

**The Oral History of the 1852 Saanich Douglas Treaty:
a treaty for Peace.**

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A Community Governance Project Report

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The group of instructors of the Indigenous Governance program is outstanding – each one of you has contributed to my learning experience. At last but not least, Dr. Gerald Taiaiake Alfred, my instructor both in the Certificate of Administration of Aboriginal Governments program and the Master of Arts in Indigenous Governance program – thanks for the intense, thought-provoking, profound, and challenging mind workout.

PREFACE

I was born and raised as a member of the Ditidaht First Nation, a distinct group within the larger Nuu-chah-nulth cultural group; presently I am a member of the Nanoose First Nation, a Coast Salish cultural group. I have a network of family throughout the first nations on Vancouver Island and the mainland of British Columbia, as well as with the Indigenous nations in the state of Washington. These links are conduits of ancestral origin, and as such, continue to bind a shared responsibility for maintaining Indigenous culture and our connection to the land, sea, and air. As a guiding principle, it is by the telling of stories and events (oral history) that have informed my understanding of my identity, and of the importance of re-telling key information.

As an Indian (as defined by the Indian Act), my interest in the political realm began with the manner with which the media constructed the notion of the disobedient, “activist” Indian. Ironically, it was the Indian protests, roadblocks, and court cases that served to invite investigation, critique, and ultimately, exposure to more truths. As I became aware that Indian people were still being charged for fishing or hunting violations, and then going to court, the treaties became more intriguing for me. Hence, my topic the Douglas Treaties. What are the Douglas Treaties exactly?

The written account of the various Douglas Treaties have been analyzed and interpreted by many historians, legal scholars, and government bureaucrats¹, and, for the most part, have been deemed to reflect land surrender – yet these treaties remain subject to scrutiny. My initial research within Canada’s education institutions, archives, and various audio/visual repositories, showed a lack of the Indigenous perspective and explanation of what happened back in the days of first contact. So there you have it, I had a mission. I wondered what really happened, and for a tiny part of Vancouver Island this is what I discovered in the oral history of the Saanich Peoples.

¹ See for example: The federal government’s interpretation (a treaty was negotiated, land was purchased), http://www.ainc-inac.gc.ca/pr/trts/hti/C-B/vanc_e.html ; and the provincial government’s interpretation at http://www.gov.bc.ca/tno/prgs/why_we_negotiate.htm (James Douglas made land purchases for settlement).

EXECUTIVE SUMMARY

As partial fulfillment of the Master of Arts Degree in Indigenous Governance, this report describes the findings of my community governance project regarding the research question: what is the understanding of the Douglas Treaties as held within the oral history of the Saanich Peoples?

This report contains excerpts of sworn statements from the 1985 Supreme Court of British Columbia court action later to become known as the Saanichton Marina Case. This landmark court case explored the treaty rights or provisions articulated in the 1852 North “Sanich” [sic] Douglas Treaty - as written, and according to the Saanich Peoples’ oral history. Among other experts, the court heard testimony from various Saanich elders, hunters, and fishers.

The elders’ testimony necessarily included the use of fundamental Sencōten terminology. To accommodate the language gap, a qualified Sencōten linguist was on hand to translate and for the record spell the words that were used by the elders. Consequently, the substance of the elder’s testimony emerged while at the same time demonstrating the interconnectedness of language, culture, and worldview, and how oral history has been held in respectable regard. It is significant to note that the Saanich People have a different understanding (from the colonizers) of what the Douglas Treaty holds and why it was entered into. At the writing of this report, the elder Gabriel Bartleman had since passed on, and so the content of the transcripts are invaluable.

An interview was conducted with John Elliott Sr., from the Tsartlip First Nation, a member group of the Saanich People. John has been directly involved with the Saanich Language Education Program as an instructor, and logically he seemed to be an appropriate person to interview. The objective of the interview was to capture a current and spontaneous response to the research question, and in doing so, better understand the nature and extant of the Saanich oral history.

In 1994, the Saanich Indian School Board published a book with contributions from Earl Claxton Sr. from Tsawout , and John Elliott Sr. from Tsartlip. The book, *Reef Net Technology of the Saltwater People*, provides diagrams and information on the reef net technology, as well as original Sencoten place names. This book is recommended as an introduction to the way of life of the Saanich people as told by the people themselves.

This report will introduce essential principles found in the oral history held by the Saanich People – the understanding of the treaty, as being a peace treaty is paramount. Further, bear in mind that the specific details of events leading to, and following, the so-called Douglas Treaty, cannot be denied nor countered. Consequently the perspective of the Saanich People will be refreshing and informative. In other words, the depth and substance of the 1852 James Douglas Treaty will be examined anew thereby bridging² the written and the oral history.

² For example see, *Report of the Government of British Columbia on the Subject of Indian Reserves*, 1875, p. 11. In a missive by William S. Green, it states: “Governor Douglas, made agreements with the various families of Indians then occupying the south-eastern portion of the Island, for the relinquishment of their possessory claims in the district of country around Fort Victoria, in consideration of certain blankets and other goods presented to them. **But these presents were, as I understand, made for the purpose of securing friendly relations between those Indians and the settlement of Victoria**, then in its infancy, and certainly not in acknowledgment of any general title of the Indians to the lands they occupy.”

