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The
**BRITISH COLUMBIA
 HISTORICAL QUARTERLY**

*"Any country worthy of a future
 should be interested in its past."*

VOL. V.

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EARLY FLOUR-MILLS IN BRITISH COLUMBIA.*

PART I.—VANCOUVER ISLAND AND THE LOWER MAINLAND.

In the history of the economic beginnings of the Province of British Columbia manufacturing has tended to be completely overshadowed by the emphasis placed upon staple production, at first in terms of fur and subsequently in terms of gold, fish, and lumber. The present article is an attempt to trace the development of the flour-milling industry up to the end of the colonial period in 1871. Naturally enough, the emergence of flour-milling as a factor in the economic life of the colony was dependent upon the development of agriculture in general and of the cultivation of wheat in particular. The suitability of the area to agricultural exploitation was, therefore, a conditioning factor. Moreover, agriculture, of necessity, led a tenuous existence until the itinerant population, characteristic of a gold-rush, was replaced by a fixed population.

The assumption that the fur trade companies were antipathetic to the agricultural development of the territories under their control is completely erroneous. Daniel Williams Harmon, when stationed at the Stuart Lake and Fraser Lake posts of the North West Company during the period from 1811 to 1818, records in his *Journal* the cultivation of a great variety of vegetables, as well as barley and corn.¹ Moreover, Sir George Simpson, the great organizing genius of the Hudson's Bay Company, was firmly convinced of the interrelation of the two economic activities.

* This article owes its origin to the presidential address on *Flour Milling in Canada*, read before the Victoria Section of the British Columbia Historical Association, on November 13, 1939, by the retiring President, Mr. John Goldie. The latter portion of the address included an outline of the history of flour-milling in British Columbia, and Mr. Goldie very kindly placed his data at the disposal of the writer of the present paper.

(1) Daniel Williams Harmon, *A Journal of Voyages and Travels in the Interior of North America*, Andover, 1820, pp. 202, 248, 257, 267.

British Columbia Historical Quarterly, Vol. V., No. 2.

It has been said that Farming is no branch of the Fur Trade but I consider that every pursuit tending to lighten the Expence of the Trade is a branch thereof and that some of our Factors and Traders on the other side are better adapted for and would be more usefully employed on this side in the peaceable safe and easy occupation of Farming than in Councilling Dealing with Indians or exploring new countries for which many of them are totally unfit . . .²

It is not surprising, therefore, to find references to agricultural activity in the reports of the various Hudson's Bay Company posts in the country.³ A clear indication of the attitude of the company is given by the comment made by Peter Skene Ogden in his *Notes on Western Caledonia*. After seven years' experience in the district he was able to counsel:—

Regarding our farming operations I have done all in my power with the means at our disposal to encourage them, & I would strongly advise you to follow the example, two years following, from the scarcity, of Salmon that prevailed over the District we had convincing proofs of the great benefit arising from farming—at Fort George ten men were solely supported on grain; and at Alexandria even more in proportion; independent of these advantages which are not of minor importance, I have within the last years, reduced our demands on Colville twenty five Bags Flour less—in itself again no small object, when we take into consideration the long transport with Horses, . . .⁴

But of more pertinent interest are the early references to milling. Evidently, as early as 1837, a small mill was in operation at Alexandria, judging from a letter by Chief Trader Alexander Fisher, in which, in an enumeration of the tasks to be done at his post, he included "twenty bags of flour to grind."⁵ This mill

(2) George Simpson, *Journal, 1824-25*, in F. Merk (ed.), *Fur Trade and Empire*, Cambridge, Mass., 1931, p. 50.

(3) E.g., Fort Langley. Cf. "Fort Langley Correspondence," *British Columbia Historical Quarterly*, I. (1937), pp. 187, 188, 191.

(4) Peter Skene Ogden, *Notes on Western Caledonia* (written cir. 1844), MS., Archives of B.C. This document has been printed, *vide* W. N. Sage (ed.), "Peter Skene Ogden's Notes on Western Caledonia," *British Columbia Historical Quarterly*, I. (1937), pp. 45-56.

(5) C. T. Alexander Fisher (Alexandria) to John McIntosh (Fort Chilotin), June 11, 1837, in A. G. Morice, *The History of the Northern Interior of British Columbia*, Toronto, 1904, p. 179. Peter Skene Ogden in *Notes on Western Caledonia*, speaking of the renewal of the company servants, has an interesting comment: ". . . you will find it to your interest to secure those you have—two Orkneymen fishermen, and a Blacksmith; most particularly the latter, not only on account of our Boats, but also Farms, and Mills much required in the District . . ." MS., Archives of B.C.

continued to operate for a considerable time, for A. C. Anderson, at a much later date, recalled:—

At Alexandria, long before the general settlement of the Province, Wheat was cultivated on a limited scale. From 1843 to 1848, between 400 and 500 bushels were raised annually at the Hudson's Bay Company's Post, and converted into flour by means of a mill, with stones eighteen inches in diameter, wrought by horses.⁶

A grist-mill was also in contemplation for Fort Victoria, which had been established in 1843 as the Hudson's Bay Company's depot west of the Rocky Mountains.⁷ The original project, framed in 1847, called for the construction of a sawmill, which was erected in 1848, on Millstream, at the head of Esquimalt Harbour, a short distance above the present Parsons Bridge.⁸ From its commencement scarcity of water hampered the efficiency of the mill. This condition led Roderick Finlayson, then in charge of the post, to delay the construction of the grist-mill at this site until a search was made for a more suitable stream. The ill-success of his effort is to be judged from the following entry in the *Fort Victoria Journal*, under date September 11, 1848.

Having now been unsuccessful in finding a more suitable site for the Grist Mill than that on the Mill Stream I gave orders this evening to begin building it there.⁹

The later history of this enterprise more properly belongs in the colonial period, for by a Crown Grant dated January 13, 1849, Vancouver Island had been established as a Crown Colony under the superintendency of the Hudson's Bay Company. For the sake of completeness, however, it will be detailed here. The

(6) A. C. Anderson, *The Dominion at the West*, Victoria, 1872, pp. 47-48.

(7) James Douglas in his famous report on the reconnaissance which resulted in the selection of the site for Fort Victoria in 1842, remarked that "flour or saw-mills may be erected on the canal of Camosack." James Douglas to John McLoughlin, July 12, 1842, *Vancouver Island. Copy of Correspondence between the Chairman of the Hudson's Bay Company and the Secretary of State for the Colonies*. . . . [Return, British House of Commons.] London, 1848, p. 5.

