

Lesson Plan. The Douglas Treaties: A Lesson in Perspectives

Mary S., Sasha I., David E.

Rationale:

This purpose of the content of this lesson on the Vancouver Island Treaties is to explore what is known and not known about what occurred during the ‘treaty’ making process using source materials, and to explore what constitutes fairness in negotiations. This content is highly relevant for Victoria high school students as it not only explores a contentious piece of local history, but a part of history that is still being played out in the Canadian legal system today.

The lesson consists of three main parts: exposition (teacher-centred) via PowerPoint, tableau activity, and small and group discussions. These three methods strive to enable the student to explore the topic through several modalities. The tableau is intended to concretize the thinking of the learner and situate them in the historical context. The literature on drama pedagogy (used in this lesson through the use of a tableau) suggests that the methodology’s power lies in assuming another’s role, which challenges students to imagine a different reality (Miller and Saxton 228), employing metacognition to authentically depict an unfamiliar world (Andersen 283). This imaginative process is central to nuanced social studies learning. The activities of small and large group discussion to share experiences verbally is intended to help solidify the notion of differing perspectives.

Vancouver Island Treaties: A Lesson in Perspectives
Grade: 10
Big Ideas: <ul style="list-style-type: none">• Worldviews lead to different perspectives and ideas about developments in Canadian society.• Historical and contemporary injustices challenge the narrative and identity of Canada as an inclusive, multicultural society.
Curricular Competencies: <ul style="list-style-type: none">• (Perspective) Explain and infer different perspectives on past or present people, places, issues, or events by considering prevailing norms, values, worldviews, and beliefs• (Significance) Assess the significance of people, places, events, or developments, and compare varying perspectives on their significance at particular times and places, and from group to group• (Change and continuity) Compare and contrast continuities and changes for different groups at particular times and places• (Evidence) Assess the justification for competing accounts after investigating points of contention, reliability of sources, and adequacy of evidence, including data
Content: <ul style="list-style-type: none">• government, First Peoples governance, political institutions, and ideologies, specifically title, treaties, and land claims
Teaching Strategy Targeted: Lecture, Tableau and Groupwork
Materials Needed:

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- Introduction - PPT Slides
- Tableau
 - Sources on the Douglas Treaty - <http://govlet.ca/en/pdf/cc2-blm-6.pdf> (see Appendix A)
 - Fair/Unfair sheet (see Appendix B)
 - Props (blanket, coins, pens, paper, hats)
- Discussion/Conclusion
 - For small group discussion: Fair/Unfair sheet
 - For large group discussion: Whiteboard for capturing big ideas/terms
 - For the closing: projector & computer for Powerpoint (or) whiteboard for writing the 4 characteristics; original image of a treaty

Introduction (15 minutes):

- Slide 2.
 - Elicit what students think is happening
- Slide 3: Pair Discussion of 3 Questions
 - One partner: stand up- share out- sit down activity
- Slides 4-8
 - Elicit differences between the first treaty image and the modern image
 - Point out traditional seasonal hunting and fishing areas for First Nations
 - Video: Canadian Heritage Minutes: *Naskumitawin (Treaty)*
 - Save slides 7-12 for post-activity discussion

Tableau Activity (30 minutes):

- **Introduction (5 min)**
 - Describe what a tableau is:
 - A tableau is a frozen visual image (created by your bodies) of the action at a scene.
 - Describe the task:
 - We will divide you into two groups.
 - Each group will be responsible for creating a tableau of the moment of the 'treaty' making
 - You will be given source material (See Appendix A) that describes context and 'treaty-making' event on southern Vancouver Island from which you are to create the tableau
 - Your job will be to together recreate the 'scene' of 'treaty' making
 - You will do this by each reading and becoming the expert on the one source material given to you.
 - Then together as a group you will work together to pull your individual pieces of the puzzle together to create a collective tableau of the scene.
 - Describe things to consider/think about as they create the scene (i.e. what does your source materials tell you about):
 - The power dynamics between the people at the meeting?
 - The motivations of the people to be at that meeting? E.g. what were they hoping to get out of it?
 - How each person was feeling or thinking about what was happening?
 - Whether this was a fair negotiation or not?
 - Lastly:
 - Don't be worried about there not being a tonne of material - work with