Introduction – Oral History Background

It is generally known that the Saanich People include what is now known as the Tsawout, Tsartlip, Pacquachin, Tseycum, and Malahat First Nations. The language spoken by the Saanich People is called Sencot̕en (pronounced Sunchothun), which is one of the Straits dialects of the larger Coast Salish language group³.

Comparable to other comprehensive languages, within this Indigenous language there are expressions that hold multi-faceted meaning⁴. As such, there are certain Sencot̕en words that are important to consider while realizing the context of the oral history discourse.

For example, the Saanich people have long been, and continue to be, a society – Texta'n. As an interdependent society, and for their record, it is necessary for the re-telling of events that have an impact on their lives. Texta'n is the word that fundamentally means - this is what we belong to.

Attributes of the Texta'n, are kept current by the telling of social events (births, deaths, marriages, rites of passage, etc), political events (leadership, conflict, decision making), spiritual practices, and economic practices (resource distribution, rights & ownership / stewardship), and are told by those authorized to tell and each event is discussed openly – it is the oral tradition, as it has always been⁵.

³ For more details on Coast Salish languages, see: *Handbook of North American Indians, Volume 7, Northwest*. Smithsonian Institute: Washington, DC, 1998.

⁴ See Appendix B, a summary of the interpretations offered by Earl Claxton Sr. during the Saanichton Marina trial.

⁵ Both interviewees have indicated that they learned their history by listening to their elders.

Long before the Canadian government categorized the Saanich aboriginal communities as “Indian Bands,” the Saanich People held inherited rights based worldview⁶, and that belief system formed the basis of the laws within their Texta’n. Accordingly, these rights are derived from generations upon generations of living it – it is their Ćelánen, their way of life. Ćelánen, it could be argued, is a premise for non-transferrable inherent rights.

This report will not delve any further into the specifics of the language, as that would be the focus of a linguistic study. Along the same reasoning, the value of, or the interpretations of oral history rendered by legal scholars will not be examined nor reflected. It is the content of the Saanich Peoples’ oral renditions that will be the main focus of this paper.

It has been noted that a North Saanich Agreement was signed on February 11, 1852. This agreement is also known as one of fourteen Douglas Treaties. What follows is the Saanich People’s oral history of that agreement as it was captured and recorded from two distinct interviews. The reader should be aware that, in order to narrow the focus, there is much information that was not summarized in these accounts; that information may be subject to future research endeavours. Nonetheless, the focus here is to highlight the valid points and principles presented by the elders, and to bear in mind that the gist of the question is better understood when the interviewee readily makes reference to specific Sencoten words.

⁶ Not to be confused with Aboriginal Rights as defined in section 35 of Canada’s Constitution Act, 1982.

THE ORAL HISTORY

As told by Gabriel Bartleman

On September 2, 1987, in the Supreme Court of British Columbia, Action No. 2872/85⁷, Gabriel Bartleman gave testimony in which he recounted the oral history of the pre-confederation treaty that has come to be known as the Douglas Treaty. From the Proceedings at Trial, Gabriel Bartleman (“Gabe”), then aged 73, provided key information in response to questions posed to him by legal counsel Ms. Louise Mandel. The following is extracted from the trial transcript and has been transformed to a narrative format, thereby maintaining the story and language flow as used by Gabe.

Gabe Bartleman was born and raised on the West Saanich reserve, a member of the Tsartlip First Nation. He was fluent in the Sencoten language, and understood the English language. His parents are Isaac Bartleman and Martha Bartleman.

Upon reflection of when he was growing up, Gabe recalled that Chief David Latesse, (his native name was Ti,imeltw) was the leader of the Saanich People. Chief Latesse was a

⁷ SC#2872/85, Victoria Registry, between SAANICHTON MARINA LTD, Plaintiff, and LOUIS CLAXTON, CHIEF OF THE TSAWOUT INDIAN BAND, AS REPRESENTING HIMSELF AND ALL OTHER MEMBERS OF THE TSAWOUT INDIAN BAND, GUS UNDERWOOD, EARL CLAXTON, JOHN A. DOE, AND JOHN B. DOE, and THE ATTORNEY GENERAL OF BRITISH COLUMBIA, Defendants, and, SC#2873/85, Victoria Registry, between LOUIS CLAXTON, CHIEF OF THE TSAWOUT INDIAN BAND, ON BEHALF OF HIMSELF AND ALL OTHER MEMBERS OF THE TSAWOUT INDIAN BAND, Plaintiffs and SAANICHTON MARINA LTD., AND HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, Defendants – Both actions were heard concurrently. On October 8, 1987, in the case of CLAXTON ET AL. (the Plaintiffs) v. SAANICHTON MARINA LTD. AND A.G.B.C. (the Defendants), in the British Columbia Supreme Court, J. Meredith ruled in favour of the Plaintiffs.

leader “by his birthright and became a leader though the merits that he had behind him”⁸ [accrued achievements] – that is, he was not an elected leader under the Indian Act. It was the understanding held by Chief Latesse that was highlighted in court, Gabe told the court:

At that time, the people recognized that Chief David Latesse came to understand some of what is called the “treaty,” and that he tried the best he could to inform the people that he looked after. He didn’t use the word “treaty,” he said they called it “James Douglas’ word”.

