

Sources on the Douglas Treaties

Douglas Treaties Document #1: Claim of Aboriginal Ownership

Chief David Latasse was present at the treaty negotiations in Victoria in 1850. His recollections were recorded in 1934 when he was reportedly 105 years old:

For some time after the whites commenced building their settlement they ferried their supplies ashore. Then they desired to build a dock, where ships could be tied up close to shore. Explorers found suitable timbers could be obtained at Cordova Bay, and a gang of whites, Frenchmen and Kanakas [Hawaiians] were sent there to cut piles. The first thing they did was set a fire which nearly got out of hand, making such smoke as to attract attention of the Indians for forty miles around.

Chief Hotutstun of Salt Spring sent messengers to chief Whutsaymullet of the Saanich tribes, telling him that the white men were destroying his heritage and would frighten away fur and game animals. They met and jointly manned two big canoes and came down the coast to see what damage was being done and to demand pay from Douglas. Hotutstun was interested by the prospect of sharing in any gifts made to Whutsaymullet but also, indirectly, as the Chief Paramount of all the Indians of Saanich.

. . . As the two canoes rounded the point and paddled into Cordova Bay they were seen by camp cooks of the logging party, who became panic stricken. Rushing into the woods they yelled the alarm of Indians on the warpath. Every Frenchman and Kanaka dropped his tool and took to his heels, fleeing through the woods to Victoria. As they ran they spread the cry that the Indians were on the warpath.

Douglas hastened to meet the two chieftains and found that the party, with scarcely a weapon other than a few fish spears, were camping in harmony with the white members of the logging detachment. All that was asked was pay for trees cut and damage wrought, which Douglas promptly agreed was right and proper. He ordered two bales of blankets brought from the fort and gave each chief one of them. There was no suggestion that the compensation was for anything other than the timber, no suggestion of title to any land was involved in that matter. That fact is important in view of claims made later, that other big talks for use of land, in which similar small payments of goods and trade were made to Indians to pay for title to land given by the Indian chieftains.

Source: Chief David Latasse interviewed by Frank Pagett, "105 Years in Victoria and Saanich!" *Victoria Daily Times*, 4 July 1934.

Douglas Treaties Document #2: Governor Douglas' Motives

Governor James Douglas writing to the Hudson Bay Company, 18 March 1852:

The Steam Saw Mill Company having selected . . . the section of land marked on the accompanying map north of Mount Douglas, which being within the limits of the Sanitch Country, those Indians came forward with a demand for payment, and finding it impossible, to discover among the numerous claimants, the real owners of the land in question. . . . I thought it advisable to purchase the whole of the Sanitch Country, as a measure that would save much future trouble and expense.

Grant Keddie, *Songhees Pictorial: A History of the Songhees People as Seen by Outsiders, 1790-1912* (Victoria: Royal BC Museum, 2003), p. 49.

Douglas Treaties Document #3: Mutual Benefit

Chief David Latasse was present at the treaty negotiations in Victoria in 1850. His recollections were recorded in 1934 when he was reportedly 105 years old:

In the years around 1850 the Indians considered that there was lots of land and had no thought of or fear of extensive settlement by white men. The whites were welcomed, they provided a fine market for the large amount of fur which the tribesmen annually collected. The trade goods the whites gave in return for the furs were highly regarded. The whites at that time also had no idea of asking the Indians to give up their lands. Areas proposed to be used by whites were limited and the gifts of blankets and trade goods were nominal annual dues.

Source: Chief David Latasse interviewed by Frank Pagett, "105 Years in Victoria and Saanich!" *Victoria Daily Times*, 4 July 1934.

Douglas Treaties Document #4: Governor Douglas' Promises

Governor James Douglas describes purchasing land, May 1852:

Douglas then "informed the natives that they would not be disturbed in the possession of their Village sites and enclosed fields. . . and that they were at liberty to hunt over the unoccupied lands, and to carry on their fisheries with the same freedom as when they were the sole occupants of the country."

Source: James Douglas in Grant Keddie, *Songhees Pictorial: A History of the Songhees People as Seen by Outsiders, 1790-1912* (Victoria: Royal BC Museum, 2003), pp. 48-49.

