

The Fort Victoria Treaties

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This essay had a simple purpose when it was begun: to publish a list of the Indian place names of the Victoria area which Songhees friends had told me about from time to time since 1952. It has grown, in the course of writing, into something more complicated than that. The rechecking of the names and their meanings gave opportunities to revisit old friends, and to learn more names and more of the Songhees history associated with them. It also led to the rediscovery of some of the earlier ethnographic and historical records, and to a conviction that these now need to be better known. Of the ethnographic records the most commendable are the field notes and yet-unpublished thesis of Dr. Wayne Suttles (1951). Of the historical documents, those which above all seem worthy of renewed recognition are the eleven Fort Victoria treaties of 1850 and 1852, by which James Douglas of the Hudson's Bay Company extinguished the Indian title to the lands between Sooke and Saanich. An identical treaty which he made at Nanaimo in 1854 has recently been judged by the Supreme Court of Canada to be still in effect, and so by implication these untidy and almost-unknown little documents have been reconfirmed in their full status as treaties.

A place name is a reminder of history, indelibly stamped on the land. To enquire about it is to reawaken memories of the history that produced it. To write about it is to retell some of that history. To work with Indian place names is to learn something about the Indian versions of what happened in history. As my list of place names and related information grew fuller, therefore, the picture of the Songhees and their neighbours that began to emerge could be considered as fairly representative of the ethnographic realities.

A treaty, of the kind discussed here, is a white man's certificate of a transaction, initiated by him, to unburden the land of its Indian ownership. Being written in the white man's language, it tends to incorporate

his concepts of polity and of property. To read a treaty is to understand the white man's conception (or at least his rationalization) of the situation as it was and of the transaction that took place. I turned to the treaties first as supplementary sources of historical information on the Songhees and their neighbours, which indeed they are, as Douglas knew the Indians well and tried to frame the treaties to conform with their ideas. But as the overall picture became clearer, it was the differences between them and the other sources that claimed increasing attention. How were these differences to be explained? Was it that Douglas was not fully aware of the ethnographic facts? Or was it perhaps that he had reinterpreted them slightly to serve the purpose at hand? In the making of treaties (and this question may be of more than academic interest because the extinguishment of Indian title may still be unfinished business in British Columbia) is it sometimes necessary to resort to innocent legal fictions in order to get the job done? With the raising of these questions, this study changed in emphasis. To my original intention of listing some Songhees place names and retelling some early Songhees history was added a new and more analytic purpose: to take a hard look at the Fort Victoria treaties in the light of the assembled information on Songhees history and ethnography.

The native people of the Victoria area, who came to be known collectively as the "Songish" or "Songhees," were never in any political sense a single tribe. They were comprised of a large number of more or less autonomous household groups, whose sprawling plank houses were clustered in a number of winter villages, and who moved regularly from place to place in the course of their annual round of activities. Specific resource areas and house sites were owned and used by specific households; other places within what was regarded by themselves and outsiders as Songhees territory were utilized more or less in common. The clusters of Songhees families spoke closely-similar dialects of the language known as Straits Salish or Lekwungaynung (phonetically, *lək'wəŋe'nəŋ*).¹ Different dialects of the same Coast Salish language were spoken by their neighbours on the north (Saanich), west (Sooke), south (Klallam), and east (Samish, Lummi, Semiahmoo). Their collective name for themselves, when they used one, seems most often to have been Lekwungen (*lək'wəŋən*); other tribes both to the north and to the south seem to have called them by variants of a name which was originally that of one of their subgroups, the Stsanges (*sc'a'ŋəs*) of Parry Bay, the name which

¹ The phonetic system is the one most commonly used for Indian languages in this region. A phonetic key may be found in Duff, 1964, pp. 108-10.

has come to be written "Songhees." Their winter villages were all on Vancouver Island, where their territories extended from Albert Head to Cordova Bay. In summer they all, or almost all, paddled across Haro Strait to take salmon at reef-net locations which they owned on San Juan and Henry islands (Suttles, 1954 and thesis).

It is by no means clear how many Songhees winter villages there were in pre-white times. Even before Fort Victoria was founded in 1843 their population had been cut by epidemics and the intensified warfare that followed the introduction of guns, and there was a tendency for the stronger groups to congregate in fewer, more heavily fortified villages, while the weaker groups went quietly extinct. The establishment of the fort altered their living patterns still more. Large numbers moved into the Inner Harbour and formed at least two new villages close to the fort, abandoning more or less completely their earlier winter sites. The main Songhees village grew up directly across the harbour from the fort and was to become their first reserve, where they lived until 1911 when they were moved to the present reserve on Esquimalt Harbour. A second village was situated near the present site of the Parliament Buildings, but some time before 1855 its occupants were persuaded to move out (or back) to Esquimalt Harbour, where a reserve was laid out for them; they became the present Esquimalt band.

During the terrible smallpox epidemic of 1862 the Songhees took refuge on Discovery Island, where some of them had formerly lived. A number of families chose to stay and formed what was for a time regarded as a third band. Reserves were laid out on Discovery and Chatham islands. For official purposes, however, the Discovery Island people have always been considered as part of the Songhees band, and in recent decades they have rejoined the others on the new Songhees reserve.

The total population of these groups in 1850, according to a census by James Douglas, was 700 (the census is discussed further below). Their numbers declined to a low point of 130 in 1915: 93 on the Songhees reserve, 22 on Discovery Island, and 15 on the Esquimalt reserve. At present the Songhees and Esquimalt bands live on their adjacent reserves in Esquimalt; in 1968 they numbered 136 and 67, respectively.

THE FORT VICTORIA TREATIES

The Hudson's Bay Company's fort at Victoria was six years old when, in 1849, the lands of Vancouver Island were granted to the Company on

condition that they be opened for settlement as a Crown colony. But before any settlers could be given title to lands, it was considered necessary to conform with the usual British practice of first extinguishing the proprietary rights of the native people. This was done by negotiating agreements by which they were paid compensation and reserved whatever portions of land and special rights they were considered to need; in short, by making treaties with them. The task fell to James Douglas, chief factor of the Company (and also, after September 1851, governor of the colony). The Company being the chosen instrument of imperial policy, and he being the agent of the Company, Douglas was therefore the local representative of the Crown. For him it was another new problem, to be met, as was so often the case, with little in the way of specific instructions from London. The Fort Victoria treaties as a result show every evidence of his authorship, from the intimate knowledge of the local Indians they reflect, to the firm and precise hand in which they are written.

In December of 1849 Archibald Barclay, the secretary of the Company, wrote from London outlining the general principles which the Governor and Committee authorized Douglas to adopt in treating with the Indian tribes. Douglas began immediately to negotiate purchases of the areas which were to be settled first. In the spring of 1850 he concluded nine agreements covering Victoria, Metchosin, and Sooke; in 1851, two at Fort Rupert; in 1852, two covering the Saanich peninsula; and in 1854, one at Nanaimo. Circumstances did not permit him to continue this treaty-making process as settlement moved into new areas, and these remain the only treaties yet made with the Indians of British Columbia.²

Douglas himself seems never to have referred to these agreements as "treaties" but used such terms as "purchases" or "deeds of conveyance." Nonetheless, in their form and effect, in popular parlance over the years and in present legal fact, they are treaties as that term is used with reference to the Indian tribes. The Nanaimo treaty was recently tested in the courts, in a case involving two Indians, Clifford White and David Bob, who exercised hunting rights beyond those normally permitted by the Provincial Game Act. The decision rested on whether or not the Nanaimo agreement was in fact a "treaty," exempting the Indians from that Act. Mr. Justice Norris of the British Columbia Court of Appeal,

² The Beaver and Slave bands of the Peace River country, however, were brought under the Dominion Government's Treaty No. 8 between 1900 and 1910 (see Duff, 1964, pp. 70-1).

who wrote the definitive judgment on the question, affirmed that "... in the light of the history and circumstances it is difficult to conceive of a term which would be more appropriate to describe the engagement entered into," and that "... notwithstanding the informality of the transaction on the part of the Hudson's Bay Company, it was just as much an act of state as if it had been entered into by the Sovereign herself."³ The Supreme Court of Canada upheld that view.

In a letter to Barclay dated May 16, 1850, Douglas reported on the actions he had taken to that time:

... On the receipt of that letter I summoned to a conference, the chiefs and influential men of the Songees Tribe, which inhabits and claims the District of Victoria, from Gordon Head on Arro Strait to Point Albert on the Strait of De Fuca as their own particular heritage. After considerable discussion it was arranged that the whole of their lands, forming as before stated the District of Victoria, 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. I was in favour of a series of payments to be made annually but the proposal was so generally disliked that I yielded to their wishes and paid the sum at once.

The members of the Tribe on being mustered were found to number 122 men or heads of families, to each of whom was given a quantity of goods equal in value to 17s Sterling and the total sum disbursed on this purchase was £103..14..0 Sterling at Dept. price. I subsequently made a similar purchase from the Clallum Tribe, of the country lying between Albert Point and Soke Inlet. In consequence of the claimants not being so well known as the Songees, we adopted a different mode of making the payments, by dealing exclusively with the Chiefs, who received and distributed the payments while the sale was confirmed and ratified by the Tribe collectively. This second purchase cost about £30..0..8. I have since made a purchase from the Soke Tribe of the land between Soke Inlet and Point Sheringham, the arrangement being concluded in this as in the preceeding purchase with the Chiefs or heads of families who distributed the property among their followers. The cost of this tract which does not contain much cultivable land was £16..8..8.

The total cost, as before stated, is £150..3..4.

I informed the natives that they would not be disturbed in the possession of their Village sites and enclosed fields, which are of small extent, 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.

I attached the signatures of the native Chiefs and others who subscribed the deed of purchase to a blank sheet on which will be copied the contract

³ Court of Appeal, *Regina v. Clifford White and David Bob*, Reasons for Judgment of the Honourable Mr. Justice Norris, December 15, 1964, pp. 35, 40.

or Deed of conveyance, as soon as we receive a proper form, which I beg may be sent out by return of Post. . . .

Two years later, in a letter dated March 18, 1852, Douglas reported to Barclay on the two Saanich treaties. A sawmill company wanted to operate on a section of land north of Mount Douglas "within the limits of the Sanitch Country," and the Indians demanded payment:

. . . finding it impossible to discover among the numerous claimants the real owners of the land in question, and there being much difficulty in adjusting such claims, I thought it advisable to purchase the whole of the Sanitch country, as a measure that would save much future trouble and expense.

I succeeded in effecting that purchase in a general convention of the Tribe, who individually subscribed the Deed of Sale, reserving for their use only the village sites and potatoe patches, and I caused them to be paid the sum of £109 . . 7 . . 6 in woolen goods which they preferred to money.

That purchase includes all the land north of a line extending from Mount Douglas to the south end of the Sanitch Inlet, bounded by that Inlet and the Canal de Arro, as traced on the map, and contains nearly 50 square miles or 32,000 statute acres of land.⁴

The treaties themselves, somewhat edited to tidy them up, were published by the provincial government in 1875 and have attained a certain historical stature in that form.⁵ It is the original hand-written documents, however, that are the legal versions. These are found in the Provincial Archives in a large, hardcover notebook, inscribed "Register of Land Purchases from Indians."⁶ The Songhees, Klallam, Sooke, and Saanich treaties, in the order in which they were made, form the first part of the book. They fill less than half of the blue, lined, foolscap-sized pages; the rest remain blank. The Fort Rupert and Nanaimo treaties are written on separate sheets of the same paper and are attached to pages inside the book. The treaty book was evidently made up by Douglas himself, since most of it, including the title on the front cover, is in his distinctive hand.⁷ Sections of the texts of the treaties, as will be explained below, are in another hand and a few scribbled notations have been added at a later

⁴ The letters are found in: "Fort Victoria — correspondence outward to Hudson's Bay Company on the affairs of the Vancouver Island colony. May 16, 1850 - November 6, 1855." Original letter book in Provincial Archives (A C 20 V12).

⁵ In *Papers Connected with the Indian Land Question, 1850-1875* (Victoria: Lands and Works Department, 1875).

⁶ Catalogued as: Hudson's Bay Company, Land Office, Victoria. Register of Land Purchases from Indians, 1850-59 (A C 15 H86).

⁷ I am indebted to Willard E. Ireland, provincial librarian and archivist, for assistance in learning to recognize Douglas' handwriting.

time, but by and large the treaties may be said to have been penned by James Douglas himself.