There were gatherings that Gabe had attended, which Chief David Latesse arranged, at those meetings Chief Latesse spoke to the people about what James Douglas’ word was about, as Gabe recalled:

My father worked away a lot from home, and meetings usually were on weekends, and whenever my father was called to sit in at a meeting I went along with him, and [that’s] how I happened to hear whatever was discussed. I was told to be quiet and sit down and listen. Many of our older people were very disciplined people, and we were told that when there was something especially good to listen to that we should do so. And I think that that’s why I have a good memory of some of the discussions that took place on the Saanich Reserve. Usually that was about “Douglas’ word”.

I don’t think that the Chief David actually, took place, or was present when the treaty took place, but his father was one of the signers, I’m sure.

As part of his leadership role, Chief Latesse made sure that the people understood what the meaning of James Douglas’ word was all about – as he himself was taught.

Unfortunately, opportunities to speak about James Douglas presented itself time and time again as violations of the 1800’s agreement became more frequent. Chief Latesse spoke to the Saanich people about the understanding of Douglas’ word, and this is how Gabe remembered hearing it:

⁸ As quoted by Gabe Bartleman.

“The understanding that he gave the people at home was that their way of life was never ever going to be disturbed, that they would always be able to take their food and travel as they did before, that nothing would ever be taken away from them.”

Explaining how and when the Saanich people had interpreted that promise in relation to carrying on with their way of life, Gabe felt it best to use an example to express the understanding of Douglas’ promise:

I would have to use an example... One of the gatherings that I went to, and I heard a gentleman by the name of Tommy Paul,

...that he was told not to fish for sale⁹. That was when they talked about the promise of James Douglas. One of the gentlemen by the name of Jimmy Jim stood up and said, “what happened to the word of James Douglas?” I remember that quite well.

It seems to me that it could have been about the year 1924 or 1925.

Not only once did they [Fisheries Officers] stop these people from fishing. It was almost a yearly [occurrence] – and not only one person – so we have had several experiences. I would like to think about four experiences a year.

Gabe explained yet further the intensity of the understanding:

because our way of life, we have what they call a C’ela’nen¹⁰ - and the C’ela’nen does not allow any other foreign agreements. [That is,] there’s no way we can sell a C’ela’nen or trade it off, it is a way of life”. Further, there’s no way you could trade off your C’ela’nen – because it was your given way of life.

Maybe if James Douglas thought he was taking something away from them. I think I’m – I’m probably drifting around in the same area when you take a look at what James Douglas’ intentions was. But I do know that whenever an elderly person stood up to speak to a meeting, and he reminded each time “this is our C’ela’nen, it is your C’ela’nen, it is our C’ela’nen, our way of our life”.

When Tommy Paul told the people, [he said] that he knew that it was not our C’ela’nen to be stopped from taking our food.

⁹ Indians could fish for commercial purposes without a “license” or interference until the Fisheries legislation assumed control over Indian fisheries.

¹⁰ Spelling is the same as used by the language interpreter during the trial.

When Tommy Paul had been stopped from selling fish in the Saanich Arm, and there was a meeting held, there was many people that stopped and gave their opinion.

“This was a new way that they were experiencing. It was not part of their C’ela’nen.”

And so when they were stopped from fishing, when it wasn’t part of their C’ela’nen, and they gathered, it [was] in those meetings that they talked about the promise of James Douglas.

There were several instances and reasons why the Saanich People were able to hear about some of the experiences that other Saanich people had over time. Gabe explained that:

The selling¹¹ of the fish was something new before the white man... [Normally] they dried the fish and put it away for themselves. There was a change coming where we had – where they had to have some money, and everyone was fishing, and that was where they started to sell fish¹². So whenever there was a meeting, we knew about it. We lived in a small village and after the meetings we could hear discussions about the meeting, and why a treaty would have moved in.

But when there was a visitor that came by, we were told to be quiet and listen, and this is one of the reasons why that – I heard our older people, the grown people talking about what it was they were going to be faced with.

Why Treaty?

In an attempt to elicit more details during the trial, legal counsel asked Gabe whether or not in those meetings there were discussions about why the treaty was entered into. And, what made people go to James Douglas at that time - when James Douglas made the

¹¹ Bartering (or trade) for goods, however, was not an uncommon practice in this era, and this practice continues to date. It could be argued that “bartering” is a form of transaction of a “sale”, just as “credit” is a form of exchange – these are typical commerce terms found in the English language.

¹² See the 1820’s Fort Langley journals, which indicate that the Indians were active in the expanding local fishing market.

promises to them? Specifically, counsel asked: what was the event that caused the people to go and visit James Douglas at that time¹³?

I don't think they really wanted to visit James Douglas.

I'll do my very best to have the courts to understand the lives of these people from that time when I come to my senses,¹⁴ and up to right now.

Continuing with what was happening with the Saanich people about the time James

Douglas was signing agreements, Gabe explains:

There was two instances. One of them was, that there was a messenger, a Saanich runner, sent with a message and he was running, and James Douglas' man shot that boy, fourteen years old.

