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The Negotiations to Relocate the Songhees Indians, 1843-1911

Master of Arts

1982

Dr. R.A. Fisher

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THE NEGOTIATIONS TO RELOCATE THE SONGHEES INDIANS, 1843-1911

by

(C) Jeannie L. Kanakos

B.A., Simon Fraser University, 1974

THESIS SUBMITTED IN PARTIAL FULFILLMENT OF

THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in the Department

of

History

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SIMON FRASER UNIVERSITY

April 15, 1982

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ABSTRACT

In 1911 the Songhees Indians surrendered their reserve in the heart of Victoria city. They were relocated after nearly fifty years of negotiations. An examination of ethnographical and historical information has revealed the Songhees' active role in negotiations for their land. The Songhees resisted their removal and their position was a stumbling block to the conclusion of the transaction.

The federal and provincial governments were caught in a jurisdictional battle over Indian land in the province of British Columbia. The question of the Songhees relocation exemplified the complex dispute between the governments. Under pressure from their electorates the governments seriously attempted to solve the relocation question, but the Songhees' refusal to surrender their reserve delayed a conclusion to the removal transaction. If the Songhees had not resisted removal, they might have been relocated on numerous occasions between 1880 and the first decade of the twentieth century.

As internal and external conditions changed for the band, and under the leadership of a Chief who saw that the time was right for a move, the Songhees agreed to surrender their reserve. They agreed to move according to terms which in some measure reflected their own needs. The terms—namely a large cash settlement—required special legislation. The Songhees' resistance to move and their participation in land negotiations were influenced by their longstanding relationship with the
environment, and especially with their land.
### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval</td>
<td>ii</td>
</tr>
<tr>
<td>Abstract</td>
<td>iii</td>
</tr>
<tr>
<td>Abbreviations</td>
<td>vi</td>
</tr>
<tr>
<td>List of Maps</td>
<td>vii</td>
</tr>
<tr>
<td>Preface</td>
<td>viii</td>
</tr>
<tr>
<td>Footnotes-Preface</td>
<td>xiv</td>
</tr>
</tbody>
</table>
| **CHAPTER ONE.**  
THE SONGHEES INDIANS AND THEIR LAND | 1 |
| Footnotes-Chapter One | 25 |
| **CHAPTER TWO**  
Songhees-European Relations, 1843-1871 | 31 |
| Footnotes-Chapter Two | 46 |
| **CHAPTER THREE**  
The Federal-Provincial Debate on the Terms for the Songhees Relocation, 1871-1911 | 51 |
| Footnotes-Chapter Three | 78 |
| **CHAPTER FOUR**  
The Songhees Position on Relocation, 1971-1910 | 86 |
| Footnotes-Chapter Four | 108 |
| Conclusion | 114 |
| BIBLIOGRAPHY | 118 |
ABBREVIATIONS

MS Manuscript.
NMM National Museum of Man, Ottawa.
PABC Provincial Archives of British Columbia, Victoria.
PAC Public Archives of Canada, Ottawa.
SPU Simon Fraser University, Library, Burnaby.
R.G. 10 Canada, Department of Indian Affairs, Black Series, Record Group 10.
TS Typescript.
UBC University of British Columbia, Library, Vancouver.
UBCICL Union of British Columbia Indian Chiefs' Library, Vancouver.
LIST OF MAPS

The Songhees' Territory .................................................. xv
The Straits Salish Ethnic Groups ........................................... 6
The Songhees' Tribal Divisions signified
in the land purchase of 1850 ............................................. 39
The Old and the New Songhees Reserves .............................. 53
PREFACE

In the history of Indian-European relations in British Columbia, the Indian land question is a complex and crucial area of inquiry. The debate over the Songhees' land is one example which testifies to this. The protracted negotiations to relocate the Songhees demonstrates the complexity of Indian-European as well as federal-provincial relations regarding Indian land in British Columbia. The history of the Songhees reserve also illuminates the impact of the debate at the band level.

Historians writing on these complex aspects of the land issue have, for the most part, failed to recognize Indian input in the debate over their land. The view of Indians as incidental or peripheral has, until recently, pervaded the histories of British Columbia and Canada.

Historians are now attributing a more active role to the Indians. Anthropological data have facilitated this approach. A synthesis of anthropological and historical information has provided a basis for a more a comprehensive analysis of the interactions between Indians and Europeans. Such a synthesis has revealed an active role on the part of the Indians in the fur trade, as well as in their relations with missionaries.

One of the purposes here is to establish the role of the Songhees in the negotiations to relocate their reserve. To do so, it is necessary to examine the precontact Songhees society, particularly their relationship with their land. Anthropological evidence reveals that the Songhees, living in a unique
geographical setting, developed an intimate relationship with their territory. The Songhees economy was dependent upon the availability of particular resources at specific times of the year, and their migratory lifestyle was integrated with their system of land-use and site ownership. Most of the Songhees' culture was influenced by the demands of their economy.

The construction of Fort Victoria in the center of Songhees territory challenged the Songhees' traditional relationship with their land. Facing this challenge, and the accompanying threat posed to their survival through the introduction of alcohol and new kinds of disease, the Songhees adapted their economy to that of the fort, and generally responded in an accommodative manner to European penetration into their territory.

In the three decades following the establishment of Port Victoria, Songhees-European relations appeared agreeable. The Songhees were employed at the fort and acquired new wealth. They also continued their traditional migrations to gather food and resources. During this period the Songhees and Europeans negotiated several land deals. These included: the relocation of a village, the relinquishment of aboriginal title, and a leasing program. Evidence of the Songhees' role in these negotiations is very sparse, but documentation from a later period reveals Songhees discontent with previous land transactions. Department of Indian Affairs correspondence indicates that the Songhees refused to negotiate any further relocation until they received payment for the lands they had already sold and leased.
breach in trust was at the root of the Songhees suspicion of negotiations regarding their land. After the gold rush, the Songhees became aware of the implications that settlement had on the availability of resources in their territory. These factors caused the Songhees to abandon their accommodative response for one of resisting attempts to remove their reserve.

In 1871, when British Columbia entered Confederation, Indian Affairs became a federal responsibility. The Songhees reserve question became one of many contentious issues in the debate between the province and the dominion regarding Indian land in British Columbia. The crux of the debate was the disagreement over the interpretation of relevant sections of the Terms of Union and the British North America Act. In the case of the Songhees reserve, however, the governments agreed to overlook these disagreements in order to conclude a relocation agreement. Each government did so because of its own political reasons: the provincial government was faced with mounting pressure for land from a growing population and a developing resource-based economy, while the federal government was concerned with support in the west in the upcoming 1911 election.

While the prolonged debate was due, in part, to the governments' difficulties in agreeing to terms for the Songhees removal, the Songhees also played an important role in the negotiations. On numerous occasions when a deal between the governments was close at hand, the Songhees refused to even
discuss relocation. Their surrender was required by the Indian Act, and the Songhees' refusal to discuss such a surrender, delayed the settlement of their reserve location. If the Songhees had not resisted relocation, they might have been moved in 1880, 1891, 1895, or on numerous occasions in the first decade of the twentieth century. The Songhees' opposition to relocation was related to distrust engendered from previous land deals, but the Songhees also resisted relocation because they enjoyed many features associated with their city location. The key advantage for the Songhees was the economic opportunities available in the urban center.

At the turn of the twentieth century, when the advantages of the urban locale began to decline, the Songhees resistance to relocation wavered. At this time, the Band faced mounting pressure for their removal. Despite this challenge, the Songhees were able to influence the final deal. The Songhees Chief, who was interested in his own financial advantage as well as the Band's, held out for a cash settlement paid directly to Songhees families. This demand required special legislation in the House of Commons, and the legislation, the Songhees Reserve Bill, is one example of government response to the Songhees position.

While the Songhees resisted removal and delayed a settlement of the issue, the governments held the balance of power. The dominion was willing to meet the demands of the Songhees Band but it demonstrated its power to influence Indian matters when it amended the Indian Act so that in the future,
Indians would not be allowed to impede urban development.

In conclusion, the Songhees were not passive but played an effective role in the relocation negotiations. Though their initial response to land arrangements was positive, this response soon turned sour. They resisted relocation as long as they could. The Songhees lost their city reserve, but not without a fight. Their active role required the governments to take the Songhees position into consideration when negotiating a settlement.

This type of consideration was important for historians writing on the Indian land question. Though not necessarily considered so in the past, the Indian role is a vital component in the history of the Indian land debate. Only after the Indian is written into this history, can historians begin to make comparisons and conclusions which may lead to a deeper understanding of Indian-European relations over land in British Columbia.

The writing of this thesis was made possible through the assistance of numerous persons. I would like to thank the staffs of the Simon Fraser University Library, the University of British Columbia Library, the Provincial Archives of British Columbia, the Public Archives of Canada, the Archaeology Department of the British Columbia Provincial Museum, the Victoria City Archives and the Treaties and Historical Research Centre of the Department of Indian and Northern Affairs. I am particularly grateful to the British Columbia Union of Indian
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Footnotes-Preface


The Songhees' Territory

CHAPTER ONE

THE SONGHEES INDIANS AND THEIR LAND

The Songhees Indians are a group of Coast Salish Indians who inhabited the southeastern tip of Vancouver Island, Discovery Island, and the Eastern shores of Henry and San Juan Islands. They had experienced indirectly the European presence on the coast for numerous decades and with the construction of Fort Victoria in 1843, the Songhees came in direct contact with a culture very different from their own. The contact experience was an event which led to adjustments in the Songhees relationship with their environment and changes in their culture.

An investigation of the role of the environment represents an important emphasis in anthropological inquiry. Calvin Martin discusses this approach and draws out its implications for historians of Indian-European relations. Martin recommends that the historian view European penetration into a group's territory as an event which triggers a series of adjustments in the group's relationship with the environment. The details of the Songhees territory and their use of their geographical space in prehistoric times are essential to an understanding of the impact of contact on their culture and their relationship with the land. The ethnographic data on the Songhees and their environment have strengths and limits which, at the outset, must
Four well known anthropologists have collected ethnographic data on the Songhees Indians. Franz Boas presented his summary of data on the "Lkungen," or Songhees, in 1890 as part of his "Sixth Report of the Committee Appointed to Investigate the Physical Characters, Languages and Industrial and Social Condition of the North-Western Tribes of Western Canada." His report was an overview of Songhees culture as part of the Coast Salish stock. It focused on major cultural aspects such as customs, beliefs, and organization, but it did not answer many questions regarding Songhees daily life. Boas did not deal with the system of decision making and leadership and he did not name his informants in the report.

Charles Hill-Tout did field work amongst the Songhees in 1907, approximately twelve years after Boas. Hill-Tout summarized his field data in the Report on the "Ethnology of the Southeastern Tribes of Vancouver Island British Columbia." His report differed from Boas' work on minor points, and his summary was, in the main, a description of the Songhees language. Hill-Tout's report, like Boas's did not describe the Songhees daily life. Both Boas and Hill-Tout provided some information regarding the Songhees relationship with the land, but neither discussed this subject in any detail.

The most extensive study of the Songhees is Wayne Suttles', "The Economic Life of the Coast Salish of Haro and Rosario Straits", written in 1951. Suttles described the Songhees as
part of the "Straits Salish" cultural unit. He explained that certain cultural traits were common to the Straits Salish as a whole due to their particular geographic location and its resources. Suttles detailed the subsistence activities of the Songhees as one group of the Straits Salish, and he elaborated on the religious and social customs of these people. His informants agreed with most of the information given to Hill-Tout and Boas. Suttles incorporated field work pertaining to the Songhees' neighbours from Erna Gunther's "Klallam Ethnography," and Diamond Jenness' manuscript, "The Saanich Indians of Vancouver Island." Suttles enhanced his ethnographic data with information contained in United States Government documents.

Writing on the Songhees in "The Fort Victoria Treaties", Wilson Duff drew information from settlers' reminiscences, travellers' accounts, newspaper articles, government documents, and data from Songhees informants. In this article, Duff analysed the treaties signed by the tribes of the southeastern tip of Vancouver Island and James Douglas in 1850. Duff argued that these documents contained insights into, as well as distortions of, the pre-contact environment of these Indians. Duff compared his own findings regarding specific places in the Songhees' territory with those of Suttles, Hill-Tout and Boas. His work is a valuable synthesis of ethnographic data on the Songhees' territory prior to the construction of Fort Victoria.
The data collected by archaeologists such as Harlan Smith is relevant to both anthropologists and historians of the coastal Indians. Contemporary archaeological research has added to the understanding of the prehistory of the Songhees territory. Two major contributors are Donald Mitchell and Roy Carlson. The area of southeastern Vancouver Island remains important to archaeologists attempting to reconstruct the prehistory of the general area of the southern coast of British Columbia.

Both anthropologists and archaeologists experienced difficulty collecting data in the Songhees' territory. The Songhees were exposed to European culture indirectly from at least 1774 and as a daily reality from 1843; thus ethnographic information collected to recreate a pre-contact environment was influenced by this longstanding interaction with Europeans. Furthermore, many other Indian groups from the northwest coast travelled to Fort Victoria and camped among the Songhees while they traded goods and visited the fort. At times, as many as two thousand Indians were living amongst the Songhees. As one Indian Agent pointed out, many of the characteristics attributed to the Songhees in reality belonged to these visiting Indians.

Taking into consideration the strengths and weaknesses of the ethnographic literature, it is possible to describe the main features of the Songhees' culture. It is important to note that the following description is not intended as a detailed report, but will attempt to draw out the essence of the Songhees'
culture as described by the noted anthropologists. The elements examined will include the Songhees' world-view, social organization, and ceremonies. This examination will focus on a major thread running through these complexes, the Songhees relationship with their environment. The intent is not to emphasize one or another cultural aspect, for most are interdependent, but rather to highlight those related to the Songhees relationship with the environment.

The Coast Salish Songhees spoke "Lakonenan." They shared this language with their immediate neighbours the Semiahmoo, Lummi, Samish, Klallam and Sooke Indians. The Songhees interacted primarily with these similar linguistic groups although the Songhees became a separate political unit in the eyes of the Europeans, with the signing of the treaties in 1850. The Songhees social contacts extended to other Coast Salish groups such as the Cowichan, Squamish, and Musqueam. These interactions took the Songhees out of familiar territory to the Cowichan Valley on Vancouver Island, to the mainland coast, and to the lower reaches of the Fraser River.

The Songhees shared a common world-view with their Coast Salish neighbours. These groups possessed a world-view which depicted a spiritual relationship between man, nature, and the supernatural. The Songhees envisioned nature as a source of supernatural powers, and they saw food as a gift of the supernatural. Both supernatural power and food were greatly revered. Food was often described by a word which means
Straits Salish Ethnic Groups

"sacred." As the Songhees moved over their territory and collected resources they did so with reverence and attempted to maintain positive relations with the living spirit in all things.

According to Suttles there were three classes in the Songhees' society. The "high class people" who were "people with 'advice'" or "who knew how to behave properly." The "second class people" were poor people who had become rich. The "low class" people were those without "advice" or, those who had "lost their history." Boas called these classes the nobility, the middle class and the lower class. Boas claimed that the lower class lived in the southern area of the Songhees territory. Perhaps the low status of these groups was related to the fact that this area was without established reefnet locations. Hill-Tout, named four "castes" among the Songhees: the "chieftains," "hereditary nobility," "untitled" and "slaves." Hill-Tout stated that each of these classes also had its own name. A common man could not use a middle class name but he could become a middle class person by sponsoring feasts. Chiefs were considered high class persons. The chiefship was passed from father to son, preserving this noble position as inherited.

The nuclear family was the basic unit for production and consumption in the Songhees society. Families lived together in longhouses, and each family occupied a separate section of the house. The family groups living together were related by "blood
or by marriage through either the males or the females. While each family had its own fire in the house, some of the food preparation was done communally. These families worked together in some major food gathering activities. They also participated as a unit in trading possessions, sponsoring ceremonies, and for defense. (A detailed description of where the Songhees families lived in winter and in summer is presented later in this Chapter)

Wealth, power, and knowledge were possessions which contributed to an individual's or a families' rank. Wealth was acquired through the inherited possession of a productive food site and by way of successful hunting expeditions. Success on a hunting expedition was based on hunting expertise and the possession of hunting knowledge and powers. While upward mobility was possible through the acquisition of power and knowledge in visions and dreams, rank was usually established through inheritance or these possessions. Power and rank were validated by a display of wealth. The sponsorship of ceremonies such as marriage feasts and potlatches provided an opportunity for this display.

Songhees' marriages were arranged by the families involved rather than by the couple. Marriage was the "primary alliance" between households and communities. The ceremony included a display of wealth and an exchange of goods. In most cases women were recruited from neighbouring Straits Salish and Coast Salish communities. Care was taken to ensure that the status and wealth
of the families was comparable. Marriages of close family members were not encouraged but marriage beyond second cousins was permissible. If one partner died, then the survivor usually married a relative of the deceased, so that the familial ties the marriage represented, were maintained. Polygamy was practised, especially amongst males of high rank. In many instances, the male had wives in several villages therefore establishing ties with each group.

The most elaborate Songhees ceremony was the potlatch. A potlatch was usually sponsored by a chief, who decided which of the neighbouring tribes would be invited. During the ceremony, the hosting chief was raised on a scaffold while his son or daughter danced, then the gifts were distributed. The distribution could take three or four days, and was interspersed with games, dancing, and eating.

The resources collected throughout the year were shared with the guests at the Songhees ceremonies. The resources accumulated formed the basis of a family's wealth. With a plentiful harvest a family was able to perform an ostentatious display of wealth, whereas in a lean year a display might be restricted. An abundance of resources also provided a surplus for trading. A limited supply of resources might reduce the social standing of a particular family or group.

To understand fully the changes in the Songhees' relationship with the environment after the construction of Fort Victoria, it is necessary to establish a clear picture of their
environment prior to contact. This picture contains interdependent variables such as the territory, habitation locations, resource sites, and methods of exploitation. Included in this description are the variations regarding place names and locations which contribute to a picture as complete as possible. The location of the winter villages, summer camps, and resource sites demonstrates the Songhees' settlement patterns and subsistence systems.