Douglas Treaties Document #5: Land for Blankets

Chief David Latasse was present at the treaty negotiations in Victoria in 1850. His recollections were recorded in 1934 when he was reportedly 105 years old:

I forget how long it took to build the fort and the other structures, but Douglas went away for a while. I am not sure whether it was at his first visit that he arranged for the withdrawal of the Songhees to the other side of Victoria Harbor, but I think not. . . . I do well remember hearing that Douglas called a meeting of the four sub-chiefs of the Songhees, heads of the groups living at Clover Point, at Cadboro Bay, at Cordova Bay and at Mud Bay [James Bay]. I remember the sense of wealth shared by the Mud Bay group when, after they had agreed to abandon Mud Bay and remove to the old Songhees reserve on the Inner Harbor, Douglas gave the sub-chief a bale of fifty blankets for distribution among the families of the group. He also gave the other groups presents for waiving their rights of assembly at Mud Bay.

Source: Chief David Latasse interviewed by Frank Pagett, "105 Years in Victoria and Saanich!" *Victoria Daily Times*, 4 July 1934.

Douglas Treaties Document #6: Terms of the Treaty

Chief David Latasse was present at the treaty negotiations in Victoria in 1850. His recollections were recorded in 1934 when he was reportedly 105 years old

It is in this matter that the Indians claim they have been unjustly treated. When Douglas met with Chief Hotutston in 1852, and discussed with him and his sub-chiefs the allotment of lands to the Hudson's Bay Company, it was arranged that lands not needed by the natives might be occupied by the whites. The Indians were to have reserved to their use some choice camping sites, were to have hunting rights everywhere and fishing privileges in all waters, with certain water areas exclusively reserved to the use of the tribes.

In return for the use of meadow lands and open prairie tracts of Saanich, the white people would pay to the tribal chieftains a fee in blankets and goods. That was understood by us all to be payable each year. It was so explained to us by Joseph McKay, the interpreter for Governor Douglas. The governor himself solemnly assured us that all asked to be ratified would be entirely to the satisfaction of the Indians. He also stated that the only object of the writing was to assure the Hudson's Bay Company peaceful and continued use of land tracts suitable for cultivation. That was accompanied by [a] gift of a few blankets. We all understood that similar gifts would be made each year, what is now called rent.

Source: Chief David Latasse interviewed by Frank Pagett, "105 Years in Victoria and Saanich!" *Victoria Daily Times*, 4 July 1934.

Douglas Treaties Document #7: Aboriginal Interpretation of Douglas' Offer

Chief David Latasse was present at the treaty negotiations in Victoria in 1850. His recollections were recorded in 1934 when he was reportedly 105 years old:

More than eighty years ago I saw James Douglas, at the place now called Beacon Hill, stand before the assembled chiefs of the Saanich Indians with uplifted hand. . . . I heard him give his personal word that, if we agreed to let the white man use parts of our land to grow food, all would be to the satisfaction of the Indian peoples. Blankets and trade were to be paid. We, knowing a crop grows each year, looked for gifts each year, what is now called rent. Our chiefs then sold no part of Saanich.

Chief David Latasse interviewed by Frank Pagett, "105 Years in Victoria and Saanich!" *Victoria Daily Times*, 4 July 1934.

Douglas Treaties Document #8: No Payment Made

Chief David Latasse was present at the treaty negotiations in Victoria in 1850. His recollections were recorded in 1934 when he was reportedly 105 years old:

Today, why should the white people treat us so? We never fought them, yet they took away our property. This land is ours . . . Never, never did the Indians sign away title to their land just for a few blankets.

I say truly that I have no knowledge of payments of money, as mentioned in papers supposed to have been signed by Chief Hotutston and Whutsaymullet and their sub-chiefs. I know of no act of signing such papers and believe that no such signatures were in fact made by those tribesmen. There was no payment in goods, instead of money. If there had been, custom would have required immediate public distribution of the trade goods to the tribesmen and the women folk. Then all members of each sub-tribe would have known of the payment and the reason why it had been made by the white men.