And the other instance was that there was some trees taken off of Cordova Bay, and I was told that these trees were especially suitable for masts - sailboat masts. And the people on the inside of the bay, that's in Brentwood Bay, now known as Brentwood Bay, they decided to stop them.

So they had several, several canoes and several men left there in a battle dress. They were going to then -- they were going to do what they had to do to stop Douglas' men from taking those trees. They did arrive there and they sat -- the canoes were facing the shore, and they called for someone that would come down who was able to communicate. Whatever was said, I never heard all of that, only that Douglas' men packed up and left.

And it was a time later when Douglas called the people in to [Victoria to] what they thought was a peace offering.

Peace Offering

The Saanich people understood that the white people wanted to be peaceful and so they gave a peace offering, which was:

There was some blankets and I believe some metal it was called -- the money was called metal then, and to make a cross on a piece of paper, on a blank piece of paper, native people thought that that was the sign of the [Christian] cross, and his

¹³ It is written that James Douglas called the Indians to Victoria for a meeting.

¹⁴ "come to my senses" is a term used when referring to an early memory -- it is found as an expression used by many Indigenous people whilst being interviewed for ethnographic inquiry.

good feelings. So they pardoned him for that, they wanted to forget that. That's what I understood.

Counsel asked: "at the time when the blankets were piled and the metal was given and the crosses were made on the piece of paper, is that the occasion when Douglas' word was given and remembered then by the people?"

Gabe responded:

No. Douglas' word was before that, but what they were thinking then was that it was a peace offering for the damage that he had done. They had no idea that they were selling away their C'ela'nen.

Gabe stated that he heard that same story from many of the other people who are now deceased? Mr. David Elliott was one of those people. There were other elders that were present when they talked about the death of that fourteen-year-old boy. Traditionally, at gatherings there are people recognized as witnesses, as such the Elders names were noted as:

There was Tommy Paul, YEXA'LPTEN, Jimmy Jean [sic] NESCI'IM, Edward Jim, C'IE,XINEC, Louis Pelkey, East Saanich Tsawout, and Chief David Latesse from our Reserve. They weren't the only people there. I just mentioned the leaders from the different reserves.

Douglas' Word is Re-told

And so, the story of Douglas' word continued, the understanding of the treaty was discussed in more detail as the opportunity presented itself. There was a similar meeting that took place in about 1924, where the people gathered to speak about Douglas' promise or his word. Chief David Latesse called that meeting, and it was held in Tommy Paul's Big House/ Long House. Gabe was at that meeting, and he remembers that after Tommy Paul raised the problem, that "he was stopped by the Fish Warden from selling

fish in Saanich Arm, the chiefs recommended that the matter be looked into”. Gabe continues:

...and it was told to them that they could no longer sell fish from the bay, from the Saanich Arm.

Again they spoke of James Douglas’ promise, and they wondered what happened to Douglas, did he leave word behind for their survival, his promises, and again where could they go to hear the other part of that story.

They called the people together, and told them that – I guess James Douglas’ promises weren’t any good, and now we have another system coming on that we don’t understand.

Chief David Latesse called another meeting following an unusual event that had to do with the prevention of herring roe harvesting by a Saanich couple. This meeting was needed to discuss the problem and to determine what might be done about it. Gabe recalled:

I believe at that time there was a letter that went to the Department of Indian Affairs, and that was written by one Father Schalen (phonetics), and there was nothing done. They never did hear, there was nothing done. They never did hear, there was never an answer ever come back that we ever heard of.

Reef Net Fishing – Saanich Territory

And about the same time, a meeting was called to discuss the reef nets, which were not located within Canada’s international boundaries, but were considered to be within Saanich traditional territory.

There were many discussions about the loss of the reef net fishing, which is now in Washington. We were told that –

again the chiefs were told by Chief David Latesse – the reason why I keep mentioning Chief David Latesse, seemingly not everybody spoke English, and he was one that used the Senc’oten language, and he was able to communicate with some of the Department of Indian Affairs, and not all the Fisheries officers spoke

this language. So they gathered usually in West Saanich, that's where I lived, and they were told then that -

there had been a line drawn. And when this line was drawn - which they weren't – they didn't know anything about this. They said that even though there might be a line there, it doesn't stop you from going over to the other side of that line, and the names on these places that we are talking about are all Saanich names, and there was no – they don't accept, they still don't accept the names that's on the maps today.

The fact that they were cut off from their reef netting, a part of their C'ela'nen, was reason for yet another meeting to be convened, and Douglas' Word discussed, Gabe continued:

Now when they gathered and talked about that, I think the question was that – why did they stop the reef netting for the native people.

And again they questioned their C'ela'nen.

They didn't see the promise of Douglas, Douglas' word to protect their C'ela'nen. There was nothing said about that. The native people – again I'll have to tell you that they had – they couldn't go to the Fisheries.

There was nowhere that they could go to get information on what they should do about this, who do they see?

Shell Fish

Around 1936, the people met and talked about Douglas' promises with respect to the digging of clams at Mill Bay. Gabe was also present at that meeting; he said that the reason was, "The Fisheries stopped the native people from digging clams in the Saanich Arm for sale." Prior to that time, there had been continuous sale or trade of clams by the Saanich people. Which prompted Gabe to say:

Yes, excuse me, we were told that dried clams were traded up the Fraser River, traded for wool.