My present purpose is mainly to examine the manner in which the Fort Victoria treaties describe the territories of the various "tribes" or "families" in order to test their accuracy as ethnographic documents. Since they are all essentially the same in form and wording, it is necessary to quote only one in its entirety then to indicate the particulars in which the others differ. They will be described in the order in which they were made:

Songhees

1. Teechamitsa (April 29, 1850)
2. Kosampsom (April 30, 1850)
3. Swengwhung (April 30, 1850)
4. Chilcowitch (April 30, 1850)
5. Whyomilth (April 30, 1850)
6. Chekonein (April 30, 1850)

Klallam

7. Kakyaakan (May 1, 1850)
8. Chewhaytsum (May 1, 1850)

Sooke

9. Soke (May 10, 1850)

Saanich

10. South Saanich (February 7, 1852)
11. North Saanich (February 11, 1852)

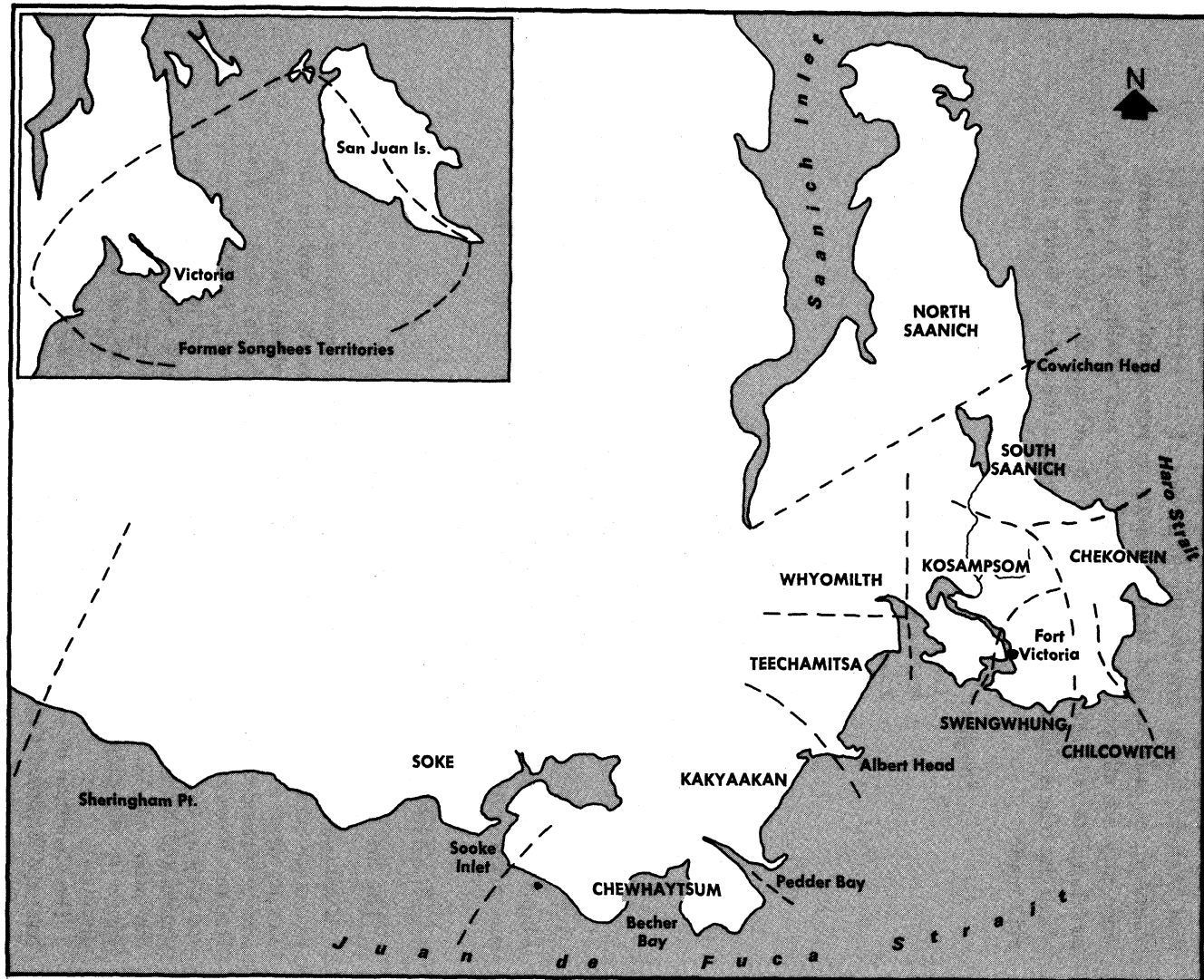
Map 1 shows the areas claimed by each group in a schematic way, which is as accurately as can be drawn from the descriptions in the treaties.

1. *Teechamitsa*

The first treaty in the book, in full, reads as follows:

Know all men, We the Chiefs and People of the "Teechamitsa" Tribe who have signed our names and made our marks to this Deed on the Twenty ninth day of April, one thousand eight hundred and Fifty do consent to surrender entirely and for ever to James Douglas the Agent of the Hudsons Bay Company in Vancouvers Island that is to say, for the Governor Deputy Governor and Committee of the same the whole of the lands situate and lying between Esquimalt Harbour and Point Albert including the latter, on the straits of Juan de Fuca and extending backward from thence to the range of mountains on the Sanitch Arm about ten miles distant.

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



MAP 1. Southeastern Vancouver Island, showing the areas covered by the Fort Victoria treaties. Inset: former Songhees territories.

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 Twenty seven pound Ten Shillings Sterling.

In token whereof we have signed our names and made our marks at Fort Victoria 29 April 1850.

	<i>his</i>	
	<i>mark</i>	
1. See-sachasis	X	
2. Hay-hay kane	X	
3. Pee shaymoot	X	Done in the presence of
4. Kalsaymit	X	JOSEPH WILLIAM MCKAY
5. Coochaps	X	[signed] RODERICK FINLAYSON
6. Thlamie	X	
7. Chamutstin	X	
8. Tsatsulluc	X	
9. Hoquymilt	X	
10. Kamostitchel	X	
11. Minayiltin	X	

It covers two pages, and was written at two different times by two different hands. On the first page Douglas penned the first part of the text from "Know all men" down to "do consent to surrender"; near the bottom of the second page he wrote "Fort Victoria 29 April 1850," as well as the numbered list of Indian names and "Done in the presence of." The larger part of the text, beginning "entirely and for ever," has been written in later by another hand.

2. *Kosampsom*

The next five treaties in the book are dated April 30, 1850. As with the first, Douglas wrote the beginning of the text down to "surrender" as well as the numbered list of Indian names, the place (Fort Victoria), and the date, leaving space for the main part of the text, which was inscribed later by the second writer. The witnesses who signed these five treaties were Alfred Robson Benson, M.R.C.S.L., and Joseph William McKay, employees of the Company.

At the top of the first page of each of these treaties, Douglas wrote in pencil a memorandum or prologue describing the territory of the group concerned. This was likely done in the presence of the Indians and served as the basis for the description to be written later into the body of the text. These prologues were not included in the published versions

of the treaties, and in some cases their wording is somewhat different from that in the text and helps to clarify the tribal boundaries. On these treaties also, scribbled in pencil at a later time on one or other of the pages, is a sort of title describing the area covered; for example, on the first page of the Kosampsom treaty is jotted "Esquimalt Peninsula and Colquits Valley." These seem to have contributed to the titles which are found on the published versions.

The text of the treaty for the "Kosampsom Tribe" describes its lands as:

... between the Island of the Dead in the Arm or Inlet of Camoson and the head of said Inlet embracing the lands, on the west side and north of that line to Esquimalt, beyond the Inlet three miles of the Coolquits Valley, and the land on the east side of the arm, enclosing Christmas Hill and Lake and the land west of those objects.

Douglas' note at the top of the first page was worded:

purchase of land from Kosampsom Tribe extending from the Dead Island in the arm of Camoson to the head of the arm embracing the lands on the west side north of that line to Esquimalt, beyond the arm 3 miles of the Coolquits valley and the land on the east side of the arm enclosing Christmas Hill and Lake and the lands west of them.

Its wording had at first been "from the narrow named Camoson," but the words "narrow named" were crossed out and "Dead Island in the arm of" written in above them. This perhaps indicates that the note was being written in the presence of the Indians and that a special point was made to include the Island of the Dead within Kosampsom territory.

The amount of payment was £52 . . 10. The list of Indian men contains twenty-one names, beginning with "Hookowitz" and including as No. 5 "Say-sinaka," who was the great-grandfather of the present Mr. Edward Joe of the Esquimalt band.

3. *Swengwhung*

The text of the treaty uses the phrasing "the Family of 'Swengwhung'" and defines its territories as:

... between the Island of the Dead in the arm or Inlet of Camoson where the Kosampsom 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 Camoson.

Douglas' earlier prologue:

Purchase of land from the Tribe of Swengwhung extending from the Dead Island, in the arm of Camosun, where the Kosampsom lands terminate extending east to the Fountain ridge, which their line follows to its termination on the sea coast in the sandy Bay on the east side of Clover Point.

Payment was £75, and the numbered list of Indian men has thirty names headed by "Snawnuck." The title, jotted in later in a hand that may be that of Douglas, is "Victoria Peninsula south of Colquits."

4. *Chilcowitch*

For "the Family of Chilcowitch" the treaty text describes the lands . . . between the Sandy Bay east of Clover Point, at the termination of the Whengwhung line to Point Gonzales, and thence north to a line of equal extent passing through the north side of Minies Plain.

The prologue:

Purchase of Land from the Tribe or Family of Chilcowitch commencing in the sandy Bay east of Clover Point where the Wheng-Whung boundary terminates, to Point Gonzala and thence north to Minies Plain — a wooded Rocky District; and a part of the lands of Chaytlum.

The meaning of the last phrase is not clear. Chaytlum was the chief of the next group, the Chekonein, and apparently the highest chief of the Songhees. Perhaps at this point Douglas was encountering some of the confusion inherent in the attempt to assign precise and exclusive territories in such a situation. In this as in other cases the description in the treaty is a tidied-up version of that in the prologue.

Twelve men headed by "Quasun" made their marks and received in payment £30. Their X's seem remarkably uniform, as is the case on all the other treaties;⁸ perhaps they did not actually take the pen in hand as their marks were made. "Point Gonzales" is jotted just above the list of names.

5. *Whyomilth*

Again, the text of the treaty is the same as No. 1 except for the particulars given here. The "family of Whyomilth" claimed lands

. . . between the north west corner of Esquimalt, say from the Island, inclusive, at the mouth of the Saw Mill Stream and the mountains lying due west and north of that point this District being, on the one side bounded

⁸ Except for the Fort Rupert treaties, on which the Kwakiutl marked O's.

by the lands of the Teechamitsa and on the other by the lands of the Kosampsum family.

The prologue had used slightly different wording:

Purchase of Land from the Tribe or Family of Whyomilth extending from the north west corner of Esquymalth, say from the Island off the entrance of Saw mill stream and running west and north to the mountains, being bounded on one side by the lands of the Teechamitsa and on the other by the lands of the Kosampsum.

Eighteen men headed by "Hal-whalutstin" (beside whose mark Douglas has written "hunter") made their X's and received payment amounting to £45. On the first page is jotted "North West of Esquimalt Harbour."

6. *Chekonein*

The lands of "the Tribe or Family of Che-ko-nein" were

... between Point Gonzales and Mount Douglas, following the boundary line of the Chilcowitch and Kosampsum families; the Canal de Arro and the Straits of Juan de Fuca, east of Point Gonzales.

The earlier description in the prologue was

Purchase of land from the Tribe or Family known as the Che-ko-nein extending from Point Gonzala along the Boundary of the Chilcowitch and Kosampsum Tribes as far north as Cedar Hill and including all the ground east of that line to the Canal de Arro and Straits of De Fuca —

Thirty men are named on the numbered list. Third, after "Chaythlum" and "Unhayim," is "Chee-al-thluc," who was the famous "King Freezy," grandfather of the late Jimmy Fraser and according to many of the early accounts the leading chief of the Songhees. Opposite these three names Douglas has pencilled the numerals 5, 4, and 5, respectively, which I interpret to mean that they received that number of blankets instead of the usual three. No. 27 on the list, "Tlolemitstin," also received extra consideration: beside his mark Douglas wrote "and a cap." The amount of payment is given as £79 .. 10, which is £4 .. 10 more than was received by the Swengwhung with the same number of men. Presumably the difference represents the extra blankets and the cap. Douglas had left the highest ranking Songhees group to the end and paid the three leading chiefs somewhat more. "Point Gonzales to Cedar Hill" has been written in the space between the text and the list on the second of the three pages.

Purchase of land from the Indians on Peneda, Ancon
as the old territory extending from Point Lery
along the boundary of the Chiriqui and Nasmyson
tribes as far north as Cedar Hill and including
all the ground east of that line to the Canal de Oro
and Strait of La Cruz.

FIGURE 1. The Chekonein treaty.

Know All men, We the Chiefs and people
of the Tribe or Family of Che-ko-neen, 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 for ever to
James Douglas, the Agent of the Hudson's
Bay Company in Vancouver Island
that is to say, for the Governor-Depute
Governor and Committee of the Same
the whole of the lands situate and
lying between Point Gonzales and
Point Douglas, following the boundary
line of the Chilowitch and Rosamben
families; the Canal de Storo and the
Strait of Suon de Suon, east of Point
Gonzales. The Condition of or
understanding of this Sale is this, that
our Village Sites and inland 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 lands shall be properly
surveyed hereafter, it is understood

however that the land itself, with these small exceptions become 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 Nine pounds ten shillings 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

Pound signed to Cedon Kell

1	Chaythe lum	X	5
2	Un-hayim	X	4
3	Chel-al-thluc	X	5
4	Koquay mitchstein	X	
5	Kull-kom	X	
6	Skellusun	X	
7	Koquãamitchstein	X	
8	Inuk-kum	X	
9	Pagh	X	
10	Sila cha	X	
11	Kool-tyilk	X	
12	Pulk-koo	X	
13	Silahalch	X	
14	To-whay-mut	X	by his son vilahalch

U he-ko-nein unt

- | | | |
|----|------------------|---------------------------|
| 15 | Wulbalichten | X |
| 16 | Swaalayok | X |
| 17 | Sulhymullet | X |
| 18 | Kal'ho-lacha | X |
| 19 | Similansch | X |
| 20 | Tulmitce-aicha | X |
| 21 | Maytaywa | X |
| 22 | Soo-quall-niltth | X |
| 23 | Hiacca | X |
| 24 | Say-cit-cun | X |
| 25 | Single-niltth | X |
| 26 | Ho-mewen | X |
| 27 | Hole-miltshin | X and a copy |
| 28 | S-quay-ess | X |
| 29 | Spichaw | X |
| 30 | Shet-läälh | X by his Father Inuk-hum- |

Done before us at Fort
Victoria this 30th day of April
1850

Alfred Robson Benbow
Mr. R. J. S. L.
Joseph William McKay

7. *Kakyaakan*

The next three treaties, two Klallam and one Sooke, have a different wording in the first part of the text, as they were made with the chiefs only. Douglas began this one

Know all men, We the Chiefs of the Family of Ka-kyaakan, acting for and with the consent of our People, who being here present have individually and collectively, confirmed and ratified this our act; now know that we who have signed our names and made our marks to this Deed on the First day of May one thousand eight hundred and Fifty do consent to surrender

and at that point as in the others above the text was continued at a later time by the second writer. The lands of this Klallam group were

... between Point Albert and the Inlet of Whoyung on the Strait of Juan de Fuca and the Snow covered mountains in the interior of the Island so as to embrace the Tract or District of Metchosin from the Coast to the said mountains.