Source: Chief David Latasse interviewed by Frank Pagett, "105 Years in Victoria and Saanich!" *Victoria Daily Times*, 4 July 1934

Douglas Treaties Document #9: Terms of Treaty with Swengwhung Tribe

Swengwhung Tribe – Victoria Peninsula, South of Colquitz

Know all men, we the chiefs and people of the family of Swengwhung, who have signed our names and made our marks to this deed on the thirtieth day of April, one thousand eight hundred and fifty, do consent to surrender, entirely and fore ever, to James Douglas, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor, and Committee of the same, the whole of the lands situate and lying between the Island of the Dead, in the Arm or Inlet of Camosun, where the Kosampson lands terminate, extending east to the Fountain Ridge, and following it to its termination on the Straits of De Fuca, in the Bay immediately east of Clover Point, including all the country between that line and the Inlet of Camosun.

The condition of or understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.

We have received, as payment, Seventy-five pounds sterling.

In token whereof, we have signed our names and made our marks, at Fort Victoria, on the thirtieth day of April, one thousand eight hundred and fifty.

(Signed) SNAW-NUCK his X mark,
and 29 others.

Done before us,

(Signed) ALFRED ROBSON BENSON, M.R.C.S.L.
JOSEPH WILLIAM McKAY.

Source: *Papers Connected with the Indian Land Question, 1850-1875* (Victoria: Richard Wolfenden, 1875), p. 6.

Douglas Treaties Document #10: Misunderstanding and Language

Hamar Foster is a University of Victoria law professor, specializing in colonial legal history, and Aboriginal history and law:

When Douglas set about his work, he had no written text. So he formalized the first nine transactions simply by attaching a paper with 'X's' made by the chiefs to a blank sheet, intending to fill in the terms when he received them from Barclay. This may seem outrageous, but it is unlikely that prior possession of the written terms would have made the process any more intelligible. The Indians could not read English, nor could the HBC people speak or understand any of the Coast Salish and Wakashan languages.

The oral tradition of the Saanich people who signed two of Douglas's sheets of paper is that, whatever may have been said or written at the time they believed that the document was a peace treaty. There had been trouble over logging and over the shooting of a young Indian lad, and when Douglas produced piles of blankets and asked them to put 'X's' on a piece of paper, they thought they were being asked, under the sign of the Christian cross, to accept compensation for not making war. Whatever the different perceptions, it seems tolerably clear that the Saanich people could not have understood the significance of their actions in English law, although they were certainly aware that the newcomers wanted to stay and to share their land and resources.

Source: Hamar Foster, "Letting Go the Bone: The Idea of Indian Title in British Columbia 1849-1927" in John McLaren, Hamar Foster (eds), *Essays in the History of Canadian Law: British Columbia and the Yukon* (Toronto: University of Toronto Press), p. 41.

Douglas Treaties Document #11: Language Issues

John Elliott Sr. was a member of the Saanich People and an Aboriginal language instructor. In 2003 he recounts the oral history learned from his father David Elliott Sr.:

I think it was at a time when our people were "barely" understanding English. You know, there was trade language that happened to be taking place – between our people and the white people, they talked Chinook. And, some of our people knew it and some people didn't.

Source: Saanich elder John Elliott Sr., in Janice Knighton, *The Oral History of the 1852 Saanich Douglas Treaty: A treaty for Peace*. Unpublished Masters thesis, University of Victoria, Victoria, BC, 2004.

Douglas Treaties Document #12: Language Clearly Understood

Joseph McKay was a Hudson's Bay Company trader and a treaty witness who spoke the Saanich language

The arrangements entered into . . . respecting their claims . . . were made [by] the Home Government. During Governor Blanshard's incumbency [term as governor] Mr. Douglas was Land Agent for the Crown Lands of Vancouver Island. The then secretary for the colonies sent to Douglas . . . instructions as to how he should deal with the so called Indian Title . . . Douglas was very cautious in all his proceedings. The day before the meeting with the Indians, he sent for me and handed me the document [the legal wording of the treaties] telling me to study it carefully and to commit as much of it to memory as possible in order that I might check the Interpreter Thomas should he fail to explain properly to the Indians the substance of Mr. Douglas' address to them.

Source: Joseph McKay in Grant Keddie, *Songhees Pictorial: A History of the Songhees People as Seen by Outsiders, 1790-1912* (Victoria: Royal BC Museum, 2003), p. 49.