The people on the peninsula traded dried clams. Trading was quite common.

That's how the people got the wool from the mountain sheep and the goat. It is that part of the C'ela'nen.

Legal counsel showed Gabe a picture of Chief David Latesse. Gabe was asked if he recognized the garment that Chief Latesse was wearing, and he responded by saying:

“Yes. It was sheep's wool and mountain goat wool, swekol.” Adding that he would have got such a garment:

Most likely from the trade of clams, the seafood that we have here was traded. We traded with those people in the interior and up the Fraser River, and that blanket is called a sweklol.

This goat wool does not come from anywhere within the Saanich territory.

In closing with the questioning, Gabe was asked:

On the basis of all of the meetings where you attended where Douglas' promises were discussed, what can you tell the court, what did the people understand that Douglas had promised to them?

To which he replied:

Douglas promised that he could never interfere with their C'ela'nen, that it would never ever be spoiled the way they were living; that they would continue to live the way they always lived. That was the promises made by Douglas.

THE ORAL HISTORY

As told by John Elliott Sr.¹⁵

John Elliott Sr. is a member of the Tsartlip Indian Band. The original place name of this community is Wjolelp. John works at the tribal school as the Sencoten language teacher.

JK: The nature of this interview is to talk about the Douglas Treaty. Starting with when you first heard about it, from your family, and take it from there.

JE: All right. I don't know how young I was when I first heard about the Douglas Treaty, because my dad often spoke about it. And my late father's name was Dave Elliott and he was quite involved with politics as well, and in the Sencoten way, his first language, and he became a member of the council for the Tsartlip Band some years ago, and so we would often hear about that, and about the meetings that took place - from him, and my mom.

My mom was Beatrice Bartleman. And her father was involved with the Council; her father was the hereditary chief of Mayne Island.

Oral History

JE: So, he was always involved in the decision making in this village here. They spoke often about the rights of our people, and I started hearing about it as a young kid of eight or ten, but it didn't mean much to me then.

As I got older, I heard more and more of it, and about the kind of things that happened to our people, from dad. Whatever our people went through, the people

¹⁵ On August 28, 2003, Janice Knighton (JK) conducted an interview at the Łáu,welnew Tribal School with John Elliott Sr. (JE).

dying off from tuberculosis those kinds of sicknesses that really affected our people.

He talked about the smallpox, the smallpox that happened around here,

JK: Oh, hmm mm.

JE: Those kind of historical things, we heard about it, my parents talked about it, and how they impacted us.

And then later on we heard them talking about the Douglas Treaty. And what the Douglas Treaty was and how it came about. We were told as children that Governor Douglas wanted to talk to the Saanich People, and that the Saanich People didn't want anything to do with him.

In the place where he was staying near Victoria, near a place which is Mount Tolme now, near that area, he lived somewhere there.

And one of the Saanich boys, a young teenage boy, was walking through his field there, and he was shot by one of Douglas's men.

And, that was around the same time that Douglas had some of his workers for the Hudson's Bay Company, they were looking for mast poles, and mast poles were growing over in Cordova Bay area. In that area, we call it (says it in Sencoten) and it means, something like, defeated people, and so the people there had already been kinda beaten down by the northern people.

So Douglas' men were taking advantage of them, and our Saanich Tribe was really all as one - still. All of this commenced at that time. There were 7000, around 7000 of our [Salish] people at that time. Our warriors was all together, and they had heard that the Governor and men were over at Cordova Bay cutting trees down and taking

them away. And they [Saanich] talked about it amongst themselves, and this is what we heard.

We heard our parents talking about this, so my mom's granduncle was Chief David Latesse. He's a hereditary chief, and he and the leaders of the day they talked about, what was going on.

JK: mm hmm

JE: I think that it was actually previous to Latesse, but you see some of these issues are coming through - from him. Coming through him, down through to, well, mom too. And, that, they were unhappy about what was going on, so they said "what are we gonna do?" "Are we gonna leave it the way it is?" or, are we gonna do something about it?

And they met at the family longhouse down here at Wjolelp, and they said "no we can't leave it like it is, we have to stop them from what they're doing".

So they loaded up several canoes, as we were told, with warriors, and that'd be it, and headed off to war. And they paddled around the peninsula and went over there, and made them understand that they want them out of there. They should stop their cutting of the trees, and get out, or they would all be wiped out. That was, I understood, that was their message to whoever was there in that area.

So, they went over there. The people had to leave because they didn't want to be killed.

It was sometime after that, that the Saanich leaders were invited by Douglas to go to Victoria and talk about this incident.

That was our understanding that they took it as a threat of war, and they wanted to make peace with the Saanich people.

JK: Ahh, interesting.

JE: They wanted to make peace with the Saanich people. And so, that was the understanding that our people had; that it was a gathering to talk about peace, because we had been quite a threat on them.

And because of that young boy, Saanich boy. And because of the ones that they were taking away, there was tall trees there, tall, tall trees for mast poles. I guess they were shipping them away for sailing those days, their sail boats from England. They were shipping them away, and so that's how our people came to this gathering were they were making "X's" on the paper.