Before the construction of Fort Victoria, the Songhees territory included the eastern tip of Vancouver Island from Cordova Bay to Parry Bay, Discovery Island, and the western shores of Henry and San Juan Islands. There is a discrepancy regarding the southern boundary at Beecher Bay. (The numbers in brackets correspond to those shown on the map, p. xv) Boas did not locate any Songhees winter villages here, but Hill-Tout named three groups of Klallam origin who lived at Beecher Bay and according to Gunther's informant the Klallam moved to this area after the construction of Fort Victoria. Evidently a Klallam man named "Yokum", left Port Angeles about 1865, and attempted to settle his family on the west shore of Beecher Bay. After a quarrel with the Sooke, who claimed the territory, the Klallam group first returned to Washington, then moved to Beecher Bay's east shore. Suttles' informant told him that the Klallams moved initially to the edge of Fort Victoria to make shingles and plant potatoes for the Europeans. When the young people began to consume alcohol the Chief moved the group to
Nitty's Beach. However, Suttles located one of Boas' Songhees winter village sites here, because his informants told him that the Songhees' family Boas named "K.ek.a'yek.Zn" lived there, before the Klallam. Whether or not this group of Songhees abandoned Nitty's Beach, in favour of the village on the edge of Fort Victoria at the time of its construction, is unclear.

The southern edge of the Songhees' territory, according to the "Teechamitsa" Treaty and Duff's informants was Albert Head. In the territorial description of the first land purchase of James Douglas in 1850, the Teechamitsa occupied the "whole of the lands situated 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 Saanich Arm about ten miles distant." Duff, Suttles, and Gunther agreed that the area south of this belonged to the Sooke Indians prior to contact, and to the Klallam Indians after contact.

As noted by Duff, Songhees boundary lines were not as static as the Fort Victoria treaties suggested. The Klallam's movement in and out of what might have been the southern edge of Songhees' territory, indicates that the Songhees shared their territory with neighbouring Straits Salish groups. The northern boundary of the Songhees' territory was also unclear. While Cordova Bay was named as a Songhees village, Douglas allotted the territory encompassing this village to the Saanich who signed
a purchase agreement in 1852, two years after the Songhees signed treaties.37

Songhees' habitation sites included permanent winter villages and temporary summer locations. Winter villages were comprised of several longhouses. The size and positioning of the houses depended on the defense requirements of the location.38 Approximately thirteen winter village sites existed in the Songhees' territory. They were not all occupied at the time of Fort Victoria's construction. The Songhees population, like many other coast tribes had been reduced by smallpox epidemics and warfare before the construction of the fort.39 Also, villages were abandoned when family groups amalgamated at one village for social or economic reasons.40

The most southerly winter village was Stangal (465) which was located by Boas and Hill-Tout, just north of Albert Head.41 Boas named the group the "Stanges", while Hill-Tout named the group "Sones."42 However, Suttles located this group closer to Esquimalt Lagoon, and he did not attribute a specific site to these people, who were known as the "lowest people", in the territory.43 Both possible Stanges locations were also within the territory described in the Teechamitsa Treaty.44 Boas reported that the name "Songhees" was an anglicization of "Stanges."45 One can only speculate why the name "Songhees" was derived from that of the lowest ranking Songhees group.

Just north of Stanges was the village Stchilikw(6). This site was named by Duff's informant as a village on Mill
Neither Suttles, Hill-Tout, nor Boas, named this as a village site. If it existed, it was in the area described in the treaty signed with the group Douglas named the "Whyomilth." According to the treaty this group occupied the 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 by the lands of the Teechamitsa and on the other by the lands of the Kosampsom family." As Duff noted, eighteen men made their mark on the treaty, indicating that perhaps there was at least one village site in this territory. Both Duff and Suttles agreed that the name Esquimalt was probably derived from the phrase "vicinity of the village of the Whyomilth," a further indication of the possibility of the location of a village on the shore of the inner reaches of Esquimalt Harbour. This village, wherever it was, was probably abandoned either prior to or at the time of the construction of the fort.

The site Kalla was named by Duff's informant as belonging to the "Kosampsom of the 1850 treaty." Duff placed this village on the northern side of Plumper Bay, where Douglas showed an Indian Village on his 1842 map. Suttles located this village which Boas named "Qsa'psEm" slightly south of Plumper Bay, closer to Constance Cove, but did question the precise location. Hill-Tout recorded that the Qsa'psEm village was on the Gorge and Duff located this site at the place of "old
Craigflower school. Duff's informant stated that the people who lived here spoke a slightly different dialect.

Hill-Tout also located a Sa'psēm village on the south side of James Bay. He stated that after the fort had become a "populous centre" Douglas "transplanted the village of Osa'psēm, who dwelt near the spot where the Parliament Buildings now stand, to Esquimalt Harbour where a remnant of the tribe still lives." Duff's informants named the "Parliament Buildings" site "Skosappson." Whether this was a village prior to contact is unclear. It was allotted as a village site after the treaties were signed and was depicted on maps as an Indian reserve until 1854.

One of Duff's informants recorded the site at Gorge Park as being the previous village of the Swengwhung who moved to Fort Victoria during its construction. Another of Duff's informants like Suttles, and Hill-Tout's gave this name for the "new group" of people who formed the village on the edge of the fort at the foot of Johnston Street. Hill-Tout stated that:

After the founding of Victoria, first called Camosun, after the Indian name of the "rapids" on the Gorge, the natives flocked into the harbour and settled at what is now the foot of Johnston Street. They were known as the Swinhon, and were composed of members of the various outside villages. This became a populous centre, so populous, indeed as to inconvenience the colonists; and Governor Douglas induced them to cross the bay and settle on the other side, where there has been a mixed settlement ever since, known as the 'Songish Reserve'.

14
As Duff noted, at the time when the treaties were signed, the Kosampsom were living at the "Parliament Buildings" site and the Swengwhung had been moved to the New Songhees village across from the fort. Duff pointed out that Douglas must have "judged the Swengwhung claim as stronger than that of the Kosampsom as owners of the Inner Harbour." The boundary between the Swengwhung and the Kosampsom described in the 1850 treaty, though it does not agree with this ethnographic data, was through Deadman's Island and the upper part of the Inner Harbour. Duff hypothesized that both the Kosampsom and the Swengwhung wintered on the gorge and that despite the existence of the Kosampsom village at the "Parliament Buildings" site they were allotted territory on both sides of the Gorge north of Deadman's Island, while the Swengwhung were said to have the area of the Inner Harbour. Boas alluded to the "Squingun" as one of the original Songhees groups living at Victoria. Whether the Swengwhung were a unique group prior to contact as the Swengwhung treaty, Boas and one of Duff's informants suggest, or whether they were a "new group" made up of members from all the villages as Hill-Tout, Suttles and another of Duff's informants claimed remains undecided.

The moves of the Swengwhung are also unclear. Perhaps "across the Bay" as described by Hill-Tout meant across James Bay rather than across the Inner Harbour. There is a possibility that when the Swengwhung were asked to move in 1843, they moved across James Bay to the Legislative Buildings site and remained
there until the mid 1850's, then sold their reserve and moved to the site referred to by Hill-Tout. A second scenario is that when requested to relocate, some Swanghwaung moved to the Legislative Buildings site, and some moved to the site across the Inner Harbour. However, sometime in the mid 1850's, the Songhees sold the Legislative Buildings reserve site, and relocated either on the west side of Victoria Harbour, or on Esquimalt Harbour.64

The archaeological data presented by Harlan I. Smith, who worked in the Victoria area at the turn of the century, supports Duff's thesis. Smith stated that shell heaps, a sign of a possible village site, existed regularly on the coast of the southeastern tip of Vancouver Island.65 He also stated that "following the north side of the Gorge (Portage Inlet) from the Gorge Bridge to the Craigflower Bridge, a distance of more than a mile there is an almost continuous shell ridge."66 Smith recorded that numerous implements were found in the vicinity of Victoria indicating the presence of Straits Salish in the area.67

To the north of Victoria Harbour a winter village was located at Ross Bay.17 There is some uncertainty resulting from differences in spelling, but Suttles noted that one of the four groups Boas located at "McNeil Bay", actually lived at Ross Bay.68 Hill-Tout stated the "TsiaKa'utic" lived "around Ross Bay."69 Duff's informants named Ross Bay and Clover Point, "Wholaylch."70
Suttles also placed a winter village at Gonzales Bay. (18) He hypothesized that one of the villages named by Boas corresponded to the village on this Bay. (19) Duff's informants concurred with this and added that the group who owned Gonzales or Foul Bay also owned McNeil Bay. (19) Also called "Shoal Bay", McNeil Bay was named as the site of a winter village by Duff, Suttles, Hill-Tout and Boas. (19) Duff's informants associated this Bay with both the Chilcowitch and the Chekonein groups who signed treaties with Douglas. Duff pointed out that if these groups shared or exchanged sites at McNeil and Gonzales Bay, then it occurred prior to contact for both groups lived at Cadboro Bay when Douglas began constructing the Fort. (20)

Suttles and Boas located winter villages at Oak Bay. (20) Suttles' informant was vague about when the village existed. Harlan Smith cited Oregon C. Hastings' findings indicating that "an embankment and a ditch" existed on the Bay. (21) Smith found numerous shell heaps along the shore of Oak Bay. (22) Both of these formations were clues of permanent habitation in the vicinity. Duff's informants named this location "Sitchanalth" which means "Willows Beach." Perhaps the village was once occupied by either the Chilcowitch or the Chekonein who, as Duff hypothesized joined forces to form the Songhees villages on Cadboro Bay. (23)

Boas, Hill-Tout, and Suttles agreed that Cadboro Bay was the location of a winter village site. (24) Smith concurred as he recorded the existence of "an embankment and a ditch" as well as a "trench" at Cadboro Bay. He stated that, "on a point cut off
by the trench" he found "traces of house sites" and "the remains of a comparatively recent cooking place." 80 Smith also found "several hundred cairns" or burial places on the land "sloping eastward towards Cadboro Bay." 81 Crediting the research done by a colleague, Smith stated that "besides the numerous shell heaps Dr. C.T. Newcombe discovered an "earth work" along the northeast "shore or Cadboro Bay." 82 The archaeological data point to the substantial Songhees population who inhabited Cadboro Bay. Duff asserted that this was the site of the principal Songhees village and that this group was the highest ranking of the Songhees families. 83 As previously stated, Duff hypothesized that the Bay was shared by the Chilcotwitch and the Chekonein at the time of contact. Duff believed that Douglas considered these groups, particularly the Chekonien, the most prestigious among the Songhees. Douglas, Duff claimed, bartered with the Chekonein after all other Songhees treaties had been signed. He paid three of the leading chiefs of the Chekonein including "King Freezy" more blankets than any of the other chiefs. 84 At the time of the construction of Fort Victoria, these families moved to the edge of the fort, to the village site at the foot of Johnston Street.

Boas, Hill-Tout, Suttles and Duff also agreed that there was a permanent Songhees village on Discovery Island. (22) 85 Suttles' informant stated that the group lived on the Fort reserve until the 1862 smallpox epidemic, then they returned to Discovery Island. After the disease passed some Songhees returned to the Songhees fort reserve and some remained on the
Island. Though the Chekonein treaty did not include Discovery Island, 86 Duff included this Island household as part of the conglomerate of families who inhabited Cadboro Bay at the time of contact. 87 Smith found numerous burial sites here, reinforcing the probability of Songhees occupation on Discovery Island. 88

Only Suttles indicated the possibility of winter village sites on Henry and San Juan Islands. (25) 89 The existence of the latter is substantiated in Department of Indian Affairs correspondence. 90 In a hand census compiled in 1910, several Songhees including the Chief, Michael Cooper, traced their ancestors to San Juan Island. 91

The winter villages were important in the lives of the Songhees. The longhouse provided safe and warm relief during a long and cold winter season. Inside the "big house", through dance and celebration, the spirits came alive with the sounds of drums and chanting. Here, near the warmth of the fire, Songhees families passed the winter months. Perhaps more important, these winter villages combined with the summer camp sites demonstrated Songhees ownership, through occupation, of the numerous bays situated on the southeast coast of Vancouver, Discovery, Henry, and San Juan Islands. Though there are discrepancies on the exact location of the Songhees villages, anthropological and archaeological evidence indicates a well established Songhees occupation of this territory.
The Songhees travelled from their winter villages to their summer camp sites by canoe. According to Boas, two types of canoes were employed. One was a square-bowed canoe that was used for reefnetting sockeye. The other was a less common war canoe. Suttles added a third type named the salt water canoe.

The Songhees temporary summer camp sites generally corresponded with the Songhees reefnetting locations. Most of these sites existed on San Juan Island. For instance, there were two reefnet sites located on Andreas Bay (28), one at Deadman Bay (29), one at Kanaka Bay (30), and one just to the north of Kanaka Bay (31). The most southerly summer camp was at Eagle Cove (32) where a reefnetting site also existed.

Suttles indicated which of the Songhees families owned these temporary camps. He linked the Songhees at Ross Bay with the summer camp and reefnetting sites at Eagle Cove and he linked the Songhees of Gonzales Bay with the Andreas Bay camps. The McNeil Bay Songhees, according to Suttles, summered at Deadman Bay, where one reefnet site was located. Kanaka Bay was owned by the Songhees on Discovery Island. Several reefnetting locations existed on the western shore of this Island, which might account for the wealth and prestige of the San Juan Songhees. Besides the summer villages associated with the reefnet sites on San Juan Island, Suttles reported the existence of several other summer campsites. He also located a temporary camp on Henry Island though there was not a reefnet site here.
The only reefnet location on Vancouver Island was named Mukwuks (16), at Macauley Point. Sutles' map showing food source locations does not indicate that sockeye were available at Macauley Point. It is apparent however, that until 1890, the Songhees were salmon fishing both inside and outside Victoria Harbour. Federal Fisheries regulations instituted in the early 1890's prohibited fishing in the Harbour, but Macauley Point, might have been a reefnet location prior to these regulations.

Reefnetting was a method of fishing that was the specialty of the Straits Salish. Dependent upon unique geographic features, reefnetting influenced technical, religious and social facets of the Songhees culture. The techniques of reefnetting were based on a knowledge of the migrations of the Sockeye salmon through the Straits where the particular topography facilitated this type of fishing. A net made from cedar twine was suspended between two canoes over a reef where the water was shallow and clear. To bring the fish to the surface in the net, a draw-string rope, which was anchored with stones, was pulled, closing the net. The fishing procedure, like most other food gathering activities of the Salish, was accompanied by rituals. Specific ceremonies were presided over and organized by the chief who owned the fishing site. Salmon were considered a sacred gift from the supernatural. The salmon themselves possessed a spirit which was revered. Special care was taken when killing and drying the salmon, so that the salmon's spirit was not offended.
Fishing was done by men, while women and children assisted with cleaning and drying salmon. In return for the labour supplied at the fishing site, families received food throughout the fishing season.\textsuperscript{102} A reenet site owner could recruit from all of the tribe. Productive sites were popular and there was competition amongst the Songhees for work at these sites. Also, some owners shared more of the catch with the workers than others, which affected the desirability of working with one site owner or another.\textsuperscript{103}

The summer reefnetting activities had social implications for the Songhees. Reefnetting brought families together in close contact. Groups and individuals, who otherwise might not associate throughout the year, participated in the religious and social ceremonies related to this subsistence activity. Social relationships developed and marriage alliances were considered. The possibility of spontaneous social interaction was probably greater at this time, than during the winter season.\textsuperscript{104}

Though reefnetting was the most important economic activity, the Songhees travelled to many other food sites, especially in the summer.\textsuperscript{105} The Songhees, like their Straits Salish neighbours, adapted their migratory patterns to the availability of particular food sources at specific times of the year. Sites were frequented in a particular order depending on which berries, rushes or roots were in season. For example, Whosykhum\textsuperscript{(15)}, a site west of where the Empress Hotel now stands, was a camas root bed. Indians travelled regularly to
this location. This might account for the depiction of Indian canoes travelling into James Bay, in the first pictures and maps of the Fort.

Other foods the Songhees gathered included bulbs, sprouts, and stems. They also gathered shellfish. Mussels, oysters, and clams represented just a portion of their annual harvest from the sea. The Songhees also trolled for coho salmon and hunted ducks. The variation and abundance of resources provided a stable and affluent economy. The ownership of these resource sites provided individuals and families with wealth which was used as a means of verifying rank and which influenced the possession of power. Thus environmental conditions influenced social stratification.

The numerous habitation and resource sites in the Songhees' territory indicated Songhees' precontact land use and land ownership. Winter villages were owned by families who built and occupied them, while resource sites were owned by individuals. Summer camp sites were built and occupied by those engaged in nearby reefnetting activities. The rest of the territory was shared amongst the Songhees and their Straits Salish neighbours.

Although Europeans might have judged the territory available for settlement because it was not completely occupied or cultivated, according to the ethnographical and anthropological evidence this was not the case. The preceding survey of Songhees' village sites, resource sites, and ceremonial locations shows the extensive use they made of the territory.
Moreover, not only the Songhees but also their Straits Salish neighbours depended upon the resources of this environment.

The importance of the environment to the Songhees cannot be understated. Their territory and its resources were inseparable from their world view and culture. Anthropologists and Indians who believe the influence of the environment to be paramount, might say "the land is the culture." Only with an understanding of the Songhees relationship with their environment and its role in their culture can one begin to appreciate the some of sources of the Songhees-European conflict over the Songhees land.
The name Songhees is the anglicized form of these people's village site just north of Albert Head on Vancouver Island. See Chapter One, p. 12.

2 This emphasis is represented in the methodological approach of ecological anthropology. For an overview of this approach see, June Helz, "The Ecological Approach in Anthropology," American Journal of Sociology, 67 (May 1962): 630-639.