(8) *Vide* W. Kaye Lamb, "Early Lumbering on Vancouver Island," *British Columbia Historical Quarterly*, II. (1938), pp. 38-39.

(9) *Fort Victoria Journal*, September 11, 1848. Quoted from notes in the possession of W. Kaye Lamb, compiled many years ago from the records of the Hudson's Bay Company, before they were forwarded to the Archives of the company in London.

completion of the mill was further delayed by the desertion of the original millwright, Fenton by name, consequent on the California gold-rush. A new millwright was secured from England, William Parsons. Acting upon instruction, a grist-mill was obtained in England and shipped in the *Norman Morison*, arriving in Esquimalt Harbour on March 27, 1850.¹⁰ Some doubt exists as to the actual operation of this plant. In any case, an inadequate water-supply could not but have greatly hampered its success. It is believed that the millstones were purchased by the Cornwall brothers in 1864, and used by them to grind flour at Ashcroft for some years.¹¹

In turning now to the colonial period, it would, perhaps simplify the treatment considerably if a regional basis of discussion were adopted, dealing first with the developments on Vancouver Island and then passing over to the Mainland colony.

As has already been noted, Vancouver Island was erected into a Crown Colony early in 1849. Its progress was slow—the colony was remote from centres of population, and had, moreover, to compete with California, then in the throes of the gold-rush. However, some progress was made, for by 1855, according to the returns made in a census, three flour-mills were in operation in the colony. In addition to the plant at Millstream, already described, there was one at Maple Point, the site of the Craighflower Farm, and a third at "Soke."¹² Concerning this last, no further data are available.

(10) The following extract is from the obituary notice of Mrs. Wm. Gray, formerly Mrs. Wm. Parsons, who died in Victoria, December 28, 1908: "All these immigrants, practically all of whom were under engagement to the Hudson Bay company, landed at Esquimalt, and almost immediately afterwards Mr. and Mrs. Parsons went up to the Hudson Bay company's grist or flouring mill, which was at that time situated upon what was then known as Rose stream and now as Mill stream, a short distance above Parson's bridge, so named in commemoration of these very immigrants. They lived at this place until five years, the usual term of service with the company, had expired, and thereupon leaving the service, the mill, to borrow the expressive phrase of a pioneer 'went to the devil' . . ." *Victoria Daily Colonist*, December 29, 1908.

(11) E. Davis, *History of the Early Water Power Development in British Columbia*. (MS. by the Comptroller of Water Rights for British Columbia.)

(12) W. Kaye Lamb (ed.), "The Census of Vancouver Island, 1855," *British Columbia Historical Quarterly*, IV. (1940), p. 58.

The Maple Point or Craigflower mill was operated by the Puget Sound Agricultural Company, a subsidiary of the Hudson's Bay Company. The construction of this mill, which was operated by steam-power, was completed on October 11, 1853, and eleven days later, on October 22, it commenced to make flour.¹³ This mill not only ground flour for the two companies but also for the community generally. Indeed, judging by an entry in the *day-book* kept by Kenneth McKenzie, who was in charge of the Craigflower Farm, it ground the grain of the neighbouring posts as well. On January 3, 1854, there is recorded a transaction involving the grinding of $28\frac{1}{10}$ bushels of wheat at 2/- per bushel for Dr. Wm. F. Tolmie, then in charge of the Puget Sound Agriculture Company's farm at Nisqually, Washington Territory.¹⁴ The existence of this mill led, subsequently, to the beginning of a most lucrative subsidiary industry at Craigflower, namely, a bakery. As a result of negotiations carried on between Rear-Admiral Sir Thomas Maitland and Mr. McKenzie, in 1860, a contract was entered into for supplying biscuits and bread to the naval ships based at Esquimalt.¹⁵ Craigflower continued to act in the capacity of a supply depot for the station until 1874. Judging from the amount of business transacted by the bakery,¹⁶ it becomes evident that the Craigflower mill alone could not have provided the necessary flour and that, consequently, recourse was had to imported flour.

The dependence upon the importation of foreign foodstuffs was characteristic of the economic life of the colony of Vancouver Island. The erection of local mills, by partially meeting the local demands, tended to decrease this dependence but in no way to eliminate it. This fact is illustrated by the reply given to a proposal offered by Wm. F. Tolmie that wheat might be purchased from Nisqually for manufacture into flour at Victoria.

Your proposal relative to purchasing Wheat has been duly considered. As we have a considerable stock of Flour on hand, and as the Wheat crops on

(13) Entries in R. Melrose, *Royal Emigrant's Almanack*, an original diary in the Archives of B.C.

(14) *Day-Book, 1853-1855*, Kenneth McKenzie Collection, Archives of B.C.

(15) *Kenneth McKenzie Collection*, Archives of B.C.

(16) E.g., Requisition order, dated August 3, 1864, for 9,230 pounds of biscuit and 4,392 pounds of bread; on another occasion 150,000 pounds of biscuit were supplied. *Ibid.*

the Island are promising, it is considered we will have sufficient flour for the year's consumption, but even should we be short, it is considered that the deficiency can be obtained from California, where flour is now low, and likely to continue so, and freight by vessels coming for coal moderate, . . .¹⁷

The prospect for the manufacture of colonial flour was still further lessened by the proclamation on January 18, 1860, of Victoria as a Free Port. Local millers, in consequence, were forced to compete on an equal footing with the older and more firmly established companies of California. Without some form of protection for the colonial farmer, as well as the colonial miller, flour-milling on Vancouver Island was doomed to a very meagre existence.

Transactions concerning the establishment of flour-mills on Vancouver Island were recorded from time to time in the columns of the *Victoria British Colonist*. The first item did not appear until about five years after the census of 1855. At that time under a heading "Grist Mills" it was announced that the machinery for two grist-mills had arrived in the steamer *Gold Hunter*.¹⁸ In subsequent issues of the newspaper no reference is made to the final disposition of these plants. In the fall of 1862 an intimation appeared to the effect that two Canadian gentlemen were making arrangements to build a large steam flouring mill in Victoria.¹⁹ The plan was not carried into effect, for subsequently a letter to the editor urges the necessity of a subsidy for grist and oatmeal mills.²⁰ Still later, in the spring of 1864, particulars were given of a *St. George Steam Flour Mill Company* proposing to erect a mill at Esquimalt. In the prospectus it was intimated that the capital stock would be \$10,000, in 500 shares of \$20 each. The proposed plant included three pairs of 4½-foot stones, with a capacity of 300 lb. of flour daily.²¹

(17) John Work to William F. Tolmie, August 28, 1854, *Fort Victoria, Correspondence Outward*, MS., Archives of B.C.