The prologue reads:

Purchase of land from the Tribe or Family of Ka ky-aakan extending from Point McGregor to the Inlet of Whoyung — embracing the whole of the Tract or District of Metchosin from the sea coast to the interior of the Island as far as the snowy mountains

Payment of £43 . . 6 . . 8 was received by two chiefs "Quoite to kaynum" and "Tly-a-hum," opposite whose names Douglas wrote the note "Descendants of the chiefs antient possessors of this Districts and their only surviving heirs — about 26 in number." Below this, Benson and McKay signed as witnesses, and Douglas pencilled a note "52 blankets paid." "Whoyung" was the name which Douglas gave in 1842 to a port which is most likely Pedder Bay.

8. *Chewhaytsun*

The treaty text begins in Douglas' hand

Know All men, We the Chiefs, of the Family of Cheaihaytsun, acting for and on behalf of our People, who being here present have individually and collectively, ratified and confirmed this our act, now Know that we who have signed our names and made our marks to this Deed on the First day of May, one thousand, eight hundred and Fifty do consent to surrender

and is continued later in the second writer's hand. The lands are

... between the Inlet of Whoyung and the Bay of Syusung known as Soke Inlet, and the snow covered mountains in the interior of the Island.

The prologue was worded by Douglas:

Purchase of Land from the Tribe or Family of Cheaihaytsun, extending from the Inlet of Whoyung — to the Bay of Sy-yousung and interiorly to the snowy mountains

The amount of payment was £45 . . 10. Three chiefs made their marks: "Al^hchay-nook," "Wee-ta^h-noogh," and "Chanas-kaynum," beside whose names Douglas wrote: "Chiefs and representatives of the Family of Chewhaytsun who collectively have ratified the sale — about 30 in number." A pencilled note below says "54 blankets paid." No white witnesses signed this treaty. On the second page is scribbled the word "Sooke," and on the first page (probably in error, meant for the previous treaty) is jotted "Metchosin."

9. *Soke*

The "Family of 'Soke'" claimed the lands

... between the Bay of Syusung or Soke Inlet, to the Three River beyond Thlowuck or Point Shirringham on the Straits of Juan de Fuca and the snow covered mountains in the interior of Vancouvers Island.

In the prologue Douglas had written:

Purchase of land from the Tribe or family of Soak, extending from the Bay of Sy yousung to the Three Rivers Two Bay beyond Thlowuck.

Four chiefs made their marks, "Wanseca," "Tanasman," "Hysimkan," and "Yokum," and Douglas noted that they were "Chiefs commissioned by and representing the Soak Tribe here assembled." He also wrote "Fort Victoria 10th May 1850," which probably indicates that the treaty was not concluded until nine days after the Klallam treaties, although in two places in the text the date is given as May 1. Payment was £48 . . 6 . . 8. A pencilled note says "58 blankets." Again, there are no white signatories. On the first page is the hasty title "Northwest of Soke Inlet."

10. *South Saanich*

The two Saanich treaties, made two years later than those above, are identical in form to the Teechamitsa treaty first quoted. Unlike the

others, however, there is no break in the text after "surrender." Douglas was no longer waiting for Barclay to send out "the proper form" but had evidently written the remainder of the text himself, following in part the wording of his own May 16, 1850, letter to Barclay. He had, in fact, settled on the wording of the texts by 1851, when he wrote the complete texts of the Fort Rupert treaties at a single sitting. No pencilled prologues were therefore needed on these treaties.

Both treaties were made with "we the Chiefs and people of the Sanitch Tribe," but obviously these were two different groups of people. The first, bearing the scrawled title "South Saanich," is dated February 6, 1852, in the first part of the text but February 7 farther down, and the note "Fort Victoria 7th Feby. 1852" appears below the list of Indian men. The territory is described as lying

... between Mount Douglas and Cowitchen Head on the Canal de Arro and extending thence to the line running through the centre of Vancouvers Island north and south.

Under the words "Cowitchen Head" is written "Tluma-latchin," its Indian name. Payment was stated to be £41 . . . 13 . . . 4. Ten men made their marks: "Whutsaymullet" was noted as "Chief" and was followed by "Comey-uks" and the others. The latter may be the Chief Skomiox mentioned in some of the historical accounts. Jimmy Fraser told me that his grandfather Freezy (Chee-al-thluc) invited James Kumeyaks of Sidney Island to move to Victoria, which might provide a clue to the identity of this group. A note beside the list of names says "paid 50 blankets," and another at the bottom of the page which is not perhaps connected with this transaction says "300 Blankets." The white witnesses who signed under Douglas' note "Witness to signatures" were Joseph William McKay and Richard Golledge, both Hudson's Bay Company clerks.

11. *North Saanich*

The second Saanich treaty was made four days later on February 11, 1852, with a much larger group of people, presumably that which Douglas called "a general convention of the Tribe" in his letter to Barclay of March 18, 1852. Their lands are described as

... commencing at Cowitchen Head and following the coast of the Canal de Arro north west nearly to Sanitch Point or Qua-na-sung from thence following the course of the Sanitch Arm to the point where it terminates

and from thence by a straight line across country to said Cowitchen Head the point of commencement; so as to include all the country and lands, with the exceptions hereafter named, within those boundaries.

The remainder of the text is not fully complete, ending with "We have received as payment," so that the amount of payment and the place are not specified, although space was left for that portion of the text. The list of Indian names is unusually long, totalling 117 men. It is actually three lists: the first numbered 1 to 49 and headed by "Hotutstun," the second numbered 1 to 32 (but with the number 22 left out, hence 31 names) headed by "Is-hamtun," and the third numbered 1 to 37 headed by "Huyla che." Quite likely these were the men of the three Saanich villages on Saanichton Bay, Patricia Bay, and Brentwood Bay, and further research could establish which was which. The two white signatories who witnessed the Indian signatures were Joseph William McKay and R. Golledge. The title scribbled on the first page is "North Saanich."

It would not be appropriate here to examine in detail the Fort Rupert and Nanaimo treaties. They are essentially the same in format as the Fort Victoria treaties, although they differ in some interesting details. The payments, for example, seem to have been at a higher rate and in a greater variety of goods, especially in the Fort Rupert transactions. The Nanaimo treaty, strangely, has no text whatever, although it is obvious (and the courts so ruled in the White and Bob case) that Douglas intended that it have the same text as the rest. The latter, too, is the only one bearing the signature of Douglas himself.

There exists an additional document from the hands of James Douglas which helps to interpret the Fort Victoria treaties. In one of his notebook-diaries of about 1853 he brought together from several sources a census which he called "Original Indian Population, Vancouver Island."⁹ Table 1 is the relevant part of this census.

Quite obviously these are the groups with whom he made the treaties in 1850 and 1852. The numbers of "men with beards" in the census are the same as the numbers of men who made the treaties, with three exceptions: Kakyaakan, with 10 in the census but 26 in the treaty; Soke, with 34 in the census and no number mentioned on the treaty; and North Saanich, where through misnumbering of one of the lists on the treaty the total of 118 should be 117. It would be of great interest to know how Douglas arrived at his figures for women, boys, and girls; all

⁹ *Private Papers of Sir James Douglas, K.C.B., Second Series*. Typescript in Provincial Archives.

TABLE 1

<i>Tribe</i>	<i>Family</i>	<i>Place of Habitation</i>	<i>Men with beards</i>	<i>Women</i>	<i>Boys</i>	<i>Girls</i>	<i>Totals</i>
	Teechamit		11	10	16	14	(51)
	Kosampsom		21	23	35	26	(105)
Songees	Swengwhung	Victoria	30	33	57	63	(183)
	Chilcowitch	District	12	13	17	16	(58)
	Whyomilth		18	20	36	39	(113)
	Chekonein		30	35	60	65	(190)
			122	134	221	223	700
Tlallum	Kakyaakun	Metchosin	10	12	20	17	(59)
	Chewhaytsun	Rocky Point	30	35	54	58	(177)
			40	47	74	75	236
Soke	Soke	Soke Inlet	34	40	65	71	210
Sanitch	Sanitch	Mount Douglas	10	12	16	18	(56)
	Sanitch	Sanitch Arm	118	130	210	225	(683)
			128	142	226	243	739

[Totals in parentheses are not on the original list.]

things considered it hardly seems possible that they could be as accurate as they give the appearance of being.

From the letters and the treaties themselves one can reconstruct in some detail the procedure which Douglas followed in negotiating the purchases. After receiving Barclay's general instructions, he "summoned to a conference" (presumably at the fort) "the chiefs and influential men of the Songees Tribe." He told them that he wanted to purchase their lands, and negotiated with them on the manner and amount of payment. He proposed an annuity system, but they argued for a single payment to each man of the tribe. The 122 Songhees men were then "mustered" at the fort and sorted into their "families or tribes." This occurred, presumably, on April 29, 1850; however, only the Teechamitsa made their marks and received their payments that day, the rest had to return the following day. Douglas dealt with each group in turn; in

pencil noting the territory claimed, in ink listing the names of the men and having them make their X mark as they received payment, and finally having two of his employees sign as witnesses. He left the highest-ranking chiefs to the end and gave three of them bonuses, perhaps for assistance as informants and interpreters.

It is a point of some importance that the treaties were made at the fort, and not "on the ground." It means, for example, that the boundaries of tribal lands were settled on the basis of verbal descriptions. It is doubtful that Douglas had an accurate map to work with, and even if he did, it is even more doubtful that the Indians could read it. Their mental maps and his had to be reconciled, as did any confusions which arose over landmarks, directions, and distances. Such confusions are apparent in several of the descriptions in the treaties, making it impossible to map the territories in anything more than a schematic way.

Several questions involving the amounts of the payments can be solved by simple arithmetic (if wrestling with pounds, shillings, and pence can be called simple arithmetic). Douglas reported to Barclay that he had paid each of the Songhees men a quantity of goods worth 17/0 (17 shillings), the total for the 122 men being £103 . . 14 . . 0. That arithmetic checks. However, the amounts stated in the treaties themselves total £309 . . 10 . . 0. The difference, presumably, represents the mark-up from what Douglas called "department price" to what might be called retail price, a healthy mark-up of about 300 per cent. The Songhees men assumed they were receiving goods worth £2 . . 10 . . 0, not 17/0.

The amounts stated in the first five of the six Songhees treaties are uniformly at the rate of £2 . . 10 . . 0 per man; for example, the thirty Swengwhung men are said to have received £75 . . 0 . . 0. However, the Chekonein, who also mustered thirty men, received £79 . . 10 . . 0, that is to say, £4 . . 10 . . 0 more. Opposite the names of their three leading chiefs: Chaythlum, Unhayim, and Chee-al-thluc, Douglas noted in pencil the numerals 5, 4, and 5 respectively; and beside the name of another man he noted "and a cap." I interpret this to mean that the chiefs were given these numbers of blankets rather than the usual three, and that the extra five blankets plus the cap account for the extra £4 . . 10 . . 0. Douglas did not include these small bonuses in the amount he reported to Barclay.

The Klallam and Sooke were paid in a different manner and at lower rates. Douglas summoned the chiefs and people of the two Klallam groups to the fort on May 1, 1850. The goods were paid to the chiefs,

who then made distributions to their people. The Kakyaakan treaty states the amount received by the twenty-six men as £43..6..8, an average of about £1..13..4 instead of the £2..10..0. received by the Songhees. The thirty Chewhaytsum men received £45..10..0, an average of about £1..10..4 each. The actual cost to the Company of these two treaties, according to Douglas' letter, was £30..0..8, or about 11/0 per man as compared with the 17/0 paid to the Songhees.

The Sooke treaty, judging from the date in its text, was prepared for the same day, May 1, but it was apparently not concluded until May 10. The amount of payment as stated in the text was £48..6..8, and the actual cost to the Company as reported in Douglas' letter was £16..8..8. Assuming that the number of men was thirty-four (as Douglas later entered in his census), the average per man was £1..8..6, or at department price just under 10/0.

With the Saanich treaties two years later, Douglas reverted to the system of giving an individual payment to each man. On February 7, 1852, he met the ten South Saanich men at the fort and treated with them as owners of the land between Mount Douglas and Cowichan Head. He was unable to obtain agreement among the rest of the Saanich on which group owned which land, and four days later he assembled "a general convention of the tribe" (probably at the fort, but unfortunately the treaty doesn't say) and purchased the entire Saanich peninsula. Another 117 men received payment, but the treaty fails to state the amount. The cost to the Company of the two Saanich treaties, as reported to Barclay, was £109..7..6, just over 17/0 per man; Douglas was probably giving the same rate as the Songhees had received. The ten South Saanich men, however, seem to have received more than their share, about £4..3..0 retail rather than £2..10..0. The apparent discrepancy cannot be explained with the information available.

The payments, evidently, were made in the form of blankets. Douglas reported that he paid the Saanich "in woolen goods which they preferred to money." On the Klallam and Sooke treaties he noted in pencil "52 blankets paid" (Kakyaakan), "54 blankets paid" (Chewhaytsum), and "58 blankets" (Soke); and on the South Saanich treaty he made the note "paid 50 blankets." By resorting again to arithmetic, we discover that for the purposes of the Kakyaakan, Sooke, and South Saanich treaties at least, each blanket was valued at 16/8. To discover the "department price" we can use the figures for the Sooke treaty: the 58 blankets cost the Company, according to Douglas' letter, £16..8..8, or 5/8 each.

These values check for the Songhees treaties. Douglas reported that

he paid each man a quantity of goods worth 17/0; that is, 3 blankets costing the Company 5/8 each. Valued at the retail price of 16/8, the 3 blankets were worth the £2 . . 10 . . 0 per man shown on the face of the treaties. Three blankets for each of the 122 men would total 366; at 5/8 each these were worth the £103 . . 14 . . 0 which Douglas reported to Barclay. Adding the small bonuses which Douglas did not report, we reach the conclusion that the Songhees sold their title to the District of Victoria for 371 blankets and a cap.

