

# 'IF THE STORY COULD BE HEARD':<sup>1</sup>

## *Colonial Discourse and the Surrender of Indian Reserve 172*

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Heaven, according to Charlie Yahey [a Beaver Dreamer], is like  
Where Happiness Dwells. It is a place where people come together  
and greet their relatives they have not seen for an entire year.

Robin Ridington, *Trail to Heaven*

This article is dedicated to the people of the  
Doig and Blueberry Bands.

**A**RCHAEOLOGICAL STUDIES INDICATE that Aboriginal peoples inhabited Northeastern British Columbia more than 10,000 years BP.<sup>2</sup> The history of the Beaver people<sup>3</sup> reaches back into these bygone millennia. Traditional Beaver culture revolved around the seasons: hunting and berry picking during the summer and trapping during the winter. According to Hugh Brody, such activities combined

\* This paper was collaboratively researched and written as a group project in an interdisciplinary course on academic writing. The student authors are Shelley Ergang, Sarah Filmer, Robert French, Pat Jansen, Jasveen Jhand, Aviva Jones, Julie Hindbo, Raffaella Loro, Karen MacIsaac, Jonathan Meyer, Alison Newth, and Karen Wiltse.

<sup>1</sup> From a comment by Leslie Pinder, Personal Interview, 15 February 2001.

<sup>2</sup> D. Alexander, J. Driver, and K.R. Fladmark, "The PaleoIndian Component at Charlie Lake Cave (HbRf 39), British Columbia," *American Antiquity* 53, 2 (1988): 371-84.

<sup>3</sup> The Beaver people of the Peace region are among the Athapaskan-speaking Aboriginals of the Western Subarctic. The Athapaskan Beaver refer to themselves as "Dane-zaa," a term that has appeared with variant English spellings in academic literature ("Dunne-za," etc.). In the seventeenth and eighteenth centuries, the Dane-zaa occasionally experienced territorial conflicts with Algonkian-speaking Cree peoples, who came to the area as hunters, trappers, and employees of the Hudson's Bay Company. By the early twentieth century, long after the cessation of such conflict, Cree families established close communal ties with Dane-zaa peoples living along the north banks of the Peace River. This group, although of mixed heritage, came to be known as the "Fort St. John Beaver Band" or "St. John Indians." Such usage is retained here to designate the Dane-zaa and Cree who hunted and trapped just north of Fort St. John prior to 1945.

to create an annual system that comprised a whole: each part made a unique contribution to the entire unit.<sup>4</sup> In the eighteenth and nineteenth centuries, an expanding fur trade economy began to deplete food resources. The situation reached a crisis point by the end of the nineteenth century when the Klondike gold rush brought unprecedented pressure to bear on the Aboriginal people of the region. Responding to encroachments on their territory, the Beaver people established a blockade that interrupted the flow of prospectors.<sup>5</sup> Treaty 8, signed partly in response to such tensions, recognized all entitlement to reserve lands for Native groups in Northern Alberta, Northeastern British Columbia, and the Northwest Territories.

On 11 April 1916, pursuant to Treaty 8, members of the Fort St. John Beaver Band chose 18,168 acres of rolling prairie, seven miles north of Fort St. John, as their reserve. Traditionally referred to as "Suu Na Chii K' Chi Ge" (the Place Where Happiness Dwells), the territory newly designated as Indian Reserve 172 (I.R. 172) had long served as an important summer gathering place for the Beaver people.<sup>6</sup> By the end of the First World War, however, White settlers began to lobby for the sale of I.R. 172. Political pressure for a sale mounted in the early 1940s when it became apparent that returning Second World War veterans would need land to settle. Finally, on 22 September 1945, the Fort St. John Beaver Band purportedly executed a surrender of I.R. 172 to the Government of Canada, "to sell or lease."<sup>7</sup>

The subsequent history of I.R. 172 is fraught with political and legal turmoil. In 1948 the reserve was sold to the Department of Veterans' Affairs for considerably less than its appraised value. Shortly thereafter, in 1949, oil and gas deposits were discovered on I.R. 172, and profits from these discoveries eventually accrued to the newly established settlers. In the early 1950s, the Fort St. John Beaver Band consented to the purchase of two smaller reserves north of town. Some families moved to the Doig River (I.R. 206), while other families relocated along the Blueberry River (I.R. 205). Thirty years later, in September 1978, chiefs from both the Doig and Blueberry communities began joint legal action against the Government of Canada, claiming damages for the improvident surrender and im-

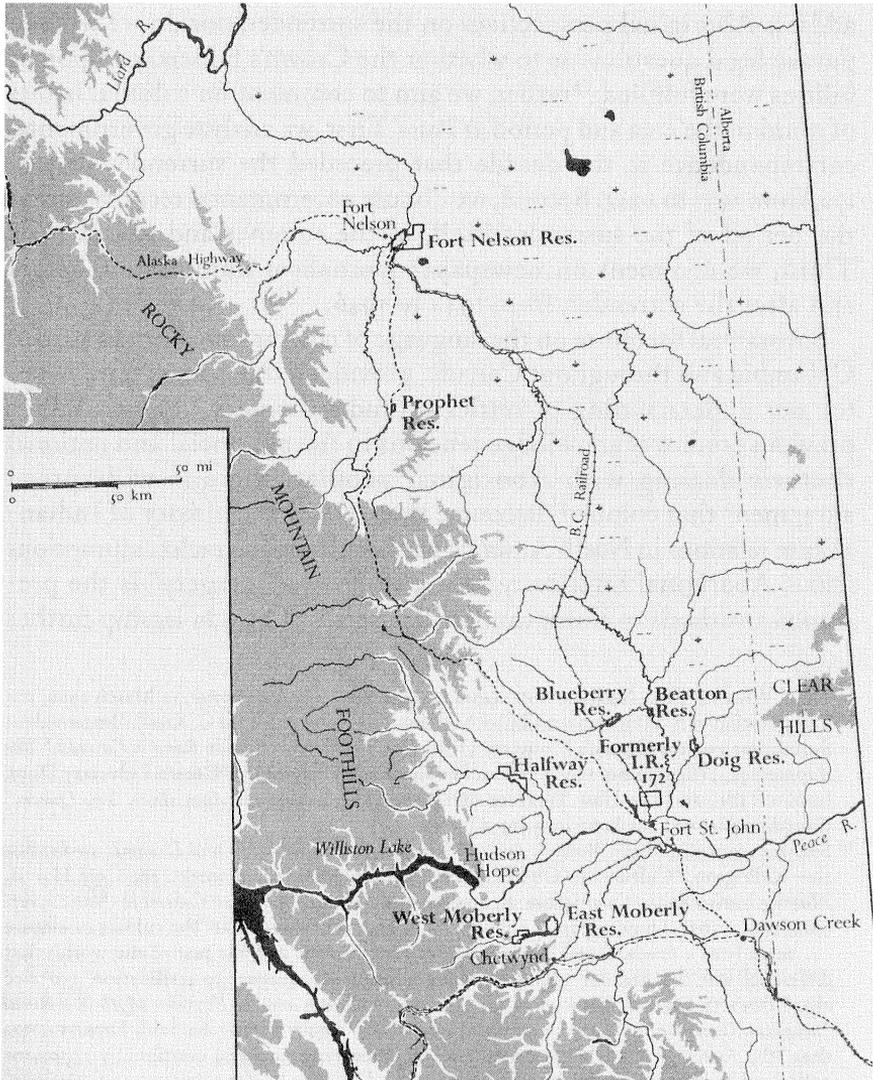
<sup>4</sup> Hugh Brody, *Maps and Dreams: Indians and the British Columbia Frontier* (Vancouver: Douglas and McIntyre, 1981), 63.