(18) *Victoria British Colonist*, March 8, 1860.

(19) *Ibid.*, November 4, 1862.

(20) The letter is signed by J. Begg. It read, in part, as follows: "I have conversed with many of the principal farmers in Saanich and in other parts of the colony, who say they would go into wheat raising extensively if good flour mills were only built . . . I think the Government should offer some bonus in land or otherwise, to parties spending their capital in the erection of grist and oatmeal mills—as the erection of such would be a great saving to the colony." *Ibid.*, December 27, 1862.

(21) *Ibid.*, April 19, 1864.

None of these schemes ever passed beyond the projection stage. The gravity of the situation for the colony is to be gathered from the fact that the Government decided to embark upon a policy of subsidization. Prime mover in this connection was Amor de Cosmos, member for Victoria city, who on November 3, 1864, presented the following resolution to the House of Assembly.

Whereas it is expedient to encourage the manufacture of flour from wheat grown in the colony:

Resolved,—That his Excellency the Governor be respectfully requested to proclaim publicly that if any person or persons shall erect a Flour Mill in any agricultural district, and with such mill make into good superfine and fine flour five hundred bushels of wheat grown in such district and give satisfactory proof thereof, the sum of one thousand two hundred and fifty dollars (\$1250) shall be paid to such person or persons; and this House hereby pledges itself to make good the payment of the said sum or sums out of the general revenue.²²

The House was divided in its opinion—some contending that there were no suitable water-power sites, others that the move was premature in view of the want of home-grown grain. The analysis of the situation, made by Dr. Wm. F. Tolmie, member for Victoria district, was probably the more correct:—

. . . the reason why no wheat had been grown here for the last six years was that Oregon and California had produced so much grain and sent so much flour here, that our farmers could not compete.²³

The resolution as presented was defeated, but an amendment offering a bounty of \$1,250 to any person erecting a mill in any part of the colony capable of grinding 50 barrels a day was carried.²⁴ Subsequently, on recomittal, a new resolution was adopted, to the following effect:—

Resolved, That His Excellency the Governor be respectfully requested to proclaim that, if any person or persons shall erect a flour-mill with the capacity to grind 125 bushels of wheat per day, and shall make into fine and superfine flour with such mill 500 bushels of wheat grown in the Colony, and give satisfactory proof thereof, the sum of \$1250 shall be paid to every such person or persons, provided that such sum shall only extend to the erection of one mill, and that the time within which the erection of such mill shall take place shall be within one year from the date of proclamation. And the

(22) *Ibid.*, November 4, 1864.

(23) *Ibid.* Selim Franklin, member for Victoria city, in speaking to the resolution noted "although we had at least 5000 wheat consumers in the colony we had not a flour mill, except the one at Craigflower."

(24) This was proposed by C. B. Young, member for Victoria city. *Ibid.*

House hereby pledges itself to make good the payment of such sum from the general revenue.²⁵

Even this encouragement produced no immediate results and the House was never called upon to make good its proffered aid. In September, 1865, a petition signed by twenty-six "farmers and settlers" in the North and South Saanich districts was presented to Governor Kennedy, praying for the lease of a mill-site. It was pointed out that the agricultural development of the districts was "considerably impeded . . . for the want of a Flour mill . . ." and, moreover, that, while the districts were well adapted to the production of wheat, no material quantity would ever be produced unless facility for converting it into flour was made available in the immediate vicinity.²⁶ The Government, while sympathetic to the project, was unable to assist as the land requested had already been sold. The issue was raised once again in 1866. Late in January of that year a meeting was held in Porter's Hotel, South Saanich, "to consider the erection of a flour mill in the district."²⁷ The report of the proceedings of the meeting indicated that there was a determination to organize a company for the purpose of carrying out the project, and one-half of the required \$3,000 was actually subscribed. Mention was made of the possibility of governmental assistance.²⁸ In this connection, James Duncan, member for Lake district, moved in the House of Assembly on January 26, 1866, "that \$1,000 be granted in aid of a Flour Mill at Saanich," but his motion went unseconded. Dr. James Dickson, junior member for Victoria district, was successful in carrying through a motion that the House renew the offer made in 1864.²⁹ Evidently the reason for

(25) *Ibid.*, November 11, 1864. In the course of this debate, which took place on November 10, J. J. Cochrane, member for Saanich district, said "a small mill had existed in the vicinity of the city for many years, and yet, he believed, not a bushel of grain had been brought to it by the farmers." Editorially the newspaper remarked: "If wheat is not grown, it is because there is no facility to turn it into flour. Let grist mills be established and we shall not continue many more years dependent on foreign countries for our breadstuffs."

(26) *Petition* to His Excellency Arthur E. Kennedy, K.C.B., Governor of Vancouver Island, September 8, 1865. See also Henry Fry to W. A. G. Young, 7 and 24 October, 1865, MS., Archives of B.C.

(27) *Victoria British Colonist*, January 23, 1866.

(28) *Ibid.*, January 29, 1866.

(29) *Ibid.*, January 27, 1866.

the failure of these efforts on the part of the Government of the colony to foster the milling industry lay, not in the amount of aid offered, but in the provision which excluded small mills, producing less than 50 barrels per day, from participating in the grant.³⁰

Flour-milling was, therefore, an almost negligible factor in the economic life of the colony of Vancouver Island. For the most part this was the result of the free port system, which hampered the agricultural development of the country and forced the local millers to meet foreign competition on an equal footing. The union of the island colony with the neighbouring colony of British Columbia in 1866³¹ involved the abandonment of the free port system and the acceptance of the tariff policy of the mainland colony. The anticipated effect of this change is reflected in the editorial columns of the *British Colonist*.

On this Island it is argued, and with some show of reason, that the farmer finds a poor market for his grain, because labor is too high to render a mill available so long as breadstuffs can enter the market from the neighboring States at a cost below competition. With the Union of the Colonies, however, the producers immediately became the most favored class in the country. With ten per cent duty on imported wheat, 12½ on barley and oats, 15 per cent on flour, . . . a sufficient barrier will be placed against the foreign producer to make farming the most lucrative pursuit on the Island, and by this time next year there should be sufficient employment for several mills.³²

The prophecy thus made received almost immediate partial fulfilment. Early in November, 1866, it was announced in Victoria that Mr. W. H. Woodcock, a prominent mainland speculator, would "erect his new grist mill (which it was originally intended should be put up at Soda Creek) in this city."³³ The mill at that time was in storage in New Westminster. While it was not the mill intended for Soda Creek that Mr. Woodcock purposed erecting in Victoria, as was explained by a correction in the newspaper, nevertheless the plans were advanced by the selection of

(30) This point of view is explained in a letter to the editor by A. Bunster. *Ibid.*, February 2, 1866.

