

Chapter 15

Pre-Confederation Reserves

If your community has a pre-confederation treaty or reserve allotted by James Douglas you will want to research the policies and practices that led to its creation and, in many cases, its elimination or reduction under the Chief Commissioner of Lands and Works, Joseph Trutch. This chapter gives information on how to begin your research. It outlines an historical context for research and points out specific documents that you can use to find out if your community has a pre-confederation reserve or treaty and if it was formally recognized and included in later reserve allotments. This chapter also lists documents that will help you look for evidence of traditional land use and occupancy and track the way colonial policy was carried out in your area.

Historical Overview

As Chief Factor of the Hudson's Bay Company, James Douglas entered into treaties with Indigenous Peoples from communities around Victoria, Nanaimo and Fort Rupert between 1850 and 1854. The 1873 Indian reserve schedule lists 14 Vancouver Island Indian reserves that had been created as part of these treaties. According to the colonial version of these treaties, the Indigenous signatories surrendered their entire territories forever in exchange for cash payments, Indian reserves and certain hunting and fishing rights. However, Indigenous oral histories indicate that these treaties were considered peace treaties that would ensure Douglas and his people no longer interfered with the Indigenous Peoples and their territories. See *The Oral History of the 1852 Saanich Douglas Treaty: A Treaty for Peace* by Janice Knighton (University of Victoria, 2004) for transcripts of oral history related to Douglas treaties and reserves in Saanich territories. The text of 13 Douglas treaties can be found in *Papers Connected with the Indian Land Question, 1850-1875* (see the full citation in Chapter 4: Documents). There is no surviving text of the Nanaimo treaty.

When Douglas became governor of the colony of British Columbia in 1858, he directed



Sir James Douglas established reserves in the pre-confederation period. (BC Archives A-01229)

his colonial officials to survey and reserve lands for Indigenous people on the mainland. He established Indian reserves in the Fraser Valley, the Fraser Canyon, Kamloops, the Nicola Valley, the Okanagan, and the Shuswap Lakes areas. Douglas' treatment of Indigenous lands and resources was based upon British colonial law and policy. His policy directed that reserves should include all lands "pointed out by the Natives themselves."¹ This included all sites that Indigenous people indicated that they lived on or used such as permanent village sites, fishing stations, burial grounds, cultivated fields and "resorts." These sites were meant to be reserved "to the extent of several hundred acres round each village."² In the end, some Douglas reserves were never surveyed, but only staked out and sketched. In other cases there are no surviving surveys or sketches or the records have been lost. In these cases, the only surviving information is preserved in oral tradition.

In 1864 Joseph Trutch became the Chief Commissioner of Lands and Works and Surveyor General for the Colony of British Columbia. He assumed responsibility for the creation of Indian reserves. He allotted very few new reserves. In many cases he even denied that the reserves had been laid out or surveyed, despite the details of such reserves appearing in documents of the period. Trutch reversed Douglas' policy and systematically reduced many of the reserves that had already been established. These are known as "Trutch reductions" or "Trutch cut-offs." Fortunately, some scattered documents remain to verify the establishment of the earlier reserves and the authority of the officials involved.

Researching Pre-Confederation Reserves

Pre-confederation treaty and reserve policy is set out primarily in official correspondence, instructions, directives and proclamations made during the colonial period. For some individual reserves there is a considerable amount of documentation, including detailed survey plans. For others, correspondence may suggest that a pre-confederation reserve was laid out, but there is little documentary or survey evidence to precisely quantify or locate it.

The information in this section has been divided into two parts. The first part outlines issues you will want to take into consideration when you are looking for and analysing research materials. The second part lists specific documents to review.

Research Analysis

There are some specific issues that you will want to take into consideration when you are searching for documents and analyzing research materials.

- **Record keeping:** In the pre-confederation period record keeping was haphazard. Letters were often passed back and forth between departments. As a result, they can be hard to locate. They could be filed under the name of the author and/or under the name of the government department(s) in which he served, or in the files of the person to whom he reported. Also, important commentaries and instructions can be difficult to find, as they were often written in the margins.
- **Use of the word "reserve:"** Before Confederation, parcels of land were "reserved" for a variety of reasons. The term "reserve" was used to refer to any piece of land that was not available for **pre-emption**, sale or grant to private individuals. This not

only included Indian reserves but also reserves for military, school, town, church or other purposes. They were often called “land reserves” or “government reserves.” In many cases the original purpose for setting aside a reserve changed. So, for example, a “town reserve” might later be called a “public reserve.” There are examples of a “government reserve” or “land reserve” turning into an “Indian reserve” or an “Indian Government Reserve.” This can be confusing if you are looking for references to Indian reserves. It is important to search for the evidence you need under all of these names.

The Research Process

There are several components to researching pre-confederation reserves. The various documents and research issues are listed below. For additional information on these sources and where to find them see Chapter 4: Documents.