<sup>5</sup> Diana Foster, "Treaty 8: A Shameful Chapter in Canadian History," unpublished essay, 1998, Northern Lights College library holdings.

<sup>6</sup> Robin Ridington, "Cultures in Conflict: The Problem of Discourse," *Canadian Literature* (Special Issue: Native Writers and Canadian Writing) (1992): 273-89. See p. 284.

<sup>7</sup> *Ibid.*, 285.

proper transfer of I.R. 172.<sup>8</sup> The plaintiffs' case was dismissed at the Federal Court Trial Division in 1987, and the dismissal was later upheld by a split decision at the Federal Court of Appeal in 1992.<sup>9</sup> The band appealed again, and in 1995 the Supreme Court of Canada found that the Crown breached its fiduciary obligation by selling the



Map from Hugh Brody's *Maps and Dreams*, p. 33.

<sup>8</sup> *Ibid.*, 286.

<sup>9</sup> *Apsassin v. Canada*, Supreme Court of Canada, *Dominion Law Reports* 100 (1995): 506.

band's mineral rights and making no effort to correct its error.<sup>10</sup> By 1997 the plaintiffs had negotiated an out-of-court settlement for \$147 million as restitution for oil and gas royalties.<sup>11</sup>

This paper examines colonial discourse in relation to the surrender of I.R. 172, focusing on governmental correspondence and newspaper journalism from 1933 to 1946. To be clear, we are *not* in a position to address Aboriginal perspectives on the surrender, nor do we wish to pursue legal questions as to whether the Crown's fiduciary responsibilities were fulfilled;<sup>12</sup> rather, we aim to comment on colonial habits of mind in the area and period at issue. First, we analyze governmental correspondence in the decade that preceded the surrender of I.R. 172, from 1933 to 1944. Second, we discuss governmental records during the period of the surrender itself, in the summer and fall of 1945. Third, we comment on newspaper journalism immediately before and after the surrender, from 1944 to 1946.

Substantial literature on the language of colonialism, both in British Columbia and throughout Canada, provides a theoretical framework for our understanding of settler attitudes towards I.R. 172. While previous studies acknowledge tensions in the provincial and national rhetoric dealing with Aboriginal peoples, there is widespread agreement that colonial discourse throughout the history of Indian-White relations in North America has been based on racist assumptions about Aboriginal inferiority, whereby Native "savagery" is the presumed antithesis to European "civilization."<sup>13</sup> The scholarship further

<sup>10</sup> Ibid.

<sup>11</sup> Tania Wilson, "First Nations Win \$147m in Lawsuit," *The Northerner*, 17 March 1988, 22.

<sup>12</sup> The question of fiduciary responsibility has been addressed by David C. Knoll, "Improvident Surrenders and the Crown's Fiduciary Obligations: *Blueberry Indian Band v. Canada*," *The Advocate* 54, 5 (September 1996): 715-23. See also Paul J. Salembier, "Crown Fiduciary Duty, Indian Title, and the Lost Treasure of IR 172: The Legacy of *Apsassin v. The Queen*," *Canadian Native Law Reporter* 3 (1996): 1-24.

<sup>13</sup> See, for example, Hugh Brody's ground-breaking work in *Maps and Dreams*, 49-61. See also Ridington, "Cultures in Conflict," 285. Among more recent works, see Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press, 2002). Drawing upon Edward Said, Harris explains that "the culture of empire . . . turns [on] a fundamental distinction between Europe and the rest of the world; that difference was codified and classified along a line from savagery to civilization" (50). See also Elizabeth Furniss, *The Burden of History: Colonialism and the Frontier Myth in a Rural Canadian Community* (Vancouver: UBC Press, 1999). Again relying on Said, Furniss notes that "the forms of knowledge produced [by colonizing nations] continually represent colonized peoples as inherently different from, and inferior to, the colonizing populations" (12; cf. 17, 18). Recent studies of Canadian residential schools confirm the foundational premises of colonial discourse. See Elizabeth Furniss, *Victims of Benevolence: The Dark Legacy of the Williams Lake Residential School* (Vancouver: Arsenal Pulp Press, 1992), 15. See also J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996). Miller writes that "Indian culture was [seen as] defective

identifies interrelated subthemes or image clusters that orbit around the central assumption of Aboriginal inferiority, constituting a network of discursive patterns that supported and normalized racism.