The two Klallam treaties cost the Company 104 blankets worth 5/8 each, or £30 . . 0 . . 8, as Douglas reported in his letter. The twenty-six Kakaayan men received 52 blankets (two apiece, if the chiefs distributed them equally); valued at the retail price of 16/8, these give the total amount on the face of the treaty, £43 . . 6 . . 8. However the arithmetic for the Chewhaytsum treaty does not check as neatly: their 54 blankets at 16/8 would total £45 . . 0 . . 0, not £45 . . 10 . . 0 as appears in the treaty. How is the additional ten shillings to be explained? As bonuses which, as in the Songhees case, Douglas did not mention to Barclay? Or could it be that whoever filled in the text of the treaty, in multiplying 16/8 by 54, made an error of arithmetic? At this point I would rather like to think so. The Sooke treaty checks out neatly: at department price the 58 blankets come to the £16 . . 8 . . 8 reported by Douglas in his letter, and at retail price £48 . . 6 . . 8 as stated in the treaty.

The Saanich treaties leave us with a number of puzzles. The 50 blankets noted as paid to the South Saanich, at 16/8 each, do indeed total the £41 . . 13 . . 4 on the face of the treaty. But only ten men are listed, and 5 blankets each would seem more than their share. Later, 117 more men were paid. The total cost to the Company was £109 . . 7 . . 6. That amount was worth 386 blankets (at 5/8) plus twopence left over (another arithmetical error?). That number of blankets would be 3 each for the 127 men who made their marks, with 5 left over; or 3 each for the 128 men Douglas thought he had paid, with 2 left over. But by now we have reached the realm of pure speculation, and have run out of clues.

Having answered some of the questions about the treaties, we might briefly mention two among those which remain unanswered. Why did Douglas not sign the treaties himself (except the one at Nanaimo)? As agent of the Company and the Crown, he was one of the parties to the transactions. He took pains to have the other party (the Indians) make their "signatures" and had his employees witness them, but nowhere did he affix his own signature. Why are all the Indian X marks so regular?

It is not because the documents are copies, for it is clear from other indications that they are the originals. Could the answer lie in the manner in which the marks were made, perhaps with the Indian just placing his hand on the pen as Douglas made the mark?

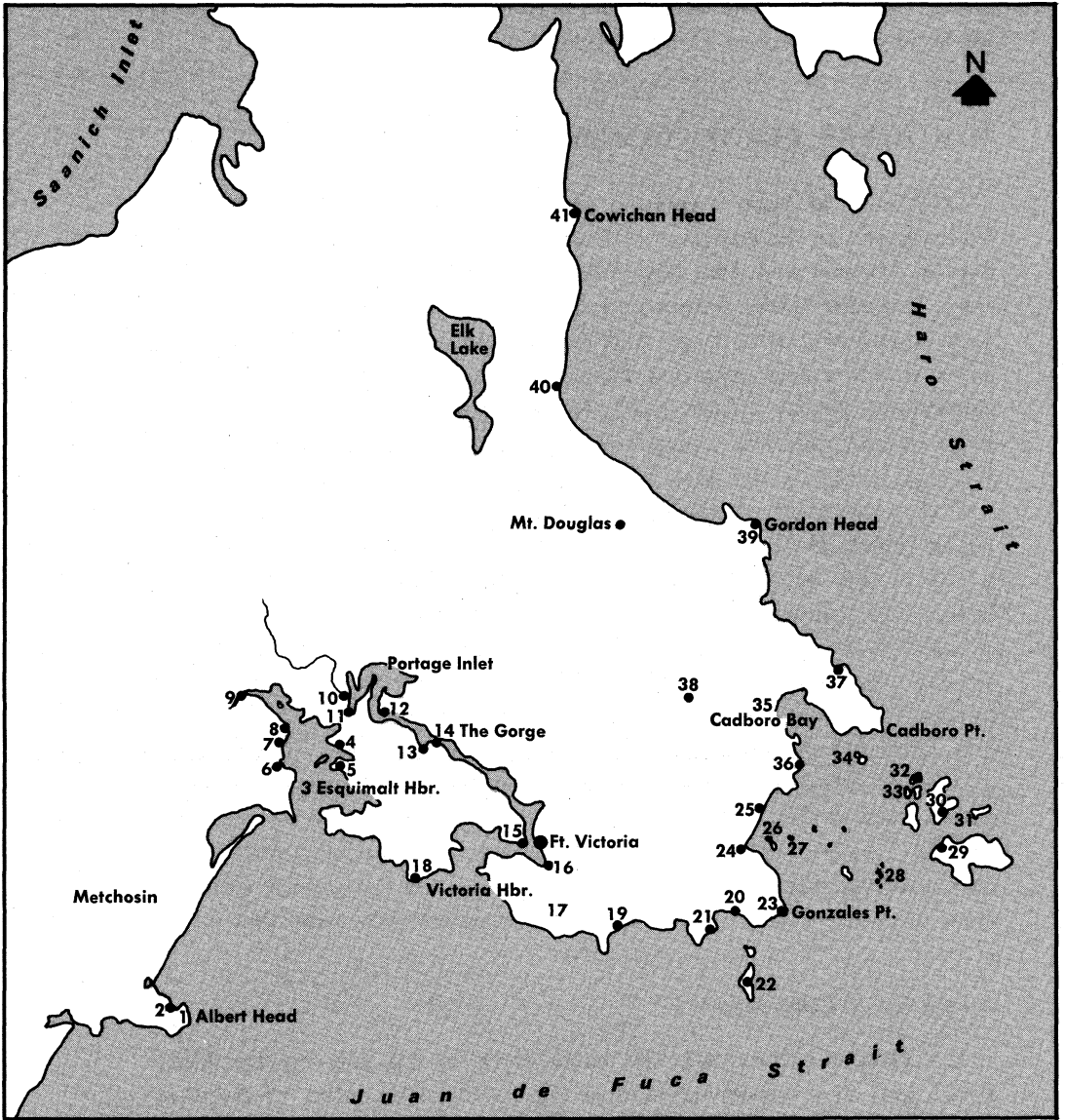
SONGHEES PLACE NAMES AND HISTORY

In March of 1960 I spent a couple of enjoyable days touring the Victoria area in the company of two of the oldest Songhees residents, Mrs. Sophie Misheal and Mr. Ned Williams (referred to below as SM and NW), recording place names and some of the Indian history associated with them. My notes from that tour, augmented by some additional notes which I had recorded in 1952 from another elderly Songhees gentleman, Jimmy Fraser (JF), form the basis of the following list. Further information obtained during more recent visits to Mr. and Mrs. Edward Joe (EJ) and Mrs. Martha Guerin (MG) has also been added.

The resulting list of place names, arranged in geographical order from Albert Head in the south to Cowichan Head in the north, provides whatever line of continuity there is in the account of early Songhees history and ethnography that follows. Probably it is as good a line as any. Along it I have strung a miscellaneous basket of wash assembled from various other sources: fresh insights from the notes and thesis of Wayne Suttles, some old ethnographic remnants from the writings of Boas and Hill-Tout, a few Songhees stories from my notes, an assortment of bits and pieces from old documents and newspapers, and some well-worn sheets from earlier historians patched up with comments of my own. Finally, I have made brief references back to the treaties in order to incorporate the information which they contain and compare it with that from the other sources. The numbered places are shown on map 2.

Albert Head (and beyond)

1. Tleepet (łipet) was the name given by SM and NW for Albert Head, and they considered it to be the southern boundary of Songhees territory. The coastline beyond, according to ethnographic accounts, belonged originally to the Sooke. After Fort Victoria was founded, numbers of Klallams moved north across the Strait of Juan de Fuca to be closer to the fort and to take possession of reef-netting stations at Becher Bay, where they remained.



MAP 2. The Victoria area, showing the locations of places for which Songhees names have been recorded.

The best account of the early history of the Sooke tribe was given to Suttles by Henry Charles of Becher Bay. Early in the 1800s their winter village was at the head of Pedder Bay, and they had a summer reef-net location on a point east of Becher Bay. The tribe then living at Sooke was the Skwanungus (sk^waⁿə^ʔŋəs). The Sooke made war on them, took possession of the Sooke River, and moved their village there. The Skwanungus moved out to Sooke Bay where, soon after the white man came, they were annihilated by the Makah. Shortly after that, the Sooke themselves were attacked and almost wiped out by the Klallams. Some were taken and sold as slaves; the chief Wanseea (wa^ʔnsiə) escaped and found shelter with the Songhees.

Walbran (1909, p. 465) learned from John Muir, who had lived at Sooke since 1850, that the near-annihilation of the Sooke occurred about 1848 and was the result of a combined attack by Cowichans, Klallams, and Nitinats. No single tribe would have dared to attack what Muir called this "most warlike and hardy race." Descendants of the tribe form the present Sooke band, which in 1968 numbered 41.

The "Soke". The people with whom Douglas made the Soke treaty were doubtless the reassembled remnants of this warlike tribe. Their first chief was "Wanseea." It is of interest to note that the lands they claimed, from Sooke Inlet to a river beyond Sheringham Point, did not include their earlier sites on Pedder and Becher bays but did include Sooke Bay, the last home of the unfortunate Skwanungus. In establishing the tribal boundaries, Douglas was evidently content to accept the situation as it existed in 1850 rather than try to reconstruct what it had been "originally," despite the title of his census.

The Klallam, prior to 1843, lived along the southern shore of Juan de Fuca Strait, although a few of them may have visited relatives among the Sooke in the summers during salmon season. Detailed ethnographic accounts obtained by Gunther (1927) and Suttles (thesis), while differing on a number of minor points, agree that it was after the founding of Victoria that some of them moved to Vancouver Island. What attracted them was the white man's trading post, and what induced them to stay was the availability of reef-netting locations at Becher Bay, abandoned, or at least no longer fully used, by the remnants of the Sooke.

The reef-net, as Suttles has pointed out, was a device uniquely associated with the Straits Salish, with which they harvested the runs of salmon migrating from the ocean to the mouth of the Fraser River. It could be used only at those few locations where the fish passed close to

shore over shallow reefs extending from points of land. On the southern shore of Juan de Fuca Strait there were no such locations, but on Vancouver Island there were at least four: Otter Point west of Sooke, a point at the eastern entrance of Sooke Inlet, Beechey Head just west of Becher Bay, and a point just east of Becher Bay (Suttles, thesis). My informants called this last one Mukwaas (muq^wá'as), and added a fifth, Macaulay Point in Songhees territory. Though prominent in Songhees traditions, the latter may not have been used in recent times, as most or all of the Songhees crossed Haro Strait to their numerous reef-net locations on San Juan and Henry islands.

Henry Charles told Suttles that a Klallam chief called Stsekaynem (sc'əqe'nəm) moved from Port Angeles to Victoria when the white men came, to make shingles and plant potatoes for them. Later, when the young people started to drink, another Klallam chief ǰé'ixəm (who could be none other than the "Tly-a-hum" of the Kakyakaan treaty) moved out to Witty's Beach beyond Albert Head "where the qəqa'yəqən tribe had formerly lived." This group later moved out to Becher Bay. While living at Witty's Beach, ǰé'ixəm began sharing the reef-net location at Beechey Head; when he moved out to Becher Bay, he used the location outside its eastern entrance. My informant EJ also told me that the qəqa'yəqən had lived on Witty's Lagoon and later moved to Becher Bay, where they were joined by more Klallams from the American side.

The "Kakyaakan". Douglas identified as "Clallum" two of the groups with whom he made treaties in 1850. The Kakyakaan claimed the area between Albert Head and Pedder Bay, which of course includes Witty's Lagoon. Their chiefs were "Quoite-to-kay-num" and "Tly-a-hum," and Douglas' note beside their names seems to indicate that they were (or said they were) "descendants of the chiefs, ancient possessors of this district." There is something of a puzzle here. One of the chiefs, and likely both, were the Klallams named by Henry Charles. Then in what sense could they have been descendants of the ancient possessors of the district? Once again, apparently, Douglas learned the situation as it was in 1850 and assumed that the aboriginal situation had been the same.

The "Chewhaytsum". The other "Clallum" treaty was with the group that claimed the area between Pedder Bay and Sooke Inlet. In his census, Douglas gave their location as "Rocky Point." We have very little information on this group. Hill-Tout (1907, p. 307) listed "Tciwétsun" as one of three villages at Becher Bay, the other two being "Tciánuk"

(roughly, Chiahnook, sometimes written as "Cheerno," the recent name for the Becher Bay band) and "Nukstlaiyum" (another rendition of "Klallam"). Walbran gave "Chowitzen Bay" as an alternate name for Becher Bay (1909, pp. 41, 90). In 1968 the Becher Bay band numbered 81.

2. Stsangal (sc'ɛ'ŋal) was given by SM and NW as the name for the little bay on this side of Albert Head, where the Stsanges (sc'a'ŋəs) had lived. SM added that "these were the lowest people around here," and that they were raided for slaves by their Songhees and Klallam neighbours. In her father's time, only one man was left.

Stsanges is the name from which the collective term "Songhees" or "Songish" is derived, though it seems strange that the other groups should consent to bear the name of such a despised segment. The form applied by the tribes of southern Puget Sound, according to Tolmie and Dawson (1884, p. 119B), was "Etzamish." In like manner, Cowichans to the north called the Victoria groups Stsamis (sc'a'məs), according to Suttles; and Boas recorded that a Kwakiutl group, the Tlaluitsis, took as its nickname "T'sā'mac, which is the name of the Songish in the Comox dialect" (Boas, 1897, p. 333). J. R. Anderson, an early resident at the fort, used the form "Stsamiss." James Douglas' first version, in 1843, was "Samose," but by the time of the treaties he had settled on "Songees" and in a fresh attempt to write the name of its original bearers at Albert Head he adopted "Teechamitsa."

