

## THE EARLIEST WRITTEN RECORD OF THE FORT VICTORIA TREATIES

By Neil Vallance

Between April 29th and May 2nd 1850, James Douglas, a chief factor of the Hudson's Bay Company (the "HBC"), acting as an agent of the Crown<sup>1</sup>, entered into nine treaties with representatives of First Nations living on southern Vancouver Island (the "Fort Victoria Treaties"). Between 1851 and 1854 Douglas concluded five more treaties with First Nations on the Island, for a total of fourteen (collectively referred to as the "Vancouver Island Treaties"). The published literature on the Vancouver Island Treaties invariably considers the first written account to be a May 16<sup>th</sup> letter from Douglas to the London office of the HBC<sup>2</sup>, which begins as follows:

I summoned to a conference, the chiefs and influential men of the Sangees [Songhees] 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.

The letter concludes with the following statement: "I attached the signature of the native Chiefs and others who subscribed<sup>3</sup> the deed of purchase to a blank sheet<sup>4</sup>, on which will be copied the contract or Deed of conveyance, as soon as we receive a proper form, which I beg may be sent out by return of Post". A template was forwarded in August<sup>5</sup> and duly utilized by Douglas. In other words, while the first agreement was entered into on April 29<sup>th</sup>, the template wording

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<sup>1</sup> At this stage Douglas was not the governor of the colony. The position of first governor was held, albeit briefly, by Richard Blanshard.

<sup>2</sup> Reproduced in *Fort Victoria Letters, 1846-1851*, Hartwell Bowsfield, ed., Winnipeg: Hudson's Bay Record Society, 1979, pp.94-6

<sup>3</sup> The words "signature" and "subscribed" refer to a column of Xs on a sheet of paper, with a transliterated name beside each X.

<sup>4</sup> The "deed of purchase" for the "Sangees" land was ultimately embodied in six separate documents, the Clallum in two documents, and the Soke in one document, for a total of nine "Fort Victoria Treaties".

<sup>5</sup> See Bowsfield, fn 1, p.96.

was not added to the “blank sheet” until some months later. For example, the completed “Teechamitsa” document dated April 29th reads as follows<sup>6</sup>:

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 Hudson’s Bay Company in Vancouver’s 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 children, and for those who may follow after us; and the lands shall be properly surveyed hereafter; it is to be 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<sup>7</sup>.

In token whereof we have signed our names and made our marks at Fort Victoria<sup>8</sup> 29 April 1850.

	His mark	
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 <sup>9</sup>

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<sup>6</sup> Reproduced by Wilson Duff in “The Fort Victoria Treaties”, *B.C. Studies*, 1969, No.3, pp.3-57-

<sup>7</sup> According to Duff, this was paid in goods of equivalent value (at their retail value), namely HBC blankets.

<sup>8</sup> According to Duff, the meetings for all the Fort Victoria Treaties took place in front of the fort, not in the territory of the signatory First Nations.

<sup>9</sup> Both Finlayson and Mckay were clerks at the fort. At that time there were very few Europeans (other than HBC employees) on Vancouver Island.

6. Thlamie	X
7. Chamutstin	X
8. Tsatsulluc	X
9. Hoquymilt	X
10. Kamostitchel	X
11. Minayiltin	X

One of the two HBC witnesses to the “Teechamitsa” Treaty was Roderick Finlayson, the author of the Fort Victoria Journals. His journal entry for April 29<sup>th</sup>, 1850 reads as follows:

Monday 29<sup>th</sup> Fine clear weather, with a light breeze from the Eastward. People employed at their several occupations as ∞ labor book, building, ploughing, discharging cargo &c. This morning Dr. Tolmie made a final start for Nisqually. In the evening the proprietors of the tract of country lying between the headland and point M<sup>c</sup>Gregor were paid for their land. They are ten in number<sup>10</sup> & got 3 blkt 2 1/2pts each at which they appeared well satisfied<sup>11</sup>.