7 Erna Gunther, "Klallam Ethnography," University of Washington.


Nancy Condrashoff and Grant Keddie of the Archaeology Division of the British Columbia Provincial Museum were generous with their time and explained the fieldwork undertaken in the territory once inhabited by the Songhees as well as the southern region of the coast of British Columbia. They were able to put into layman's terms much of the relevant scientific archaeological terminology which poses difficulties for a person outside of the discipline.


W.H. Lomas to the Superintendent General of Indian Affairs, 29 April 1895. R.G. 10, Vol. 3949, File 126, 084, USCICL.


Suttles, pp. 4-7; Hill-Tout, p. 312.

Suttles, pp. 49-50.

Suttles, pp. 302-303.
17 Boas, p. 569.
18 Hill-Tout, p. 308.
19 Suttles, pp. 272-275.
20 Ibid., p. 272.
21 Ibid., p. 53.
22 Ibid., p. 50.
23 Ibid., p. 50, 53.
24 Ibid., p. 289.
25 Ibid.
26 Ibid.
27 Ibid., p. 291-2.
28 Boas, p. 570.
29 Ibid.
31 Gunther, p. 179.
32 Suttles, p. 11.
33 Boas cited in Suttles, p. 17.
35 B.C., Papers Connected, p. 5.
37 Duff, p. 21-22.
38 Suttles, p. 276-277.
40 Duff, p. 48-49.
41 Duff, p. 31; Boas, p. 569; Hill-Tout, p. 307.
43 Sutlles' map, p.14; Duff, p.31.
44 B.C. Papers Connected, p.5.
45 Boas, p.563.
46 Duff, p.33.
47 B.C. Papers Connected, p.5.
48 Ibid.
50 Sutlles cited in Duff, p.33.
51 Duff, p.33.
52 Ibid.
54 Hill-Tout, p.307; Duff, p.33.
55 Duff, p.33.
57 Duff, p.45.
58 Douglas to Barclay, 26 August 1854. Sir James Douglas, Fort Victoria Correspondence Outward 1850-1858, PABC. This letter contained a reference to the Indian Reserve allotted on the site where the Legislative Buildings now stand.
59 Duff, p.35.
60 Duff, p.35; Sutlles, p.17; Hill-Tout, p.307.
62 Duff, p.35.
63 Ibid.
64 The move must have taken place after Douglas noted the reserve in a letter to Barclay in 1854 (see footnote 58) and before he announced the leasing program in the Legislative Assembly. (see Chapter two, footnote 34) Whether the Songhees moved across the Harbour or to Esquimalt is unclear due to conflicting ethnographic data.
85 Smith, p. 355.
86 Ibid.
87 Ibid.
88 Boas, p. 569; Suttles, p. 17.
89 Hill-Tout, p. 307.
90 Duff, p. 45.
91 Suttles, p. 17.
92 Duff, p. 45.
94 Hill-Tout, p. 307; Boas, p. 569.
95 Duff, p. 46.
96 Suttles, p. 19; Boas, p. 569.
98 Ibid., p. 357.
99 Duff, p. 46.
100 Boas, p. 569; Hill-Tout, p. 307; Suttles, p. 19.
102 Smith, "Cairns," p. 58.
104 Duff, pp. 48-49.
107 Suttles, p. 20.
108 Duff, p. 48.
111 Smith and Johnson to F. Oliver, Superintendent General of Indian Affairs, 18 January 1911, P.G.10, Vol.3690, File
13, 886-4, UUCICL.

91 Ibid.

92 Boas, p. 566.

93 Suttles, p. 243.


95 Ibid.

96 Ibid.

97 Duff, p. 45.


100 Suttles, pp. 155-161.

101 Ibid., p. 50.

102 Ibid., pp. 161-177.

103 Ibid., pp. 161-162.

104 Ibid., pp. 165-190.

105 See Suttles's map p. 14, for specific food site locations and reefnet site ownership.

106 Duff, pp. 44-45.

107 Paul Kane painting in Duff, p. 41. Also J. Pemberton, Map of Victoria Harbour, Map Division, PABC.


109 Ibid., pp. 65-69.

110 For a detailed account of Songhees methods of resource exploitation see Suttles, pp. 57-222.

111 This phrase is adapted from the film title "The land is the Culture," produced by the British Columbia Union of Indian Chiefs, 1974.
CHAPTER TWO

Songhees-European Relations, 1843-1871

From the time of Fort Victoria's original construction in 1843 until British Columbia entered into Confederation in 1971, Songhees-European relations appeared to be relatively harmonious. At contact, the Songhees adapted in a way that accommodated their own needs and aspirations as well as those of the Europeans. However, the relations between the Songhees and the Europeans especially regarding land soon became strained. These strained relations eventually led to Songhees resistance to any further dispossession of land. By the time the federal government assumed responsibility for Indian Affairs in British Columbia, the Songhees were adamant about resisting relocation.

On June 28th 1842, a resolution was passed that changed the lives of the Songhees forever. On that day, the Hudson's Bay Company chose a new site for its headquarters on the Northwest Coast. The Company's Council of Northern Development decided that:

... it being considered in many points of view expedient to form a depot at the Southern end of Vancouver's Island, it is resolved that an eligible site for such a Depot be selected and that measures be adopted for farming this Establishment with the least possible delay.¹

The decision was acted upon immediately because of increasing American settlement in the west which threatened the British
James Douglas, a prominent Hudson's Bay Company employee, first made an exploratory trip to the southern tip of Vancouver Island, and then on March 14, 1843 he returned to the Island to build a fort.

When the fort's construction began, the Songhees moved to its northern perimeter. The Songhees who amalgamated at the site to the north of the fort were called the "Swengwhung." This was also the name given to the family who inhabited the area west of the Inner Harbour where Victoria now exists. The Teechanitsa, Whyomilth, Kosampsom, Chilcowitch, Chehoniein, and the South Saanich groups joined the Swengwhung at this location. The villages abandoned by these groups were: Stangal (485), Stchilikw (6), the site at Gorge Park (11), Ross Bay (17), Gonzales Bay (18), McNeil Bay (19), Oak Bay (20), Cadboro Bay (21), Discovery Island (22), and Cordova Bay (23). (See map p. xv) There might also have been Songhees who emigrated from Witty's Beach (2) and Henry and San Juan Islands. If a village site existed on James Bay as Hill-Tout suggested then some Songhees might have joined the Kosampsom group at Skosappsom, the Legislative Buildings site.

The new village was perhaps the largest Songhees amalgamation, and it presented new social ramifications. For instance, at the Swengwhung village, the lowest ranking Teecchanitsa family from the southern part of Songhees territory, and the highest ranking groups from Cadboro Bay, were now living at the same site.
The implications of moving from the winter villages were probably not apparent to the Songhees. The abandonment of these village sites might be viewed by Europeans as a voluntary relinquishment of these territories, as the Songhees did not return to their previous village sites. The Songhees might not necessarily have assumed this on the basis of their own notions of land use and ownership. For instance, some groups had amalgamated at Cadboro Bay, and at the same time they shared the surrounding territory. The amalgamation did not signal diminished access to the abandoned territory or its resources. Similar assumptions prevailed at the time of contact. From the new Swengwhung village, the Songhees retained access to their food sites, and they continued their migrations to their reefnet locations. The new village location also facilitated access to the Gorge, the Songhees' most popular summer locale.

While the Songhees might not have welcomed the Europeans in their territory, they did not attempt to deny them access through armed resistance. The Songhees were probably aware of the benefits that might emanate from the existence of the fort in their territory. From the village adjacent to the fort, the Songhees planned to control trade. They intended to be the "home guards", as the Tsimishian had done at Fort Simpson. Like the Tsimishian, the Songhees gathered at the Fort's walls and attempted to act as middlemen between the Indians and the company traders. On one occasion, after Indians from Bellingham Bay completed a trading transaction at the fort, the Songhees
robbed them of all their goods. Upon receiving complaints from the Bellingham Bay Indians, the Chief Factor, Roderick Finlayson, through the threat of reprisals, recouped their supplies and provided an escort to safe waters. It appears that the Songhees' attempt to monitor Indian trading was curtailed by Finlayson's heavy handed approach.

Though the Songhees were required to conform to the demands of the Chief Factor, by the threat of physical violence, there was some reciprocity in the Songhees relationship with the Hudson's Bay Company traders. The British possessed arms and these served to protect the Songhees. The Songhees located their original village on the northern edge of the fort, where the building protected them from hostile groups entering the harbour. The Songhees, like other Straits Salish, had suffered great losses at the hands of the Yukulta, a southern group of Kwakuitl, who possessed muskets from 1792. The Yukulta "killed, looted, and carried off women and children as slaves," throughout the Coast Salish and Straits Salish territory. The need for a defensible site was therefore an important factor in determining the location of villages.

At the new Swengwhung village site, there were numerous opportunities for employment. During the fort's construction the Songhees exchanged pickets for blankets. Evidently, the trees nearest the site were not straight enough for building barricades. The Songhees were commissioned to find suitable trees. From as far away as five miles, these Indians hauled
pickets measuring twenty-two feet in length by three feet in circumference. In return for forty pickets, the Songhees received one blanket. The Songhees also assisted in the Hudson Bay Company's agricultural activities. They ploughed fields and planted potatoes. The Songhees supplied the fort's residents with salmon and buckets of clams. Songhees men acted as guides and they delivered the fort's mail by canoe.

The presence of the fort, and the subsequent Songhees participation in the labour economy, precipitated changes in the Songhees' relationship with their environment. For instance, the Songhees involvement in supplying the fort's pickets affected other aspects of their lives. This employment meant that less time was available for previous forms of resource exploitation. The exchange of Songhees labour for goods, particularly blankets, affected their once necessary migrations to gather reeds for textiles. Changes to their migrations altered the social and religious activities associated with some of these subsistence activities.

The new wealth available through the wage economy at the fort influenced individual and group status. An individual displaying wealth accumulated through labouring at the fort could enhance both his own and his family's rank which was traditionally based on ascriptive or inherited rights. Acquired power enhanced status and altered inter-group relations.

Although the presence of the fort caused changes in the Songhees relationship with the environment and their culture,
they adapted to the European presence in their territory. Their initial response was accommodative, although as settlement increased and the colonial government became increasingly dominant, the Songhees altered their position. An examination of land negotiations indicates both the Songhees attempt to accommodate to the European presence, and the beginnings of the strained relations between the two groups.

Shortly after the construction of the Fort Chief Factor, Roderick Finlayson, negotiated the first relocation of the Swengwhung Songhees. Because their village was seen as a fire hazard for the Fort, Finlayson insisted that the Songhees move across the harbour. He reported:

...I wanted them to remove to the other side of the harbour which they at first declined to do, saying the land was theirs and after a great deal of angry parlying on both sides, it was agreed that if I allowed our men to assist them to remove, they would go, to which I consented.

The Songhees understood their rights to the land, especially to the site chosen on the inner side of the fort. Finlayson realized the motive for their refusal to relocate, yet he required that the Songhees move.

The Songhees fear of British reprisals might have contributed to their accommodative stance. On a previous occasion, when the Songhees refused to cooperate with Finlayson, he responded with a violent show of force. A Chief's house was destroyed when a stolen oxen was not returned. Attempting to avoid such a confrontation, the Songhees agreed to a peaceful resolution of this first relocation issue, and they moved to the
other side of the harbour. 21

There is some discrepancy regarding the site of the first relocated Songhees village. 22 "Across the harbour," as described by Pinlayson could have referred to a relocation to the site across James Bay, or it could have meant across the harbour where the Songhees eventually resided until 1910. Both might even have occurred. Some of the Swengwhung could have joined the Songhees at the Legislative Buildings site and some others might have moved across Victoria Harbour. 23 This site, inhabited by the Songhees until 1911, was rocky with a poor water supply. 24 The Legislative Assembly Buildings site might have been a village, as this land was allotted as such, after the Songhees signed purchase agreements in 1850. Neither of these locations were as convenient as the Swengwhung site for Songhees employed at the fort, and both were less easily defended. These disadvantages might explain the Songhees initial resistance to move.

The most significant land transaction involving Songhees territory occurred in 1850. In this year Chief Factor, James Douglas, signed a series of treaties with the Songhees and fourteen other Indian groups on Vancouver Island. 25 The territory of the Songhees was included in at least six of the treaties. 26 On April 29, 1850, the lands of the T'eechamitsa, Kosampon, Swengwhung, Chilcowitch, Whyomilth, and Chekonein "became the entire property of the white people forever." 27 Two years later, treaties were signed with the North and South
Saanich, some of which were known to be Songhees. These deeds of conveyance, as Douglas called them, did allow for the Songhees to retain their villages, potato patches and grave yards and provided for hunting on "the unoccupied lands." On first glance, the treaties appear to recognize the Songhees aboriginal title. However, Douglas's representation of Songhees land ownership was incorrect. As noted in chapter one, the Songhees shared most of their territory, while families claimed winter village sites and individuals owned resource sites. While the treaties protected the Songhees village sites, by 1850, there were only two left. The treaties also guaranteed Songhees fishing and hunting. For the Songhees this meant that reelfet sites and other resource sites were guaranteed. However, this provision applied only as long as these places were not inhabited by Europeans. Considering Douglas's experience in dealing with Indians, it is debatable whether he recognised the limitations of the treaties, or what the future ramifications of the treaties might be.

When the treaties were signed, they represented a relatively good business transaction for the Songhees. They received payment for agreeing to conditions which already existed. The Songhees received blankets for living in allotted village sites which they already inhabited, and for sharing their territories, which they had always done. Since the Songhees had already shared most of their lands, this was not a major concession on their part. Further, all they required was
'Tribal' subdivisions of the Songhees

access to their food sites and hunting areas, both of which were guaranteed in the treaties. The Songhees probably did not comprehend Douglas's motivation in signing the treaties. He wanted to free the land to allow for settlement in the vicinity of the fort.

Interest in the Songhees' land ebbed until the discovery of gold. In 1858 Fort Victoria was inundated with miners. Land speculators also visited the colony during the gold rush and land values soared. The economic activity of the post 1858 period at the fort, was accompanied by a concerted effort to remove the Songhees Indians from their reserve. Situated across the harbour from the fort, the Songhees land became extremely valuable. As well as impeding the development of the port, the reserve was considered as a safety and a health hazard. The large gathering of Indians also offended the sensibilities of those attempting to build a "little England" on the north west coast.\(^3\)

In the midst of the gold rush many persons approached the Songhees to purchase the ideally located land.\(^3\) Douglas immediately took action and announced in the Victoria Gazette that title to the reserve was vested in the Crown, and that it was illegal for the Songhees to sell the land. However, Douglas was pressed by J.S. Helmcken and James Yates, members of the Legislative Assembly, to investigate the possibility of moving the Indians and selling their land.\(^3\) Douglas responded that it would be neither "just nor politic" to remove the Indians, as
the government was "bound by the faith of a solemn engagement to protect them in the enjoyment of their agrarian rights." Ironically, prior to this statement, Douglas himself had contradicted its very premise. In the mid 1850's, the Songhees offered to sell the Skosappson reserve. (See map p.xv) Initially Douglas refused the offer, but soon after he accepted, and the Songhees moved across the harbour. The James Bay site became the location of the Legislative Buildings and Douglas's residence.

When Douglas negotiated the James Bay sale, he also arranged a leasing program on the new reserve. Although Douglas had allowed some rental of sections of this reserve, it was not until 1853, that he formally announced a leasing program in the House of Assembly. The Songhees were given "trifling presents" for the sale and use of their land, but it is likely that Douglas promised a substantial revenue through the leases and the sale of the Skosappson reserve. Later documentation of Band meetings shows that on several occasions elders stated that they never received the monies promised to them for the sale and leasing of their lands.

Though Douglas attempted to organize the leasing program on the Songhees reserve, his plan met with numerous obstacles. In 1862, he appointed a Board commissioned with the "management of the leasing on the reserve and the leasing account." The members of the Board were J.D. Pemberton, the Surveyor General of the colony, A.F. Pemberton, a Stipendiary Magistrate, and E.G. Alston, the Registrar General of the colony. One of
Douglas' previous leasing assistants W.A.G. Young, the Colonial Secretary, continued to assist the commission. J.J. Cochran and later L. Loewenberg acted as land agent and treasurer.\(^{40}\)

The efforts of the commission were sporadic and unorganized due to the prolonged absence in England of A.F. Pemberton and the lengthy illness of J.D. Pemberton.\(^{41}\) A financial statement prepared in 1864, at the request of Governor Kennedy, showed that two thirds of the reserve had been leased and that the total annual rent should have been $1404.00.\(^{42}\) The irregularities of the commission meant that rents were not always collected, nor were they regularly disbursed to the Songhees.\(^{43}\)

The first record of disbursement occurred in 1860 when the Indian Improvement Committee requested, and was granted funds and a site for a schoolhouse on the Songhees reserve.\(^{44}\) In 1861, missionary A.C. Garrett submitted a second plan for the "Administration of a portion of the funds accruing from the Indian Reserve" and he requested $142.00.\(^{45}\) In 1862 he asked for a further $248.00, to purchase food and clothing for the Songhees.\(^{46}\) When petitioning the Colonial Secretary to approve his request, Garrett drew attention to the Songhees dissatisfaction with the leasing program. He stated that, "the Songhees Indians have now for a long period been watching with a jealous eye the occupation of their reserve by the whites. They have consented to this occupation because they have been repeatedly informed by authority that funds would be obtained to be
devoted to their own benefit."  The rents did not amount to much for the Songhees. As a result of irregularities in the leasing program, only $1078.00 was collected between 1860 and 1863. The Songhees received less than half of the money collected. In 1865, Governor Kennedy declared the leases illegal and forbade the collection of their rents. Two thirds of the reserve had been leased to whites and the Songhees received a very small percentage of the payment.