When reserves were laid out for the Becher Bay band, this small bay was given to them as I.R. 11, but it was surrendered for use by the Quarantine Station before 1916.

The "Teechamitsa". The first of the 1850 treaties was made with this small group for the lands between Esquimalt Harbour and Albert Head. Of their fate after that time nothing seems to be recorded. Probably like the other small outlying groups, their remnants joined the rest of the Songhees at the main village on Victoria harbour.

Esquimalt Harbour

3. The name "Esquimalt," according to Mr. J. W. McKay, a former Indian agent in Victoria, means "a place gradually shoaling," and refers specifically to the flats at the mouth of Mill Stream (Walbran, 1909, p. 171). Since Mr. McKay was also a former Hudson's Bay man who had witnessed the treaties and, according to information in the Pro-

vincial Archives, helped build the mill on Mill Stream in 1847, his interpretation is an authoritative one. Regrettably, none of the other information available confirms this translation, nor does it offer a better one.

The Spaniard Quimper in 1790 called the bay Puerto de Cordova. In June 1792, entering Juan de Fuca Strait on their voyage of exploration, Galiano and Valdes stopped at Neah Bay. There they met a most friendly and impressive chief named Tetacus, who said that he too was going up the strait and stayed aboard as guide. He guided them into "Cordoba," "... to which he gave the name Chachimutupusas." They went ashore "to visit the village of Tetacus, where there are some fifty Indians" (Jane, 1930, pp. 34-6). The Spaniards thought very highly of their new friend: "We afterwards learned that he was one of the most feared of all the chiefs who live on these shores, and that he had won the greatest respect and authority among them, on account of his bravery, ability and character." Portraits of Tetacus and his charming wife Maria appear in their published journal (Jane, 1930, pp. 30, 36). Whether he was a Makah (Nootka) chief with relatives at Esquimalt, or a Songhees chief with relatives at Neah Bay, is difficult to judge; perhaps, in effect, he was both. His name for the harbour, unfortunately, does not seem to shed light on the meaning of "Esquimalt."

The present Indian form of the name, used by all informants, is $\cdot\text{sx}^w\text{em}\acute{\text{e}}\text{t}\acute{\text{a}}\text{ł}$ (roughly, Swhaymalthelth). It is applied loosely to the harbour, the village, and the people; however, SM and NW gave it more thought and corrected themselves to say that it applies properly only to Duntze Head, the site of the dockyard. None are able to translate the name. EJ postulated that it might be derived from $\text{x}^w\text{a}'\text{y}\acute{\text{a}}\text{m}\acute{\text{a}}\text{ł}$, which would seem to mean "all lying dead," but he had no explanation of that curious phrase. SM, when she was talking about Esquimalt, mentioned a tradition that the people there were once suffering a famine when some whales came into the harbour and died, providing them with food; but she did not associate the tradition with the name.

Douglas recorded the name of the people who claimed the northwest corner of the harbour in 1850 as "Whyomilth" and earlier, in his 1842 report and map, had recorded the name of the harbour as "Is-whoymalth." The earliest Admiralty chart, dated 1847, calls it "Esquimalt" Harbour; this chart shows no habitations but labels as "Village Bay" what is now known as Constance Cove just inside Duntze Head and as "Village Rocks" some tiny islets just outside the present Lang Cove. If this was formerly the site of a village, it might explain why SM and NW associated the name with Duntze Head.

Suttles has suggested that the present longer form of the name, given above, may have been derived from a village name, "sx^wa'yəməɫ," pointing out that such place names were often derived from village names by adding the suffix-əɫ and shifting the stress. The longer name might therefore be translated as "vicinity of the village of (the) Whyomilth."

The "Whyomilth". The group of this name with whom Douglas made a treaty in 1850 claimed only the northwest corner of the harbour at the mouth of Mill Stream. The east side of the harbour was claimed by the Kosampsom, who were to become the present Esquimalt band. Perhaps the remnants of the Whyomilth joined them on Plumper Bay, or perhaps they joined the Songhees on the Inner Harbour.

4. Kalla (qa-lə) "spring water gushing down the beach" was given by EJ as the name of the Esquimalt Reserve or, more exactly, the north shore of Plumper Bay at the site of the present sawmill. NW remembered two large houses there, one belonging to EJ's father, Joe Sinupen (s^ʔinu'pən), the former Esquimalt chief, and the other to a man named Tamikw (t'amik^w).

EJ identified the village with the x^wsε'psəm people. These were the "Kosampsom" of the 1850 treaty, who claimed part of Esquimalt Harbour, Portage Inlet, and the Gorge down to Deadman's Island. EJ went further, maintaining that the Inner Harbour as well had belonged to them until the other Songhees moved in to be near the fort, and that a village called x^wsε'psəm had stood on James Bay at the present site of the Parliament Buildings. Hill-Tout recorded that the "QsápsEm" village before the time of the fort was "on the Gorge," and afterward Douglas "transplanted the village of the QsápsEm, who dwelt near the spot where the Parliament Buildings now stand, to Esquimalt Harbour where a remnant of the tribe still lives" (1907, p. 307). EJ added that it had been in the time of his great-grandfather si'sənək (doubtless the "Say-sinaka" of the Kosampsom treaty) that they had moved to Esquimalt Harbour, and they returned to a site where they had formerly lived. Douglas' map of 1842 shows an "Indian fort" at what is probably this Plumper Bay site. The 1847 Admiralty chart shows no village, which may indicate that the Kosampsom were living on the Inner Harbour at the time. By 1855 they had returned, as the Pemberton map of that date shows the reserve laid out, and a chart dated 1861 shows it as a village of three houses.

5. Eyellnuk (eʔ'lnəx^w) "clear," or "nice open field" is the name given by JF to Ashe Head on the new Songhees (Maplebank) reserve.

nw said that when the Songhees moved here in 1911 and the road was cut through the large shellmound facing the beach at Dallas Bank, many human bones were uncovered, which the old people reburied. The Songhees built five large dance houses in a row. Their owners were (from west to east): Chief Michael Cooper, William Roberts, Jimmy Fraser, Jimmy Johnny (father of sm), and Alex Peter with Jack Dick. This last house was much used for Indian dances until recent years; the end opposite the entrance was owned by Harry ("Hattie") Dick, brother of Jack Dick; the near end was owned by Alex Peter and Dave Fallardeau.

6. Stchayak (sčá'yəq) "mouldy" or "mouldy beach" (when you turn rocks over looking for clams, the rocks look mouldy), given by sm and nw for a small bay inside Rodd Point. sm said her father had remembered houses there belonging to people other than the Esquimalt. The 1847 Admiralty chart calls this bay Dunn's Nook.

7. Stakaya Ayla (stəqa'ya el'ə) "wolf den," the name given by sm and nw for a tiny island or peninsula across the harbour where wolves used to come right down to the beach.

8. Thlungalachin (təŋalə'čən) "two pieces torn apart," given by EJ for a pair of small islands across the harbour near a coho creek. The 1847 chart and later maps show such a pair, calling them Smart and Macarthy islands. This name seems to be the same as that for Cowichan Head, No. 41.

9. Stchilikw (sčil'ix^w) "stones with green moss(?) hanging from them." JF gave this name for an old village site "where the sawmill was," presumably on Mill Stream.

Portage Inlet and the Gorge

10. Pulkwutsang (pəlk^wəc'ε'ŋ) "place of ghost" or "haunted by ghost," from Pulkweetsa (pəlk^wi'c'ə) "ghost." This name was given by EJ for Craigflower Creek. MG gave the plural form Pulpukwutsang (pəlpək^wəc'ε'ŋ). The 1855 Pemberton map shows it as Deadman River. sm's father, Jimmy Chicken, used to fish here for cohoes, which were the only salmon to run up the Gorge.

11. Shtchaalth (ščá'ł) "to squeeze something through" or drag something over a narrow place, hence "portage," the name given by EJ and MG for the bay south of Craigflower Creek from which the portage was made to Thetis Cove on Esquimalt Harbour.

12. sɣ^wsε'psəm (roughly, Skosappsom, the same name as the "Kosampsom" of the treaty), given by sm and nw for the site of old Craig-

flower School. I believe the *s*- prefix denotes a place name, hence this name means "place of Kosampsom." SM thought the name was derived from "little neck," because the land here is in some way shaped like a neck. She said that she remembered houses here, but NW, who is older, did not. SM added that the people here spoke "through their noses," in a slightly different dialect; in fact, she thought they were Saanich people. EJ confirmed that the site had formerly been occupied by his people, the Kosampsom. The Douglas map of 1842 calls it Maple Point but shows no village here; perhaps at the time the Kosampsom were living on Plumper Bay where he showed an "Indian fort" (see 4 above).

13. Swengwhung (sxʷε'ŋxʷəŋ) was given by JF, SM, and NW as the name of the people who formerly lived on the upper part of the Gorge above the bridge. NW had heard that their houses had been on the little bay at Gorge Park. EJ had also heard the name but considered them as part of the general Songhees migration into the Inner Harbour after the founding of the fort. Hill-Tout reported much the same thing; in his view the "Swíñhoñ" were a new group made up of members of various outside villages, who settled close to the fort (1907, p. 307). It should perhaps be mentioned that one of Hill-Tout's informants was EJ's father. Boas (1891, p. 17) listed the "Squíñquñ" as one of the original groups of Songhees, located on Victoria Harbour.

The "Kosampsom" and the "Swengwhung". The boundary between these two groups given in the treaties, Deadman's Island in the upper part of the Inner Harbour, does not agree with any of the ethnographic information. On the one hand, most informants located the Swengwhung well above that point on the Gorge; on the other, EJ claimed that the Kosampsom owned the entire Gorge and Inner Harbour. When the treaties were made, the Kosampsom were presumably living at the Parliament Buildings site, and the Swengwhung at the new Songhees village across from the fort. Douglas must have judged the Swengwhung claim as stronger than that of the Kosampsom as owners of the Inner Harbour. The best interpretation would seem to be that both groups formerly wintered up the Gorge, that the Kosampsom village on the Inner Harbour was occupied mainly after 1843, and that in setting the boundary between them for the purposes of the treaties, the Kosampsom had the more persuasive spokesman.

14. Camossung (q'ama'səŋ) the Gorge itself. JF told me the following story about this place:

After the Flood when Raven, Mink, and the Transformer Hayls (xɛls) were travelling around teaching the people how things were to be done, they came to this place, and found a young girl and her grandfather. The girl, q'ama'səŋ, was sitting in the water, crying. "Why are you crying?" asked xɛls. "My father is angry with me, and won't give me anything to eat." "What would you like?" he asked, "sturgeon?" "No". "Berries?" "No". She refused a lot of things, and that is why these are not found along the Gorge. "Ducks?" "Herrings?" "Cohoese?" "Oysters?" These she accepted, and that is why they are plentiful here.

"You will control all of these things for your people", said xɛls. Then he turned her into stone, sitting there under the water, looking up the narrows. Her grandfather's name was Snukaymelt (snək'ɛ'məlt) "diving". Since she liked her grandfather to be with her, he was also turned to stone, as if jumping in carrying a rock to take him to the bottom.

The two figures, he said, are just below the bridge and rise and fall with the level of the water, staying just beneath the surface.

The Gorge has captured the imagination of all who have seen it. To the Indians it was a sacred place. On spirit quests they would jump in here, holding a rock to take them to the bottom, until Camossung took pity and granted them the powers they were seeking. James Douglas saw it with a different eye. On his 1842 map he did not write its name but the number 47, which was his estimate of its width. In his report he wrote that the tide rushed through "with a degree of force and velocity capable of driving the most powerful machinery if guided and applied by mechanical skill," and this was a factor in his choice of the location for the fort. The name, which he recorded in 1842 as "Camosack" and later "Camosun," was applied not just to the inlet but to the entire harbour, and for a time by some local historians to the fort itself.

Victoria Harbour

Fort Victoria. My informants did not know a name for the exact site of the fort. J. R. Anderson, in his reminiscences, said that it was called "Kuhl-snela," from the wild cherry trees that grew there and supplied the Indians with bark; but my informants did not recognize the name and gave tullum (t'ələm) as the word for wild cherry.

A number of historical records survive from the founding and early years of the fort. With due allowance for an occasional boner, such as Paul Kane's assertion that the fort he visited and the Indian village and chief he painted were on "Esquimalt" harbour and were "Clal-lums," these are sound sources of information on the Indians of the time. Their use by later historians, however, seems inordinately ridden with wrong

interpretations. It is not my intention to continue the tradition by writing a definitive account of the founding of the fort; that has been admirably done by Dr. Kaye Lamb (1943). I do, however, want to make brief references to some of the accounts which bear on early Songhees history.

Early in the summer of 1842 James Douglas in the sailing vessel *Cadboro* examined the harbours along the southern shore of Vancouver Island to select the site for the new establishment that was to replace Fort Vancouver as the Company's main depot on the Pacific coast. The same port had been explored in 1837 by Captain McNeill in the *Beaver*, and he had already persuaded Douglas that the most easterly of these "10 miles West of Point Gonzalo" was the best on the coast.¹⁰

After examining Sooke, Metchosin, Esquimalt, and Victoria harbours, Douglas duly selected (and named) "the Port of Camosack." He wrote John McLoughlin a detailed report of the survey, dated July 12, 1842, and included with it a map which he had drawn of the area. The report has left to us a few yet-to-be-translated names: "Sy-yousung" for Sooke Harbour, "Whoyung" for what is most likely Pedder Bay, and "Metshosin," as well as "Is-wohy-malth" and "Camosack," which we have sufficiently solved.¹¹ The map, while no model of cartographic excellence, reveals many noteworthy details, not the least of which is that Douglas at that time considered "Pt. Gonzalo" to be the present Cadboro (Ten Mile) Point rather than Gonzales Point.¹²

¹⁰ The phrase quoted is in a letter from Douglas to Simpson in 1838 (quoted in part in Lamb, 1943, p. 76). While Lamb must be correct in assuming that Victoria Harbour was the one meant, it is puzzling to read further in Douglas' letter that it "... possesses the important advantage... of a more abundant supply of fresh water furnished by a stream 20 yards wide, which after contributing to fertilize the open Country, flows into it." Did McNeill think that the Gorge was a fresh water stream? Or could he have been referring to Esquimalt Harbour and Mill Stream?