(31) The Act of Union was passed by the Imperial Parliament on August 6, 1866, and proclaimed in the colony on November 19, 1866.

(32) *Victoria British Colonist*, November 5, 1866.

(33) *Ibid.*

an eligible site.³⁴ The arrival of the mill on the *Nor'Wester* was recorded a month later, at which time it was intimated that it would be "erected at some point on the arm of the harbor."³⁵

The erection of flour-mills was now, evidently, a more alluring venture, for still another was launched. Early in April, 1867, "the steam flouing mill" owned by Messrs. F. Laumeister and Charles Gowen was ready for service.³⁶ This mill had been erected on the former site of Dougal & Sons boiler and machine shop on the Indian Reserve, near Hope Point. It was operated in conjunction with their distillery, in fact the entire structure was in two unequal parts, of which the distillery occupied the larger. Fortunately a good description of this plant has been preserved in the files of the *Victoria British Colonist*. The boiler had been brought from Scotland and was "on an improved principle for economizing fuel and heat." The engine was manufactured in London, England, and was claimed to be "the most perfect thing of the kind" in the colony. So powerful was it that the proprietors contemplated adding a circular saw to the other equipment. The grist-mill was equipped with two pairs of stones and was capable of turning out 100 barrels of flour every twenty-four hours. Another feature of the plant was a mechanical tramway used for the discharging and loading of vessels bringing grain and fuel to the establishment.³⁷

The period of active operation of this mill was very short, for, unfortunately, on July 15, 1868, it was destroyed by fire.³⁸ A telling commentary on the state of the flour-milling industry at this time is the fact that in the reconstruction only the brewery was replaced.³⁹

One other mill appears to have been constructed in Victoria about this time by Arthur Bunster, judging by an item in the *Victoria British Colonist*:—

Since the destruction of Gowen & Co's. building by fire, people have asked, what is to be done with the wheat of this season, as they supposed there was no other mill on the Island. This is not so. Bunster's mill was but very

(34) *Ibid.*, November 6, 1866.

(35) *Ibid.*, December 8, 1866.

(36) *Ibid.*, April 2, 1867.

(37) *Ibid.*, April 11, 1867.

(38) *Ibid.*, July 16, 1868.

(39) *Ibid.*, August 18, 1868.

slightly damaged by the destruction of his brewery by fire, and with an expenditure of probably \$100 his mill can turn out fifty barrels a day.⁴⁰

Later the same year it was announced that while this mill had not been running regularly, it had, nevertheless, turned out 20 tons of first-class flour during November, ground entirely from Island-grown wheat.⁴¹

It cannot, however, be maintained that the union of the colonies had brought to pass the high hopes anticipated from the introduction of the protective principle. The colony was still far from supplying its own local consumption. On one occasion it was reported that the steamers *Active* and *G. S. Wright* together brought in 4,812 quarter sacks of flour which could be "considered the average amount per trip."⁴² By the application of customs duties upon both wheat and flour of foreign production it had been hoped that wheat-growing in the colony would be stimulated sufficiently to satisfy the demands of the local mills. When that result was not produced the milling interests were forced to look to foreign wheat in order to keep their mills in operation, and, consequently, there arose an agitation for the reduction or abolition of the duty on wheat, although the continuance of the duty on flour was considered desirable. No clearer exposition of this viewpoint is to be found than that in the petition presented to Governor Seymour by three mill-owners: W. J. Armstrong, of New Westminster;⁴³ A. Bunster, of Victoria; and W. L. Crate, of Cowichan.⁴⁴

To His Excellency, Frederick Seymour, Governor of British Columbia and its Dependencies, Vice Admiral of the same, &c., &c., greetings:

The petition of the undersigned, owners of mills manufacturing flour in the colony of British Columbia, humbly sheweth;

That the present tariff upon wheat and flour imported into the colony, and which was designed to *protect* colonial farmers, operates to the disadvantage of colonial millers; and does not afford the intended protection to farmers, because the duties upon wheat and flour are not fairly proportional, so that imported flour may be sold cheaper than that which is manu-

(40) *Ibid.*, August 28, 1868.

(41) *Ibid.*, December 9, 1868.

(42) *Ibid.*, September 16, 1868.

(43) W. J. Armstrong's mill is discussed in connection with the mills of the Mainland, *vide infra*, pp. 107-108.

(44) For a discussion of Crate's mill, *vide infra*, p. 102.

factured in the colony,—all of which your petitioners humbly beg leave to show, as follows:

300 lbs of wheat make a barrel of flour (200 lbs). The duty upon 300 lbs of wheat is \$1.05. The duty upon flour is \$1.50 per barrel. Here is a difference of 45 cents between the duty upon the quantities respectively named. But the difference between the cost of carrying 300 lbs of wheat and and [*sic*] a barrel of flour is one-third more for the wheat. Suppose the cost of carrying to be \$10 per ton, that is equivalent to one-half cent per lb on the wheat, which amounts to \$1.50 while the freight on the imported barrel of flour amounts to only \$1, which makes the cost of importing 300 lbs of wheat 50 cents more than a barrel of flour. Besides, the manufacturers of flour have to pay the duty upon the sacks or material for the same while there is no duty upon the sacks containing flour manufactured abroad.

Your petitioners would also state that they are subject to the payment of duties upon the materials used in the construction and working of their mills; that they have to pay a higher price for the labour and skill engaged, and that the foreign competitor enjoys many other advantages over the colonial manufacturer. Such as being in the immediate vicinity of a surplus supply of grain affording opportunities for securing in advance of immediate use large stocks of selected grain at the lowest prices; the possession of larger capital, greater facilities for manufacturing, more experience, a more certain market, etc., etc.

Notwithstanding the encouragement offered to farmers (by our mills) on the lower Fraser and on the Island, the quantity of grain grown for milling purposes is extremely insignificant, and several years must elapse before a sufficient quantity of grain will be grown so as to render millers independent of foreign supplies.

The present duty upon wheat, as your petitioners have shown is too high, and sufficient protection would be afforded to colonial farmers if the duty were reduced to 10 or 15 cents per 100 lbs, at which rate colonial manufactures of flour could successfully compete against foreign manufacturers.