The array of overlapping subthemes includes assumptions about Aboriginal destitution, bureaucratic paternalism, and the march of progress. Hugh Brody, dealing specifically with the Beaver of North-eastern British Columbia, explains that conceptions of Aboriginal destitution reflected a belief that Native peoples did not have any real culture, that they were poverty-stricken, diseased, and on the verge of extinction. According to Brody, not only were the hunters perceived as poor, but they were also thought to be “too ignorant even to appreciate the fact.”<sup>14</sup> Bureaucratic paternalism was perceived as a humanely Canadian (i.e., non-American) solution to the “Indian Problem.” Particularly apparent in the operation of residential schools, bureaucratic paternalism was founded on mistaken assumptions that Euro-Canadian managerial strategies (implemented through policies, laws, and institutions) would ensure fair treatment of Aboriginal peoples while bettering their living conditions. Elizabeth Furniss observes that Native peoples were often reconfigured as childlike wards of the state, as “people to be patronized and protected.”<sup>15</sup> Assumptions about the march of progress, meanwhile, linked the highest and best use of the land with agricultural and industrial development. Accordingly, the notion of progress was frequently associated with heroic images of White settlers occupying and taming “empty,” “wasted” lands. Cole Harris explains that, “by the mid-nineteenth century[,] the very concepts of progress and development had acquired a particular momentum that served to reinforce the momentum of colonialism itself.” Harris points out that “the idea of progress was also an attitude towards land, because progress was seen to be manifest in the growing European ability to dominate nature. In this light, people whose marks on the land were slight and whose lives were tuned to the rhythms of nature, were obviously unprogressive and backward.”<sup>16</sup> Clearly, all of these rhetorical positions affirmed what Furniss refers to as the perceived “morality of the colonial process.”<sup>17</sup>

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because it was different. . . . The essence of the missionary indictment was that Natives were morally and intellectually degenerate” (185-6). Finally, see John S. Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986* (Winnipeg: University of Manitoba Press, 1999), 3-6.

<sup>14</sup> Brody, *Maps and Dreams*, 53.

<sup>15</sup> Furniss, *The Burden of History*, 18.

<sup>16</sup> Harris, *Making Native Space*, 52-3.

<sup>17</sup> Furniss, *The Burden of History*, 69.

Drawing on the work of Brody, Furniss, Harris, and others, we show that the colonial discourse surrounding the event at issue exemplifies ideological constructions that have typified the rhetoric of racism in Canada. Indeed, in Northeastern British Columbia during the first half of the twentieth century, settlers and government officials used assumptions about Aboriginal destitution, bureaucratic paternalism, and the march of progress to control and limit the Aboriginal rights of the Dane-zaa First Nations, ultimately securing a transfer of the 18,000 acres that comprised I.R. 172.

DEPARTMENT OF INDIAN AFFAIRS  
CORRESPONDENCE, 1933-1944

The most important figure in the Department of Indian Affairs (DIA) correspondence dealing with I.R. 172 from 1933 to 1944 is Dr. Hubert Arthur Woods Brown, the local Indian agent. After moving to Fort St. John from Toronto in 1930, Brown assumed his position with the department in 1934 and remained the local agent until early 1945, when he resigned for health reasons.<sup>18</sup> Among the departmental field staff, two regional inspectors based in Calgary also figure prominently in the story of I.R. 172: Mindy Christianson, who acted as the DIA inspector for Alberta and Northern British Columbia between 1932 and 1936,<sup>19</sup> and C. Pant Schmidt, who followed Christianson and held the post from 1936 to 1946.<sup>20</sup> The field correspondence initiated by Brown, Christianson, and Schmidt is primarily directed towards two senior bureaucrats at the Ottawa headquarters: Dr. Harold W. McGill, the director and chief civil servant within the department,<sup>21</sup> and T.R.L. MacInnes, the departmental secretary.

On 17 April 1933 Lester B. Reid – secretary of the Board of Trade for Rose Prairie, a small farming community just north of Fort St.

<sup>18</sup> Dick Brown, untitled article written for Fort St. John Heritage Days, July 1986, North Peace Museum Archives, uncatalogued.

<sup>19</sup> "Mindy Christenson," Glenbow Archives, main catalogue, accessed 7 March 2001, <www.glenbow.org>.

<sup>20</sup> "C. Pant Schmidt," Glenbow Archives, main catalogue, accessed 7 March 2001, <www.glenbow.org>.

<sup>21</sup> Dr. H.W. McGill became the senior bureaucrat within the department in 1932, when he replaced Duncan Campbell Scott. Initially, McGill assumed Scott's title, deputy superintendent general of Indian affairs. In 1936, when the Department of Indian Affairs was turned into a branch of the Department of Mines and Resources, McGill retained his position as head civil servant, but his title was changed to that of director. See John L. Taylor, *Canadian Indian Policy During the Inter-War Years, 1918-1939* (Ottawa: Ministry of Indian Affairs, 1983), 227.

John – wrote a letter to the DIA headquarters in Ottawa asking that I.R. 172 be “thrown open” for settlement. Reid’s sentiments exemplify several stereotypes that comprise colonial discourse, including the concept of Aboriginal destitution. Reid claimed that, because the Beaver people did not dwell permanently on the reserve, it was “serving no good purpose.” In other words, Reid and the settler constituency that he represented did not assign any cultural value to I.R. 172 as a seasonal gathering place. According to Reid, the Native people came there “only for a week or two” to receive “Treaty Money” – an observation that suggests Aboriginal need and dependency.<sup>22</sup> Thus, Reid’s comment disregards what Hugh Brody describes as the cultural and “spiritual dimensions [of the] summer gathering place.”<sup>23</sup> Testifying at the federal court trial in 1987, Albert Askoty, a band elder, recalled how “everyone” would come to the Montney land “in the summers” to “hunt bear, deer, and pick berries.” At trial, Askoty also described a “Ceremony”: “they dance and sing ... They have a prophet.”<sup>24</sup>

Failing to recognize the cultural significance of I.R. 172 for the Beaver, Reid focused, instead, on how the land might be used to advance Eurocentric conceptions of progress. He stressed that there were “twenty-eight sections of land on the reserve, most of which is the best of farming land.” Thus, in keeping with the theoretical framework outlined above, agriculturalism was prioritized. Indeed, according to Reid, “the great back to the land movement” was under way, creating a moral imperative that could not be ignored. “Large numbers of people,” Reid observed, were turning to homesteading in an attempt to alleviate depression-era hardships. Furthermore, if it continued to be designated as a reserve, the Indian land, according to Reid, would be nothing more than a “barrier” between White settlements, “a great drawback to the development of these districts, in the building of roads.”<sup>25</sup> Both Harris and Furniss explain that the worldview expressed by Reid involved “unquestioned truths”:<sup>26</sup> the points were “obvious and taken for granted,”<sup>27</sup> comprising a common-sense racism.

<sup>22</sup> Appellants’ Excerpts on Appeal, vols. 1-4, *Re Joseph Apsassin & Jerry Attachie v. The Queen*, Federal Court of Canada, Trial Division. No. T-4178-87. Court File No. A-1240-87. Hereafter cited as Appellants’ Excerpts. We are grateful to Jerry Attachie of the Doig River Band for making this material available to us.

<sup>23</sup> Cited in Ridington, “Cultures in Conflict,” 284.

<sup>24</sup> Appellants’ Excerpts.