¹¹ The report is reprinted in full in the anonymous article "The Founding of Victoria" (*Beaver*, outfit 273, March 1943, pp. 4-7), and in part in the non-anonymous article "The Founding of Fort Victoria," by W. Kaye Lamb (*B.C. Historical Quarterly*, vol. VII, no. 2, April 1943). A reproduction of a portion of the map is found in both articles. A photostat copy of the original map, showing the area from Esquimalt Harbour to Cadboro Bay, is in the Provincial Archives, and I have been referring to it as "Douglas' 1842 map."

A very strange thing about Douglas' report on "Is-wohy-malth" is that he failed to find Mill Stream (it is also missing from the map): "Another serious objection to this place is the scarcity of fresh water. There are several good runs in winter, but we found them all dried up, and we could not manage to fill a single beaker in the harbour" (*Beaver*, *op. cit.*, p. 5). Given the serious water shortage in Victoria Harbour, one wonders whether the finding of Mill Stream would have affected his choice.

¹² As Lamb has pointed out (1943, p. 76, fn. 11). This is a point of some importance, because Douglas in 1850 used the name "Point Gonzala" in the Chil-

In March 1843 Douglas returned in the steamship *Beaver* to begin the construction of the fort. There exist two brief and incomplete accounts of those first days of Victoria: one a small pocket diary kept by Douglas himself, and the other a brief narrative written by the Catholic missionary J. B. Z. Bolduc, who had taken this opportunity to extend his mission to the Indians of Vancouver Island.¹³ On March 14, according to Bolduc,

... we bore away for the southern point of Vancouver's Island, whither we arrived about 4 o'clock in the afternoon. At first, only two canoe were perceived; but, after a discharge of cannon, we saw the natives issuing from their haunts and surrounding the steamboat. Next morning, the pirogues (Indian boats) came from every side.

Douglas' diary says nothing whatever about the point of arrival on the 14th. The entry for the 15th begins: "Went out this morning with a boat and examined the wood on the north shore of the harbour. . . ." The anonymous writer of the *Beaver* article says that the vessel anchored off "Shoal (Clover) Point" on the 14th, and Lamb also seems to believe that she anchored off Clover Point (1943, p. 85). From all accounts I have been able to find, I think it much more likely that the *Beaver* went directly into Victoria Harbour. Bolduc's narrative continued:

I went on shore with the commander of the expedition and the captain of the vessel; having received unequivocal proofs of the good-will of the Indians, I visited their village situated six miles from the port, at the extremity of the bay.

Like the surrounding tribes, this one possessed a little fortress, formed by stakes enclosing about 150 square feet.

The fort was for protection against the "Toungletats" from north of

cowitch and Chekonein treaties as the boundary between the two groups. The clerk who later filled in the texts of the treaties corrected the spelling to "Point Gonzales." Which point did Douglas mean? Since the descriptions in the treaties make better geographical sense if read to mean the present Gonzales Point, and an Arrowsmith map of 1849 shows it in its present location, I assume that by 1850 Douglas had corrected his earlier misconception.

Gonzales Point was named by Quimper in 1790. However, his chart is so vague that one could hardly blame later navigators for considering Cadboro Point as the southeastern corner of Vancouver Island. The description above of Victoria Harbour as ten miles west of Point Gonzalo, attributable to Captain McNeill, suggests that he shared Douglas' misconception. Cadboro Point has borne its present name at least since the Arrowsmith map of 1849. One would rather like to believe that its persistent but illegitimate name "Ten Mile Point" was born in the correction of the error.

¹³ The Douglas diary is in the Provincial Archives. The Bolduc account was published in De Smet's *Oregon Missions*. See Bibliography for complete citations. Both are quoted in part by Lamb.

the Fraser River; doubtless the Euclataw Kwakiutl. They "repaired to the great lodge belonging to their Chief" where Bolduc preached to them, and he promised to return on Sunday the 19th to "confer the sacrament." By Sunday Bolduc had prepared a makeshift chapel ashore, and "more than twelve hundred savages, belonging to the three great tribes, Kawitskins, Klalams, and Isanisks, were assembled." After the service there Bolduc "repaired to the principal village," where he performed 102 baptisms, then "though much exhausted, I was obliged to walk two leagues to rejoin the steamboat."

One question left unanswered is the location of the "principal village." To my mind, Bolduc's six mile walks confirm all the other indications that it was at the north end of Cadboro Bay.¹⁴

Bolduc, on March 24, purchased a canoe and engaged the chief of the "Isanisks" and ten of his men to take him to Whidbey Island. Douglas, after making the final selection of the fort site and getting work started on its construction, went north in the *Beaver*, returning on June 1 with men and materials from two dismantled northern posts. Throughout the summer he directed the construction of the fort, then in October left for Fort Vancouver, not to return, except on visits, until 1849 (Ormsby, 1958, p. 85).

One of the men who came south from Port Simpson was Roderick Finlayson, who was a few months later to assume charge of the new fort. His biography (Finlayson, 1891) tells of the first move of the Songhees into the harbour:

At this time there was a dense forest along the water on the harbour and Camoosin Inlet, as the "Arm" was then called. Where the fort was built there was an open glade with oak trees of large size, where a space of 150 yards was measured off, each way when the fort was built. The natives for some time after our arrival kept aloof and would not come near. . . . however soon got rid of their shyness began to remove from their village on Cadboro Bay and erect houses for themselves along the bank of the harbor as far as the present site of Johnson Street.

This proved too close to the fort for comfort, and Finlayson persuaded them to move across the harbour:

¹⁴ Bancroft thought otherwise (1890, p. 95). He said that the village was about a mile inside the harbour (assuming that the later village was already there). He located the Indian fort at the head of Victoria Harbour and identified the Toungletats as Cowichans. He also (p. 97) said that Bolduc identified the chief as Tsilalthach, but I cannot find that in Bolduc's account. Begg (1894) copied the same errors. Lamb assumed the "Isanisks" to be Saanich; I believe they were Songhees.

... the belt of thick wood between the fort and Johnson Street in front of which the lodges were placed took fire and we had some difficulty extinguishing it. . . . I wanted them to remove to the other side of the harbor which they at first declined to do. . . .

There was some "angry parleying," and finally the Indians agreed to move if Finlayson would have his men assist them. "This was the origin of the present Indian reserve" (Finlayson, 1891, pp. 11, 15).

Shortly before the Songhees moved across the harbour, the Cowichan warrior Tzouhalem tried to mobilize them for an attack on the fort. Finlayson deterred them by demonstrating the effects of his big guns on a house and a canoe (Walkem, 1914, pp. 63-73; McKelvie, 1949, pp. 36-9). Finlayson told Walkem that the name of the Songhees chief was "Tsil-al-thack."

A visitor to the fort in 1846 commented on the "large native village" on the opposite side of the harbour, adding that "the distance across is only 400 yards" and "canoes keep up a constant communication between it and the fort."¹⁵ Another visitor, in 1847, was the famous artist Paul Kane, who spent about two months in the vicinity sketching the Indians and learning their customs. One of his paintings is a splendid view of the fort and the village across from it, showing six large houses (figure 2). He has left a minor historical puzzle with his comment that it was a "village of the Clal-lums Indians," and on an inlet called "Esquimelt, or, Place for gathering Camas." He also made a painting of "Chea-clach, their head chief" (Kane, 1859, pp. 209, 211). Beyond doubt, there were some Klallams living in the Songhees village at the time, but Chea-clach was not one of them.

"Chea-clach," or "Tsil-al-thack," was of course the "Chee-al-thluc" listed third on the Chekonein treaty in 1850. J. R. Anderson, reminiscing about Victoria as it was about that time, remembered him:

The Chief of the Stamis tribe at this time and for many years after was nicknamed 'Freezy' (after his frizzled hair, an inheritance from his Kanaka progenitor). His proper name was Chee-ah-thluk. He was a peacable old chap. He died in 1864 (Anderson, p. 171).

"King Freezy" was said to have "held undisputed sway over his tribe for many years" (Walbran, 1909, p. 463). James Deans (1878, p. 2) leaves a faint suspicion, however, that he was a white man's chief:

The celebrated King Freezy chief of the Songhish tribe was completely under the control of the Hudson Bay Company to who he rendered himself

¹⁵ Berthold Seeman, quoted in Scholefield and Howay, 1914, Vol. 1, p. 485.

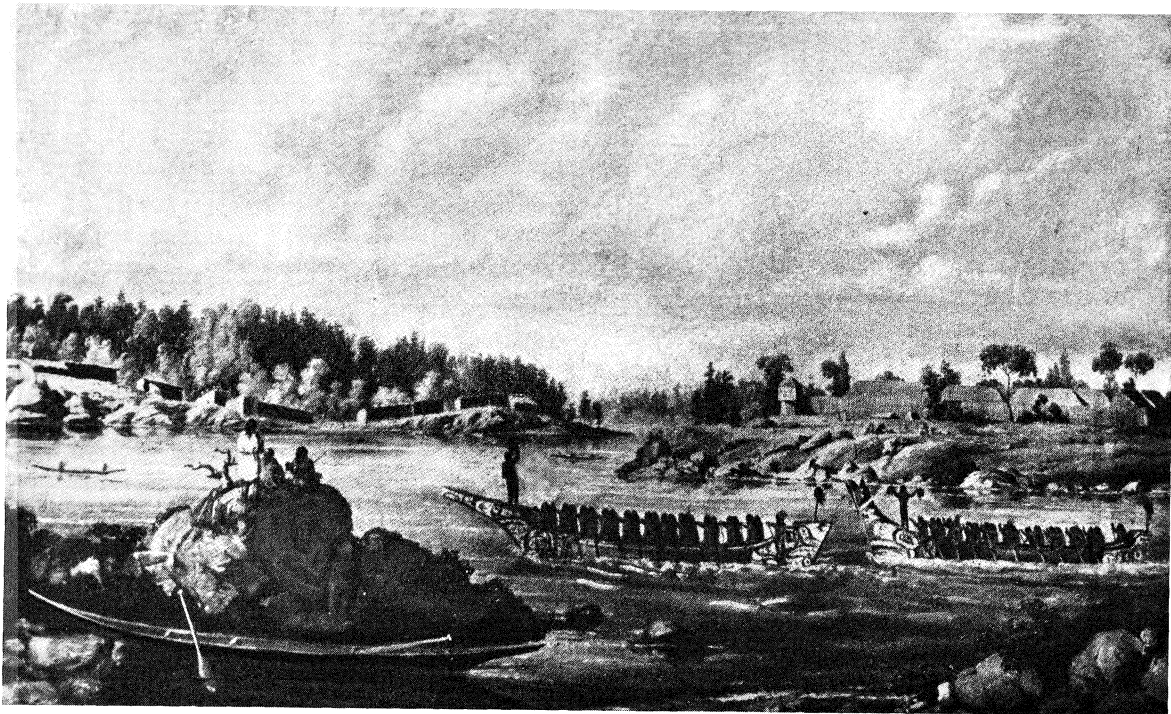


FIGURE 2. Paul Kane's painting of Fort Victoria and the Songhees village, based on sketches made during his visit in 1846.

valuable by being at all times ready in consideration of a small donation of blankets &c. to exert his authority in quelling any disturbance that broke out or was impending among his subjects.

In 1850, at any rate, he seems to have been outranked among the Chekonein of the treaty by Chaythlum. The *Colonist* of February 2, 1864, records that "King Freezy and his Queen" sat for a portrait by Mr. Gentile, photographer, of Fort Street. On November 11 of the same year the paper carried the news that King Freezy had been drowned while returning from Esquimalt in a canoe; yes, sadly, under the influence of alcohol. He was known to my older Songhees friends as čič'łaq, former chief of the Cadboro Bay people and grandfather of Jimmy Fraser.

From the beginning, Fort Victoria attracted large numbers of Indians from more distant tribes, especially from the northern coast. With the added excitement of gold rush times late in the 1850s the attraction became even greater, and many hundreds of northerners camped on the reserve and at other places nearby. This set the stage for the disastrous

smallpox epidemic of 1862, which started on March 19, when a white man with smallpox arrived from San Francisco. The effects were much more devastating to the visitors than to the Songhees, most of whom had been vaccinated by Dr. Helmcken and who quickly left the scene. The *Colonist* of April 29 reported that they had left for the San Juan Islands. The report on May 6 was that "the Songhees have taken refuge from the small-pox on Discovery Island." On May 12 the disease was "creating fearful ravages among all the northern tribes," but the Songhees were on Discovery and had no cases. May 15: "The Indian huts at Esquimalt have been destroyed with fire by the Police, and the occupants directed to clattawa." June 2: "...not a single Flathead has, as yet, fallen a victim." The northerners were driven away by the authorities and started for home, taking the disease with them; later stories in the *Colonist* chronicled its awful progress up the coast and into the interior. Relatively few among the Songhees suffered from the disease.

In 1952 Jimmy Fraser told me how his mother had survived it:

My mother believed in what the old people told her, early days ago. My mother had the smallpox. All the North Indians came here, when the town was first here, they all got sick. My mother got sick up at Saanich, she was married to a Saanich man when she was young. She swelled all up. Her husband got scared, went away.

She prayed all the time: "I hope something will come and help me". She asked all the animals of the woods to save her. One night, everybody was sleeping, a man came in, told my mother to get up. "You go out in the woods when daylight comes, there is medicine out there for that sickness. Soak it in water, wash yourself with it." "Thank you, yes", my mother said. This man just turned around, then turned into a *s'ínəṭqi*, like a big snake or lizard.

Daytime, my mother got two sticks, and went looking for that medicine. She found it, dug it up, roots and all, took it into the house, asked for a kettle. A man made fire for her. She cooked it half a day, and bathed herself in it. Next morning her face came small, eyes opened (swelling went down). Others died from it.