Douglas Treaties Document #13: Refuting McKay's Assertion

Saanich chiefs and councilors speaking to British Columbia provincial government, 4 April 1932:

The four Bundles of Blanket was merely for peace purposes . . . The Indians fully understood what was said as it was Interpreted by Mr McKay, who spoke the Saanich language very well . . . Mr McKay, . . . saying these blankets is not to buy your lands, but to shake hands . . . in good Harmony and good tumtums (heart). When I got enough of your timber I shall leave the place . . . When James Douglas knew he had enough of our timber he left the place.

Source: Saanich chiefs and councilors to provincial government, 4 April 1932, In Grant Keddie, *Songhees Pictorial: A History of the Songhees People as Seen by Outsiders, 1790-1912* (Victoria: Royal BC Museum, 2003), p. 49.

Douglas Treaties Document #14: Treaty as Peace Offering

Gabriel Bartleman recounted the oral history he had learned from his father about the Douglas Treaty as part of testimony he gave at age 73 to the Supreme Court of British Columbia in 1987:

There was some blankets and I believe some metal it was called – the money was called metal then, and to make a cross on a piece of paper, on a blank piece of paper, native people thought this was the sign of the [Christian] cross, and his good feelings. So they pardoned him for that, they wanted to forget that. That's what I understood. Douglas' word was before that, but what they were thinking then was that it was a peace offering for the damage that he had done.

Source: Gabriel Bartleman in Janice Knighton, *The Oral History of the 1852 Saanich Douglas Treaty: A treaty for Peace*. Unpublished Masters thesis, University of Victoria, Victoria, BC, 2004, pp. 12-13

Douglas Treaties Document #15: Terms of the Treaty

Governor James Douglas describes his version of the agreement with the Songhees Tribe, May 1852:

I summoned to a conference, the chiefs and influential men of the Songhees Tribe, which inhabits and claims the District of Victoria, from Gordon Head on Arro [Haro] Strait to Point Albert on the Strait of [Juan] De Fuca as their own particular heritage. After considerable discussion it was arranged that the whole of their lands . . . should be sold to the Company, with the exception of Village sites and enclosed fields, for a certain remuneration, to be paid at once to each member of the Tribe.

Source: James Douglas in Grant Keddie, *Songhees Pictorial: A History of the Songhees People as Seen by Outsiders, 1790-1912* (Victoria: Royal BC Museum, 2003), pp. 48-49.

Douglas Treaties Document #16: Signing the Treaty with Crosses

Dave Elliott Sr. was an elder of the Saanich People:

We weren't in a state of war, but almost. . . . Douglas invited all the head people into Victoria.

When they got there, all these piles of blankets plus other goods were on the ground. They told them these bundles of blankets were for them plus about \$200 but it was in pounds and shillings.

They saw these bundles of blankets and goods and they were asked to put X's on the paper. They asked each head man to put an X on the paper. Our people didn't know what the X's were for. Actually they didn't call them X's they called them crosses. So they talked back and forth from one to the other and wondered why they were being asked to put these crosses on these papers. One after another, they were asked to put crosses on the paper and they didn't know what the paper said. What I imagined from looking at the document was that they must have gone to each man and asked them their name and then they transcribed it in a very poor fashion and then asked them to make an X.

One man spoke up after they discussed it, and said, "I think James Douglas wanted to keep the peace." They were after all almost in a state of war, a boy had been shot. Also we stopped them from cutting timber and sent them back to Victoria and told them to cut no more timber.

"I think these are peace offerings. I think Douglas means to keep the peace. I think these are the sign of the cross."

He made the sign of the cross. The missionaries must have already been around by then, because they knew about the 'sign of the cross'! "This means Douglas is sincere." They thought it was just a sign of sincerity and honesty. This was the sign of their God. It was the highest order of honesty. It wasn't much later they found out actually they were signing their land away by putting those crosses out there. They didn't know what it said on that paper.

I think if you take a look at the document yourself, you will find out, you can judge for yourself. Look at the X's yourself and you'll see they're all alike, probably written by the same hand. They actually didn't know those were their names and many of those names are not even accurate. They are not even known to Saanich People. Our people were hardly able to talk English at that time and who could understand our language?

Source: Dave Elliott Sr., edited Janet Poth, *Saltwater People: A Resource Book for the Saanich Native Studies Program*. (Saanichton, BC: School District #63 (Saanich), 1983/1990), pp. 69-73.