<sup>25</sup> *Ibid.*

<sup>26</sup> Furniss, *The Burden of History*, 17.

<sup>27</sup> Harris, *Making Native Space*, 46, 53.

DIA headquarters referred Reid's letter to Mindy Christianson in the Calgary office. On 15 July 1933, Christianson wrote to Ottawa, detailing his response to Reid's request. In certain passages, Christianson was adamantly opposed to opening the reserve for homesteading. In what represents one of the most outspoken criticisms of the colonization proposal, Christianson wrote:

The White people who have settled in that part of the country have driven the Indians away from the Fort St. John Reserve and it is necessary for them to go away up North for the purpose of hunting ... This evidently is not sufficient for [the White settlers]: they now want to take the land away from the Indians; in other words, to crowd them off the face of the earth, and unless something is done by the Department to help these Indians, the White settlers will accomplish this in a very short time.<sup>28</sup>

Taken at face value, this excerpt represents a moment of resistance in which the rhetorical economy of colonial discourse appears to break down, resulting in a strident critique of "White" domination. Nevertheless, Christianson's well-intentioned opposition also reflects bureaucratic paternalism, a sensibility that subtly reinscribes colonial ideology. According to Christianson, the DIA had a moral duty "to help" Indians, who could not help themselves.

In other passages within the same memo, assumptions about Aboriginal destitution and the march of progress align Christianson with positions that more overtly denigrate or dismiss the Beaver and their culture. Christianson conceded that Reid was "quite correct" in stating that "there is not a single shack on the reserve and [that] the Indians do not make use of the land at the present time." "For the information of the Department," Christianson added that "the reserve in question comprises excellent farming and hay land." Moreover, Christianson contended that the Beaver people "are gradually dying off, and if left to shift for themselves as they have done in the past, they will certainly not last very long." The memo ends with a qualification that leaves open the possibility of future developments: "Even if the Indians were willing to surrender the land, this is not the time to bring this about."<sup>29</sup>

<sup>28</sup> Appellants' Excerpts on Appeal.

<sup>29</sup> Ibid. The assumptions that underlie Christianson's apparent benevolence appear in another letter that Christianson wrote to the head office in 1933. See Brody, *Maps and Dreams*, 89-90.

At this point in the correspondence, Dr. Brown, the newly hired local Indian agent, emerges as a prominent voice in determining the future of I.R. 172. A veteran of the Boer War and the First World War, Brown took his medical training at the University of Toronto. He was a “great lover of the out-of-doors and the backwoods” and was “passionate about canoeing, horse-packing, shooting, [and] studying new country.”<sup>30</sup> It was this fascination with wilderness that drew Brown to Western Canada<sup>31</sup> and that may have inclined him to admire certain aspects of Aboriginal culture. For example, he seemed to have understood that Beaver culture contributed to sustainable hunting and trapping, and he defended the band against settler charges of resource exploitation.<sup>32</sup> Writing in 1985, local columnist Bill Dyer characterized Brown as “just the right man for the job at that time.”<sup>33</sup>

Once again, however, the sympathies of DIA personnel appear to have been compromised by an inevitable identification with the dominant culture. In a departmental report filed in 1941, C. Pant Schmidt wrote:

I cannot say that I found the Indians showed much attachment to Dr. Brown: I formed the opinion that he has a very quick and sharp temper, [and] is rather dictatorial with a touch of conceit, none of which takes with the Indians ... If he does not change his attitude, he will lose prestige ... He will find that the Indians are perhaps more observant and sensible than he thinks.<sup>34</sup>

Two years later, Schmidt would report an improvement in the agent-client relationship, a development that Schmidt implicitly attributed to his own previous warnings.<sup>35</sup> Based on the historical record, then, Brown is an enigmatic figure, someone who may have played an ambivalent role in managing the local affairs of the department. Indeed, the correspondence that follows raises some questions about the extent to which Brown was able to assess and foresee the needs of the Beaver people.

<sup>30</sup> Dick Brown, “Dr. Hubert A.W. Brown, Sept. 25/1982–July 5, 1950,” unpublished article written for Heritage Days, Fort St. John, July 1986, North Peace Museum Archives, uncatalogued.

<sup>31</sup> Ernest Freeman, “Lure of the Canadian Northwest: An Analysis of Dr. Hubert Brown’s Diary, 1930,” unpublished paper.

<sup>32</sup> Appellants’ Excerpts.

<sup>33</sup> Bill Dyer, “First’ Hospital in FJS [sic] was in Grandhaven,” from the weekly column “Glancing Back,” *Alaska Highway News*, 12 February 1998.

<sup>34</sup> Appellants’ Excerpts.

<sup>35</sup> Ibid.

On 27 May 1935 Brown wrote to Mindy Christianson, advocating a sale of I.R. 172. The general mood of Brown's letter to Christianson exemplifies assumptions about Aboriginal destitution, portraying the Beaver as backward people who were unwilling to change. "The St. John Band of Indians," Brown stated, "will never use their Reserve for agricultural or stock raising purposes." An advocate of progress, Brown stressed his belief in agriculturalism as a means of making significant use of the land. In this respect, Dr. Brown mentioned Clive Planta, an independent candidate for the BC legislature. According to Brown, Planta was in favour of the sale and suggested that the Aboriginal peoples living on I.R. 172 should not only be reimbursed for every acre of land but should also be allowed to purchase a larger tract of land further north of the original reserve. Brown, however, disagreed with Planta's scheme for reimbursement: "I do not know of what use a larger Tract of land further North, to be used as a Reserve, would be to them [the Beaver]."<sup>36</sup> In this instance, therefore, Brown does not acknowledge the extent to which the Beaver depended on large land bases used in seasonal rounds.

In his letter to Christianson, Brown presented an alternative solution, suggesting that the indigenous people who lived on I.R. 172 should invest profits from the proposed sale in officially registered traplines. In fact, Brown believed that the purchase of traplines was a crucial step towards securing a viable future for the Beaver.<sup>37</sup> In *Maps and Dreams*, however, Hugh Brody discusses how the system of traplines, a creation of White society, had a devastating effect on the Beaver and their traditional ways of hunting and trapping. According to Brody, the trapline system "was the first direct attack upon and restriction of the Indian life in the region." For while the trapline system was based on exclusive ownership of relatively small tracts of land, Aboriginal culture was "based on freedom of access, flexible use, and rotational conservation." Brody explains that this different pattern of land use was unacceptable to White settlers, who complained of the constant movement of Aboriginal people, claiming that "roving Indians were a problem to everyone." In Northeastern British Columbia, Brody notes, there were, in fact, numerous reports of intrusions and conflicts between the White settlers and nomadic Aboriginals.<sup>38</sup> This situation likely reinforced Brown's belief that registered traplines presented a way of addressing rising problems.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Brody, *Maps and Dreams*, 87-9, 91.