Your petitioners would humbly suggest to your Excellency whether it would not be expedient, considering the present and prospective condition of agriculture, to abolish the duty upon wheat entirely.

And your petitioners, as in duty bound, will ever pray,

(sgd.) W. J. Armstrong
A. Bunster
W. L. Crate⁴⁵

The desired alteration was not obtained, for the Governor was unwilling to accede to a modification of the scale of customs

(45) *Petition* to the Governor by Messrs. W. J. Armstrong, A. Bunster, and W. L. Crate, n.d., MS., Archives of British Columbia. A *Minute* on the back of this document bears the date January 23, 1869.

duties applicable in the colony. The Legislative Council, however, came forward with an alternative plan. On February 18, 1869, John Robson, member for New Westminster, moved an address to the Governor, recommending that a drawback of 75 cents be allowed on every barrel of flour manufactured within the colony from imported wheat upon which the duty had already been paid.⁴⁶ Although this resolution was carried in the Council, it was subsequently disallowed by the Governor⁴⁷ and, in consequence, no action was taken for the relief of the flour-milling industry.

The gloomy prospect for the flour-milling interests is further reflected in the columns of the *Victoria British Colonist*. In March, 1869, it was announced that Mr. Bunster intended to ship his grist-mill to California, the reason given being that:— The duties upon wheat and flour relatively do not admit of a sufficient margin for profit in manufacturing flour in the Colony. Imported wheat is used, and the prospects for a sufficient supply of wheat from Colonial farmers on this side of the Cascades seems yet too remote to encourage the retention of the mill in the Colony.⁴⁸

Still later it was announced that unless some change was made in the existing system Armstrong's mill in New Westminster would suspend operations. Moreover, a party who contemplated investing \$20,000 in the erection of a flour-mill in Victoria had decided to defer fulfilling his plan.⁴⁹ Oddly enough, in spite of this apparently pessimistic outlook, the *British Colonist* continued to urge upon the farmers the propriety of sowing larger areas of wheat and anticipated "full employment for our grist mills, and the erection of two or three additional ones during the next year."⁵⁰

(46) *Victoria British Colonist*, February 19, 1869.

(47) The Colonial Secretary to W. J. Armstrong, June 21, 1869. MS., Archives of B.C. Armstrong, in a letter to the Colonial Secretary, dated May 18, 1869, had asked whether the drawback scheme had been implemented by the Governor.

(48) *Victoria British Colonist*, March 31, 1869.

(49) *Ibid.*, May 12, 1869.

(50) *Ibid.*, April 20, 1869.

There was some basis for this optimism, for during this year a mill was built at Quamichan, near Cowichan, by W. L. Crate.⁵¹ This mill had been projected as early as July, 1868,⁵² and had received the approbation of B. W. Pearse, Assistant Surveyor-General, who pointed out that "a grist mill is much needed in the settlement, and would . . . greatly encourage the growth of cereals."⁵³ A considerable delay was caused by virtue of the mill-site being located on an Indian Reserve. This difficulty was finally overcome by an agreement with the Indians whereby Crate undertook to grind all the wheat required by the Chief for his own use free of charge and that required by the other Indians in the Quamichan village at half price.⁵⁴ In consequence the site was leased for seven years at a nominal rental of \$15 per annum. Further evidence that the Government encouraged this project is to be found in the fact that the material used in its construction was transported from Victoria on the Government steamer *Sir James Douglas* free of charge.⁵⁵ The first newspaper reference to this mill appeared on January 18, 1869,⁵⁶ and in August it was announced that "Crate's grist mill at Cowichan will be ready for active operation very soon."⁵⁷

One further effort was made to secure governmental assistance. Late in March, 1870, Amor de Cosmos presented to the Legislative Council a petition from sundry farmers asking a subsidy for a flour-mill as a protection to growers of wheat.⁵⁸ It should be remembered that at this time confederation with Canada was under consideration, a fact which probably explains

(51) W. L. Crate died on October 1, 1871, at Cowichan. It is interesting to note that he was the pioneer millwright of the Pacific Northwest. He came to the Pacific Coast in 1838 in the service of the Hudson's Bay Company and assisted in the establishment of their early mills near Fort Vancouver. *Ibid.*, October 3, 1871.

(52) W. L. Crate to B. W. Pearse, July 17, 1868, MS., Archives of B.C.

(53) *Minute* by B. W. Pearse, July 31, 1868, MS., Archives of B.C.

(54) *Memorandum*, "Crate's Mill Site Quamichan," by B. W. Pearse, December 4, 1868, MS., Archives of B.C.

(55) *Minute* by J. W. Trutch, August 11, 1869, MS., Archives of B.C.

(56) *Victoria British Colonist*, January 18, 1869; *see also ibid.*, March 25, 1869.

(57) *Ibid.*, August 6, 1869.

(58) Presented March 28, 1870; *ibid.*, March 29, 1870. No trace of the original petition has been found, although it was ordered to be printed.

the return to the old idea of direct subsidy instead of the continuance of efforts at tariff adjustment. The matter came before the Council on April 4, 1870, at which time de Cosmos moved a series of resolutions which in an amended form were adopted on a vote of 8 to 7, to the following effect:—

That this Council after having had under consideration the Petition respecting the granting of Subsidies to Flour Mills is of opinion that it is expedient to encourage the manufacture of Flour from home grown wheat, and would therefore respectfully recommend to His Excellency the Governor

1° That Proclamation be made in the Government Gazette to the effect that if any owner of a Flour Mill in Victoria, New Westminster, Saanich, Cowichan or Comox shall prove to the satisfaction of the Governor that he has in any one year manufactured 500 barrels of good merchantable Flour from Wheat grown in the Colony, such Millowner shall be entitled to receive from the Government \$500.

2° That the proposed Subsidies shall if the conditions be complied with, be continued for three years from the date of proclamation.

3° That this Council pledges itself to make good any sum of money that may be issued by His Excellency the Governor in accordance with the foregoing recommendation.⁵⁹

The encouragement thus proffered in all probability accounts for the notice in the *British Colonist*, later in April, 1870, to the effect that "an American capitalist proposes to erect an extensive flour mill at or near Victoria during the approaching summer."⁶⁰ There is no evidence that this proposal was ever carried out. The flour-milling industry in Vancouver Island remained, at best, in a precarious state. Indeed, there is every reason to believe that not a mill was in operation when Confederation was accomplished on July 20, 1871.