JK: hmm mm

JE: And our people didn't have an understanding - other than it was something to do with making peace.

And they apparently spoke amongst themselves, and wondered why, what were those marks that they were making on the paper. I guess there must have been some

missionaries here in this area, they related the “X’s” to the making of the sign of a cross, that it had something to do with God and trust.

So that was, that was their understanding, that it was to do with peace, and they wanted to keep the peace, and that sign on the paper was something to do with that.

JK: Hmm

JE: And that was what our people understood that treaty to be -- a “peace treaty,” amongst Douglas’ people and the Saanich People. They didn’t want to be threatened anymore. And if they were, that’s why they got gifts. Got blankets. That’s the way we heard our parents talking about the treaty, and that’s the way we understood the treaty to be.

I even came across a paper from Chief David Latesse saying that it wasn’t even a treaty.

JK: So, the basic understanding was that Douglas wanted signatures to say that the Saanich people would not ...

JE: attack them, or

JK: And, so Douglas didn’t make any promises on their part, in the agreement, they just wanted to get peace? Is that ..?

JE: Well, we thought it was gonna be peace.

JK: Just peace?

JE: And, I think that it [the treaty] said that we could fish. Fish and hunt. That's what we understood it to mean.

JK: Fish and hunt. Right.

JE: Then I think, they took them up to that mountain up there,

JK: Yeah?

JE: The one where they call it Mount Douglas today,

It's one of the highest mountains in that area. We call it P'kols.

JK: Oh yeah, okay.

JE: And, pointed outward where our people could roam freely and not be bothered. And, I think that's what he was pointing out. And my understanding is, is that was the first reserve. That's my understanding of it. I could be wrong, but I think that that's what our people understood. That he was pointing out the borders of where we were free to roam and hunt, and fish.

JK: Hmm.

JE: Without being bothered, and he was pointing from Douglas, Mount Douglas over to Goldstream, and that way. And that was what I was told by Manny Cooper, he's an elder cousin of mine.

JK: So, the understanding then, was that the Indian people said, or, were assured that they wouldn't be disturbed or bothered?

JE: That's right.

JK: Ah, for hunting and fishing, and in return Douglas's people would not be harmed either.

JE: That's right.

JK: So, there was no...It was basically a peace agreement

JE: A peace agreement

So it stayed that way, the people, you know, they hunted and fish, all, like in the winter time, all the way into wherever there was, they used to cure the hunt wherever they went. They hunted grouse or deer, wherever they walked, they carry guns with them and hunt, cause they had guns by then. So that's the way it was.

Until, the people, this is getting into another subject, they thought the Indian people had too much land. They had too much land and they wanted this, this area here because it was fertile soil

JK: Hmm mm ...

JE: for farming. And, so from there on, they, I understand that that's where they went.

After Douglas went, they made this pre-emption agreement. Some kind of pre-emption law. It wasn't even an agreement it was law, they said that they could take our lands away from us, and that's when, I think, things went wrong for the Saanich People because they took the lands away that Douglas said that we could have [retain] - from when he pointed from the different points of land from the top of that mountain.

JK: Yeah?

JE: That's when the lands were taken away, because we were able to go between our villages and hunt and camp. And the people from Tsawout, or East Saanich, on the east side of the peninsula they would walk over here - and we would walk over there.

JK: Right.

JE: When sometimes they would camp over there beside the creek that's half ways, or part ways between Tsawout and here, and they would stay and pick berries and camp, and eat trout. They'd camp along the creek or they'd camp up near the swamp area there and pick berries and get ducks for feathers and what not, and nobody bothered them – until that pre-emption thing came out.

JK: So, when they made that agreement, the peace arrangement, Douglas was said to have given gifts as well, is that part of ...

JE: I think there was some blankets

JK: Were you ever told why he did that, was that something that the Indian people expected, or told him?

JE: No, I don't think they expected it, but I think they were surprised that they got these blankets.

JK: Okay.

JE: I think there was some money, but I don't know about the amounts or anything.

JK: Yeah. It just seems like part of a ceremony where there's something in exchange for... like an apology or peace token...

JE: hmm mm.

JK: ..or something. I was just wondering if there was anything said about that.

JE: Well, I guess our people were in a position to wipe them out.

Our people were in the position to wipe them out, and they told them if they didn't want to be wiped out, and then they better get out of that place, from logging

JK: Yeah?

JE: The logging they were doing, and that there'd be no more killing of the people like what they were doing – killing that young Saanich boy. And, I think they were afraid. They were afraid.

JK: That story comes a long ways from now, where, they way I understand the historical documents, that the Douglas Treaty meant that the... that Douglas purchased land.

JE: Yeah, I don't think our people were selling the land. If they were, I think that if our people were selling the land they would have mentioned place names a lot more than what they did of our places, you know?

If they were selling off different parts, by names that they knew the land by.

JK: That's right, because the Douglas Treaty is all in English, there's no traditional place names mentioned.

JE: So, I take it that it was a peace treaty, like our people thought it was. It was a peace treaty not a land treaty

JK: Not a land purchase, or ...

JE: land purchase that's right.

JK: No. Or something along those lines – like “giving up”

JE: I don't think our people would have gave up the territory for any blankets,

JK: Yeah, I don't think so either.