In 1869 the leasing fiasco was handed over to Joseph Trutch, the Chief Commissioner of Lands and Works, who in turn wrote to the Colonial Secretary in London suggesting a course of action. Trutch proposed that because no formal writ had been issued after Kennedy's declaration, that each of the leasees be ordered to pay back rents within thirty days. Those paying could retain leases, while those not paying would forfeit their lease. Most lease holders chose not to update their lease, as the site had become undesirable to reside upon. Further, because resale was impossible, the land was worthless for speculation. Only three leases continued until the reserve was surrendered.

In 1871, when British Columbia entered Confederation, the provincial treasury passed the $1984.82 that accrued from the leases to the Dominion government as a "general" surplus. The provincial government ignored the fact that the source of the funds was the Songhees leases and that the Songhees were the rightful recipients, but the Songhees did not. The money the government owed the Songhees became a thorn in the side of both
Throughout the contact and settlement period, the Songhees accommodated and resisted European pressure for their land. The Songhees accommodated to the initial European demands for the relocation of their village, and the European use of their territory. Throughout these interactions, they also attempted to fulfill their own needs. The existence of the fort in their territory gave the Songhees new and useful resources. It brought wealth and prestige both for individuals and the Songhees groups. The Songhees worked as labourers at the fort to acquire new wealth. While changes in the Songhees economy altered their relationship with the environment, the Songhees were amenable to the European presence.

The Songhees agreed to Pinayson's relocation plan and to Douglas's treaty arrangements. The Songhees also accepted Douglas' promised revenue from the sale and leasing of their lands. While the Songhees might not have understood the notions of ownership contained in the treaties, they were willing to share their territory, to foster peaceful relations and to maintain the advantages to their economy.

During the gold rush, the Songhees territories became densely populated and limited access to their resources became an imminent reality. They learned that the treaties did not guarantee unoccupied lands for hunting and fishing. These circumstances contributed to the development of strained relations between the Songhees and the Europeans, especially regarding
land. When injustices resulting from the land deals became evident, the seeds of the Songhees resistance were sown, and their intransigence regarding relocation was to frustrate federal and provincial governments for the following forty years.
Footnotes - Chapter Two


2 It is unclear whether the Songhees at Esquimalt abandoned this village and then they, or a new group, returned to it after contact. Douglas noted the village on one of his original maps of Esquimalt. Hill-Tout stated that the Qsa'ips'em originally inhabited the village on James Bay and were relocated after contact. A reserve was allotted here in 1850 and the new Songhees village was located adjacent to this site in 1910.

3 When the fort was constructed in the Songhees territory this group, probably comprised of Straits Salish from throughout the area, numbered approximately one thousand. Sutlles, "Post Contact Culture Change," p. 42. Sutlles notes that by 1843, the Coast Salish population had declined as a result of the smallpox epidemic of 1782, and the raids of the southern Kwakuitl, who possessed firearms.

4 See map p. 39, for territories allotted these groups through the purchase agreements authored by James Douglas in 1850.

5 As noted in Chapter One, there are discrepancies regarding the number and placement of Songhees villages. It is also unclear whether all of the sites identified as villages, were occupied at the time of contact.

6 Duff's informants named this site Skosappsom. Duff, "The Fort Victoria Treaties," p. 45. Hill-Tout named this site as an original village location. Charles Hill-Tout, "Report on the Ethnography of the South-Eastern Tribes of Vancouver Island," p. 307. Gunther adds that a group of Klallam migrated from their American territory to this locale. This group then moved to Witty's Beach (2). Viewed concurrently the data supports the hypothesis that there was a village at this site prior to contact and therefore, this site was a possible location for
Duff's informants noted the "low" status of the Stangcs group to the south. Duff also hypothesized that the Chekonein from the northern area were of highest status. When considering the amalgamation of these groups two possibilities arise, either the "Swengwhung" village was a unique event in Songhees history, having profound implications for all the group, or that the rank of the groups inhabiting adjacent areas was not substantially different, giving a probability of varied forms of amalgamations prior to contact and therefore the lessening of the impact of the Swengweng amalgamation for the Songhees. Further archeological research might give credence to one of these scenarios for Songhees prehistory.

Land-use and ownership is described more fully in Chapter One, p.11. Also noted in the first chapter, according to Duff, the Chekonein and the Chilcowitch groups gathered at Cadboro Bay. These groups then shared the territories in the vicinity of the Bay.

The Songhees' friendly attitude is noted by Rev. J.S.Z. Bolduc in his correspondence contained in Notices and Voyages of the Famed Quebec Mission to the Pacific Northwest, (Portland: Chaspeog Press, 1956), p.193. It was also described by the early explorers on the ship the Eliza in 1790 in Henry Wagner, Spanish Explorations in the Juan de Fuca Strait (Santa Ana: Pine Arts Press, 1933) p.110. An interesting explanation for the graciousness of the Indian towards the European on the northwest coast is offered by Hilary Rumley in "Reactions to Contact and Colonization: An Interpretation of Religious and Social Change Among Indians of British Columbia," (M.A. Thesis, University of British Columbia, 1973). Rumley asserts that the Indians' amiable attitude towards Europeans was due, in part, to the Indian's desire for the "power" especially in the supernatural sense, which Europeans appeared to possess. She points to the massive conversion of Indians by European clergy as a step in the direction of the quest for the "whiteman's power". She notes in her Introduction that one reason given for a primitive people's conversion is that, "the Whites are more powerful, therefore it must be that their religion is more powerful. Let us accept their religion and gain their power."

Robin Fisher, Contact and Conflict, pp.29-30.

Suttles, "Post Contact Culture Change," p.42.

Ibid.

Indian Agent W.H. Lomas reported Songhees concern regarding raids by northern Indians in W.H. Lomas to Superintendent of Indian Affairs, 30 April 1889, R.G. 10, Vol.3689, File 13,886-1, UBCICL.
14 Hubert H. Bancroft, describes the Songhees' assistance with the fort's construction in, History of British Columbia, (San Francisco: The History Company, 1887), p.98. Bancroft cites information regarding the pickets from Douglas's Journal, Ms., 124-125. See Bancroft, p.98, fn.11.

15 Ibid.

16 According to Erna Gunther the Klallam from Washington moved to James Bay and assisted with potato planting. Erna Gunther, "Klallam Ethnography," University of Washington Publications in Anthropology I (1927), p.179.

17 Douglas sent "natives of Victoria" with the mail via "express canoe" to Fort Astoria, where they also picked up mail for Fort Victoria. Douglas to W.P. Tolmie, 13 August 1857, Country Letterbook, p.171, PABC.

18 See Chapter One, p.21-22.


20 Ibid.

21 Ibid.

22 A detailed account of the possible village sites located on the Inner Harbour is described in chapter One, pp.12-17.

23 Hill-Tout's account agrees with Finlayson's report. For a more detailed explanation see Chapter One, pp.12-17.

24 Problems with water supply were intimated in the correspondence contained in "Documents relating to John Ash's claim," Ms, PABC. Also, the rocky terrain was of concern to numerous Indian Agents. For example, I.W. Powell to J.A. Macdonald, Superintendent General of Indian Affairs, 14 Sept. 1880. R.G.10, Volume 3688, File 13,386-1, CBCICL.

25 Ibid., p.11.

26 According to Duff's informants the land Douglas surveyed for the South Saanich, was also part of the Songhees territory.

27 Ibid., p.11.

28 Duff, p.50.

29 Ibid., p.11.

30 Duff points to the ethnographic inaccuracies of the agreements in "The Fort Victoria Treaties," pp.52-53.
31 See Fisher, Contact and Conflict, pp. 113-114.

32 J. Douglas to E.B. Lytton, 9 February 1859, (CO. 305/10), PABC; also in R.G. 10, Vol. 3646, File 7959, UBCICL.

33 J.S. Helacken and James Yates, 25 January 1859 in British Columbia, Minutes of the Council of Vancouver Island, August 30, 1851 - February 5th 1861, Archives of British Columbia, Memoir No. II (Victoria: William Cullen, 1918). (Hereafter cited as B.C. Minutes.)

34 J. Douglas to the Speaker of the House, 5 February 1859, (CO. 305/10), PABC.

35 Wilson Duff thought that the sale occurred in late 1854 or early 1855. This coincided with Douglas' verbal approval of leasing portions of the reserve. Perhaps he obtained the approval from the Songhees for the sale and leasing of their lands together. When Songhees elders spoke of "leasing" of their lands they consistently linked it with "sale" of their lands. This is documented in Chapter Four, fn. 61, 62, 63.

36 Minutes of the Council of Vancouver Island, 25 March 1859, (CO. 305/10), PABC.


38 At a Band Meeting held 29 April 1895 Spot-althl stated "when did I see 25% in cash for all the lands and lots which I agreed that the Government should sell and rent for us." Also at the same meeting Joe Etienne stated, "our fathers made arrangements with the Government for lease and disposal of some of our lands and always told us that we had money in the Bank." Lomas to Superintendent General of Indian Affairs, 29 April1895, R.G. 10, Vol. 3949, File 126,084, UBCICL.

39 Memorandum composed by B.W. Pearse, 4 September 1872, R.G. 10, Vol. 3608, File 3102, UBCICL.

40 Ibid.

41 Ibid.


43 B.W. Pearse, 4 Sept. 1872, R.G. 10, Black Series, Vol. 3608, File 3102, UBCICL.

44 A.C. Garrett to W.A.G. Young, the Colonial Secretary, 24
November 1869, Colonial Correspondence, File 634/2, PABC. Also
A.C. Garrett to James Douglas, 26 July 1869, Colonial
Correspondence, File 634/1, PABC.

45 A.C. Garrett to W.A.G. Young, Colonial Secretary, 27 November
1861, Colonial Correspondence, File 634/2, PABC.

46 A.C. Garrett to W.A.G. Young, Colonial Secretary, 10 January
1862, Colonial Correspondence, File 634/4, PABC.

47 Ibid.

48 Statement of Monies, Colonial Correspondence, File 634/2,
PABC.

49 J. Trutch to the Colonial Secretary, 30 December 1869.
Contained in the Herald Street Collection, Box 37, I/199, PABC; 
also printed in the Colonist, 17 June 1909, p. 2.

50 B.W. Pearse memorandum, 4 September 1872. R.G. 10, Vol. 3608,
File 3102, UBCICL.

51 J. Trutch to the Colonial Secretary, 30 December 1869, Herald
Street Collection, Box 37, I/199, PABC; Also printed in the
Colonist, 17 June 1909, p. 2.

52 B.W. Pearse memorandum, 4 September 1872, R.G. 10, Black
Series, Vol. 3608, File 3102, UBCICL.

53 List of leases on Songhees Reserve, 25 November 1901. R.G.
10, Vol. 3688, File 13866-2, UBCICL.

54 Fisher, Contact and Conflict, p. 172.
CHAPTER THREE

The Federal-Provincial Debate on the Terms for the Songhees Relocation, 1871-1911

After British Columbia joined Confederation Indian Affairs became a federal responsibility. The Songhees Indians along with all Indians in the province became wards of the dominion government. Attempts to relocate the Songhees Indian reserve lead to a jurisdictional dispute between the federal and provincial governments regarding title to the Songhees reserve. The case of the Songhees reserve was just one of the numerous battlegrounds in the federal-provincial war over Indian land in British Columbia. An examination of the protracted debate between the governments is necessary in order to understand the Songhees resistance.

Despite repeated challenges from the province, the federal government maintained that title to the Songhees reserve belonged to the dominion. Department of Indian Affairs officials also insisted on a free hand to negotiate the Songhees relocation. The federal government stood firm despite the provincial government's insistence on the Songhees removal, and on its reversionary claim to the reserve's title. The impasse between the governments regarding the Songhees reserve was finally resolved in 1911. The terms agreed to represented a compromise in which each government moved from its original
position. The governments' compromise coincided with a Songhees agreement to surrender the reserve, thus concluding the longstanding Songhees reserve question.

From 1871 until 1895, interest in the relocation of the Songhees removal stemmed primarily from a concern for the negative effect that the city had on them. Liquor and prostitution combined with numerous occurrences of violence were cited as reasons why the Songhees should be moved. The relocation of the Songhees was also considered desirable because of the barren terrain of the city reserve. The Superintendent of Indian Affairs for British Columbia, T.W. Powell, noted that the Songhees reserve was rocky and lacked water. He proposed a move to a more arable tract of land. Powell believed that an agriculturally based economy would improve the quality of the Songhees lives. Powell proposed various alternate sites, but the Songhees were not interested in moving.

The only relocation attempt which nearly succeeded occurred in 1880. Joseph Trutch, acting as Dominion Agent in British Columbia on railway matters, and probably wanting the land for related purposes, requested the Songhees removal. Trutch gathered the signatures of those Songhees willing to move to Cadboro Bay. Some Songhees were willing to return to their traditional village site, but the majority of the Songhees refused to move and the Band remained on its city reserve.

As the population of the capital city grew and as demands on the port facility increased, requests for the Songhees
removal became more vociferous and frequent. In 1891 the city, through the Lieutenant Governor, petitioned the federal government for a relocation agreement. The Department of Indian Affairs responded positively to the request. The reserve was evaluated and a proposed agreement was drawn up. The Department also solicited the Songhees for their opinion regarding the suggested relocation. When the Songhees were unavailable for negotiations because they were away picking hops, the negotiations collapsed.

In 1895 the province once again took the initiative. Spurred by numerous inquiries in the Legislative Assembly regarding the status of the reserve, the Executive Council of British Columbia presented a report to T. Mayne Daly, Superintendent General of Indian Affairs. The Council proposed a plan to move the Songhees "from the temptations and demoralizing influences of a large city to a more appropriate location, and at the same time to place the land upon which they now reside at the disposal of the provincial Government in order that it may be more suitably occupied." Also, terms were recommended for the settlement of the Songhees question. The Council's report was seminal for it explained the province's claim to the title of the Songhees reserve and, at the same time, offered a rationale for a claim to reversionary title to all reserves in the province.

According to the report, reversionary title was vested in the province on the basis of certain points of law. The Songhees
were excluded from holding title to the reserve as the Kosampsom
treaty which this family signed in 1850, did not allot the "fee
simple" to them, but merely "reserved" this site for their
use. The report argued that article thirteen of the Terms of
Union which stated that, "the trusteeship and management of the
lands reserved for their use and benefit shall be assumed by the
dominion government"", did not grant the dominion any right to
title. While clause thirteen emphasized the role of the federal
government as trustee of the Indians, title to the reserves was
not allotted, but rather the reserves set aside for Indians were
for their "use" only as long as they needed or populated the
land. It was argued that lands not being "used" by Indians then
reverted to the province. This reversionary right was
guaranteed, the report claimed, in the terms for the 1876
Joint Commission on Indian Land, when the two governments, in an
attempt to determine reserve size and location, agreed that
reserves no longer in use by Indians reverted to the province.
A third argument for provincial claim to reserve title was the
assertion that subsection five of section twenty-nine of the
British North America Act assigned to the provinces the manage-
ment and sale of public land belonging to the province.
According to the Executive Council's report, the title to the
Songhees reserve was vested in the province by the Crown and
held in trust for the use of the Songhees by the dominion. The
report stated that if the dominion government released its right
to manage the reserve, then the province could act to solve the
location problem "to the satisfaction of all parties." 15

The report concluded with suggested terms to be offered the Songhees, including their relocation on approximately 950 acres, some with waterfrontage, in Metchosin. This land was to be given "in trust" to the Songhees and title to the new reserve was to be retained by the province. The report suggested that compensation be paid for improvements and rents collected for the leases be applied to the purchase of livestock, implements and a new school. The terms made provision for the Songhees who were steadily employed in the city. Lots would be purchased at Poch Bay, so that these Indians could build new homes close to their work. 16

The Executive Council's comprehensive terms were designed to satisfy the Songhees and to secure a provincial claim to the title to their reserve. The report placed the Songhees reserve question within the framework of British Columbia's reversionary claim to all Indian reserves in the province. By denying that the Ksanpsom treaty extinguished aboriginal title to the area, the province was able to consider the Songhees reserve in the same class as all other reserves. The reversionary claim was a stumbling block for both of the governments, but especially for the federal government. The province's claim to reversionary title impeded the dominion's ability to manage the reserves in British Columbia. If the province acquired title to the reserve when land was no longer used by Indians, then the federal government was blocked from accruing funds through leasing.
As long as both governments claimed title neither could gain access to the Indian land. While the province was reluctant to grant lands to the Indians it was quick to reclaim unused lands. The province's obdurate attitude regarding Indian land was an impediment to a satisfactory solution to the Indian land question.

The report of the Executive Council embodied a claim which favoured the province rather than the federal government regarding Indian reserve ownership. The federal government, as trustee, assumed conversely that it held title to the land for the benefit of the Indians. The disagreement over Indian land was one aspect of the ongoing disagreement between the province and the dominion, regarding the interpretation of the jurisdiction of powers as set out in the British North America Act and the Terms of Union.