15. Pallatsis (*p'a'lac'əs*) "place of cradle" is the name given by SM and NW for Songhees Point on the north side of the entrance to the Inner Harbour. It was a sacred place where the people deposited the cradles of children who had reached the walking stage to ensure them long life. New Dancers' staffs were also placed there, and persons engaged in spirit quests would "dive" there to obtain spirit powers.

It was inside this point along the west shore of the Inner Harbour that the Songhees built their village in 1844, and it was here that their

first reserve was laid out. That Governor Douglas had not forgotten his promises in the treaties is apparent in the wording of a memorandum on the history of the reserve, written by J. W. Trutch, chief commissioner of lands and works, to the Colonial Secretary in 1869.¹⁶

When the first settlement was made at Victoria by the Hudson's Bay Company, the Songish Indians, composed of many families or septs, possessed by occupation the whole southeastern portion of Vancouver Island, including Saanich Peninsula, their principal village being at Cadboro Bay; but shortly after Fort Victoria had been established these Indians were induced to remove their chief residence to the point of land in Victoria Harbour, opposite the Fort; and in 1850 the possessory rights of this tribe in the lands before claimed by them, were purchased by Sir James (then Mr.) Douglas, Governor of the Hudson's Bay Company, . . . by written agreement (the original of which is in this office) which sets forth as one of the conditions of the purchase 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 these lands shall be properly surveyed hereafter". Under this condition the tract of land which the Indians had taken up their residence upon opposite Fort Victoria (about 90 acres in extent), as stated in an official return made in 1859 to the House of Assembly, was set apart . . . for their use and benefit, and has since formally been laid out and established as an Indian Reserve, and so held by the Crown in trust, being styled and known as the Songish Reserve.

No sooner had it been made a reserve than efforts were started to remove the Indians from it. The memorandum adds that in February 1859 "the residence of the Indians on this reserve having become obnoxious to the inhabitants of Victoria," Governor Douglas was petitioned by the Legislative Council to remove them, sell the land, and use the proceeds to improve the town and harbour of Victoria. Douglas replied that it would be both unjust and impolitic to do so and that he intended to lease out the portions of the reserve not occupied by the Indians and use the proceeds to improve their social and moral condition. The leasing arrangement seems to have worked successfully until Douglas retired in 1864, after which disputes over the legality of the leases resulted in their cancellation. There followed a long series of negotiations whose purpose was to move the Songhees away. One suggested location was Cadboro Bay, but the place finally settled upon was Esquimalt Harbour. By 1910 an agreement was finally reached. The Indians were moved the next

¹⁶ In *Papers Connected with the Indian Land Question*, pp. 64-6.

year to a new reserve of 163 acres in Esquimalt, and each of the 43 heads of families was given a substantial cash payment.¹⁷

Laurel Point, on the south side of the entrance to the Inner Harbour, was used by the Songhees as a burial place. In his recollections of Victoria of 1850 J. R. Anderson wrote:

One of the beauty spots was Laurel Point, which at that period was used by the Stsamiss Indians as a burial ground. There amidst the arbutus trees (hence the name of Laurel Point) were to be seen the wooden effigies marking the place where some notable was laid to rest in his canoe or wooden sepulchre surrounded by many of his personal belongings.

Deadman's (Halkett) Island in Selkirk Water on the upper harbour was another burial ground. This was presumably the "Island of the Dead" of the 1850 treaties, marking the boundary between the Kosampson and the Swengwhung. The *Colonist* of July 1, 1867, reported the destruction of this graveyard, in its laconic style of the time: "The Indian remains and graves on Deadman's Island were burned yesterday afternoon, together with the trees and shrubbery thereon." Follow-up stories reveal that two young men were arrested, and one was fined fifty dollars under an ordinance that provided fines of up to one hundred dollars for the desecration of Indian remains. In his book *Some Reminiscences of Old Victoria*, Edgar Fawcett recalled how he was involved in what was presumably the same incident. Four schoolboys, himself included, were bathing at Deadman's Island, and had lit a fire to warm themselves. "Broken coffins were lying about, and piles of box coffins and trunks; these were set fire to, and the boys promptly made off to escape the wrath of the Indians. . . . the whole island was swept by flames — trees, scrub and coffins being burnt up" (Fawcett, 1912, p. 287). His memory seems to have not been perfect, however, for he gave the date as 1861, and did not mention the legal consequences that followed.

The island had been designated as a Songhees Indian reserve while in use as a graveyard, but it was "cut off" by the Reserve Commission of 1916 as no longer required.

16. Whosaykum (x^wse'qəm) "clay" or "muddy place" was given by SM and NW as the name of the site on James Bay where the Empress

¹⁷ The amount usually mentioned is \$10,000 and I have no reason to question the figure, but I do not know whether it included the value of the land. A preliminary attempt to solve the financial questions involved in the whole matter left me with a feeling that it might be just as well to heed the proverbial admonition about muddy waters, or is it the one about sleeping dogs?

Hotel now stands. People camped here while they gathered camas roots on Beacon Hill. Patricia Bay bears the same name. The same informants gave the name Pshay (pšɛi) “place of rushes” for another place on the Inner Harbour. EJ, as mentioned above, gave the name Skosappsom (sx^wse’psəm) as that of the former Kosampsom village on the site of the Parliament Buildings and described how the people had brought canoe loads of gravel to the site because it was too muddy.

Victoria

17. Meeqan (mi’qan) “warmed by the sun” (JF), an open meadow in Beacon Hill Park “where the people sat to have their bellies warmed in summer.” SM and NW added that this was the Songhees’ “playing field” for the shinny-like game called qoqwialls (qoq^wi’p’als), which was played with oak sticks hollowed spoon-fashion at the end, a ball which was propelled along the ground, and goals at each end of the field.

18. Mukwuks (mə’k^wəks) Macauley Point (JF, SM). This was the only Songhees reef-net location on the Vancouver Island side; all the others were across Haro Strait on San Juan and Henry islands.

19. Wholaylch (x^wəle’łč) “pussy willows,” the name given by SM and NW for Ross Bay, including Clover Point. This bay is said to have been too rough for landing canoes.

20. McNeill (Shoal) Bay was evidently a place of importance. Informants associated with it the names of two of the groups who made treaties: Chilcowitch and Chekonein. SM and NW gave the name Chikawich (čika’w’əč) and said it means “big hips” (a place shaped like a person with a large posterior). A tribe that formerly lived here, they said, was the Chekwungeen (čək^wəŋi’n) a large group that formerly owned Gonzales (Foul) Bay as well. NW added that he had heard that the Chikawich people had moved from McNeill Bay to Gonzales Bay long ago.

EJ said that čika’w’əč is short for Chikungawich (čəkəŋa’wəč) (something rolling downhill and hitting the buttocks of people sitting at the bottom), a reference to the way in which the houses were located. As for čək^wəŋi’n, he thought it meant “charred wood left after a fire,” and gave Chikwungaynath (čək^wəŋe’nəł) as the name for McNeill Bay itself.

Boas’ informants told him that McNeill Bay had been occupied by four groups: Tcūŋgē’n, Tcik’au’atc, Qitlā’sĒn, and Quqoā’q (1891, p. 17). Hill-Tout’s told him that the village of the Tcúkñīn had been on McNeill Bay, and that of the Tcīakáuitc had been “around Ross Bay”

(1907, p. 307). There is thus a certain degree of confusion as to who lived where. There is also confusion as to whether a given name is that of a place or of the people who lived there; while groups often took their names from the places where they lived, they might also carry those names with them when they moved to new places. On the other hand, there is also a certain consistency in the information: the two groups are both associated with this locality; the Chekonein with McNeill Bay, the Chilcowitch the same, with suggestions that they moved from there to Gonzales or Ross Bay. The time level involved must be well before 1842, as the historical evidence is fairly clear that they both lived at Cadboro Bay just before the founding of the fort.

The "Chilcowitch" and the "Chekonein". In the treaties the lands of the "Family of Chilcowitch" are described as "between the Sandy Bay east of Clover Point, at the termination of the Whengwhung line to Point Gonzales, and thence north . . ."; those of the Chekonein as "between Point Gonzales and Mount Douglas" (a later version of Douglas' own description "from Point Gonzala . . . as far north as Cedar Hill . . ."). It should perhaps be kept in mind that the descriptions were written at the fort, without benefit of an accurate map.

The sandy bay east of Clover Point, at the termination of the "Fountain Ridge," I would guess to be Gonzales Bay. Having assigned that to the Swengwhung, Douglas came to the Chilcowitch and assigned the area of McNeill Bay east to Point Gonzales to them (he no longer, I believe, considered Pt. Gonzala to be Cadboro Point). When he then came to the Chekonein, what was he to do? Shared territories had no place in his conception of the situation. He assigned them the coast north to Mount Douglas, which gave them Cadboro Bay, the site of the shared village just before the establishment of the fort. The Indians accepted the division (assuming that they understood it), and his problem was honourably solved.

21. Sahsima (sa'siəməʔ) "harpoon" was the name given by JF for the point where the old Chinese cemetery was located. The name was derived from another adventure of the Transformer Hayls when he came around with his companions Raven and Mink to teach the people how to lead proper lives. Two men harpooning seals off the point were disturbed by the visitors. The harpooner rebuked them for frightening a seal he had been stalking. Hayls turned him to stone, standing poised to throw the harpoon, and made him "the boss over all the seals." When

the white men came they cut up that rock for gravestones, and that is why there are so few seals left.

22. Tlikwaynung (łi'k^wε[?]nəŋ) "Indian peas," Trial Island (SM and NW).

23. Kukeeluk (xəxi'l'aχ) "place of war," from keeluk (xi'laχ) "war," the name given by SM and NW for a village site on Gonzales Point. JF called it "fighting point," and said that the waters were so swift here that people passing in canoes were not permitted to speak. Boas mentioned it as one of the sacred places where babies' cradles were deposited.

Oak Bay and the Islands

24. Shpwhung (špx^wəŋ) "flying dust," the part of Oak Bay near the marina. MG pronounced it Spewhung (sp'ε[?]x^wəŋ) and gave the translation "fog."

25. Sitchanalth (s'iča'nał), Willows Beach. According to NW, whose father had a smokehouse at the place where the Esplanade now ends, the name refers to the drift logs and trees that lodge themselves in the sand on this part of the beach. Boas and Suttles both recorded that there had been a village here with the people being known by the same name as the place.

26. Kohweechella (xox^we'ičələ) "where there are many fish" (SM, NW), Mary Tod Island, which was formerly known as Jimmy Chicken Island and belonged to SM's grandfather, who was known by that name.

27. Skwahanna (sk^waxa'na) Emily Islet (SM, NW).

28. Thleethlayakw (tił'ε'y[?]ak^w) "broken in pieces," given by SM and NW as the name for the Chain Islands. MG said that during the great Flood, this was a single rock, standing very high, to which the people tied their canoes as the waters rose. When the Flood receded it fell and broke into many pieces, hence the name.

29. Skingeenis (sqəŋi'nəs), was the name given for the people who lived on Discovery Island and sometimes loosely for the island itself (which was more often simply called Tlchess (łčes) "island"). NW is the leading man of this group; until recent years he spent his summers there, and four of his uncles are buried on the island. Boas and Hill-Tout both listed this group among the early Songhees villages. Suttles' informants told him that the sqəŋi'nəs lived on the island before Victoria was founded, had moved out again during the smallpox epidemic and stayed.

In 1915 they numbered 22; since then they have been enumerated with the Songhees band.

30. Stsnaang (sc'snā'ʔaŋ) Chatham Island (SM, NW).
31. Kwakwaylachs (q'wʷaqw'e'ləčəc), the small island with the radio towers between Discovery and Chatham (SM, NW).
32. Shkwakaykalth (šk'wʷaqe'qał) "landing place" (when coming in from fishing), Strongtide Island (SM, NW).
33. Tlappas (ł'a'pas) Vantreight Island (SM, NW).
34. Bukkaynung (bəq'ke'nəŋ) Jemmy Jones Island, where the Cadboro Bay people gathered camas (SM, NW).

Cadboro Bay (and beyond)

35. Sungayka (sŋe'ʔqa) is the name given by all informants for Cadboro Bay in general and for the people who lived there. EJ and MC said that the name means "snow patches." SM and NW took me to the site of the Yacht Club and pointed it out as the village site where SM's great-great-grandfather Kweekwukw (x'w'i'x'wʷuqʷ) had lived until his death, when they took his body to Lekwungen (the Songhees village at Victoria). The point south of the Yacht Club, they said, was used as a fort and lookout for raiding parties of Yukwilttaq (yuk'wilttaq) (Euclataw Kwakiutl). At the north end of the bay was another village site, and it was there on the sandy beach at low tide that the people played shinny.

JF, the grandson of čič'łaq (Chee-al-thluck, King Freezy, the "chief of the Cadboro Bay people"), told me names of six Songhees groups who had houses at what he called "Capital Bay":

1. Chekwungeen (čək'wəŋi'n)
2. Anuwulth (a'nəwəł) ("in the middle") Chekwungeen
3. Kwakwulth (x'w'a'k'wəł) ("lower side" or "youngest") Chekwungeen
4. Skingeenis (sqəŋi'nəs)
5. Chikawich (čika'wəč)
6. Katlaakin (xəłəxin) ("crossways") Chikawich

I interpret Capital Bay to be Cadboro Bay, and this to be the principal village of the Songhees just before 1843, consisting of three households of Chekonein, two of Chilcowitch, and one of the Discovery Island people.

That Cadboro Bay was the site of the principal village before Victoria was founded is clear from other accounts. Douglas' 1842 map shows two structures at the north end of the bay and none elsewhere in the Song-

nees area except for the fort on Plumper Bay in Esquimalt Harbour. Father Bolduc, it will be recalled, had to walk two leagues each way from the *Beaver* at Victoria to reach the village "at the extremity of the bay," and Finlayson said explicitly that when the Songhees decided to move to the fort it was "from their village on Cadboro Bay."

