 10186.
- 43 Perry to Scott (21 May 1923). NAC, RG 10, volume 4089, file 521. Reel 10186.
- 44 From Paul to Scott (8 April 1925). NAC, RG 10, volume 4089, file 521. Reel 10186.
- 45 Ditchburn to Scott (28 July 1919).
- 46 Perceval to Stevens (23 April 1923). NAC, RG 10, volume 4089, file 521, 804. Reel 10186.
- 47 Percival to Stevens (23 April 1925).

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- 48 MacGregor to Perceval (30 April 1923). NAC, RG 10, volume 4089, file 521, 804. Reel 10186.
- 49 CVA, Major Matthews Topical Files, 'The Cumming Cottage Brockton Point: Notes on the Cumming Family.' Add. MSS. 54 M504-B-3 File 386. Fiche #AM 0054.013.01041.
- 50 See <www.pc.gc.ca/intro/welcome/nhs-about> (accessed 1 August 2003).

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