In turning, now, to the history of flour-milling on the Mainland, it would, perhaps, be advisable to consider the developments

(59) *Ibid.*, April 5, 1870. It was only on amendment proposed by John Robson that New Westminster was included in the list of districts eligible for a subsidy. An additional clause to the effect "That if any such millowner shall also prove to the satisfaction of the Governor that he has, in any such year, manufactured more than 500 barrels of flour from home-grown wheat, he shall also be entitled to receive \$1 per barrel for every barrel exceeding 500 barrels, till the number shall have reached 1,000 barrels," was defeated.

(60) *Ibid.*, April 23, 1870. The optimism of the newspaper is indicated by the following sentence: "Sufficient wheat will be grown this year in two adjacent districts alone to keep at least one mill running . . ."

at New Westminster as distinct from those of the upper country. As has already been suggested by the foregoing discussion, there was a community of interest between the millers of New Westminster and the Island which had its origin in common problems. To both the crucial question was whether or not the adjacent territory could produce wheat in sufficient quantity to relieve the local manufacturer from a dependence upon imported wheat.

The colony of British Columbia, at the time of its organization, adopted a tariff policy in contradistinction to the free trade policy of the island colony. The provisions of the various Customs Ordinances pertinent to the subject may be tabulated, as follows:—

	Wheat.	Flour.
Proclamation, Customs' Duties, December 3, 1858_____	Duty free.	2/1 per bbl.
Proclamation, Customs' Duties, June 2, 1859_____	10%	10%
Proclamation, Customs' Amend- ment Act, August 20, 1860...	10%	3/1½ per bbl.
Ordinance to amend Duties of Customs, February 15, 1865	10%	15% ⁶¹

The tariff policy thus adopted was not designed for the protection of home industry. The principal concern of the Government was to provide means of access to the rich gold districts of the Interior. This was an expensive undertaking, and the revenues from customs' duties were looked upon as one of the chief sources of colonial income. At the same time, however, the Government was faced with the necessity of assuring an adequate supply of foodstuffs at as cheap a price as possible for the thousands of miners flocking into the colony.⁶²

The milling industry at New Westminster was, consequently, in an unhappy position. The tariff policy did not provide ade-

(61) *British Columbia Proclamations and Ordinances, 1858-1865, passim.*

(62) "The cost of transport enhances the price of food, and of all other necessaries of life, from Lytton upwards; to an extent which absorbs nearly the whole of the miners' earnings, large as they occasionally are. The production of food by the cultivation of the soil in the mining districts, and the improvement of the Harrison river route into a waggon road, and otherwise opening the great commercial thoroughfares of the country, are measures of relief to which I have urgently directed the attention of the Commissioner of Lands and Works." Douglas to Lytton, May 8, 1859, *Further Papers relative to British Columbia* (Cmd. 2724), London, 1860, p. 10.

quate protection from foreign flour, yet the impost on foreign wheat added appreciably to the costs of local production. Moreover, the gold excitement was not conducive to the agricultural development of the colony and, as a consequence, the adjacent districts failed to provide sufficient home-grown wheat to enable the local mills to operate without foreign importation. From the miller's point of view the solution would have been the admission of wheat free of duty while maintaining the duty on flour.⁶³ The Government, although loath to tamper with the tariff, was quite aware of the handicaps facing the industry, and attempted to remedy the situation in other ways. In February, 1864, the Hon. J. A. R. Homer, of New Westminster, proposed a motion in the Legislative Council for a reward to be offered for the erection of the first grist-mill in British Columbia. This was carried in the following words:—

That this Council recommend His Excellency the Governor to appropriate the sum of Two hundred and fifty Pounds (£250) for the first grist mill which may be erected in the Colony, said mill to be capable of grinding not less than fifty bushels of wheat per day.⁶⁴

In addition, the Customs' Amendment Act of 1864 made provision for the admission of machinery for grist-mills free of duty.⁶⁵

With this general background in view it is not surprising to discover that the first mill to be put into operation at New Westminster was completed as late as 1865. To be sure, as early as July, 1861, there was an intimation that a steam grist-mill was to be constructed by Mr. W. H. Woodcock,⁶⁶ but this speculative venture made little progress until the spring of 1864, when it was announced that a distillery and grist-mill were in course of erection.⁶⁷ The machinery for the mill was landed from the steamer *Enterprise* late in September, at which time it was announced that the mill would be "put in operation very

(63) New Westminster *British Columbian*, February 18, 1863.

(64) February 25, 1864, *Journals of the Legislative Council, 1864*, New Westminster, 1864, p. 19. See also New Westminster *British Columbian*, February 27, 1864. Evidently no action was taken. *Vide infra*, p. 106.

(65) May 4, 1864, *British Columbia Proclamations and Ordinances, 1858-1865*.

(66) New Westminster *British Columbian*, July 18, 1861.

(67) *Ibid.*, May 11, 1864.

shortly.”⁶⁸ Actual operation of the mill, however, did not take place until January 5, 1865. The press report of that important event reflects the general condition of the industry in the colony.

There is one local improvement which has not been noticed in these columns sooner, not because we deem it of little importance, but because we were waiting for an opportune moment. We allude to the grist mill and distillery erected at the lower end of Columbia street during last summer, but which only went into active operation on Thursday. The mill is of a substantial and complete character, and is capable of grinding ten bushels per hour. It was set to work on Thursday, and was found to be in perfect condition, performing its work to the entire satisfaction of its enterprising owner, who brought up a few hundred bushels of wheat on Wednesday to give it a fair trial. . . . Owing to the great price of wheat at present in the neighbouring countries Mr. Woodcock has not yet been able to make arrangements for a regular supply of grain. So soon, however, as a full supply can be obtained upon terms that will enable him to compete for the supply of the market here, the mill will be in constant operation, and will turn out from 40 to 50 barrels a day. This is the commencement of a very important branch of local manufacture, which with proper encouragement will rapidly grow to the great benefit of the country. But like many other things, it needs legislative aid. Grain and sacking must be admitted free of duty and a small import duty kept upon flour before we can hope to reap that benefit from the manufacture of our flour which now goes into the breech pockets of our American neighbours.⁶⁹

From the foregoing it will be seen that although this mill was dependent upon the importation of wheat and supplies from outside markets, nevertheless, it was hoped that it would be able to supply the needs of the local market. The situation was made even more promising by the latest Customs Ordinance (February 15, 1865) which had raised the duty on flour from 10 to 15 *per centum*.⁷⁰ The optimism is reflected in the *British Columbian*, which announced:—

(68) *Ibid.*, September 21, 1864. Evidently Mr. Hugh Nelson, of New Westminster, was associated with Mr. Woodcock in this venture. One thing is certain, the bonus suggested by the Legislative Council in 1864 was never paid to the owners of this mill. “Messrs. Nelson & Woodcock fancied that they saw their way to making money by establishing a grist mill at New Westminster and the mill is here and at work without their receiving or asking for any aid from the Government.” *Minute*, by W. Hamley, Collector of Customs, dated June 29, 1865, on G. B. Wright to the Colonial Secretary, June 14, 1865, MS., Archives of B.C.