Thus the first recorded reference to the treaty is not contained in Douglas’ May 16<sup>th</sup> letter, but in this journal entry. It represents the only truly contemporaneous confirmation of the meeting. It is important to note that Finlayson’s description of the outcome of the meeting does not necessarily represent the understanding of the First Nation.

The next five completed templates are dated April 30<sup>th</sup>, which brought to six the number of agreements entered into with the “Sangees” (also recorded as the “Songes” and more recently as the “Songhees”). On May 1<sup>st</sup> the final three Fort Victoria agreements were entered into with the “Ka-ky-aakan”, the “Chewhaytsum” (also referred to as the “Tequetsins”<sup>12</sup>) and the “Soke” (also recorded as the “Sooke” and now known as the “T’sou-ke”). Finlayson made no reference in the Journal to the meetings which took place on April 30<sup>th</sup> and May 1<sup>st</sup>. This may have been because he was not called upon to act as witness to any of

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<sup>10</sup> The reason for the discrepancy between the number of ten signatories mentioned by Finlayson and the eleven signatories on the Douglas document is not known.

<sup>11</sup> Underlining added in all extracts from the Journal

<sup>12</sup> According to Grant Keddie, the Chewhaytsum people “were a Clallum group called Tse-whit-zen, from the village of the same name near Port Angeles” (*Songhees Pictorial: A History of the Songhees People as seen by Outsiders, 1790-1912*, Victoria: Royal BC Museum, 2003, p.58)

these eight agreements. However he did note the distribution of blankets on May 4<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup>:

Saturday 4<sup>th</sup> Generally clear with light winds from the Southward & Westward. People employed at their usual occupations. Some 20 bus. potatoes were planted this week, 30 bus. oats & some pease, the goods discharged from the *Norman Morrison* & some oak logs & coppers for the repair of the Steamer shipped on board. Some of the Songes were repaid paid for their lands to day & a party of Tequetsins arrived to receive a compensation for their lands about Rocky point.

Thursday 9<sup>th</sup> Generally overcast & cool with light winds from the South<sup>d</sup> & Eastw<sup>d</sup>. This being ascension day those who seemed to be desirous to go to Church were allowed to go there & the rest employed at their usual occupations. Three of the recruits who arrived by the *Morrison* were to day ordered to proceed to Ft. Simpson but refused & were under the necessity of putting them in jail. They however consented to go in the even<sup>g</sup>. The whole of the Soke tribe arrived to day to receive payment for their lands. The *Norman Morrison* still remains in harbour.

Friday 10<sup>th</sup> Had some rain over night with fine clear weather during the day, wind light and variable. People employed as usual 140 sacks flour @ \$8, 2 cases hams & 1 case bacon were purchased to day from Captain Brown of B<sup>qu</sup> *England*, the half of which is forwarded to Ft. Rupert by him. The Sokes were paid for their lands to day. The *Norman Morrison* still remains in harbour.

The existence of these Journal entries permits comparisons to be made with statements made in Douglas' letter. For example, the letter of May 16th mentions that the "remuneration" was "to be paid at once to each member of the Tribe". The Journal entries for May 4<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> confirm that "payment" appears to have been made in a matter of days. The entries for May 9<sup>th</sup> and 10<sup>th</sup> also confirm that the "the whole of the Sokes tribe arrived", and "were paid for their lands". Thus the Journal entries are able to lend support to the accuracy of Douglas' statement

The reason for the previous neglect of the Journal entries in the Vancouver Island Treaty literature is not hard to ascertain. Finlayson's handwriting is not always clear, the ink has faded in many sections and the relevant excerpts are buried near the end of the Journal. In other words, few readers have had the stamina to continue reading until the entries for April and May of 1850. Also, those who noted the entries may not have felt them of sufficient importance to merit reproduction. However, given the scarcity of first person accounts of these very important agreements, the Journal entries provide much-needed context and deserve a place in the Treaty literature.