There is no record of a response from Christianson. However, the material available to us does indicate that on 30 May 1937, after Christianson's retirement, Brown again proposed the sale of I.R. 172, this time in a memo written directly to T.R.L. MacInnes, the department secretary in Ottawa. In this document, Brown reiterated his belief that I.R. 172 was "unused by the Indians" and that it comprised "some of the best agricultural land in [the] district."<sup>39</sup> On 10 June 1937 MacInnes wrote back to Brown indicating interest in the proposition.<sup>40</sup>

In the late 1930s, the commitment to progress gained added momentum amid growing interest in oil and gas deposits in the Peace River region. Indeed, by the spring of 1940, at roughly the same time that exploratory drilling began at Commotion Creek in the Peace Region foothills, Anderson Exploration applied for a permit to prospect for oil and gas deposits on I.R. 172. F.M. Steel, the petroleum engineer for the Department of Mines and Resources, noted that a "surrender of [mineral rights] by the Indians will be required before a permit can be granted and ... it might take some little time to obtain this release." Nevertheless, Steel suggested that "steps be taken to bring about the necessary surrender at an early convenient date."<sup>41</sup> Three months later Brown executed the proposed surrender of mineral rights to the Government of Canada, "in trust to lease,"<sup>42</sup> purportedly for the welfare of the band. The legality of this transaction was never challenged in court, and it might be regarded as an initial step towards the eventual surrender of the land itself.

On 3 September 1941, as agricultural and industrial interest in I.R. 172 continued to mount, C. Pant Schmidt, the new DIA regional inspector, filed a comprehensive report on the Beaver people and on other bands in the Peace region. The twenty-one-page memorandum addresses population, housing, health, farming, livestock, hay and equipment, potential land use, and other matters, providing clear instances of the discursive themes at issue here. The concept of primitive destitution, for example, appears throughout the report. Almost immediately, Schmidt refers to the general decrease in the Beaver population on the Fort St. John Reserve. The implication is that this decrease in numbers was a direct result of the people's destitute living conditions and poor health. Elsewhere, Schmidt

<sup>39</sup> Appellants' Excerpts.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

describes the Beaver's winter dwellings as "shacks" and proceeds to describe the winter camps as "small and poorly kept." Schmidt goes so far as to refer to the majority of Beaver peoples as "weaklings, who cannot fight ordinary sickness – influenza, bad grippe, colds, or other epidemics, such as Measles, &c."<sup>43</sup> Brody, however, suggests that administrators may have had a tendency to overemphasize any sign of Indian weakness and poverty, and that the actual state of health and sickness among the Indians was seldom the basis for the opinions of officials.<sup>44</sup> Harris concurs that conceptions of Aboriginal peoples as "a dying race ... tended to normalize disease in Native populations."<sup>45</sup>

The rhetorical matrix of colonialism is further evident in the bureaucratic paternalism that runs throughout the report. Schmidt refers to the Beaver people as "our Indians," claiming they "need[ed] strong[,] sympathetic leadership." The inspector asserts that "something must be done for these Indians ... [t]o bring them to a proper standard of living." In his paternalism, Schmidt also embraces settler ideas of progress. Unwilling, at this point, to support a sale, Schmidt hopes that the Beaver people will one day farm the reserve themselves. Indeed, he speculates that "the day is coming soon when [the Beaver people] will have to establish themselves, and make permanent homes on their [r]eserve." Elsewhere, he refers to the promise of a railway and airport in the area, hoping that these developments, combined with an acceptance of mixed farming, would solve many of the Beaver people's "problems."<sup>46</sup>

Two years later, on 29 October 1943, Schmidt filed another report following a brief visit to the Fort St. John Reserve. Although this document is considerably shorter than the previous report, Schmidt once again identified what he perceived as primitive destitution, noting that the overall health of the Beaver people on the Fort St. John Reserve was poor and that tuberculosis had become an acute issue. Schmidt cites a decrease in population, which he attributes to "over[-]crowded," "untidy," and "dirty" living conditions. Schmidt claims that the Beaver people were "wasting considerable money," that they were spending to satisfy wants rather than needs. In closing, Schmidt turns his attention to the Beaver children, stating that "[they] are not getting the care and attention required to build them up

<sup>43</sup> Ibid.

<sup>44</sup> Brody, *Maps and Dreams*, 60.

<sup>45</sup> Harris, *Making Native Space*, 47.

<sup>46</sup> Appellants' Excerpts.

physically.” Here, Schmidt suggests that a residential school would help the situation.<sup>47</sup> Such comments underscore Elizabeth Furniss’s contention that government officials embraced “a fundamental conviction that Native people require[d] the guidance of Europeans to live successful lives, and that European intervention in Native peoples’ lives, even when forcefully applied, [was] ultimately in the Native people’s ‘best interests.’”<sup>48</sup>

Eight months later, on 21 July 1944, Dr. Brown, the local Indian agent, wrote to DIA headquarters with startling news, informing his superiors that the Beaver had “all agreed” to sell the Fort St. John Reserve. The opening portion of Brown’s memo reads as follows: “At the Treaty Meeting held here on the 19th ... I discussed the matter of the sale of this Reserve with the Indians of the Fort St. John Band; and they are all agreed that they would consent to a cash sale to the Government for a sum the proceeds of which would net them \$50. per share.”<sup>49</sup> It is difficult to assess the reliability of Brown’s claim, given both his own enthusiasm for a sale and the absence of details about how the purported consent was reached. In any event, within a few weeks, Harold McGill, the departmental director, responded negatively to this latest development: “While appreciating the force of the arguments set out ... I regret that I am unable to agree with [the sale].” McGill stated that he had visited the reserve “personally ten years ago and at the time was greatly pleased with the fine area of land that had been secured for [the Beaver].” McGill proceeded to note that two successive inspectors, Christianson and Schmidt, had advised against a sale. Moreover, McGill acknowledged that traplines did not provide a secure future for the Beaver. Once again, then, the governmental correspondence about I.R. 172 contains traces of what appears to be an oppositional discourse. Nevertheless, McGill’s resistance was qualified. He concluded his memo with a recommendation that ultimately left open the possibility of a sale: “the Department does not consider it in the present or future interests of the Indians owning this reserve to dispose of it in whole or part *at the present time*” (emphasis added).<sup>50</sup> Thus, by 1944, I.R. 172 had become a political battlefield for the divided conscience of the DIA.