JE: because they roamed freely over this land, and they went all the way from here to White Rock and all the way out to San Juan Islands, and Henry Island, and Seyward Island, and all those islands were our islands so,

JK: right,

JE: (names the islands in Sencoten), that was the names of those places. Why didn't they mention those in the treaty? Those are the kind of things that I question. If they knew it was a purchase of land, why weren't those places mentioned?

JK: Yeah, I see what you mean.

JE: I think it was at a time when our people were "barely" understanding English. You know, there was trade language that happened to be taking place – between our people and the white people, they talked Chinook

JK: Chinook. Right.

JE: and, some of our people knew it and some people didn't.

JK: And, from what I could read in the libraries the Chinook Jargon, as it's called, doesn't have any words for "land purchase"

JE: I don't think so. It's all about treaty, you know. So that's what I heard as a young person growing up here in this village about the Douglas Treaty.

JK: Right.

JE: And I always heard that people were upset with it, they weren't happy with it. They've never been happy with it - with the Douglas Treaty.

CONCLUSION

To consider the question: What is the understanding of the Douglas Treaty, as held in the oral history of the Saanich People? One must visualize and comprehend the context of the events, prior to and surrounding the signing of the so-called Douglas treaty. That is, there must be a “clarification” dialogue of reasoning that leads to a logical and understandable conclusion. It's the beauty of oral history – like poetry in motion.

If you were to ask anyone from Saanich, “what is the Douglas Treaty?” they will likely say that “it's a peace treaty”¹⁶. Which of course begs the question, “why a peace treaty?” To say that the Douglas treaty is a peace treaty is one thing, but without the context, the compounding circumstances, or personal inter-active dialogue and generational connections of experiences, it is not a complete account or story; this report hopefully fills part of that void, thereby fleshing out the understanding.

¹⁶ As Chief Allan Claxton has always said.

It is important to remember that C'elan'nen is a premise for non-transferable rights – it is inconceivable to “give up” C'elan'nen, because it is so entrenched in the lives of the people. The Sencot'en words, Texta'n and C'elan'nen, reflect identity and generations of effective laws to live by. Therefore, oral history flows through the Texta'n as part of the C'elan'nen.

The oral history relative to the so-called “Douglas Treaty” has survived over time, in part, by the Saanich people responding to different events such as, hunting or fishing violation charges brought against the Saanich People¹⁷. Interestingly enough, in the oral history, the treaty is not referred to as the Douglas Treaty, but rather it is “Douglas' Word”. The concept of treaty as defined in the English language has different connotations than the “Word” given by James Douglas, as discovered in the testimony of Gabriel Bartleman (Gabe).

Douglas' Word – Douglas Treaty

According to Gabe, respected leader Chief David Lateese told him¹⁸, that the Douglas Treaty was called “James Douglas' Word”, and not “treaty”. It was on account of the strict discipline (sit still and listen) expected from the people attending meetings that Gabe remembered that:

their way of life was never going to be disturbed, that they would always be able to take their food and travel as they did before, that nothing would ever be taken from them.

He also clearly stated:

¹⁷ In more recent times, it is the issues of burial grounds, village sites, sacred sites that have been disturbed and or encroached upon. This is yet again, reason for Douglas' Word to be honoured.

¹⁸ Chief Lateese was also told by his leaders.

Because of our way of life, we have what they call a C'elan'nen – and the C'elan'nen does not allow any foreign agreements. There's no way we can sell a C'elan'nen or trade it off, it is a way of life. There's no way you could trade off your C'elan'nen – because it was your given way of life.

I do know that whenever an elderly person stood up to speak to a meeting, and he reminded each time: “this is our C'elan'nen, it is your C'elan'nen, it is our C'elan'nen - our way of life.

Gabe was so adamant of the fact that: “To be stopped from taking our food (fishing/hunting) is not part of our C'elan'nen”, so much so, that to believe otherwise would be unthinkable.

Why Treaty?

The oral history of how and why James Douglas came to meet with the Saanich people, to sign an agreement, is put into context by revisiting the two major instances of conflict that occurred at that time. Gabe Bartleman said that:

There [were] two instances. One of them was, that there was a messenger, a Saanich runner, sent with a message and he was running, and James Douglas' man shot that boy, fourteen years old.

And the other instance was that there was some trees taken off of Cordova Bay, and I was told that these trees were especially suitable for masts - sailboat masts. And the people on the inside of the bay, that's in Brentwood Bay, now known as Brentwood Bay, they decided to stop them.

So they had several, several canoes and several men left there in a battle dress. They were going to then – they were going to do what they had to do to stop Douglas' men from taking those trees. They did arrive there and they sat – the canoes were facing the shore, and they called for someone that would come down who was able to communicate. Whatever was said, I never heard all of that, only that Douglas' men packed up and left.

John Elliott Sr. provided a few more details as he recalled from his family sources¹⁹:

¹⁹ His parents Dave Elliott and Beatrice Bartleman, and his mother's granduncle was Chief Latesse.

In the place where he was staying near Victoria, near a place which is Mount Tolme now, near that area, he lived somewhere there.

And one of the Saanich boys, a young teenage boy, was walking through his field there, and he was shot by one of Douglas's men.