After receiving the Executive Council's report the Deputy Superintendent of Indian Affairs, Hayter Reed, requested legal advice. T. Bray, a lawyer acting on behalf of the federal government submitted an opinion which contradicted the position taken by the British Columbia Executive Council. According to Bray, the dominion rather than the province retained title to the Songhees reserve. Bray argued that Indian reserves in British Columbia had been set aside for Indians' use in different ways and that reserves could be classified according to the particular method by which the land was allotted. Bray classified the Songhees reserve along with all other reserves
allotted through treaties.\textsuperscript{20} He argued that the Songhees reserve was in a special class because of the treaty these Indians had signed through James Douglas and the Hudson's Bay Company. He supported this position with the evidence that the Joint Commission on Indian Lands in British Columbia also submitted that the Songhees Indian reserve was in a special class over which the Commission had no jurisdiction.\textsuperscript{21} When reporting to Daly, Hayter Reed misjudged the province's interpretation of the issues at stake, and thought that, if it acted at this time, the dominion government could solve the problem of reversionary rights once and for all.\textsuperscript{22}

Daly did not take Reed's advice, but suggested that action on the Songhees question be postponed until the Supreme Court had ruled on the Nanaimo Indian reserve case.\textsuperscript{23} In this case, the federal government was challenged by the province regarding its right to lease a section of the Nanaimo reserve for coal mining. The British Columbia government based its challenge on Section 13 of the Terms of Union. The province held that if the Indians were not using the land then it became the property of the people of British Columbia. The federal government, which considered itself to be the trustee of the Indians, believed it was acting in this capacity, when administering reserve lands. The Department of Indian Affairs held that leasing sections of the reserve was part of their administrative responsibilities. Following Daly's recommendation, further action on the Songhees reserve question was postponed.\textsuperscript{24}
After a year, the British Columbia government tried once again to solve the Songhees reserve question. The Executive Council recommended the formation of a "special commission." Daly agreed on the condition that the agreement not prejudice the dominion government's claim to other reserves in the province, and that the title of the yet to be determined Songhees reserve, be conveyed to the dominion as "trustee of the Indians." Peter O' Rielly was appointed as the federal government's representative on the Commission. The provincial government appointed Dennis Reginald Harris, a lawyer who practised in Victoria. To speed up a settlement, the province agreed to convey the title to the new Songhees reserve to the dominion. The provincial government maintained its claim to the reversionary rights to the city reserve, and agreed that the settlement would not prejudice the future status of reserves in British Columbia. This deal embodied compromise by both governments, but the federal government remained hesitant.

Soon after his appointment in 1896, Superintendent General of Indian Affairs, Hugh Macdonald, reported to the Lieutenant Governor of British Columbia, E. Dewdney that the commission's terms regarding title were deficient. He pointed out that the existing reserve's real estate value was greater than that of the proposed new reserve. On the basis of this observation, Macdonald suggested that the commission decide upon a just compensation for the dominion. He also requested compensation for the Songhees for improvements to their land.
The federal government had pushed the province too far. Clerk to the Executive Council, James Baker informed the new Prime Minister, Wilfrid Laurier that, if "the British Columbia Government was required to pay a cash indemnity in addition to the land, there would be an end to the matter." Newly appointed Superintendent General of Indian Affairs, Clifford Sifton, advised the Deputy Minister, Reed, to stall this issue and that of the revision of all Indian reserves in British Columbia. Sifton also asked Reed if the Songhees had agreed to move. Reed informed Sifton that, "the question of removal has not yet been formally submitted to the Songhees." While the governments were debating the committee's objectives, neither party had consulted the Indians themselves. The Songhees were not asked whether they would withdraw their opposition expressed a year and a half earlier.

In February, 1897 Sifton restated the federal government's position regarding the terms of the proposed commission. The provincial government refused again to pay compensation to the dominion and the Songhees. While British Columbia had agreed to compensate the Songhees for improvements on the old reserve in 1895, it continued to refuse a supplementary payment to the federal government. Baker explained that the provincial government believed that the reserve's real estate value was "ancillary to the transaction of the relocation of the Indians." He stated that, "the value of the present Songhees Reserve has been created by causes entirely independent of the
said Indians and in spite of their customs, habits and avocations. Baker did recommend that the commission proceed with the question of the Songhees Reserve on the basis of the governments' limited agreement.

In an attempt to solve the impasse, Sifton and Premier Turner appointed J.A.J. McKenna to negotiate with a representative of the British Columbia Government, regarding the scope of the ill-fated commission. McKenna made several proposals, but failed to gain an accord between the two governments.

While in Victoria, McKenna also met with the Songhees. He learned that the Songhees mistrusted those who approached them regarding their land. In fact, the Songhees refused to discuss the issue with McKenna until the government paid them for their leases and for the Esquimalt and Nanaimo Railway right of way. McKenna tried to gain the Songhees' trust. He asked Premier Turner to supply a bond for the amount owed to the Songhees as a sign of good faith. Turner refused, arguing that such a provision was not the province's responsibility. Having exhausted numerous possible solutions, McKenna left British Columbia frustrated and convinced that further negotiations would prove fruitless.

At the turn of the century, the federal government showed a limited interest in the Songhees reserve question even though a series of entreaties for action passed over the desks of Department of Indian Affairs officials. In 1898, the Victoria
municipal council pressed the Department for the removal of the Songhees. 45 The city requested a section of the reserve for a park. 46 Also at this time, the British Columbia government called for a reconsideration of the terms proposed in 1896. Sifton responded negatively because of the provincial government's claim to the reversionary rights to the Songhees reserve. 47 The province, however, did not change its position regarding its reversionary claim. An impasse regarding the Songhees reserve continued.

Although Victoria citizens were anxious for a settlement, they supported the provincial government's firm stand regarding its reversionary claim. At a public meeting held to explain the deadlock, the actions of the province were applauded by local citizens. 48 The Colomist's editorial pages also commended the provincial government's attempt to protect the province's rights. 49 The impasse continued because of the disagreement regarding reversionary rights.

Frustrated by the stalemate, the Victoria Harbour's Board lobbied the federal government. Thomas Sorby, the Harbour's Board president, led a delegation to Ottawa to convince Sifton of the advantages of the Board's proposed development of Victoria's inner harbour. 50 Sorby's plan included the relocation of the Songhees from the waterfront to a reserve outside the city. The delegation argued that their proposal was in the best interests of both the Songhees Indians and the Victoria citizens. 51
Perhaps it was the pressure of the various groups, combined with the election of a new Premier in British Columbia that prompted Sifton to investigate the matter. He was probably surprised to find a conciliatory attitude on the part of the new leader of the province, James Dunsmuir, on the question of the Songhees reserve. As the son of Robert Dunsmuir and heir of the Esquimalt and Nanaimo Railway, James Dunsmuir's personal interests might have accounted for his amenable position regarding the reversionary claim of the federal government. The Esquimalt and Nanaimo Railway possessed a right of way on the Songhees reserve and Dunsmuir was interested in adding terminal facilities.

In a series of meetings with Sifton, Dunsmuir proposed a settlement whereby the dominion government surrendered reversionary rights to nineteen acres occupied by the Esquimalt and Nanaimo Railway, and twenty-five acres taken by the Esquimalt and Craigflower Roads. This left approximately sixty-six acres reverting to the federal government. Dunsmuir proposed that the province provide a new reserve for the Songhees. He also suggested that the federal government apply the monies from the sale of the reserve to Songhees' rehabilitation. Surplus money was to be given to the province. Finally the title to the new reserve was to be granted to the federal government. In return for a gift of twenty-five acres to the city and nineteen acres for himself, Dunsmuir waved the reversionary claim of the province to the Songhees reserve as
well as to the new reserve site. The reversionary rights to both of these locations had been claimed by the province during negotiations in 1896.55

After consulting with his Departmental advisors,56 Sifton informed Dunsmuir that the federal government agreed to the terms proposed by the province.57 The federal government was anxious to negotiate a settlement which recognized not only its reversionary claim to the Songhees city reserve but also to the new reserve. Though the forty-four acres granted Dunsmuir and the municipality were the most valuable sections of the reserve it was a small price to pay for a federal victory on the reversionary rights to the Songhees reserve.58 According to the terms proposed by Dunsmuir only the Songhees would be the losers. They would lose the revenue from the sale of valuable segments of lands granted to Dunsmuir and the city by the federal government, when they should have received compensation for all of the reserve.59

Victoria city, not wanting its interest to be bypassed, reminded Sifton of its own needs. In addition to the land allotted for roads, the city requested a portion of the reserve for a park and a section of waterfront land for "public wharves."60 Initially Sifton agreed to the city's request but shortly after he reneged. Sifton explained to city officials that the land belonged to the Songhees and that the Department did not have the right to "give it away."61 This position contradicted the Department's agreement to the grants proposed
by Dunsmuir. Sifton argued that if approximately forty-four acres was granted to Dunsmuir and the province, the remaining land was needed as the source of revenue for rehabilitating the Songhees. Since the most valuable sections had been subtracted from the reserve and land values were decreasing, the federal government refused to grant additional sections of the reserve.  

Being advised of the proposed terms and summoned for an opinion as to the feasibility of the proposal, Indian Superintendent for British Columbia, A.W. Vowell informed Sifton that:

> From what I have learned from an interview with Chief Cooper and one of the most influential men in the Band, the Indians at the present time are not favoured to the proposed removal. The Chief thinks it much better to put off addressing the Band on the subject to some more favourable time.  

Vowell reiterated that the Songhees’ concerns regarding negotiating their removal were the same as they had been in 1891 and 1895.  

Despite the agreement between Dunsmuir and Sifton, settlement was postponed until the fall because of the opposition of the Songhees. The Songhees refused to be the only losers in a deal involving their land. In November 1901, Vowell tried again to arrange terms for relocation but was informed that most Songhees were away hunting or fishing.  

In the following year, inquiries were made by a local Member of Parliament, George Riley, regarding the status of the Songhees reserve question. He was informed by the Department
of Indian Affairs that the Songhees relocation question remained deadlocked. Despite repeated inquiries the impasse continued through 1902 and 1903, then in 1904 interest in the reserve resurfaced once again.

From 1904 to 1907 proposals and counter proposals were exchanged between Victoria and Ottawa. An impatient tone pervaded the correspondence, which in some cases became vindictive and coercive in content.68 City officials demanded action at any cost.69 The Songhees, it was argued, must be removed with or "without their consent."70 The issue of the Songhees' valuable real estate became entangled in the web of city politics. Local politicians blamed each other for the "sad" state of affairs.71 Even the local newspapers, accused each other of obstructing a Songhees surrender and relocation.72

Amidst the local politicking two groups were particularly vocal in demanding a solution. A newly appointed Civic Committee was given a mandate by the city council to find a solution to the pressing Songhees issue.73 The Board of Trade also took up the cause and petitioned the three levels of government to pass the necessary legislation to remove the Songhees. While federal officials acknowledged the correspondence, the stalemate continued.74

In the spring of 1906 a new mayor was elected to the Victoria City Council. In his mayoralty campaign, A. Morley promised to settle the longstanding Songhees Reserve question.75 Morley appointed a committee to draw up terms for the Songhees'
surrender. The committee, comprised of J. Stuart Yates, Lewis Hall, and James A. Douglas, not only devised a five point proposal for the Songhees' removal but also gained permission from the provincial government to negotiate on its behalf with the Songhees. The reversionary interest in the proposed park land and railway terminal on the reserve was transferred from the province to the city.

Morley quickly met confidentially with Chief Michael Cooper and agreed upon a new reserve on the Saanich Peninsula. Morley believed that publicity would hinder negotiations with the Songhees. Though Cooper agreed to the new reserve's location, he informed Morley that the Songhees would not consider further negotiations until the federal government cleared its debt with the Band. To facilitate negotiations, Morley requested that the dominion settle the debt.

Unsure of the implications of this request, Frank Pedley, the newly appointed Deputy Superintendent General of Indian Affairs, requested a summary of documents relating to the Songhees question. Pedley learned that while the Department had agreed to terms negotiated in 1901, the new terms proposed by the city digressed substantially from this agreement. In particular, the reversionary right of the dominion government acknowledged in 1901 by the province, was not considered in the new terms. Foreseeing a possible threat to the dominion's claim to the reversionary interest in the reserve, Pedley arranged to meet with the provincial and municipal officials in Victoria to
negotiate a settlement.83

Pedley conferred with Mayor Morley and other city officials. He expressed disapproval of the agreement between the city and the province which granted the city power to negotiate directly with the Songhees. According to Pedley, this arrangement contravened the Indian Act and was not legal.84 Pedley suggested that the only course was for the Department to settle with the Indians directly. McBride agreed to federal participation and, to facilitate an agreement, he waived the provincial claim to the reversionary interest in the Songhees reserve.85

The Premier was anxious for a speedy solution to the Songhees reserve question. The government was under pressure from numerous groups to conclude the deal. For those interested in the economic development of the city, it was becoming clear that Victoria would need major renovations to its waterfront if it was going to compete with Vancouver's port facility. The Songhees remained an impediment to harbour development.86 Additional concern was expressed by the inhabitants of Victoria west. The reserve was a distasteful inconvenience for those forced to bypass it when travelling to and from the city.87 The Songhees reserve had to be relocated to allow the amalgamation of Victoria west with the rest of the city. This compromise position was incongruent with previous stands of the province and was adopted when the agreement was close at hand. Yet it was still premature, for the province, like the federal government,
misunderstood the Songhees position.

Having negotiated provincial co-operation, Pedley was now in a position to talk to the Songhees. He met with Chief Michael Cooper who informed him that the Songhees refused to move. Not discouraged, Pedley held a meeting with the Songhees Band. He offered them fifteen thousand dollars, a new reserve, and cash for the assessed value of improvements on the old reserve. This money was for houses on the new reserve. The Songhees refused this offer, and also a second offer in which Pedley increased the cash payment by five thousand dollars. The Songhees countered with a proposal of $2,000 paid to each family and a new Reserve at Cadboro Bay, at the location of their ancient village site.88

The cash payment requested was more than twice the amount offered. This sum was not an obstacle, but when Pedley tried to obtain the Cadboro Bay site, the owners, the Hudson's Bay Company refused to sell.89 He secured an adjacent section instead, but the Songhees would not consider any other location. Talks broke off and Pedley returned to Ottawa.90 In newspaper accounts of these negotiations Pedley's tactics in dealing with the Songhees were criticized.91 He was accused of treating the Songhees as incompetent, and of carrying on negotiations in a demeaning manner. Pedley was described as an outsider and insensitive to the history of the issue.92

Throughout the negotiations the role of the municipal government was an important catalyst in bringing the two sides
together. Attempts to remove the Songhees became a recurrent theme in Victoria from the 1890s, and by 1906 the city attempted to negotiate directly with the Band. During these negotiations the province changed its position regarding its reversionary claim to the Songhees reserve. The province initially stood firm on its claim, but temporarily waived all claims in an attempt to gain access to the valuable real estate, and in response to the pressure of the Victoria electorate. By 1906, the province, like the municipality, was willing to consider almost any measures to remove the Songhees. Despite the federal government's success in gaining provincial recognition of its claim to title to the Songhees reserve this condition was short lived.

In late 1909, Prime Minister Wilfrid Laurier travelled to British Columbia. In a surprise move, Laurier informed McBride that, to facilitate a settlement of the Songhees reserve question, the federal government would not challenge the provincial reversionary claim to the Songhees reserve. Laurier did, however, request that such an action not prejudice the federal government's claim as trustee of the Indians to all the reserves in the province. He hoped that a mood of co-operation regarding the Songhees reserve might influence a conclusion to the Indian land problem in the province. With an election close at hand Laurier had to consider the negative effect of the longstanding debate on the western electorate.

Laurier believed that the land question could only be settled through the courts. To this end, he had approached the
provincial Attorney General and proposed that the question of reversionary claim to the Songhees and other reserves be considered with the question of aboriginal title by the Privy Council. While the Attorney General of the province might have been amenable to such a proposal, McBride certainly was not. He rejected Laurier's proposal for settling aboriginal title along with reversionary claims. Although McBride had been pressured from the turn of the century by Indians throughout British Columbia to negotiate aboriginal title, he refused to address the issue of Indian land claims. McBride explained his position in the following draft of a letter to Laurier.

A determination therefore of these questions favourable to the contention advanced on behalf of the Indians would affect the title to all the land on the mainland of British Columbia and more than half of the land situated on Vancouver Island, and would have a most disastrous effect on our financial standing and would jeopardize the very large sums of money already invested in this province by English and other investors.

I think you will agree with me that this is too serious a matter to be submitted to the determination of any court, however competent from a legal point of view. In other words, the considerations involved in this matter are political considerations and not legal question. It is a question of policy and not of legal rights. The Government of British Columbia therefore cannot agree to submit to a determination even by the Privy Council a question of policy of such importance.

McBride's views regarding aboriginal title reflect an attitude toward Indians and Indian land claims held by numerous residents of British Columbia at the turn of the century.

While McBride was manoeuvring with Laurier regarding Indian title he took the Songhees reserve question into his own hands. McBride, Mayor Morley, and Dallas Helmcken met with
Chief Michael Cooper and negotiated a tentative deal. One half of $300,000 was to be paid directly to the Songhees and half was to be retained by the federal government for dispersion to future generations.\textsuperscript{100} Conflicting reports appeared in the local papers for, although Cooper had agreed, the decision ultimately rested with the men of the Band.\textsuperscript{101}

The city council, however, did not doubt the authenticity of the proposed agreement and immediately passed a plan for the development of the reserve.\textsuperscript{102} This plan was forwarded to Frank Oliver, Minister of the Interior. Morley informed Oliver that the city council realized that the deal could not be completed unless the whole of the reserve was sold for the benefit of the Indians.\textsuperscript{103} Morley continued "rather than risk any further delay in the settlement the city will refrain from pressing its title to any portion of the reserve, which may have been previously claimed by either dominion or provincial Governments."\textsuperscript{104} While the province had legislated a portion of the title to the Songhees reserve to the city, the council waived its claim to the title to facilitate a speedy conclusion to the deal. The reversionary title to the whole reserve was claimed by the province and agreed upon by the dominion. For the first time in the long debate, the federal government acknowledged the province's reversionary claim to the Songhees reserve. The federal government, like the city council, was willing to compromise to resolve the Songhees reserve question.
While this deal was negotiated in the Spring of 1910, it was not until 25th of October, that the male members of the Band signed an agreement to move. J.S. Matson acting for the province initiated the final round of negotiations. Once again McBride was present as was Dallas Helmcken, who was acting for the Songhees as a legal consultant. Matson and Cooper, hastily called the Songhees men together for the meeting. Willie Jack, a known dissenter on relocation, was not present at the meeting nor was W.E. Ditchburn, the Indian Agent and the appropriate representative of the federal government.

The province and the Songhees agreed on a settlement of $10,000 to be paid to the heads of forty-three families. The province agreed to pay for the expenses incurred by the move. It was to supply a new reserve subject to the consent of the Chief and council and to move the Songhees dead to the new site. Ditchburn, who learned of the deal through the newspaper, informed the Superintendent General of its contraventions of the Indian Act.