<sup>47</sup> Ibid.

<sup>48</sup> Furniss, *Victims of Benevolence*, 16.

<sup>49</sup> Appellants’ Excerpts.

<sup>50</sup> Ibid.

DEPARTMENT OF INDIAN AFFAIRS  
CORRESPONDENCE, 1945

In 1945 the Indian Affairs Branch of the Department of Mines and Resources entered a new era. After twelve years of service as the director of the DIA, Dr. H.W. McGill left his position in the summer of 1945 and was succeeded by R.A. Hoey. Moreover, D.J. Allan became an influential figure, taking on the portfolio of superintendent of lands and trusts. In the Peace region, meanwhile, Jack L. Grew became a temporary Indian agent after Hubert Brown's retirement. Grew's eventful tenure lasted throughout the summer and fall, and in mid-August he was joined by Joe Gallibois, who would become the permanent agent. C.P. Schmidt continued to function as regional inspector for the Peace area but was replaced by G.H. Gooderham in 1946. These personnel changes coincided with increasing pressure to sell I.R. 172.

In a memo dated 4 June 1945, Allan introduced Grew to the situation in Fort St. John. Allan reiterated the official position of the DIA, stating that the department was not pursuing a surrender of I.R. 172. Furthermore, contrary to Brown's memo of 21 July 1944, Allan claimed that the Beaver Band had thus far "refused a surrender for sale or leasing purposes." Allan went on to add that "the department cannot properly bring any pressure to bear on [the Indians] as it is a decision which they must be permitted to arrive at freely and without pressure from the department." Clearly, then, D.J. Allan indicated that a surrender could not be prompted by departmental coercion. However, in a now familiar pattern, Allan proceeded to qualify his resistance to settlement pressure, noting that Section 93(3) of the Indian Act gave the department discretion to grant leases for agricultural or grazing purposes in the case of "reserve lands which [bands are] unable or [neglect] to cultivate."<sup>51</sup>

Although Grew was merely a temporary agent, responsibility for subsequent negotiations fell into his hands. As a contract employee, prior to his assignment in Northeastern British Columbia, Grew had primarily been involved in trapline management schemes. It appears that he took the guardianship role of the DIA seriously. In videotaped evidence given several years prior to the 1987 trial at the federal court, Grew characterized himself as someone who tried "to see that the Indian people got a fair shake ... that [they] weren't pushed around too much."<sup>52</sup> Justice George Addy, who presided over the trial, noted

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

Grew's advanced age and failing memory at the time the evidence was given. Nevertheless, Addy was impressed by Grew and described him as "not the sort of person who would either trick the Indians, [or] fail to conduct [a meeting] in a fair and conscientious manner to the best of his ability, [or] falsify or deliberately omit any important matter from his report to his superiors." According to Addy, Grew's "sincerity and obvious sympathy for the Indian cause ... shone through the whole of his testimony."<sup>53</sup> Clearly, then, in keeping with the self-congratulatory nature of colonial discourse, representatives of the dominant culture framed official conduct in terms of benevolence and moral integrity.<sup>54</sup>

Grew's first letter to DIA headquarters is dated 8 August 1945. In this correspondence, the outright sale of I.R. 172 was again raised as a viable prospect. Offering now familiar information, Grew informed Allan that "the Chief, Councillor and other members of the Band all said they were willing to surrender [I.R. 172] for *sale or lease* [provided] they would be supplied with land elsewhere on which they could build cabins, grow gardens, and put up hay to feed their horses during the winter" (emphasis added). In what may be oblique references to both the 1940 surrender of mineral rights and Brown's claim that a surrender agreement had been secured in 1944, Grew also noted that "[the Beaver people] all insisted that they had twice before signed papers" indicating their agreement to sell or lease the reserve. Grew concluded by observing that the proposed alternate locations for reserves were "beyond the foreseeable limit of settlement as the good farmland ends just north of Montney and Rose Prairie."<sup>55</sup> At this point, it would appear that hopes for a surrender had acquired a momentum that could not be resisted.

Amid the primary resources at our disposal, we have no record of Allan's response to Grew, but it is evident, from other correspondence, that Allan quickly acted to accommodate the developments Grew described. Less than one week later, on 13 August 1945, Allan wrote to George T. Kenney, the BC minister of lands, noting that there "has been recurring pressure placed on [the DIA] to make the Reserve or parts of it available for white agricultural settlement." "On the

<sup>53</sup> *Apsassin et al. v. Canada, Canadian Native Law Reporter* 1 (1988): 124.

<sup>54</sup> Beaver testimonies present a different image of DIA personnel in this time period, but it is difficult to distinguish between Brown, Grew, and Gallibois in the existing records. John Davis, a Beaver elder, testified that "the Indian Boss ... never help[ed] Indians" and that discussions included unrealized promises about "lots of money." The "Boss" to whom Davis referred was Joe Gallibois. Cited in Ridington, "Cultures in Conflict," 282-3.

<sup>55</sup> Appellants' Excerpts.

other hand," Allan acknowledged that I.R. 172 represented "what this group of Indians received in exchange for giving up the huge territory which it was their privilege to occupy and enjoy since time beyond memory." Allan also commented that the Beaver's "reluctance to give up the little that has been reserved to [them] can be readily understood." In the remainder of his memo, Allan walks a political tightrope, proposing a course of action that might appease Aboriginal concerns while accommodating settler interests: "Whether or not we can persuade the Indians to surrender this Reserve or part of it, and whether we should make the attempt, will depend largely on what provision can be made for them in other directions that will guarantee them a living." In exchange for a surrender of I.R. 172, Allan suggested that the provincial government might make available "land back in the hills." This land, the future sites of the Doig and Blueberry Reserves, "would not be very high-priced [sic]" and it would be paid for "from monies realized from the sale of [I.R. 172]."<sup>56</sup>

In support of such a plan, Allan invoked a variety of themes associated with colonial discourse. Images of primitive destitution are evident in his description of the Beaver's living conditions: "The rapid growth of the farming settlement and the encroachment on ... traditional trapping grounds by persons of white status, with the attendant destruction of game and fur-bearing animals has been hard on the Indian and in many cases reduced him to a state of dependency upon the cold charity of governments." Moreover, Allan relies upon assumptions about the innate value of material progress – assumptions that portray the Beaver as inferior Others: "it will probably be quite a few years before this type of trapping Indian will have progressed agriculturally to a point where he will make full economic use of this substantial area of good farming land." Finally, Allan's plan calls for resource management as an extension of bureaucratic paternalism: "the revenue resulting from the sale or leasing of [I.R. 172] would ... enable this Department to organize the [new territories], do some restocking work with beaver, marten, etc. and put into operation plans of fur management."<sup>57</sup> Thus, Allan readily accepts what in other contexts has been referred to as "the White man's burden."