- It is always a good idea to start your research in your community. See if there are any Elders or community members who know about a Douglas reserve or treaty. For information on interviewing community members see Chapter 6: Oral History.
- The *1871 Schedule of all Indian Reserves (surveyed) in the Province of British Columbia* lists 76 reserves in BC prior to confederation and provides the text of the treaties. The schedule of reserves appears in the *Report of the Superintendent for Indian Affairs for British Columbia* for 1872 and 1873. The schedule may have information about whether your band had a Douglas reserve (either an intact Douglas reserve, a Douglas reserve that was cut off by Trutch, or a Douglas reserve that was later enlarged). Note that the title of the schedule is misleading because evidence exists that many other Indian reserves were laid out and/or surveyed but were not included in the schedule. As a result, it may only help you find one piece of the puzzle.
- *Making Native Space* by Cole Harris (Vancouver: UBC Press, 2002) contains an “Appendix of Indian Reserves in British Columbia during the Colonial Period.” This is the most complete existing list of pre-confederation reserves. It contains the information from the *1871 Schedule of all Indian Reserves (surveyed) in the Province of British Columbia* and includes additional information.
- You will also find copies of correspondence about Douglas reserves in *Papers Connected with the Indian Land Question, 1850-1875* (Victoria: Queen’s Printer, 1875). If you are researching Douglas treaties this will be a valuable resource. It includes the 1871 reserve schedule mentioned above.
- The four-part series, *Papers Relative to the Affairs of British Columbia* (London, England: George Edward Eyre and William Spottiswoode printers, 1859) is also a useful collection. It contains reproductions of the original documents; however, it does not carry the responses, observations or instructions for follow-up that various officials wrote in the margins of the original (**marginalia**).
- The BC Archives’ Colonial Correspondence collection contains original correspondence regarding Douglas’ reserve policies.
- The *Revised Statutes of BC, 1870* has pre-confederation proclamations from this period. You will also want to look at other record and manuscript groups at the BC Archives dealing with the colonial period. These include the records of the Hudson’s Bay Company, British Colonial Office, Colonial Secretary, Provincial



Secretary, Chief Commissioner of Lands and Works, Royal Engineers, Gold Commissioners, Magistrates, Government Agents and early land records, among others. Check the blue government records reference binders (numbers 3, 3A, 4, 15, 15A, 15B, 15C, 15D & 25) in the Archives reference area to identify the potential government record groups you should be checking.

- Some Colonial Office and British Privy Council Office records are available on microfilm at the UBC Koerner Library and at Library and Archives Canada (LAC). The collections will have many of the letters regarding colonial policy written by officials in England.
- *Journals of the Colonial Legislature of the Colonies of Vancouver Island and British Columbia, 1851-1887* is a useful source if you are looking for an important decisions regarding a colonial policy. The originals are available at the BC Legislative Library. There is also a published collection of documents from the *Journals* (Ed. James Hendrickson, Victoria: Provincial Archives, 1980). It is available at the BC Archives and at university libraries.
- The surveys executed by the Royal Engineers (RE) are a valuable source of evidence of Douglas reserves. Copies are available at BC Archives and the UBCIC Resource Centre. The originals, as well as the original Royal Engineers **field books**, are in the Map Vault of the BC Surveyor General Branch.
- Government Gazettes for the mainland and for Vancouver Island regularly published notices of parcels that the government had reserved from pre-emption. The notices contain numerous references to Indian reserves. While the Gazettes themselves have only a small amount of information, they may help you identify additional areas of research. For example, they include public notices of the districts in which RE survey parties were active, with advisories to pre-emptors to contact them and point out their claims for survey. This will help you determine if the surveyors visited your area. Since the surveyors regularly laid out and/or surveyed Indian reserves wherever they worked, tracking their movements helps to narrow the search for records of Indian villages, burial grounds, gardens, fishing stations and trails at a particular place. The Gazettes also published the text of legislation as it was enacted, information about road building projects, and more.
- Hudson's Bay Company, church, explorer, settler and other early records may also provide some useful information.
- Archaeological and survey evidence may be helpful to support the documentary information you find. See Chapter 9: Archaeology Resources and Chapter 10: Maps and Surveys and for information on these approaches to research.

Notes

¹ Acting Colonial Secretary to Chief Commissioner of Lands and Works, 15 January 1860 in BC Archives *Colonial Correspondence* file 317(2).

² *Circular from Douglas to the Gold Commissioners and Magistrates of British Columbia*, dated October 1, 1859, in BC Archives *Colonial Correspondence* file 485 "Douglas, James (Governor) 1859."

Resources

- Harris, Cole. 2002. *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*. Vancouver: UBC Press.
- Duff, Wilson. 1969. The Fort Victoria Treaties. *BC Studies* 3 (Fall 1969). 3-57.
- Fisher, Robin. 1975. An exercise in Futility: the Joint Commission on Indian Land in British Columbia, 1875-1880. Canadian Historical Association. *Historical Papers*: 79-94.
- Kennedy, Dorothy. 1995. *A Reference Guide to the Establishment of Indian Reserve in British Columbia 1849-1911*. Ottawa: Claims and Historical Research Centre.
- Knighton, Janice R. 2004. *The Oral History of the 1852 Saanich Douglas Treaty: A Treaty for Peace* (M.A. Project). Victoria: University of Victoria.
- Laing, F.W. 1939. *Colonial Farm Settlers on the Mainland of British Columbia, 1858-1871*. Victoria: N.p.
- Tennant, Paul. 1990. *Aboriginal Peoples and Politics: The Indian Land Question in BC, 1849-1989*. Vancouver: UBC Press.

Websites

British Columbia Courthouse Library Society
<http://www.bccls.bc.ca/>