Oliver then informed McBride that his efforts would be lost unless the negotiations complied with sections 49, 89 and 91 of the Indian Act. Section 49 required the assent of a majority of the males twenty-one years and over for a legal surrender, also that the surrender take place in the presence of the Indian Superintendent for the province. Section 99 stipulated that only fifty percent of the proceeds of the sale could be paid to the Songhees, and Section 91 demanded that the monies
collected be paid to the federal Minister of Finance. Compliance with each of these stipulations on the part of the province was problematic. The federal government challenged the agreement because Willie Jack was not present at the surrender meeting, nor was a federal agent or a magistrate. Provincial officials attempted to minimize the importance of these irregularities. Though section 89 prohibited the Indians from receiving the full amount of the payment, the Songhees insisted that the deal was possible only if each family was paid in full and directly rather than through the Department, as Section 91 required. For the province, these three issues, particularly the latter two, became stumbling blocks in the way of a successful completion of the deal. At the same time the federal government insisted on receiving clear and complete title, including the mineral rights, to the new reserve. 

Despite numerous reiterations of the correctness of each of the positions over the subsequent six months, a deal was finally negotiated between the two governments. In return for the clear title to the new reserve the federal government agreed to pass special legislation which would allow the deal to proceed as stipulated by the Songhees. On April 15, 1911, a formal surrender meeting was held with the Band. Later that month, the Songhees Bill ratifying the agreement between the province and the Songhees was passed by the federal parliament. This Bill allowed the Songhees families to be paid individually and in cash for the reserve. They were also paid for improvements of
the old reserve. The title to the reserve, known as the
"McClallum property" which was owned by the Hudson's Bay
Company, was forwarded to the federal government. The Songhees
dead were moved, excepting those who had died of smallpox. On
May 15, 16, and 17 of 1911 the major portion of the reserve was
auctioned to the public.118 Several acres were retained for the
Esquimalt and Nanaimo Railway and the Canadian Pacific Railway,
and an acre was allotted for a park.119

In 1916 a Public Accounts Inquiry investigated the
dispersement of $750,000 appropriated by special warrant to com-
plete the deal.120 During this investigation, the influential
role of J.S. Matson, owner of the Colonist, came to light.121
Questions were raised about the possible impropriety of paying
Matson $150,000, Helacken $75,000, and Cooper $40,000.122
Although these sums were rather large, it was argued that the
amounts were fair and necessary payments required to conclude
the surrender and relocation.

Throughout removal negotiations, both the federal and the
provincial governments claimed title to the old and new Songhees
reserves. This struggle was part of a larger battle regarding
Indian land in British Columbia, which was addressed by the
Reserve Commission of 1913–1916. In the end, the final deal
combined compromises from all sides. The federal government
agreed to acknowledge the provincial reversionary claim to the
Songhees reserve in exchange for provincial recognition of a
federal claim to the title to the new reserve. The federal
government passed legislation allowing the Songhees families to receive the cash payment directly and the Songhees agreed to surrender the reserve.

The province allocated land for a park on the old reserve site in response to the incessant representations to the provincial and federal governments by the city council. The residents, municipal officials, and commercially interested parties were delighted that a removal was finally negotiated. The reserve in the core of the city, having strategic waterfront and possessing vital transportation links, was finally available for development.

The protracted debate between the governments over the Songhees reserve points to the communication problems officials encountered when attempting to solve the Songhees reserve question in particular, and the Indian land question in general. A long distance, a time lag and a high turnover of individuals, combined with the differences in interpretation of the Terms of Union and the British North America Act caused slow, tedious and confrontation style negotiations. Some of the problems with communications grew out of the strained relations which had typified federal-provincial exchanges from the moment the 'spoilt child of confederation' became part of Canada. Inspite of the communication problems the governments were able to agree to terms on three separate occasions. In 1901, 1906 and 1907 the province and the dominion agreed to terms for the Songhees removal. However in each of these instances, when the Songhees
were asked to surrender their reserve they refused to consider a move. Despite the governments' agreement, the Songhees refusal delayed the relocation plans.

The Songhees resistance combined with that of numerous Indian Bands, who also occupied urban land in other Canadian cities, aggravated government officials, who wanted the land for development.\textsuperscript{123} Department of Indian Affairs officials were told that Indians situated in growing cities stood in the way of progress.\textsuperscript{124} It became clear that urban development could no longer be impeded by Indian groups like the Songhees. To guarantee this, minutes after the Songhees Bill was passed, the House of Commons passed Section 49A of the Indian Act which provided for the outright expropriation of Indian reserves situated in or adjacent to a town.\textsuperscript{125} An issue like the Songhees reserve question would not frustrate the municipal, provincial, and federal governments for close to half a century.
Footnotes—Chapter Three


3 Powell to Macdonald, 26 May 1879, P.G.10, Vol. 3688, File 13,886-1, UBCICL.

4 A map depicting alternate sites is contained in, Powell to Vankoughnet, no date 1886, R.G.10, Vol. 3688, File 13,886-1, UBCICL.

5 Powell, to Macdonald, 7 February 1881, R.G.10, Black Series, Vol. 3688, File 13,886-1, UBCICL. Also Ms. P52/805, PABC.

6 Evidence of Trutch's involvement is indicated in correspondence between Powell and the Department of Indian Affairs. For example, Powell to Macdonald, 10 June 1881, R.G.10, Vol. 3688, File 13,886-1, UBCICL.

7 In 1885, demand for the Songhees reserve was particularly intense. The provincial government wished to construct immigrant sheds on the reserve. Powell to Vankoughnet, 20 October 1885, R.G.10, Vol. 3683, File 13,886-2, UBCICL. The city, aiming to amalgamate the western section with the rest of the capital, requested that the Lieutenant Governor negotiate the Songhees removal. Committee of the Council to Lieutenant Governor, 2 February 1891, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

8 Vankoughnet to Powell, 7 March 1891, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

9 Powell to Vankoughnet, 7 September 1891, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

10 British Columbia Executive Council Report, submitted, 8 March 1895, in Lieutenant Governor, E. Dewdney to the T. Mayne Daly, Superintendent General of Indian Affairs, R.G.10, Vol. 3688, File 13,886-2, UBCICL. (hereafter cited as Executive Report, 1895) This report was outlined in the Colonist, 9 March 1895, p.
Ibid.
Ibid.
Ibid.


Ibid.


Reed's request is cited in Bray to Reed, 1 April, 1895, R.G.10 Vol. 3688, File 13,886-2, UBCICL.

Bray to Reed, 1 April, 1895, R.G.10 Vol. 3688, File 13,886-2, UBCICL.

Ibid.

Ibid.

Reed to Daly, 13 April, 1895, R.G.10 Vol. 3688, File 13,886-2, UBCICL.

Daly to Governor General Aberdeen, 21 May, 1895, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

Ibid. Though this case is a reference point for decisions on the part of Department of Indian Affairs officials, there is no record of it in the directory to the Supreme Court of Canada. If it came before the Supreme Court of the province there is no record of the proceedings or the judgement.


Extract from a report of the Privy Council supporting Daly's action. 1 April 1896, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

Reed to P. O'Reilly, 11 April, 1896, R.G.10, Vol. 3688, File 13,886-2, UBCICL.
28 E.G. Prior to Reed, 10 June, 1896, R.G.10, Vol.3688, File 13,886-2, UBCICL.

29 Hugh Macdonald served only one year as Superintendent General of Indian Affairs. See G.E. Shankel, "The Development of Indian Land Policy," p.331.

30 Macdonald to Aberdeen also to Lieutenant Governor of British Columbia, E. Dewdney, 3 July, 1896, R.G.10, Vol. 3688, File 13,886-2, UBCICL.


33 Reed to Sifton, 30 December, 1896, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

34 Sifton to Aberdeen, forwarded to Dewdney, 15 February, 1897, R.G.10, Vol. 3683, File 13,886-2, UBCICL.


36 Ibid.

37 Sifton to Governor General, 6 July 1897, R.G.10, Vol.3688, File 13,886-2, UBCICL.

38 McKenna to Sifton, 25 September, 1897. Summary report of negotiations to relocate the Songhees, R.G.10, Vol.3688, File 13,886-2, UBCICL.

39 Ibid.

40 Ibid. The payment to the Songhees by the Railway had been deferred pending the decision in the Supreme Court regarding the revisionary rights of the province as laid out in the Nanaimo Coal Case. If the Supreme Court ruled in favour of British Columbia, then the monies owed by the Esquimalt and Nanaimo Railway Company were payable, not to the Songhees, but to the province. As already noted, there is no record of this case. There is also no record of payment to the Songhees. See Songhees' Trust Fund Account from 1884 to 1912. R.G.10, Trust Fund Ledgers, Vols. 5916-5943, PAC.

41 McKenna to Premier J. Turner, 2 September 1897, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

42 Turner to McKenna, 22 September 1897, R.G.10, Vol. 3688, File 13,886-2, UBCICL.
McKenna tried to counter the province's position with two further amendments to the terms for the surrender, but neither of these were acceptable to Turner. McKenna to Turner 18 September and 25 September, 1897, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

McKenna to Sifton, 25 September, 1897, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

W.J. Dowler, Municipal Clerk to R.W. Scott, Secretary of State, 23 March 1898, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

Ibid.


Sifton to Aberdeen, 27 June 1898 forwarded to T.R.E. McInnes, R.G.10, Vol. 3688, File 13,886-2, UBCICL.

Colonist, 23 April 1898, p. 4.

Ibid.

T. Sorby, President of the Harbour Board to Sifton, 4 December 1899, R.G.10, Vol. 3688, File 13,886-3, UBCICL.

Ibid.

Premier J. Dunsmuir to Sifton 1901, R.G.10 Vol. 3688, File 13,886-3, UBCICL.

Ibid.

Ibid.

McKenna submitted a positive response to J.A. Smart, Deputy Superintendent General of Indian Affairs, 3 April 1901, R.G.10, Vol. 3688, File 13,886-3, UBCICL.

The Agreement was announced in the Province, 11 April 1901, p.1.

Ibid.

A.W. Vowell to Sifton, 23 April, 1901. R.G.10, Vol. 3688, File 13,886-2, UBCICL. In response to a request for his opinion of the terms, Vowell explained to Sifton that the acres granted to Dunsmuir and the city were the most valuable ones on the reserve.

61 Sifton to Smart, 7 June 1901, R.G.10, Vol. 3688, File 13,886-3, UBCICL.

62 Ibid.

63 Vowell to Sifton, 23 April 1901, R.G.10, Vol. 3689, File 13,886-3, UBCICL.

64 Ibid.

65 Ibid.

66 Vowell to Sifton, 8 November 1901, R.G.10, Vol. 3688, File 13,886-3, UBCICL.


68 Examples of this correspondence are: Sorby to G. Sutherland, 16 January 1904; G.H. Barnard, Mayor of Victoria to Sifton, 20 January 1905. R.G.10, Vol.3688, File 13,886-2, UBCICL.

69 The stalemate in negotiations gave rise to a movement to enfranchise the Songhees and to allow individual Indians to sell portions of the reserve. A bill was drafted by W. Orr in 1904. This draft was passed through the channels of department officials and forwarded to the Deputy Minister of Justice, F.L. Newcombe, in 1909. Though Newcombe amended the bill substantially it was not forwarded to the House of Commons. Undated and contained in Deputy Superintendent General of Indian Affairs correspondence in 1904, R.G.10, Vol. 3688, File 13,886-3, UBCICL.


71 Victoria Daily Times, 1 February 1907, p.4.

72 Ibid.


74 Dowler to Secretary of State, 6 February 1905, R.G.10, Vol. 3688, File 13,886-3, UBCICL.

75 Victoria Daily Times, 10 April 1906, p. 1.


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Ibid.

Morley to W. Templeman, Minister of Inland Revenue, 12 June 1906, R.G.10, Vol. 3688, File 13,886-3, UBCICL.

J. McLean, Secretary to the Deputy Superintendent General of Indian Affairs to Pedley, Deputy Superintendent General of Indian Affairs, 21 June 1906, R.G.10, Vol. 3688, File 13,886-3, UBCICL.

Ibid.

F. Pedley, to Secretary to Deputy Superintendent General of Indian Affairs, 31 July 1906, R.G.10, Vol. 3688, File 13,886-3, UBCICL.

Summary report of negotiations to relocate the Songhees in Pedley to F. Oliver, Superintendent General of Indian Affairs, 17 December 1906, R.G.10, Vol. 3688, File 13,886-3, UBCICL.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Colonist, 6 November 1906, p.5.

Ibid.


McBride to Oliver, 19 September 1906. R.G.10, Vol. 3688, File 13,886-3, UBCICL.

McBride to Wilfrid Laurier, Prime Minister, 12 August 1909, Songhees Reserve File, 293/09, PABC.

The implications of statements made by Laurier on his trip west were referred to in comments made in the press later that year. Victoria Daily Times, 26 October 1910, p.1.
Laurier's correspondence with the Attorney General was referred to by McBride in this draft letter, McBride to Laurier, 19 November 1910. Premier's Papers, G.R. 441, Box 149, PABC.

A draft written but not sent. McBride to Laurier, 19 November 1910. Premier's Papers, G.R. 441, Box 149, PABC.

Initially the negotiations were implemented in January 1910 by Price Ellingson, M.P., and Commissioner of Lands and Works, W. Ross. Premier McBride continued the talks due to the prolonged absence of Ellingson. This was explained in Ross to Oliver, 3 December 1910, Mss, 559-510, PABC.


Victoria Daily Times, 14 May 1910, p.1. On the front page the Times acknowledged that it had been criticized for reporting facts "regarding the negotiations of the Songhees Indian reserve." Also on the first page was the statement, "a morning contemporary has denied any negotiations have taken place" and that "Helmcken refused to comment" on the issue. A "morning contemporary" refers to the Colonist.


Morley to Oliver, 13 May 1910, R.G.10, Vol. 3690, File 13,886-4, UBCICL.


J.S. Watson's active role came to light through evidence submitted by a provincial public accounts inquiry held in 1916.

Ditchburn to the Secretary to the Superintendent General of Indian Affairs, 27 October 1910, R.G.10, Vol. 3690, File 13,886-4, UBCICL. Irregularities were denied in Ross to Frank Oliver, 3 December 1910, Mss, 559-510, PABC.

McBride to Oliver, (Telegram) 26 October 1910, R.G.10, Vol. 3690, File 13,886-4, UBCICL.

Both the Colonist and the Victoria Daily Times wrote summaries of the negotiations describing the long awaited victory of the city and the province. Colonist, 5 October 1910 and Victoria Daily Times, 26 October 1910. The event was considered newsworthy on the mainland as well. "Songhees Tribe to Sell Reserve," was reported in Vancouver World, 26 October
1913. Also, Ditchburn to Oliver, 29 October 1910, R.G.10, Vol. 3690, File 13,886-4, UBCICL. Clipping contained in, R.G.10, Vol. 3690, File 13,386-4, UBCICL.


111 Canada, Revised Statutes, 1900. (Ottawa: King's Printer, 1906), Cha. 81, p.1459.

112 Ibid, p.1469.

113 Ibid, p.1470.

114 Ellingson to Oliver, 3 December 1910. Mss. 559-510, PAC.

115 Pedley to Oliver, 3 January 1911, R.G.10, Vol. 3690, File 13,886-4, UBCICL.


119 Ibid.

120 Colonist, 10 May 1916, p.2-3.

121 Ibid.

122 Ibid.


124 Ibid.

CHAPTER FOUR

The Songhees Position on Relocation, 1871-1910.

Between 1871 and 1910 the Songhees were approached on numerous occasions to move their city reserve. According to the Indian Act, the Songhees agreement to a surrender was necessary to complete a relocation transaction. The Songhees consistently refused to move from their reserve. They did not want to take part in any land negotiations until previous land agreements were concluded. Besides this longstanding grievance, the Songhees did not want to leave the city because of the amenities this location provided for the Band.

As the advantages of the location eroded, the Songhees resistance to move wavered. The Songhees eventually agreed to move in 1910. They realized that federal and provincial government officials, commercial interests and Victoria residents were determined to remove them with or without their consent. The Songhees consented to the move on certain terms, namely a large cash settlement. Despite the mood of urgency which prevailed, the governments met the terms requested by the Songhees. Through their active role in land negotiations for over a half of a century, the Songhees were able to negotiate terms which in some measure reflected their own needs. The purpose of this chapter is to examine the Songhees active role regarding relocation: to identify some of the reasons for their
resistance to relocation as well as the conditions leading to their final surrender.

The "Songhees position" as described in this chapter is derived from a combination of ethnographic data and Department of Indian Affairs records. Although these sources are, in a sense, "second hand", if they are considered at the same time, then they provide insights into the history of the Songhees position regarding relocation. Evidence of the Songhees position contained in correspondence of Indian Agents writing to Department officials, reflects the agent's view after conferring with the Chief or the Band council. Dissent amongst the Songhees was not always noted, therefore the use of the phrase "Songhees position" is not meant to imply consistent unanimity amongst the group but rather refers to the majority of the Songhees as represented by the Band's Chief and councillors.

The Songhees enjoyed a number of geographic, social and economic amenities while living in the center of Victoria. The geographical advantages were related to the Songhees relationship with their environment, as it existed before Fort Victoria was built in their territory. As explained in Chapter one, the Songhees reserve was not an original village site. The Songhees moved first to the edge of the fort and then in the mid 1850's, were removed to the site across the harbour. Both of these settlements constituted the largest amalgamation of Songhees in a permanent village.
The location of the reserve on the harbour was in familiar territory to many of the Songhees. For instance, the Swengwhung and the Kosampson groups, who were associated with the Inner Harbour in Douglas's purchase agreements, probably knew the area very well. Nearly all Songhees were well acquainted with the reserve site as it was situated enroute to the Gorge where many of the Songhees camped in the summer.