It is now difficult to ascertain precisely what happened on 22 September 1945, the day of the purported surrender. The surrender documents themselves are discursive constructs that merely provide

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

one version of the events. The surrender agreement states that the "Chief and Principal men," acting on behalf of "the whole people" of the band, "do hereby release, remise, surrender, quit, claim and yield up" I.R. 172 to the Crown, "in trust to sell or lease ... upon such terms as the Government of Canada may deem most conducive to [the] welfare [of the Band]."<sup>58</sup> The agreement is signed by Grew and Gallibois on behalf of the DIA. The names of Succona (the band chief) and four headmen also appear in Gallibois' handwriting. Beside each name the various individuals appear to have made their mark with an "X." The second document, required by the terms of the Indian Act, is entitled "Complete List of Voters" and contains the names of thirty-one adult males who were eligible to vote on the surrender. Twenty-seven individuals are recorded as being present, and all of these are registered as voting "For" the surrender. Such assent is indicated by check marks, all in Gallibois' hand.<sup>59</sup> The third document, also required by the Indian Act, is an affidavit in which a "J.S. Young," justice of the peace, indicates that Grew, Chief Succona, and Headman Joseph Apsassin appeared before him and attested to the validity of the surrender.<sup>60</sup>

Taken together, all three documents appear to support the DIA's insistence that colonial interests in I.R. 172 be handled in a way that ensured equitable treatment of the Beaver people. Indeed, at trial, Justice George Addy asserted that the documents "constitute at least prima facie evidence to the effect that the Band had freely consented to the surrender of I.R. 172 for the purpose of sale."<sup>61</sup> However, while Aboriginal perspectives on the surrender are beyond the limited scope of this paper, it is worth noting that the issue of free and informed consent is more problematical than Addy's judgment allows. At trial, lawyers for the band called six Native witnesses who were present at the surrender meeting: Charlie Dominic, Alex Cheekyass, Edward Apsassin, Albert Askoty, Theresa Cheekyass, and the aforementioned John Davis. The Native testimonies differ on some particulars, but the bulk of the evidence provided by band members consistently challenges assumptions about free and informed consent.

According to the band members who testified, the meeting was held at Peterson's Crossing, near the site of the current Doig Reserve. The duration of the meeting is uncertain. Band members seemed to

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> *Apsassin et al. v. Canada*, *Canadian Native Law Reporter*, 130.

come and go from Peterson's Crossing throughout the day, but Grew and Gallibois appear to have departed around two o'clock. Throughout the morning and early afternoon, the chief and headmen, it seems, were gathered in Ernie Peterson's cabin, with Grew and Gallibois, while the remainder of the band gathered around outside, in an open field. Native witnesses were fairly consistent in stating that opposition to the sale was expressed by "a lot of people" or by "everybody" but that Chief Succona was in favour of the arrangement.<sup>62</sup> Moreover, the Native witnesses had no recollection of casting individual votes, and Grew himself conceded, upon cross examination, that the voters' list may have been prepared after the meeting.<sup>63</sup> Lawyers for the plaintiffs also pointed to irregularities in the affidavit: J.S. Young was not officially registered as a justice of the peace; nor were Chief Succona or any of the headmen present, as required by the Indian Act, when the affidavit was signed. Grew and Gallibois, it appears, visited Young's office in Rose Prairie after the meeting, on their own.<sup>64</sup> In his decision at the trial level, Judge Addy minimized the significance of such irregularities while doubting the credibility of the Native witnesses.

#### NEWSPAPER JOURNALISM, 1944-46

In *The Rhetoric of Empire*, David Spurr suggests that newspaper journalism, given its relative freedom to present newsworthy items in "a language of popular appeal," may serve as a particularly rich medium for staging an analysis of colonial discourse.<sup>65</sup> In keeping with Spurr's observation, journalism in the Peace River region between 1944 and 1946 overtly displays a number of popular myths that informed attitudes toward I.R. 172. The most prominent of these subpatterns is the idea of progress, which finds expression in images that celebrate heroic individualism, agriculturalism, industrialism, and other related motifs.

In the larger context of regional development, White settlers were repeatedly presented as heroic individuals at the vanguard of progress. An article entitled "Land Rush Now Due" proclaims: "Families already settled, who have need of an extra quarter section for one of the

<sup>62</sup> Ibid., 119-22.

<sup>63</sup> Ibid. Grew's acknowledgment also appears in the Appellants' Excerpts.

<sup>64</sup> Appellants' Excerpts.

<sup>65</sup> David Spurr, *The Rhetoric of Empire: Colonial Discourse in Journalism, Travel Writing, and Imperial Administration* (Durham: Duke University Press, 1994), ii.

boys[,] should not lose any time but make application for the land now. The best settlers are of course those raised in the country and tempered to its difficulties.”<sup>66</sup> The writer of the article praises the great men of power whose visions helped to colonize a vast and resourceful new land. These forefathers of colonization are placed on the pedestal of progress and worshipped for their contribution: “[Such] great men knew that the people made a country rich and they wanted to see more people on more land in the West.”<sup>67</sup>

At the time, the Peace area was being touted as an unrealized agricultural treasure. When Frank Putnam, the minister of agriculture, visited the Peace region in 1946, the *Alaska Highway News* displayed a front-page article that told of Putnam’s response to the area: “The B.C. minister looked as far as the eye could see upon a midsummer scene of superlative abundance. Crops were coming on well. New land was being broken on every hand. New buildings peeped out of new clearings. Beef-fat cattle stood belly deep in the lush pastures. Fat hogs stretched in the sun.”<sup>68</sup> Other examples of agricultural boosterism abound in the journalism of the day. An article entitled “Cheap Land for the People” elaborates on the promise of the Peace:

The Peace River Valley, the Alaska Highway and the Finlay River Valley today offer the greatest land settlement opportunity since the days following the Civil War when settlers began to move west of Chicago. In the years to come we will have the Liard River Valley, the Mackenzie River Valley, and subsidiary valleys for settlement. This colossal backlog of soil wealth will provide opportunities for generations to come. The day will come when it will take a double tracked railway from the Fort Nelson River to the Pacific Coast to handle the wheat, cattle and hogs from this region.<sup>69</sup>

Hopes for industrial development also ran high. Indeed, the journalism promised that “back of the great latent agricultural wealth is a diversity of mineral resources, timber and water-powers greater than any remaining undeveloped in the world.”<sup>70</sup> Another article in

<sup>66</sup> Author unknown, “Land Rush Now Due,” *Alaska Highway News*, 26 September 1946.