(69) *Ibid.*, January 7, 1865.

(70) *British Columbia Proclamations and Ordinances, 1858-1865.*

There will be very nearly enough of flour produced in the central districts this year to supply the upper country, while there are even now ample facilities here to manufacture sufficient for the lower country and to meet any deficiency in the interior. At Mr. Woodcock's mill flour can be had considerably cheaper than it can be imported under the new tariff, and for rather less than under the old. The Kootenay country will be, perhaps, the only market for imported flour, which will be brought over from the adjacent territory, and which is of an inferior quality.⁷¹

The high hopes thus entertained were never realized. There is reason to believe that the Woodcock mill did not operate in 1866,⁷² and by the spring of 1867 it was advertised for sale or lease in the *British Columbian*.⁷³ Indicative of the condition of the milling industry at the time is the fact that this advertisement continued to run in the newspaper until well on into 1869.

The indifferent success of Woodcock's venture⁷⁴ did not deter others from entering the field. William J. Armstrong built a steam-powered flour-mill at New Westminster, which eventually became known as the "Enterprise Flour Mill." The date of its construction has been given as 1867,⁷⁵ but the earliest reference to it "in active operation" is from the *Victoria British Colonist* in January, 1869.⁷⁶ The scarcity of local-grown grain still hampered the industry and recourse was had to imported grain.⁷⁷

(71) New Westminster *British Columbian*, February 23, 1865.

(72) The Yale *British Columbia Tribune*, in its issue of July 23, 1866, announced that "the machinery of the Westminster mill will be taken out and forwarded to the new establishment," the latter referring to Mr. Woodcock's new venture at Soda Creek.

(73) New Westminster *British Columbian*, May 11, 1867.

(74) W. H. Woodcock was an inveterate promoter. His activity in the milling industry in the Interior will be discussed later. By 1869 he was actively involved in prospecting for gold quartz on Queen Charlotte Islands. *Victoria British Colonist*, March 15, 1869.

(75) New Westminster *British Columbian*, December 9, 1915. This may be the mill referred to by the following item from the *Cariboo Sentinel*, August 29, 1867: "A grist mill is about to be built in New Westminster by a joint stock company, \$2000 of the stock has already been subscribed." The location of the plant is given by Judge Howay as being on Front Street, reaching back towards Columbia Street, near the present premises of the Cunningham-Trapp Company.

(76) *Victoria British Colonist*, January 26, 1869.

(77) "Mr. J. C. Armstrong [a half-brother of Wm. J.] returned from Portland on Thursday, with 740 sacks of wheat, to be manufactured into flour at the Enterprise Mill, in this city." New Westminster *British Columbian*, January 2, 1869.

The outlook in 1869 was not very promising, judging by an editorial in the *British Columbian*, entitled "Another Interest Gone to the Wall." The complaint was voiced that the mills of Victoria and New Westminster were standing idle and that money which should have been retained in the colony still flowed into the pocket of the foreign miller largely because of the failure of the Legislature to reduce materially or to remove altogether the import duty on wheat. Then followed a pertinent comment:—

Some innocent reader may ask, "But why does not our miller buy colonial wheat, and thereby avoid the duty imposed by the Tariff?" The reason is very simple. East of the Cascade Range we produce as fine wheat and manufacture as good flour as can be found in the country. On this side of the Range the case is different. The farmers in the lower country either cannot or will not raise good wheat, at least, to any extent.⁷⁸

Mr. Armstrong was a persevering businessman and his attempt to encourage the local farmer was productive of some results. In August and September, 1869, he was advertising for 20,000 bushels to be supplied to the "Enterprise Flour Mill,"⁷⁹ and as a result the farmers of the Sumas District put 300 acres into wheat⁸⁰ and a month later the firm of Holbrook, Fisher and Company were advertising seed-wheat for fall sowing.⁸¹ Efforts were also made to purchase wheat on Vancouver Island for this mill.⁸² Before the end of October it was announced that as Mr. Armstrong had received a quantity of wheat by the steamer *Enterprise*, he intended "to set his grist-mill to work at once."⁸³ Two months later, however, the mill was closed down temporarily to enable the farmers to get their wheat down to the mill,⁸⁴ and operations were not resumed until late in February, 1870.⁸⁵ The knowledge that the flour-mill was an established industry at New Westminster is reflected in the fact that the farmers in the Chilliwack and Sumas districts in the spring

(78) *Ibid.*, March 31, 1869.

(79) New Westminster *Mainland Guardian*, September 4, 1869.

(80) *Ibid.*, September 25, 1869.

(81) *Ibid.*, October 13, 1869.

(82) Victoria *British Colonist*, October 23, 1869; New Westminster *Mainland Guardian*, October 29, 1869.

(83) New Westminster *Mainland Guardian*, October 23, 1869.

(84) *Ibid.*, December 11, 1869.

(85) *Ibid.*, February 18, 1870.

of 1870 put 500 acres of wheat in crop.⁸⁶ With the gradual agricultural development of the lower valley and delta of the Fraser River, the milling industry at New Westminster at long last found itself in a less precarious condition.

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(Part II. of this article, written by Mr. F. W. Laing, dealing with Flour-mills in the Upper Country, will appear in the July issue of this *Quarterly*.)

(86) *Ibid.*, April 13, 1870.

HARMONY ISLAND.

A FINNISH UTOPIAN VENTURE IN BRITISH COLUMBIA.