The reserve was adjacent to a sacred site named Pallatsis. At this location new dancers' staffs were placed. Pallatsis was also a site where Songhees left the cradles of children who had "reached the walking stage to ensure them long life." Another familiar site near the reserve was the camas root bed west of the inner reaches of James Bay. Also in close proximity to the reserve was a reefnetting site at Macaulay Point. Though the ownership of this site is not known, it was located in Kosampson territory, and probably familiar to both the Swengwhung and the Kosampson families.

The topography of the reserve was open and rocky. The supply of fresh water at this locale was limited. Unfavourable geographical conditions appear to have perplexed the Indian Agents more than the Songhees. Being rocky and uncultivatable, the area was considered undesirable by the Indian Superintendent for British Columbia, I.W. Powell, who attempted to find an arable site for the Band. Powell's attempts were consistent with the federal policy aimed at civilizing Indians through an emphasis on an agrarian livelihood. Although the Songhees
assisted Europeans with the cultivation of potato crops, the agricultural activity on their own reserve was limited. The Songhees did not share Powell's desire for relocation to a fertile reserve. 10

Notwithstanding the reserve's rugged terrain, it possessed other physical attributes which were probably more important to the Songhees. The site had a protected area for beaching and loading canoes. Even though the outer shoreline was steep, there were a number of favourable beaching sites, especially on the inner reaches of the reserve's shore. 11 Since the Songhees travelled almost entirely by canoe, a sheltered docking area was an important consideration when choosing a village site. Reasonable canoe access remained an issue in relocation negotiations into the twentieth century. 12

Not only did the city reserve site include a sheltered shoreline, its terrain and steep outer coastline discouraged raids by northern enemies. 13 Defense requirements had always been a consideration when choosing a village site. 14 The inner area of the harbour was guarded not only by the topography, but also by the reserve's association with Victoria's own defense system. 15 Although defense requirements became less important, the Songhees continued to travel by canoe, making the protected waterfront area favourable for the group. The consideration of advantageous geographic conditions originated in the Songhees habitation and resource exploitation patterns prior to 1843. The Songhees traditional intimate relationship with the inner
harbour facilitated their adaptation to this area.

The reserve's location also allowed the Songhees to continue intertribal social relationships. The Songhees maintained traditional patterns of intermarriage with their Coast Salish neighbours. Powell indicated the importance of the location of the Songhees reserve when he stated "the Songhees Indians were not in favour of moving for most of their friends and relatives live in the Southwest." Although the Songhees intermarried with their northern neighbours, the Saanich and the Cowichan, as well as their southern neighbours the Klallam and Sooke, it appears that the emphasis of these relations was to the south. Whether this emphasis existed prior to European settlement in their territory is unclear.

Even after 1871, the Songhees did not need to travel for social interaction. Indian groups from the northern coast continued to frequent the Songhees reserve while trading in Victoria. The peaceful cohabitation of these groups indicated changes in the social relationships of the Songhees and the northern Indians. Prior to the existence of the fort, the Songhees considered many of the northern Indian groups as enemies. Even after the fort was built, amalgamations of the northern Indians and Songhees were characterized by violence. However, long before the turn of the century, violent outbursts were on the decline. The Songhees initial adaptation to the presence of the northern Indians, points to some of the changes in their intertribal relations resulting from the presence of
The proximity of the reserve to Victoria city was an important economic benefit for the Band, and perhaps the most important advantage of the location. The Songhees successful adaptation to the existence of Victoria's economy was established in the early settlement era. After 1871, the Songhees economy continued to be related to the city's economy. Different members of the Band depended on this economic relationship in different ways. Many of the Songhees men were employed in numerous trades in the city. These industrial pursuits ranged from stevedoring to road construction. One Songhee's worked in a bakery. The Songhees women worked as domestics and as laundry persons. The old people relied on selling shell fish and salmon.

The extent to which the Songhees were involved in the city economy was emphasized on numerous occasions. Powell reported in 1883 and 1884, that the Songhees would not move to any remote place because many of the Band members were employed in the city. He noted again in 1886, that the Songhees refused to move because the jobs they held were in Victoria and they wanted to be close to their place of employment.

The importance of the Songhees' employment in the city is indicated by John S. Helmcken. Concerned about the possible repercussions of a move, he stated that "the Songhees have lived so long in the proximity of the city, that I doubt very much whether anyone could prove that it would benefit them materially."
to be removed. Victoria city was a source of livelihood for many Songhees, and Helmcken was convinced of their subsequent dependence on the city economy. The importance of the Songhees participation in the labour economy was reiterated by the younger Helmcken, in 1903. Dallas Helmcken noted that the majority of Songhees did not want to move because they no longer could survive living off the land and that their occupations were in the city. The adaptation of the Songhees economy was explained by council member, Joe Etienne, to Indian Agent Lomas: "we are not as our fathers were, we live like white men - does the government want us to go back and live on fish and deer."

The Songhees combined their city jobs with traditional migrations. The majority of Songhees men and women travelled in the summer to the Fraser River. There they fished or worked in canneries. Other Songhees, in search of employment rather than traditional food sources, travelled to Washington where they picked hops and berries. While the Songhees were able to adapt their economy to incorporate opportunities for new wealth from the city economy, they were able, at the same time, to integrate their migrations for food and employment.

The geographic, social, and economic advantages of the reserve site, indicates the Songhees reluctance to leave the city location. In a sense their relationship with the environment had changed, but it was no less important in the Songhees lives. Certain changes had taken place due to the presence of the European causing the emergence of a new and
renovated relationship with the environment focused on their favourable association with the inner harbour. Perhaps it was this association that the Songhees described as their "attachment" to the reserve. Powell indicated in his correspondence that the Songhees attachment to the reserve site was a major stumbling block to any removal plans. He wrote that the Songhees elders expressed the view that they were "to a man determined not to vacate the Songhees reserve which was land held and occupied by their forefathers from time immemorial and consequently dearer to them than anything they could possess." They found it distressing to be "asked so many times to leave the reserve, after their first unqualified refusal to do so." The relocation issue, they said, was causing "much grief and disquietude amongst the Band." A source of the "disquietude" in the band was a difference of opinion regarding relocation between the elders and the young men. Powell noted the division first in 1875 when he observed that the "young men" favoured a move to Cadboro Bay. The young men were not as attached to the Inner Harbour site as the older Songhees men. Powell felt confident that the young could be convinced of the advantages of relocating, whereas the older men needed an incentive. Powell wrote, "a promise of certain annuities or cash payments to the leading men could...be...made greatly facilitating a surrender— at present distasteful to them."
Powell was aware of the division in the Band and that some of the Songhees preferred a site at Cadboro Bay. Whether this division was entirely based on age, or whether it also represented a division in the Band along family lines, is unclear. The Chekonein family, who lived at Cadboro Bay and the Swengwhung and Kosampsom families, who lived in the harbour prior to contact, might have preferred different village sites. In 1881, twenty-six Songhees signed an agreement to move to Cadboro Bay.\textsuperscript{33} This was not a substantial number of signatures considering the one hundred and twenty-two signatures which appeared on the "Fort Victoria Treaties", signed in 1850.\textsuperscript{34} Though a minority favoured a move, a relocation did not occur. Despite some dissent, the majority of the Songhees, led by the elders, continued to refuse relocation. On numerous occasions their refusal was attributed solely to the Songhees' "attachment" to the place.

Besides their confirmed allegiance to the site, the most persistent condition of the Songhees when negotiating was a demand for payment of past debts. Indian Agents, reporting the "Songhees Position" on removal, consistently referred to their demand for the monies owed them by the government. Powell repeated in 1879 and 1880 that the Songhees would not move until the monies owed them were paid.\textsuperscript{35} In subsequent attempts to negotiate a settlement of the 1880's he also met with similar responses.\textsuperscript{36}
In 1894 Chief Charley Freezie referred to the origins of the Songhees demand for the money owed them. He alluded to the reserve at Kosampsom which was allotted to the Songhees by James Douglas, and subsequently sold to the government. The reserve appeared on the surveys mapped prior to 1855. Freezie stated in 1894:

I want you all to look around this school house and see what few of the old men who remember the sale and renting of our reserve are still left living - What benefit have they ever felt of the money held by the Government for us?37

Another elder who remembered the land transaction spoke out at a Band meeting in 1895. Joe Etienne stated that "our fathers made arrangements with the Government for lease and disposal of some of our lands always told us we had money in the bank."38 Spot-alth added, "when did I see twenty five cents in cash for all the lands and lots which I agreed that the government should sell and rent for us".39 Clearly, the Songhees elders wanted the money owed them by the government. Lomas relayed the elders' views to his federal superior but, despite the Songhees position, nothing was done to meet their demands.

When, in 1897, J.A.J. McKenna negotiated with the Songhees on behalf of the federal government, he also found that the government's debt to the Songhees was a stumbling block. He argued that a gesture of good faith was required to facilitate negotiations because of the lack of trust on the part of the Songhees.40 McKenna suggested that a cash sum was necessary to ameliorate Songhees suspicions engendered by past dealings with
government officials.

The money problem remained outstanding when A. Morely, the newly elected mayor of Victoria, attempted in 1906 to negotiate a surrender and relocation. In his electoral campaign, Morely promised a successful resolution to the "Songhees reserve question." He was disappointed by an obstinate refusal on the part of the Chief Michael Cooper. Like McKenna, Morely requested funds from the provincial government. This money, he explained, would improve relations between the parties and would facilitate the successful completion of the removal. Premier McBride refused Morely's request, and in reaction the Songhees refused to negotiate. Also in 1906, Frank Pedly, the Deputy Superintendent General of Indian Affairs, travelled west and opened negotiations with the Songhees. In a series of meetings, Pedly debated with the Songhees regarding a cash settlement. The Songhees agreed to terms which included a cash settlement double the amount that Pedly had offered originally, combined with their former village site at Cadboro Bay. Much to Pedly's chagrin, the Cadboro Bay site was not for sale and the deal collapsed.

The Songhees agreement to move on specified terms, in 1906, was the first time they responded positively to relocation negotiations. This agreement signalled a waiving in the Songhees resistance to the move. An erosion of the conditions motivating Songhees resistance began in the early 1890's. The
Band's rationale for moving was partly the result of the deterioration in the geographic, social and economic advantages of their city location.

Although the reserve remained part of familiar territory, by the turn of the twentieth century its physical setting and surrounding landscape had changed considerably. The reserve's actual size was reduced dramatically. A large lot was allocated for the federal marine hospital, and three lots were leased to private parties. These were remnants of the 1860 leasing program. The major encroachment on the reserve was the result of the expropriation of 6.9 acres by the Esquimalt and Nanaimo Railway, and the Songhees were aware that the Railway was petitioning the federal government for more land for railway facilities. These sections of land combined with the areas inhabited by visiting Indians greatly reduced the size of the Songhees reserve.

The Songhees position regarding encroachment on their land crystalized in 1885 when the provincial government attempted to build immigrant sheds on their reserve without the Band's consent. After a brief consultation with the Department of Indian Affairs in Ottawa, J. Trutch authorized construction of immigrant buildings. He failed, however, to gain the Songhees approval. Trutch underestimated the Songhees determination to preserve the integrity of their reserve and proceeded with the construction contract.
Not until the lumber was delivered to the site, did the Songhees learn of the construction plan. A Songhees delegation immediately met with Powell, who reassured them that their consent was necessary before any land could be taken. Chief Skowiax, reminded Powell of the agreement which the Songhees made with James Douglas. Skowiax stated that the reserve was too small already, and that the Songhees did not want any more land taken from them. They felt that the marine hospital and the leases represented too much usurpation of their land. The Songhees took the case to court, where a Judge decided in their favour, and the shed construction was halted.

The Songhees were successful on the immigrant shed issue, but they were not as successful in preventing encroachment by railways. The Songhees opposed the use of reserve land for the Esquimalt and Nanaimo Railway, but unlike the case of the immigrant shed, the Songhees did not have a legal argument to rely on to protect their reserve. According to the Indian Act, a surrender was necessary for land taken out of a reserve but railway development was excluded from this condition. Therefore, while a Songhees surrender was necessary for acquiring land for the immigrant sheds it was not necessary for railway development on the reserve.

While fearful of further expropriation because of their prime city location, the Songhees continued to refuse requests to lease sections of the reserve. They refused to grant any of the reserve for a swimming pool or a park, despite the
possibility of their own enjoyment of these facilities. The Songhees also rejected proposals for waterfront development requested by the Harbour Board.

The Songhees resisted piecemeal encroachment on their reserve, but by 1910 there were real fears of losing the whole reserve through expropriation. The Esquimalt and Nanaimo Railway wanted to expand its facility, and the Canadian Pacific Railway also desired sizeable tracts of land for a terminal. The Songhees past experiences with government and railway officials alerted them to the possibility of the total expropriation of the reserve.

Not only had the reserve changed in physical dimensions, but the surrounding landscape was also transformed. A populous port city surrounded the Songhees reserve. Victoria city had amalgamated with Victoria West, and the reserve was situated in the middle of this city. Industrial and residential development surrounded the urban reserve.

Traditional resource sites were lost to expanding settlement. Perhaps the most devastating food resource restriction occurred when the federal government began to control the fisheries. An increasing number of fishing regulations slowly reduced the Songhees catch. Joe Etienne described the effect of these regulations on the Songhees when he reported, "many now can only get fish to eat and now we are told we must have permission to take fish, but may not sell any."
After 1890, some of the social dynamics of the Band also underwent change. Internally the relocation issue continued to divide the Band. In addition to these internal differences, the Songhees relations with the visiting northern Indians began to deteriorate. Though the strained relations were not marked by violence as in the past, the Songhees resented the presence of the visiting Indians. They realized that these Indians contributed to the poor image of the Songhees in Victoria.

Camped in make-shift dwellings, the northern Indians lived in questionable sanitary conditions on the reserve. In 1899 the squalor of the camp site was apparent and the Songhees requested the removal of the northern Indians.

After 1890, the Songhees were badly effected by the depressed economic conditions in Victoria city in particular, and North America in general. The economic recession was particularly hard on the the sick and the elderly. At the Band’s spring meetings of 1894 and 1895, Songhees leaders explained the effect of the recession. Joe Etienne stated that, "times have been very bad in Victoria and nearly all of us who used to get work in the town cannot now get a day’s work." A slump in the economy combined with increased immigration made competition for jobs intense. Indians were discriminated against by employers, especially the municipality. George Chictlan stated, "when we apply for work people tell us we do not pay taxes and so cannot get work, as all the public work is kept for the poor white men just now." Not only were the Songhees often hired last but on
some occasions they were paid less. According to August Whitquosum, "I would like to see the young men saving something, if it was only a dollar a week but we do not get the same wages as white men, not half as much."63

The Songhees reported that they were impoverished and desperately in need of assistance. With the loss of jobs combined with depleting food resources they requested that the monies owed to them by the Government be paid to them on a regular basis. They requested assistance again in 1895, and in 1897 Lomas described the Songhees as being in "the poorest condition ever as they once were employed on the wharves but now white men are being hired first."64 While the Songhees city locale facilitated employment initially, they were being squeezed out of the labour force by other sectors of the population. At the turn of the century, as Victoria lost economic prominence to the burgeoning port of Vancouver, employment problems persisted for the Songhees. While the Songhees continued their migrations to other places of employment the decline in their work in the city created economic difficulties.

In the midst of the strained economic conditions the election of a new leader signalled changes in the Songhees position of resisting relocation. A change in leadership indicated a break with values and attitudes previously held by the leaders of the Band. It was the Songhees elders who remembered the leasing fiasco and refused to negotiate with the government.
They were also the segment of the Songhees population who expressed an "attachment" to the site. They remembered camping on the Gorge and the existence of the "old reserve." By 1894 only three of the Band councilors remembered these historical roots and by 1910 all of these men had died.65

In 1894 Michael Cooper was elected Chief.66 He was the first Songhees leader to be elected according to the procedures outlined in the Indian Act.67 He was not related to any past Songhees Chiefs,68 his mother was a Songhees from San Juan Island and his father was a Greek sailor.69 He spoke and wrote English. Despite competition from Willie Jack, who claimed to be the hereditary successor to the chiefship, Cooper won the election in 1894. He was reelected in 1897, despite another challenge from Jack. He resigned in 1902 because of a controversy regarding a violent outburst with another band member, nevertheless he was reelected as "Chief for life" in 1903.70

Willy Jack opposed Cooper as Chief in every election. He lead a small group who supported him as the hereditary Chief of the Band. Jack was the son of Chief Charley Freezie and "Tsullace" and likely the great grandson of the legendary Chief "King Freezy."71 Jack and his supporters opposed a relocation. This group believed that this land was the Band's from time immemorial and could not be sold.72 Jack was not only opposed to the relocation of the Songhees, he was concerned about the Indian land question in the province. In 1909 he joined other
Chiefs in the Province entreated Premier McBride to acknowledge Indian land claims. He and Thomas James signed a petition which stated that Indian title to the land in British Columbia was never extinguished. 73

Jack and Cooper differed on the relocation issue and they were also associated with different religious denominations. Willie Jack's family were Methodists, while Michael Cooper's were Roman Catholic. 74 Jack's position regarding Indian land claims was consistent with the posture of other Methodist Indians and missionaries at this time. 75

Jack and the "dissenters", as the Agent called them, were advised by the Methodist minister Charles Tate, 76 who informed the Songhees that they had a legal right to stay on the reserve and that no one could force them off. 77 Dallas Helmcken found this most distressing after all the work that had gone into the relocation deal. Tate wanted to build a Methodist church on the reserve, but Helmcken informed him that "the Band did not want a second church at the new site." The dissenters were not consulted, though they probably would have supported Tate's request. 78

Despite Jack's challenges, Cooper's power and influence was demonstrated in his numerous re-elections as Chief. In the Songhees society he possessed a new kind of wealth and a new kind of power. He was financially successful and he demonstrated his wealth. He possessed the largest and best furnished house on the reserve. 79 Cooper's power over the Songhees was extensive. On
one occasion, when he learned of a woman who opposed his position regarding relocation he deleted her name from the band list, and denied her right to collect payment when the Band sold the reserve. 30

Cooper also received a salary from the Department of Indian Affairs for his services as a liaison person and as constable for the Band. When requesting an increase in salary for Cooper, Dallas Helmcken pointed to Cooper's valuable assistance to the Local Indian Agent. Cooper acted as an intermediary between the Department of Indian Affairs and other Indian groups. He was influential amongst these groups as well as the Songhees. 31 In the spring prior to the relocation deal, Helmcken wrote to Agent I. A. Robertson, "I need hardly point out to you the many reasons which can be properly advanced for giving the Chief an increase in salary and it seems to me that in view of the contemplated changes, there would be greater responsibilities on the Chief's shoulders than hitherto has been the case... he [Cooper] is consulted by all the surrounding chiefs in matters affecting their welfare." 32

Cooper resisted removal through the 1890's and into the twentieth century. He requested that the sum owed the Songhees by the Esquimalt and Nanaimo Railway be paid. Cooper told Lomas in 1895 that the Songhees would not be experiencing the grave economic situation if this railway had paid them compensation for land expropriated in 1886. 33 Cooper complained again in 1897, and in 1910 Dallas Helmcken learned that the railway still
owed the Songhees money.³⁴ Cooper refused to negotiate a move in 1901, 1906, 1907, and 1908 unless the money owed the Songhees was paid.