And, that was around the same time that Douglas had some of his workers for the Hudson's Bay Company, they were looking for mast poles, and mast poles were growing over in Cordova Bay area. In that area, we call it (says it in Sencoten) - and it means, something like, defeated people, and so the people there had already been kinda beaten down by the northern people.

So they loaded up several canoes, as we were told, with warriors, and that'd be it, and headed off to war. And they paddled around the peninsula and went over there, and made them understand that they want them out of there. They should stop their cutting of the trees, and get out, or they would all be wiped out. That was, I understood, that was their message to whoever was there in that area.

It was for Peace

Based on the stories that were passed down over through the generations, John Elliott Sr. believes that:

They [James Douglas' people] wanted to make peace with the Saanich people. And so, that was the understanding that our people had; that it was a gathering to talk about peace, because we had been quite a threat on them.

And because of that young boy, Saanich boy. And because of the ones that they were taking away, there was tall trees there, tall, tall trees for mast poles. I guess they were shipping them away for sailing those days, their sail boats from England. They were shipping them away, and so that's how our people came to this gathering were they were making "X's" on the paper.

Peace Gifts

Gabe spoke of the gifts this way:

There was some blankets and I believe some metal it was called – the money was called metal then, and to make a cross on a piece of paper, on a blank piece of paper, native people thought that that was the sign of the [Christian] cross, and his good feelings. So they pardoned him for that, they wanted to forget that. That's what I understood.

Douglas' word was before that, but what they were thinking then was that it was a peace offering for the damage that he had done. They had no idea that they were selling away their C'ela'nen.

John Elliott reviews the points raised about the so-called Douglas Treaty as this:

And that was what our people understood that treaty to be -- a "peace treaty," amongst Douglas' people and the Saanich People. They didn't want to be threatened anymore. And if they were, that's why they got gifts. Got blankets. That's the way we heard our parents talking about the treaty, and that's the way we understood the treaty to be.

I even came across a paper from Chief David Latesse saying that it wasn't even a treaty.

And, I think that it [the treaty] said that we could fish. Fish and hunt. That's what we understood it to mean.

Land

John Elliott Sr. described the compromise about land as this:

They took them up to that mountain up there,
The one where they call it Mount Douglas today,
It's one of the highest mountains in that area. We call it P'kols.

And, pointed outward where our people could roam freely and not be bothered. And, I think that's what he was pointing out. And my understanding is, is that was the first reserve. That's my understanding of it. I could be wrong, but I think that that's what our people understood. That he was pointing out the borders of where we were free to roam and hunt, and fish.

The oral history of the events surrounding the signing of the so-called Douglas Treaty has survived as an integral part of the Saanich Peoples' Texta'n for a number of reasons, including the threat and disturbance to the land, resource, and political integrity. Stories and reflection on the James Douglas event was kept alive (living history), in part due to the contrary and subsequent events that had a major impact upon their lives and

livelihood. The major principles of the so-called 1852 Douglas Treaty, or James Douglas' Word, are that there would be peace and that the C'ela'nen of Saanich People would not be interfered with.

Douglas promised that he could never interfere with their C'ela'nen, that it would never ever be spoiled the way they were living; that they would continue to live the way they always lived. That was the promises made by Douglas.

-Gabriel Bartleman

APPENDIX A

Transcripts from the Supreme Court of British Columbia

APPENDIX B

The following words were described by Earl Claxton Sr. as part of his testimony in the Saaanichton Marina case.

TEXTA'N

- Means society
- Something that we belong to in a way of a clan, "I guess you could call it a clan in the English language"
- There's different Texta'n.
- It is handed down from, and particularly with one family if they belong to a Texta'n.
- It's the elder that tells their children and their grandchildren and on down, that they belong to the Texta'n and that they could claim ownership to that Texta'n.

C'ELAN'NEN

- Names that passes with the Texta'n (is part of)
- Name can belong to the grandfather, then is passed on to a grandson
- When a name is given, you are taught the Texta'n of that name
- When you are give a name you are given the Syeses of that name
- Our heritage, our history, our culture or whatever, our way of life
- "Is what's always been"
- Rights that may come with a name includes the right to fish
- Hunt as we always did because it's our C'ela'nen
- "we speak the Sencoten language because it's part of our C'ela'nen
- "our beliefs as far back as we could go
- teaches attitude towards the animals and fish

SYESES

- History and origins of any Texta'n that we have
- There are follow-ups, [information] added on by family members
- The holding of a feast is part of it
- Points in history that are remembered by the people
- Treaty with James Douglas is part of the Syeses

SIXIXI

- Is a Texta'n
- Sixixi is the maskdance
- It is an birthright to participate in the ceremonies, to hold songs
- "It has more depth [meaning] to it than just a "mask"

SXA'LET

- Fishing location
- Is a Texta'n
- The Sxa'let at Bedwell Harbour, on Pender Island, belongs to the Pelkey family.
- Sxix-te, (the fishing location at Bedwell Harbour) means shallow, narrow
- LELINCEL Island, belongs to the Elliott family.
- Salmon was very sacred, this is why the Sxa'let was a Texta'n
- PKINES, North Pender, belongs to the Malahat (MA'LEXEL)