It seems likely that before this joint village was established Cadboro Bay was the winter home of people who were its older owners, and there are hints of such groups in the earlier ethnographic accounts. By 1843, perhaps, they had amalgamated with the groups named.

The fullest account of the importance of Cadboro Bay in Songhees life at the time is found in a letter by Mr. Charles H. French, a Hudson's Bay Company man who had access to the old records of the fort before he sent them to the Company archives in London. The letter is quoted in the *Colonist* of July 12, 1922, in an article entitled "Songhees Knew Trench Warfare." In describing their annual round, Mr. French wrote:

... Their line of travel was centered at Cadboro Bay. Coming from Cordova Bay cedar forest after making their annual canoe supply, they crossed Telegraph Trail to Cadboro Bay, where a few shacks were situated — say, between the present hotel and the high ground east. From here during early July the passage was made to San Juan Island, where salmon fishing was done. By September 1 sufficient dry food and grease was put up to carry them over the winter.

The next move was back to Cadboro Bay, but their camp was made on the south side of the Bay just east of the present club house. Dancing, feasting, berry picking and the burying of salmon eggs was their principal play and work during these few weeks. . . .

From here the natives crossed overland to the Gorge, one trail ending at the old Finlayson house and the other further up the arm, . . . From the upper end of the arm Esquimalt Harbor was reached, and in this location most of the deer, ducks and geese were procured for Fall and Winter.

To sum up. . . First, in the Spring the camp was made at a spot where suitable timber was available to make canoes from. Second, the Winter supply of food must be procured, therefore, the spot that supplied that food was the next place where camp was made — in this case, San Juan. Third came the berry season and holiday time, which in this case was spent at Cadboro Bay on the south shore, 500 to 1,000 feet east of the present Yacht Club. Fourth, Winter quarters where deer, duck, grouse, etc., were available, which in this case was from Johnson Street bridge up the arm. The Village across the inner harbor on the Victoria West side did not come until a later date.

The rest of the article, not attributable to Mr. French, concerned the so-called "mystic spring" near the Yacht Club site and "trenches" in the vicinity whose reputed uses are neither clear nor very convincing.

36. Kakhalaang (qaqxala'ʔaŋ), the small island and point at the end of Rutland Avenue (SM, NW).

37. Kohnguksen (qo'ŋəksən) "tide rip running around a point," given by SM and NW as the name for Telegraph Cove. JF gave it as the name of Ten Mile (Cadboro) Point. MC translated the name as "runny nose."

38. Pkaals (p'q'a:ls) was given by SM and NW as the name of Mount Tolmie. JF gave the same name for "a beach outside Cadboro Bay."

39. Kwatsech (k'wac'εč), Gordon Head (SM, NW).

40. Tselethch (c'əli'tč) was given as the name of Cordova Bay by SM and NW, and they considered it within Songhees territory. JF also said that Songhees territory included Cordova Bay and Elk Lake. Suttles' Saanich informant gave the same name for what he considered as a Songhees village on Cordova Bay, owned by a man named Kwutsingelitch (k'wəcŋε'lič).

41. Tlumalatchung (łəmələ'čəŋ), Cowichan Head, given by SM and NW as the northern boundary of Songhees territory. See 8 above for its possible meaning.

The "South Saanich" and the "North Saanich. By his 1850 treaties, Douglas had cleared the title to the lands as far north as Mount Douglas (or as he said in his letter to Barclay, Gordon Head), which was as far as he considered Songhees territory to extend. In 1852, the first of his two treaties with "Sanitch" people was for the land from that point to Cowichan Head; that is, Cordova Bay. He recorded the chief's name as "Whutsaymullet," and the second man on the list of ten as "Comey-uks." All of our ethnographic information indicates that this area was within Songhees territory, and (given the difficulties of writing down Indian names) I think it probable that the name Douglas recorded for the chief is the same as the one given by Suttles' informant as the Songhees man who owned the village on Cordova Bay. "Comey-uks" could well be the James Kumayaks of Sidney Island who, according to Jimmy Fraser, was invited by his grandfather King Freezy to move to Victoria. JF added that the village on Sidney Island was called Tsilhaalu (c'əlxə'lu), and that the people were "a little different from the Saanich and Songhees." Suttles listed c'ɪlxə'lo as a Saanich village on Sidney Island, whose people scattered long ago.

It would be consistent with all of these hints to suggest that the "South Saanich" of the 1852 treaty were a mixed Songhees-Sidney Island group who claimed Cordova Bay, which the Indians considered Songhees

territory. They probably moved to Victoria soon after 1852, as they are not well remembered by informants.

Douglas admitted to some difficulty in determining the ownership of Saanich territories and finally decided to deal with "a general convention of the Tribe" as owners of the entire Saanich peninsula, calling them "North Saanich." According to Suttles, the Saanich formerly occupied three main villages on the peninsula and several more on the Gulf Islands. About 1850, most of the Gulf Islanders moved in to Saanichton Bay, so that the three main villages were on Saanichton Bay, Patricia Bay, and Brentwood Bay. The Pemberton map of 1855 shows these three villages, naming them "Tetaihit," "Saikum," and "Chawilp," respectively. The village at Cole Bay, now considered Saanich, was founded by Malahat Indians who later moved across Saanich Arm. Douglas' list of 117 North Saanich men, it will be recalled, falls into three parts, which may correspond with the three Saanich villages.

At present, the Saanich consist of four bands. Their numbers in 1968 were: Tsawout (Saanichton Bay) 245, Tseycum (Patricia Bay) 70, Pauquachin (Cole Bay) 134, and Tsartilp (Brentwood Bay) 331.

THE TREATIES: AN ETHNOGRAPHIC APPRAISAL

The ethnographic portrait of the early Songhees and their neighbours which has emerged from the foregoing account is admittedly not an entirely clear one. Neither is it a static one. The situation in 1850 was very different from what it had been in 1842; nor was that unchanged from the time of first contact; nor was it to remain unchanged after 1850. Nevertheless, it is obvious that there are discrepancies between the ethnographic realities of 1850 and the situations which the treaties implied to exist. It is mainly from this viewpoint that the treaties can be said to be faulty as ethnographic records.

In justice to Douglas it must be acknowledged that it was not the purpose of the treaties to be ethnographic descriptions. He considered it both politic and just that they should conform as closely as possible with Songhees concepts. But the problem at hand, the freeing of the real estate of the Greater Victoria area from the burden of aboriginal title, had its origin in European concepts. The conceptions of the Crown exercising sovereignty over the lands, of aboriginal title as a burden on the Crown's sovereignty, and of treaties to relinquish title were, of course, foreign to the Songhees. Douglas had to reinterpret them in terms which would be

locally understood. He also had to create a set of working assumptions about the Indians which would serve his legal purpose and still be acceptable to them. The Songhees, in a sense, helped to frame these assumptions; at any rate, they divided themselves into the groups which they considered relevant for the purpose and provided answers to the question "Who owns this part of the land?"

The working assumptions on which the Songhees treaties were based included these: that the "families or tribes" were the corporate groups that "owned" the lands, that each of them owned a single tract whose boundaries could be defined, that ownership was exclusive, and that all of the land in question was owned by one or other of the named groups. These were distortions of the ethnographic facts and gave rise to anomalies in the treaties.

The assumption that it was the family or tribe that owned the lands runs counter to our understanding that it was a smaller group than that, the household, that owned specific sites such as house locations and reef-net stations, and that it was a larger group than that, the Songhees as a whole, that exercised common ownership over such shared areas as the Cedar Hill forests. The assumption that each group owned just a single tract of land fails to take account of such shared areas, or of the widely-dispersed seasonal sites to which the groups moved in the course of their annual round. Douglas' assumption that ownership was exclusive led him into ethnographic absurdities in the treaties. For example, the Chekonein were designated as the owners of Cadboro Bay, and therefore, the Chilcowitch, who used it for the same purposes and to the same degree, could not be considered its owners too. Conversely, since the Chilcowitch were designated as the owners of McNeill Bay, the Chekonein, whose earlier home had likewise been there, could not be recognized as its owners too.

The treaties are not consistent in the size and nature of the Indian groups dealt with. In the case of the Songhees this unit was a small one, the family or tribe, a named group which probably consisted of a number of related households. Our ethnographic information confirms the existence of these groups, but raises the question whether Douglas distinguished all of them; the Discovery Island people, for example, seem to have been lumped without recognition into one or other of the groups he named. In the case of the "North Saanich," Douglas despaired of distinguishing such subgroups and their territories and dealt with them all as one.

Neither are the treaties consistent in the time level at which they recognized and extinguished the Indian title. With the Songhees, an attempt

was made to determine what the situation had been before the founding of the fort. The Swengwhung, for example, were designated as the owners of the Inner Harbour, even though in 1850 all the groups lived there. With the Klallam and Sooke, however, Douglas accepted the situation as he found it in 1850, with the result that the newly-immigrant Klallam were treated as the aboriginal owners of Metchosin and Becher Bay. Still more curious, if my interpretation of the evidence is correct, is the case of the "South Saanich," for they seem to have been an ephemeral group who did not exist as such before the fort was founded and did not continue to exist as such for any great length of time after 1852.

When Douglas made the treaties with the Songhees he made no reference to their San Juan Island territories, even though at the time he stoutly maintained that the island was within British territory. Likewise, when he made the North Saanich treaty he made no reference to Saanich territories on Saltspring, Mayne, and other Gulf Islands. The question of San Juan Island has since been settled, but what is the status, with regard to native title, of those parts of the Gulf Islands today?

It was mentioned earlier that the treaties seem also to contain a number of minor inaccuracies and confusions as a consequence of being made at the fort and based on imperfect verbal descriptions of imperfect mental maps. For two good and sufficient reasons, however, there seems little point in pursuing these further. One is that it would be an injustice to Douglas to belabour his faults as an ethnographer. His knowledge of the Indians was something too firmly based in long experience to be scoffed at and his treaties, all things considered, are valuable contributions to the ethnographic record. Such a thing as his meticulous care in writing down the names of the individual men on the treaties cannot be too much admired.

The other reason is that the misconceptions and errors which did get incorporated in the treaties would seem to make little or no difference to their effect in the present day. The treaties are still in force, and they apply to the present Indian bands between Sooke and Saanich who are the descendants and inheritors of the groups with whom they were made. The transition of the aboriginal Songhees and their neighbours from many small, semi-autonomous groups, whose remnants coalesced to form new villages and, eventually, the present bands, was a continuous and unbroken process. Even if we can no longer discern the separate sub-groups of the Songhees, we can assume that they amalgamated as they declined and pooled their inheritance, so that it cannot be said that they

have become extinct. And since the long-term benefits of all the treaties were the same, there is no need to distinguish among them.

What are the long-term benefits which the treaties conferred on these bands? They promised three things: reserve lands, hunting rights, and fishing rights. Today each band does have tracts of land reserved for its use and benefit. But only a few of these were set apart to honour the treaties; more of them were reserved under later government policies, which also provided lands on fully as large a scale to the non-treaty bands. The right "to hunt over the unoccupied lands" is presumably still in effect, since a treaty is a strong paper that overrules the (provincial) game laws. But how much "unoccupied" land remains within their former territories? Their right "to carry on our fisheries as formerly" seems to have been quietly eroded away. The Songhees' fisheries on San Juan Island have been put beyond their reach by a treaty stronger than theirs. And while their treaties are strong papers, the power of Parliament is supreme, so that any conflicting (federal) fisheries laws, whether that was their intent or not, presumably overrule the rights conferred by treaty. In summary, the treaties have not bestowed on these bands very much that is not shared by bands without treaties.

If the Songhees and their neighbours did not gain much by the treaties, what was it they lost? It was, in a phrase, their "aboriginal title." It was the thing that the non-treaty Indians of British Columbia maintain they have never lost. It was the thing that is at the very core of the long-disputed "B.C. Land Question." What "aboriginal title" might consist of in 1969 does not seem to be very clear to anyone. But whatever else it might be, it is a concept deeply rooted in British custom and law, referring to the rights which the Crown has recognized as vested in the aboriginal inhabitants of the land. The Crown, in North America at least, has always recognized an obligation to extinguish this native title, and the method of doing so has been by treaty.

It could well be the case, therefore, that the Crown still has to finish the treaty-making process begun by James Douglas. If so, answers will again have to be found to the questions that faced him. Perhaps in his answers the future treaty-makers will find some of the guidance they will need. With whom does one deal? Since a treaty is a political transaction, or at least a parody of one, and since (to coin a phrase) it takes two to make a treaty, one must find, or assume the existence of, political units with which to deal. Douglas approached the problem in a most pragmatic way: he dealt with any units which the Indians considered appropriate or could be persuaded to consider appropriate. He then found it

necessary, in order to obtain white men's answers to white men's questions, to make certain working assumptions about these units. The assumptions were as much legal fictions as they were ethnographic facts, but then is it not true to say that all political transactions are based on mutually-accepted legal fictions?

How much does one pay? The price-tag placed on aboriginal title is never the white man's real estate value. In some places it has been based on an estimate of what the land was worth to the Indians. But again, Douglas took the most pragmatic approach: pay them the least amount that will satisfy them. He made the payments in a form appropriate to the times, "in woolen goods which they prefer to money." He put the best face on the matter, by having the three blankets for each Songhees man, worth 17 shillings to the Company, appear in the treaties as £2 . .10. And he bargained hard, paying less to the Klallam and Sooke because, he said, their territories did not include much cultivable land. In summary, one sets the price-tag by negotiation and makes the payments in a form acceptable to the Indians and appropriate to the times.

Should the day come for the non-treaty Indians of British Columbia to negotiate the extinguishment of their aboriginal title, one had better expect that the bargaining will be tougher, and the price-tag will be higher. If that time does come, the Songhees will rue the day when their forefathers accepted 371 blankets (and a cap for Tlolemistin), and the District of Victoria became "the Entire property of the White people forever."

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