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- what you have
- Have fun!
- You have 10 minutes
- **Groups Prepare the Tableau (10 min)**
- **Groups Present the Tableau (15 min)**
 - Handout the Fair/Unfair sheets of paper
 - Instruct the group that when it is their turn to observe the other group's tableau, they should observe the tableau carefully and record on the handout:
 - their impressions of what they see in the Tableau
 - specifically what evidence they see of fair or unfair negotiations
 - Instruct the 2nd group to close their eyes
 - Instruct the 1st group to get ready, then I will count down 3, 2, 1 and the 2nd group can open their eyes
 - Repeat with the 2nd group in Tableau

Discussion/Conclusion (35 minutes)

- **Small group reflection in mixed groups (10 min)**
 - generate groups of 4 composed of 2 members from each perspective (i.e. 2 from each tableau group)
 - within the small, mixed groups, students should share the contents of their fair/unfair sheet with each other
 - students should discuss things that stood out in the tableaus of the other group & unpack how the decisions were made
 - students should identify what questions they still have or things they would like to be clarified
 - students should reflect on the exercise, however they wish
- **Large group discussion (15 min)**
 - bring the students together for a semi-guided discussion
 - begin by asking for people to share some of the things discussed in groups
 - respond to the strand of discussion. If prompting questions are needed, consider:
 - "What aspects or details of the other group's tableau spoke to you?"
 - "What was a difficult decision for you to make when designing your tableau?"
 - "Did this experience change the way you think about Victoria?"
 - "What does this exercise illustrate about history?"
 - "What response did you have to your primary source material?"
 - "What questions do you still have? Where are there gaps in your understanding?"
- **Closing thoughts & return to original image (10 min)**
 - Through Powerpoint or board-writing, present students with the **4 characteristics of a fairly negotiated agreement** (UVic & Canadian Dept. of Heritage @ <http://govlet.ca/en/cc2step1.php>):
 1. Free authorized consent
 2. Reasonable value under the circumstances
 3. Fundamental understanding
 4. No significant intentional deception
 - Ensure that students understand what the 4 characteristics mean
 - return to the original image of a treaty shown at the beginning of class. Ask if any of the 4 characteristics are missing

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- turn the lens back to this activity and ask the extent to which these 4 characteristics were honoured in the negotiation of the Douglas Treaties

Assessment:

- Participation in the tableau, small group discussion, large group discussion

Adaptations:

Extensions:

Resources:

<https://hcmc.uvic.ca/songheesconference/treaties.php>

<http://govlet.ca/en/index.php>

<http://www.bctreaty.ca/six-stages>

<http://www.bctreaty.ca/sites/default/files/LegalOpinion-FPIC-BCTC-2018.pdf>

References:

Andersen, Christopher. "Learning in 'As-If' Worlds: Cognition in Drama in Education." *Theory Into Practice*, vol. 43, no. 4, Nov. 2004, pp. 281–86, doi:[10.1207/s15430421tip4304_6](https://doi.org/10.1207/s15430421tip4304_6).

Miller, Carol, and Juliana Saxton. *Into the Story 2: More Stories! More Drama*. Intellect Books Ltd, 2016.

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Appendix A: Source Material for Tableau -

Source Material for Group 1 (Indigenous Perspective)

Douglas Treaties Document #3: Mutual Benefit

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

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

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

Douglas Treaties Document #6: Terms of the Treaty

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

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

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

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

Douglas Treaties Document #8: No Payment Made

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

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

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

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

Douglas Treaties Document #13: Refuting McKay's Assertion

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

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

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

Douglas Treaties Document #14: Treaty as Peace Offering

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

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

Douglas’ word was before that, but what they were thinking then was that it was a peace offering for the damage that he had done.