<sup>67</sup> Ibid.

<sup>68</sup> Author unknown, “Peace River’s Fat Lands Fascinate Hon. Frank Putnam, No. 1 Farmer of Pacific Province,” *Alaska Highway News*, 25 July 1946. Also regarding the idea of progress as the dominant idea of the settler community in the Peace, see Jon Swainger, “Breaking the Peace: Fictions of the Law-Abiding Peace River Country, 1930-50,” *BC Studies* 119 (Autumn 1998): 5-25, esp. 7-10.

<sup>69</sup> Author unknown, “Cheap Land for the People,” *Alaska Highway News*, 12 September 1946.

<sup>70</sup> Ibid.

the *Alaska Highway News* drew attention to the comments of Joe Corsbie, the Peace area's newly elected member of the provincial legislature. In the legislative assembly, Corsbie exalted the untapped resources of the Peace, referring to minerals, vast areas of merchantable timber, abundant electrical power sources, a major transportation route in the Alcan Highway, and proposed railroad projects. According to Corsbie,

The development of our great northern empire would accomplish much that we are hoping for. There would be sufficient work in the north. There would be ample work for the railroad to do, hauling the commodities down from the north to our industrial centres and vice versa. And in turn there would be increased activity in our industrial centres, providing the machines and material that would be used in the development that would be taking place. There would be increased industrial and agricultural activity all over the province, resulting in an increase of real wealth[,] which is the goal that we are looking for ... We have wealth in abundance in our northland ... the natural wealth of the north is so great, that there would be little in the way of a gamble in any program that this government sponsors, if it is properly carried out.<sup>71</sup>

Margaret L. ("Ma") Murray, local editor of the *Alaska Highway News*, helped to foster the dream of mega-projects in editorials that also celebrated railway extensions, a Pine Pass Highway, and joint maintenance of the Alcan Highway by Canadian and American governments.<sup>72</sup>

The discourse of progress was ultimately linked to moral imperatives. Many articles acknowledged a sense of "holiness" towards the "available land," stating, for example, that it was "the finest land God ever provided for."<sup>73</sup> Similarly, editors stated that "wasting land is sinful."<sup>74</sup> Such articles issued an admonishment: "while you are thanking God for these gifts, don't forget that to neglect to develop these resources, and turn them to use of man [sic], you are defying the great Architect of the Universe who plans all things well, who is overwhelming in benevolence but who can lay a cruel lash upon the backs of people who defy Him."<sup>75</sup> In a related way, it was suggested

<sup>71</sup> "Corsbie Makes His First Speech to 'House,'" *Alaska Highway News*, Frances Bennet's Scrapbook, 1944-46, North Peace Museum Archives, uncatalogued item.

<sup>72</sup> Margaret Murray, "Railway Extension in '46," *Alaska Highway News*, 13 December 1945.

<sup>73</sup> Author unknown, "Monteny [sic] Prairie of Promise," *Alaska Highway News*, January 1945.

<sup>74</sup> Ibid.

that the surrender of I.R. 172, in particular, was in the best interests of Native people. Ma Murray, for example, wrote that, “in exchange for the 30,000 acre tract at Fort St. John, the Indians receive an area of land on the Blueberry and Beaton Rivers [sic] suitable for trapping.”<sup>76</sup> Implicitly, then, the Beaver people were to be conveniently relocated in areas better suited to their needs – removed to areas that also happened to be less amenable to agricultural and industrial development.

## CONCLUSION

Grounded in a basic assumption of Aboriginal inferiority, colonial discourse surrounding the surrender of I.R. 172 demonstrates recurring subthemes characterized by beliefs about Aboriginal destitution, bureaucratic paternalism, and the merits of progress. Insofar as such patterns pervaded “the landscape of official [and popular] knowledge,” they served as “strategies of power”<sup>77</sup> that legitimized the transfer of Dane-zaa land. Amid the broader context of colonial discourse elsewhere in British Columbia and throughout Canada, there is nothing particularly new about the discursive patterns that we have identified here. However, our micro-historical focus elaborates on scholarly analyses of twentieth-century colonial discourse and, in doing so, extends such analyses to a portion of British Columbia that has received scant attention.

Today, Fort St. John and the neighbouring communities of Montney and Rose Prairie continue to draw on the area’s resources. The territory once known as I.R. 172 lies minutes north of town, beyond the community college. From the turn-off to what is now Road 103, leading to Cecil Lake, the former reserve stretches towards the northern horizon as far as the eye can see. In summer, the rolling land is a brightly coloured patchwork of canola and wheat fields, dotted by pump jacks. Despite publicity surrounding the recent Supreme Court decision in favour of the plaintiff bands and the ensuing monetary settlement, our impression is that few local inhabitants know about the historical details of the case, or even that Montney was once a reserve.

<sup>75</sup> Author unknown, “Local Farmers Approach Elks on Fair Grounds,” *Alaska Highway News*, 9 May 1945.

<sup>76</sup> Margaret Murray, “Indians Get Beaton [sic] River Lands,” *Alaska Highway News*, 13 December 1945.

<sup>77</sup> Furniss, *The Burden of History*, 12.

We hope that this article will contribute to a broader understanding of the region's past and of the limited moral and cultural frameworks within which dominant interests shape the course of history. The patterns of colonial discourse that we have traced here obscure the values of people whose ancestors had gathered on I.R. 172 for thousands of years before White settlers arrived in the region. Indeed, neither the governmental correspondence nor the journalism from the mid-twentieth century recognizes the cultural significance of the Place Where Happiness Dwells. Ultimately, then, the imaginary Indian of colonial discourse is not simply marginalized but imagined out of existence. In this sense, while our analysis reveals the construction of a colonial narrative, it points to other narratives, to other ways of telling the story. Much work remains to be done in this regard if we are to avoid repeating the mistaken assumptions of the past.