While Michael Cooper took a hard line regarding the Songhees removal he also acted in his own interests. At a public accounts inquiry held in 1915 to investigate alleged financial inconsistencies related to the Songhees removal, it was learned that Cooper received several large sums of money besides the $10,000 granted each family.³⁵ What he did with the money was unclear. According to a report in the Colonist, Cooper received a large amount to pay the members of the band council to stay in town for the relocation negotiations. Evidently Cooper did not pay the councillors, and it appears that he kept the money. When the councillors learned of this travesty they were very irrate. When Cooper returned from a fishing trip, the councillors met him on the shore of the harbour and through loud and angry arguing convinced Cooper to pay them "$75 per head."³⁶

Cooper also received an additional $28,000.00³⁷ through the sale of the reserve.³⁸ This was his salary for his work as an arbitrator in the deal. Whether Cooper used this money to influence the voting members of the band is not clear. At the inquiry in an attempt to clarify this, the deposits and withdrawals of Cooper's bank account were investigated. However, this search did not provide any information regarding the dispersement of the money paid to Cooper.³⁹ Deputy Minister of Justice, J.D. Mclean, also requested that charges of Cooper's
undue influence be investigated. When responding to the request the Indian Agent noted that the allegations regarding Cooper's suspected impropriety came from the dissenting faction of the Band, and that as far as was known they could not be verified. Neither the Department's investigation or the public accounts inquiry was able to substantiate any of the allegations regarding Cooper's behavior. While justice of a sort was administered by his own peers on the shore of the harbour, Cooper was not found guilty of misusing the money he was paid for negotiating the relocation.

While Cooper appears to have acted as the government's agent in the negotiations, at the same time, he held out for what his elders also considered important. Cooper sought and obtained an agreeable cash settlement for lands previously sold. Though he received extra payment for himself, it was not uncommon for a chief to receive financial recognition for liaison work. Such payment acknowledged the individual's status and power. Though Cooper appears to have acted in his own interests when negotiating the deal, in retrospect perhaps his decisions were timely. Cooper was aware of growing impatience over the location of the reserve. He was also aware of the possibility of the expropriation of the reserve by the Canadian Pacific Railway. His decision to negotiate a deal and push for a Songhees surrender perhaps enabled the Songhees to receive a cash payment rather than nothing, as might have been the case if they delayed their decision until the reserve was expropriated.
By 1910, the geographic, social and economic advantages of the city location for Songhees had deteriorated. This, combined with the leadership of Cooper, who favoured relocation on certain terms, lead to a formal surrender of their city reserve. They accepted a cash settlement for their land and moved to a new site in Esquimalt. This locale possessed geographic, social and economic advantages. The new Songhees reserve was adjacent to the "Esquimalt" Songhees family's reserve and was within the precontact territory claimed by the Band. The reserve possessed protected water, frontage and was accessible to the areas to which the Songhees migrated. Employment existed in a cannery and sawmill and Esquimalt was linked to Victoria city by road. This was an important factor for those Songhees still employed in the city as well as for those wishing to buy and sell goods in Victoria.

Though the cash settlement accepted by the Songhees might be judged insufficient by today's standards, it was vastly greater than any previous offer. The Songhees cash demands necessitated the federal government to pass special legislation, the Songhees Reserve Bill, to allow for direct payment of the large sum to individual Songhees families. The legislation is an example of government response to the Songhees active role in the negotiations for their city reserve. The Songhees active participation lead to a deal which in some ways represented terms they had demanded for half a century, payment for the lands they had sold and leased.
Footnotes-Chapter Four

1 Despite the discrepancies between Boas, Hill-Tout, and Duff regarding the number and location of village sites, this location was not cited by any of the anthropologists as a village location. See the map p.xv for village sites.

2 The Inner Harbour was associated with both the Kosampsom and the Swengwhung in the Treaties between the Songhees and James Douglas. The reserve site, however, was within the Swengwhung territory according to the treaty signed with this group. See, Hudson’s Bay Company, Land Office, Victoria. Register of Land Purchases from Indians 1850-59 (Add: MSS. 772, File #1), PABC.

3 Duff, "The Fort Victoria Treaties," pp 34-36. Also see Chapter One, pp. 14-16.

4 Duff, p. 42.

5 Ibid.

6 The availability of camas at this site after European penetration into Songhees territory is unclear. However, by the turn of the of the twentieth century the camas root supply was greatly restricted.

7 See the map p.xv. Also, the purchase agreement signed by the Kosampsom in, Register of Land Purchases, PABC.

8 That the Songhees were not necessarily interested in whether a site was arable or not is pointed out in, Powell to Macdonald, 26 May 1879, R.G.10, Volume 3688, File 13,886-1, UBCICL.

9 This policy originally applied to the Indians and Metis of the Northwest. It was tied to the aims of the National Policy which required the peaceful settlement of the west. P.R.E. Group, Indian and Northern Affairs, The Historical Development of the Indian Act (Ottawa: Treaties and Historical Research Centre, Department of Northern and Indian Affairs, 1978), pp 73-77.

10 Powell to Macdonald, 14 September 1886, R.G. 10, Volume 3688, File 13,886-1, UBCICL. At this time the Prime Minister was also the Minister of the Interior, and acted as the Superintendent General of Indian Affairs. Powell reiterated the difficulty of relocating the Songhees in this lengthy letter to his Superior.

11 The Songhees refused to consider any alternate site which did
not possess adequate docking facilities. The importance of a
protected bay for canoes was described by James Dunsmuir in J.
Dunsmuir to H. Moffat, Indian Office, Victoria, 4 October 1888,
R.G. 10, Volume 3688, File 13,886-1, UBCICL. Also, Powell
described "Jackson's land", a site considered by the Songhees,
as unsuitable, because there was "no place for canoes." Powell
to Macdonald, 10 August 1887, R.G. 10, Volume 3688, File
13,886-1, UBCICL.

12 Ibid.

13 Dunsmuir to Moffat, Indian Office, Victoria, 4 October 1888,
R.G. 10, Volume 3688, File 13,886-1, UBCICL.

14 See Chapter One, p. 8.

15 British Columbia, Legislative Correspondence Book, 21 June
1855, (Victoria: R. Wolfenden, 1856).

16 Powell to Macdonald, 31 August 1880, R.G. 10, Volume 3688,
File 13,668-1, UBCICL.

17 See Chapter One, p. 6.

18 The Colonist reported several skirmishes and murders on the
Songhees reserve. Some of these were due to the large numbers of
northern Indians camping on the reserve. John Woolsey described
hostilities which might have existed in a fictional story
entitled, "An Account of an Indian Battle at Victoria Harbour,
1859." Mss. PABC. After 1871 there were fewer violent skirmishes
on the reserve.

19 J.W. MacKay to Lomas, 16 January 1899, R.G. 10, Volume 1341,
UBCICL.

20 Powell's report in Department of Indian Affairs Annual

21 Powell to Macdonald, 10 April 1886, R.G. 10, Volume 3688,
File 13,886-2, UBCICL.

22 Powell to Macdonald, 30 May 1883, R.G. 10, Volume 3688, File
13,886-1, UBCICL. Powell to Macdonald, 16 October 1884, R.G. 10,
Volume 3688, File 13,886-1, UBCICL.

23 Powell to Macdonald, 10 April 1886, R.G. 10, Volume 3688,
File 13,886-2, UBCICL.

24 J.S. Helmcken, Correspondence Outward and Notes Regarding the
Songhees Indians, 1850-91, Ms, PABC.

25 Dallas Helmcken to W.R. Robertson, 21 August 1903, R.G. 10,
Cowichan Agency Records, Volume 1348, UBCICL.

27 P. McTiernan to Lomas, 26 August 1882, R.G. 10, Volume 3688, File 13,886-1, UBCICL. Also a request for hops pickers was sent to the Indian Agent in Victoria, (no date) 1884, R.G. 10, Cowichan Agency Records, Volume 1331.

28 Vowell to L. VanKoughnet, Deputy Superintendent of Indian Affairs, 5 May 1890, R.G. 10, Volume 3688, File 13,886-1, UBCICL.

29 Ibid.

30 Ibid.

31 Powell's report in, Department of Indian Affairs Annual Report, 1875 (Ottawa: Queen's Printer, 1876), pp. 44-50.

32 Powell to Macdonald, 11 August 1883, R.G. 10, Volume 3688, File 13,886-1, UBCICL.

33 "Agreement to Move to Cadboro Bay" R.G. 10, Volume 3688, File 13,886-1, UBCICL. Also, Songhees Indians, Document: Agreement to Move to Cadboro Bay, 7 February 1881, Ms. PABC

34 This is the total number of signatures for the Songhees family groups in Register of Land Purchases. Only two of the signatures on the Cadboro Bay Agreement appear similar in pronunciation to those on the treaties.

35 Powell to Macdonald 15 April 1879, R.G. 10, Volume 3688, File 13,886-1, UBCICL. Also, Powell to Macdonald, 31 August 1880, R.G. 10, Volume 3688, File 13,886-1, UBCICL.

36 Powell to Macdonald, 14 September 1880, R.G. 10, Volume 3688, File 13,886-1, UBCICL.

37 Charley Freezie in "Report 1894", R.G. 10, Volume 3688, File 13,886-1, UBCICL.

38 Joe Etienne in "Report 1894", E.G. 10, Volume 3688, File 13,886-1, UBCICL.


40 J.A.J. McKenna to Premier J. Turner, 2 September 1897, R.G. 10, Volume 3688, File 13,886-2, UBCICL.

42 Ibid.

43 F. Pedley, to F. Oliver, 17 December 1906, R.G. 10, Volume 3688, File 13,886-3, UBCICL.

44 A memo describing the lands leased on the Songhees reserve in Pedley to Crr, Lands and Timber Branch, 16 April 1907, R.G.10, Volume 3689, File 13,886-3, UBCICL.

45 Canada. Orders in Council, P.C.38, Department of Indian Affairs Land Registry, #20987. Also Mclean to Vowell, 14 March, R.G.10, (no volume), File 19,451, UBCICL.

46 Powell to W. Smith, Premier, 16 October 1885, E.G.10, Volume 3713, File 22,560-2, UBCICL.

47 Powell to Vankoughnet, 20 October 1885, R.G.10, Volume 3718, File 22,560-2, UBCICL.

48 Ibid.

49 Drake, Jackson & Helmcken, Solicitors, to Trutch, 4 November 1885, R.G. 10, Volume 3718, File 22,560-2, UBCICL.

50 It is unclear whether the Songhees Indians agreed to allow the Railway construction on the reserve. They opposed the construction, but it went ahead anyway. Macdonald told Powell that the Indians would be compensated for expropriated land, but I have found no evidence that this compensation was ever paid to the Songhees. Macdonald to Powell, 7 December 1885, R.G. 10, Volume 3718, File 22,560-2, UBCICL.

51 Questions regarding the right of the Esquimalt and Nanaimo Railway to expropriate part of the Songhees reserve were addressed by Deputy Minister of Justice, R. Sedgewick. R. Sedgewick to Vankoughnet, 31 January 1893, R.G. 10, Cowichan Agency, Volume 1342, UBCICL.

52 P.R.E.Group, Historical Development of the Indian Act, p.44.

53 Fitness Instructor to Indian Agent, Victoria, April 1900, P.G. 10, Volume 3689, File 13,886-3, UBCICL.

54 Victoria Board of Trade to Laurier, 15 February 1905, Premiers' Papers, #805, PARC.

55 The Esquimalt and Nanaimo Railway pressed the federal government for more land on the Songhees Reserve throughout the 1890's. The first hints of total expropriation occurred in 1894. A proposal for expropriation was put forward in the Legislative Assembly and reported in the Colonist, 2 February 1894. Also, just prior to the Songhees relocation, the Victoria Daily Times reported that there was a strong possibility of expropriation by

A Motion passed by the city of Victoria, 28 January 1891, R.G. 10, Volume 3688, File 13,886-1, UBCICL.

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78 Ibid.

79 Colonist, 14 April 1907, p. 9.

80 Caroline to her sister, 23 December 1907, forwarded by the Indian Agent, R.G. 10, Vol. 1345, (no file), UBCICL.

81 M. Cooper to I.A. Robertson, 22 March 1910, R.G. 10, Cowichan Agency, Volume 1349, #127, UBCICL.

82 Ibid.

83 Michael Cooper in "Minutes 1895," R.G. 10, Volume 3688, File 13,886-1, UBCICL.


85 Colonist, 17 March 1916, p. 2.

86 Victoria Daily Times, 1 April 1916.

87 Colonist, 22 March 1916.

88 Victoria Daily Times, 21, March 1916.

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90 McLean to Ditchburn, 28 July 1911, R.G. 10, Volume 3690, File 13,886-4, UBCICL.


92 Oliver to McBride, 4 November 1910, R.G. 10, Volume 3688, File 13,886-4, UBCICL.
Conclusion

For the Songhees Indians, nature in all its splendour and adversity had a profound effect on their world-view and culture. Their environment, specifically the land and its resources, was important in the lives of the Songhees. The fundamental role of the land in the Songhees' lives influenced their negotiations regarding it. The Songhees were amenable to the initial land deals but subsequently actively resisted attempts to remove them from their city location.

The Songhees' resistance resulted partly from their suspicion of the government's integrity in land negotiations. The colonial government had promised payment for the sale and leasing of their land, but failed to fulfill the terms agreed upon. While relations between the Europeans and the Songhees appeared amicable during the contact and early settlement era, the Songhees became suspicious and hostile toward the Europeans regarding their land.

The Songhees' resistance to relocation was also based upon the advantages that the location offered for the Band. The most important of these was the Songhees' beneficial relationship with the economy of the fort, and later with that of the city. The Songhees were able to incorporate the advantages of employment at the fort with their traditional migrations for resources, and thus continued their interaction with the environment of southeastern Vancouver Island. If they had not resisted relocation the Songhees might have been removed in 1880, 1891,
1895, 1901, or on numerous occasions between 1901 and 1909.

At the turn of the twentieth century, internal and external conditions changed for the Songhees, causing them to reevaluate their reasons for resisting relocation. Under new leadership and facing very different economic conditions, the Songhees position regarding relocation began to waiver. As pressure for their removal mounted from residential, commercial, municipal, and government interest groups the Songhees considered a relocation. Although there was dissention amongst the Band members, the majority agreed to surrender the reserve. The Songhees Chief, Michael Cooper, realized that expropriation of the reserve was an impending possibility. While the Songhees resisted as long as they could, they surrendered their reserve for what they deemed a reasonable cash settlement and a new reserve in a mutually agreed upon location. This agreement was not one of simple compliance with demands forced on them. The Songhees negotiated a settlement which in some measure reflected their own needs. At the same time, the governments responded, in part, to these needs.

For the federal and provincial governments the Songhees position was an impediment to the relocation transaction. The governments debated terms for the Songhees relocation for decades. The Songhees were consulted when an agreement between these governments was close at hand. According to the Indian Act a Songhees surrender was a necessary step towards removal. When the Songhees refused to even consider a move, the governments'
own hard pressed compromises negotiated in 1901, 1906, and 1907, collapsed.

The final deal in 1910, like those previously arranged, represented a compromise. The provincial government was willing to reconsider its reversionary claim to the old and new reserve because of mounting pressure for the Songhees removal. The demand for the Songhees reserve was part of a province-wide need for land. Increased settlement and a growing resource-based economy were factors which placed pressure on the land and resources of the province. The Songhees, like many other Indian Bands were unable to escape the assault on their land. During the province's developmental years at the turn of the century, Indian land was expropriated and confiscated, and reserves were relocated and cut back in size. The Songhees reserve, located on prime real estate in the capital city, was under attack from numerous sources especially from those who wished to revive the waning fortunes of the port of Victoria.

The dominion insisted on debating the interpretation of the Terms of Union and the British North America Act, and these attempts to preserve its own jurisdiction did nothing to protect the British Columbia Indians from the assault on their land and their resources. The Songhees relocation is just one example which testifies to this. The federal government like the provincial government was faced with mounting pressure on reserves situated in close proximity to developing urban centers. Department of Indian Affairs officials were told that
Indians stood in the way of progress. To prevent further confrontations, as exemplified by the case of the Songhees reserve, the federal government amended the Indian Act so that a surrender was not necessary when a reserve was in the way of a developing city. The Songhees made a timely surrender before the passage of this legislation. However, the Songhees resistance to relocation, combined with that of many other Bands occupying urban reserves in Canadian cities, precipitated a harsh response from the provincial and federal governments. The active role of the Songhees in their land negotiations is just one example of Indians attempting to negotiate with governments regarding their land. A firm stand to protect their rights by Bands such as the Songhees, unfortunately precipitated an even firmer stand to erode those rights on the part of the federal government.
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