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

Douglas Treaties Document #16: Signing the Treaty with Crosses

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

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

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

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

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

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

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

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

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

Source Material for Group 2 (Douglas Perspective)

Douglas Treaties Document #2: Governor Douglas’ Motives

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

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

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

Douglas Treaties Document #4: Governor Douglas’ Promises

Governor James Douglas describes purchasing land, May 1852:

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

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

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

Swengwhung Tribe – Victoria Peninsula, South of Colquitz

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

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

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

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

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

Done before us,

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

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

Douglas Treaties Document #12: Language Clearly Understood

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

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

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

Douglas Treaties Document #15: Terms of the Treaty

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

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

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

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Appendix B: NoteSheet for Observing the Tableau

General Observations on the Tableau	
Evidence of Fair Bargaining	Evidence of Unfair Bargaining

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Appendix C: VANCOUVER ISLAND OR DOUGLAS TREATIES 101, By Dr. John Lutz,
History Department, University of Victoria

(retrieved from <https://hcmc.uvic.ca/songheesconference/treaties.php>)

WHO WAS JAMES DOUGLAS?

- Fur trader. Son of Scottish merchant and a Black woman or mixed race woman from British Guyana. Married Amelia Connolly daughter of HBC office and his First Nations Wife
- Head of the Hudson's Bay Company on the west coast from 1840s-1858.
- Chose the site of Fort Victoria in 1842 and started construction in 1843
- Moved to Victoria in 1849

COLONY OF VANCOUVER ISLAND

- In 1849 the British Government declared Vancouver Island to be a British Colony to stop American expansion
- Estimated 20,000-30,000 First Nations not consulted
- To delay having to pay the cost of colonisation the British leased the colony to the Hudson's Bay Company (HBC) for 10 years

COLONY OF VANCOUVER ISLAND

- HBC paid all the costs up front, sold land to settlers to cover costs, with a promise that the British Government could take back the colony and would reimburse the HBC any costs not covered by land sales in 1859
- James Douglas represents HBC and so controls land
- First governor, Richard Blanshard, quit after a few months and James Douglas became second governor

TREATIES

- James Douglas adopts the position that he must purchase title to land for settlement from First Nations
- What we call treaties he called "deeds of purchase"
- Makes 14 treaties/"deeds of purchase" on Vancouver Island between 1850-1854

TREATY PEOPLE

- Coast Salish
 - Straits Salish
 - Lekwungen(6treatiesnow2communitiesSongheesandEsquimalt)1850
 - Sooke(1treatynow1community)1850
 - BeecherBay(2treatiesnow1community)1850

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- WSANECorSaanich(2treaties–
now4communities,Tsawout,Tsartlip,Paquachin, Tseycum) 1852
 - Halkomelem
 - SnuneymuxworNanaimo(1treatynow1community)1854
- Kwakwak'wakw
 - Kwakiutl(2treatiesnow1communityFortRupert)1851

-
- All the settlers on these lands

CONTEXT OF THE TREATIES

- They were verbal agreements
- At least for the Lekwungen and WSANEC treaties, used a translator who oral history says was proficient
- For first nine treaties there was no text provided at the time the treaties were agreed to – documents suggest a letter was read out stating the HBC's idea of the treaty
- Douglas records that there was much discussion and an agreement

HISTORY OF THE TREATIES

- No actual text at the first 9 treaty meetings
- These nine treaties record the names of every member of each First Nations in attendance with an x placed beside their name
- The text that we now consider the treaty text did not arrive in Victoria until 6 months after nine treaty meetings
- Treaty text may have been available for the later Fort Rupert, Saanich and Nanaimo Treaties but none of the First Nations could read – for these treaties only chiefs' names recorded.

CONTENT OF THE TREATIES

- We do not know what the oral agreements were
- There are conflicting accounts• The written treaties
- Douglas' reports to the HBC
- Oral histories from Lekwungen (Songhees-Esquimalt), Saanich (WSANEC), Nanaimo (Snuneymuxw) and Kwakiutl

WHAT TO CALL THE TREATIES?

- Fort Victoria Treaties (only 9 treaties were signed near Fort Victoria)
- Douglas Treaties (gives all the credit to Douglas but these were clearly joint agreements with First Nations)
- Vancouver Island Treaties (most inclusive)

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WHAT DO THEY MEAN FOR US TODAY?

- Some First Nations take the view that the agreements made were treaties and that the treaty promises have not been honoured.
- Some First Nations take the view that these were not treaties as they have been recorded in the written record. Instead the oral agreements were not properly recorded, were only agreements about peaceful relationships going forward.
- The courts have taken the position that the agreements were valid treaties that bind the government and First Nations and continue to offer hunting and fishing rights to the signatory First Nations.
- Ultimately, what the treaties mean is still being debated.