Quests for Utopia are not new in North America. Experiments designed to create a new and better social order have appeared repeatedly and hurried through a life-cycle of inspiring birth, promising adolescence, and untimely death. Such were the familiar Icaria of Étienne Cabet, New Harmony of Robert Owen, Ceresco of Warren Chase, and Brook Farm of the New England Transcendentalists. The story of Matti Kurikka's Harmony Island, a Finnish venture in utopianism in British Columbia during the years 1901-05, is not as well known.¹

Between 1880 and 1900 a considerable number of Finnish immigrants was attracted to the western shores of British Columbia by the prospect of employment in the mining communi-

(1) The best account is Matti Halminen, *Sointula, Kalevan Kansan ja Kanadan Suomalaisten Historiaa* (Helsinki, 1936). The files of *Aika-lehti*, a newspaper published by the group and edited by Matti Kurikka, are valuable; incomplete files can be found in the Cleveland, Ohio, Public Library. The best account in English is Kalervo Oberg, *Sointula, a Communistic Settlement in British Columbia* (graduating essay, University of British Columbia, 1928; MS.), which devotes special attention to the philosophy and social principles of Kurikka. See also the following general works and articles by Finnish immigrants, many of whom were associated with the venture: S. Ilmonen, *Amerikan Suomalaisten Historia* (1919-26), and *Amerikan Suomalaisten Sivistyshistoria* (1931-32); Akseli Järnefelt, *Suomalaiset Amerikassa* (1899); F. J. Syrjälä, *Histori-aiheita Amerikan Suomalaisesta Työväen Liikkeestä* (1934); Väinö Voionmaa, *Sosialidemokratian Vuosisata* (1909); Martin Hendrickson, "Vuoden 1899 Työmies," *Lehtipaja* (1928), pp. 107-10; Matti Kurikka, "Tervehdys A. S. Työmiehelle," *Työmies Kymmenvuotias* (1913), pp. 150-53; Lauri Luoto, "Tuutarin Hollitupa," *Työläisen ja Talonpojan Kalenteri* (1929), pp. 86-91; A. B. Mäkelä, "Muutama Muistosana Kalevan Kansan Vainajasta," *Lehtipaja* (1928), pp. 147-56; Kauko Vaara, "Erään Suomeen Palaneen Toverin Muistelmia," *Työmies Kymmenvuotias* (1913), pp. 112-17; Matti Wick, "Kappale Amerikan Suomalaisen Työväen Liikkeen Historia," *Lehtipaja* (1928), pp. 159-68.

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ties of Nanaimo, Extension, North Wellington, and Ladysmith.² It was not long, however, before coal-mining became disagreeable to many of them, including the future leaders of Harmony Island. Their complaints were numerous: mining was extremely hazardous, accidents frequent; the work was heavy, wages inadequate; living accommodation in the towns was repugnant; all attempts of the miners individually or collectively to improve working conditions and raise wages were resisted by the employers.

These grievances seemed only more intolerable when the immigrants, with growing nostalgia and diminishing objectivity, recalled the more attractive aspects of conditions in the Old Country: the simple life on the farms, the bright Northern sunshine and clear atmosphere, bracing winds and swaying evergreens; their proximity to and love for the soil. It was not strange, therefore, that many Finns, particularly those touched by prevailing Utopian socialist currents, yearned to "free themselves from tortuous toil in the deep bowels of the earth,"³ and to build a new communal home apart from the capitalist world, where man would not exploit man, all would labour for the common good, and life would be co-operative, just, and harmonious.

By 1900 a score of the more enterprising Finns were ready for action.⁴ Their first task was to find a forceful and gifted leader: a critic to denounce the shortcomings of bourgeois society; an apostle to preach the new tenets of socialism and co-operation; a prophet to paint in glowing colours the picture of the world they planned to build. Only one man appeared equal to the mission: Matti Kurikka, a political refugee, then

(2) The migration of the Finns to British Columbia is traced with some precision in Halminen, *Sointula*, pp. 5-16. See also the following general studies on the Finns in Canada: Sakari Pälsi, *Suuri, Kaunis ja Ruma Maa, Kuvia ja Kuvauksia Kanadan Matkalta* (1927), and Akseli Järnefelt, *Kanadan Kirje* (n.d.).

(3) Syrjälä, *Historia-aiheita*, p. 45. See also Halminen, *Sointula*, pp. 18-19; Voionmaa, *Vuosisata*, II., pp. 496-98.

(4) Among the organizers of Harmony Island were M. Halminen, A. Oberg, H. Kilpeläinen, J. Kangas, J. Pelto, P. Hakulin, G. Hermanson, V. Mattson, H. Tanttari, K. Henrickson, V. Rossi, J. Klemola, J. Parkkoomäki, H. Baund, V. Saarikoski, M. Kytömaa, M. Löfbackka, and M. Kurikka. See Halminen, *Sointula*, p. 70.

in Australia. On April 8, 1900, a letter was sent to Kurikka, requesting him to lead his Canadian brethren into the promised land.

Matti Kurikka had been born in Ingria, Russia, in 1862, of fairly well-to-do Finnish parents.⁵ After receiving a smattering of formal education, which included a sojourn at Helsinki University, Kurikka became intensely interested in socialism. By 1897, when he became editor of the Finnish labour paper *Työmies* [*The Worker*], he had become the recognized leader of the working-class movement. It prospered under his able guidance, taking a strong nationalistic bias, and Kurikka soon incurred the displeasure of the authorities. During these same years he had become popular as a dramatist, but his radical play, *The Tower of Babel*, which his friends did their utmost to dissuade him from producing, lost him the support of the Finnish upper classes. He was also assailed by the Marxian wing of the Finnish socialist movement, whose leaders coveted his position and influence. In 1900 he deemed it wise to leave Finland, and went to Australia, where he planned to start an Utopian colony among the Finns there.

The summons from Canada came as a godsend to Kurikka, for his schemes had not thrived in Australia. It was impossible, he complained, to "build an utopian colony for the few Finns here are either too busy struggling against great poverty and want or do not understand its importance . . . for that reason I am ready to leave Australia."⁶ There was, to be sure, an obstacle: "How can I get there since I am as poor as a church mouse . . . if you could send me the necessary funds . . . I want to be with you sowing the seed from which will grow a bountiful harvest for the joy of mankind and the glory of Fin-

(5) Matti Kurikka, "Tervehdys A.S. Työmiehelle," *Työmies Kymmenvuotias*, pp. 150-53; Ilmonen, *Sivistyshistoria*, I., pp. 171-72; Voionmaa, *Vuosisata*, II., pp. 539-45; Lauri Luoto, "Tuutarin Hollitupa," *Työläisen ja Talonpojan Kalenteri* (1929), pp. 86-91. Additional information about Kurikka's background was given to the writer by Matti Halminen.

(6) Kurikka's letter of acceptance, dated June 7, 1900, is published in full in Halminen, *Sointula*, pp. 16-18. Shortly after his arrival in British Columbia, he persuaded his friend and co-worker A. B. Mäkelä to join him in guiding the affairs of the colony. See Mäkelä, "Muistosana," *loc. cit.*, pp. 147-56.

land." Upon receiving the requested funds, Kurikka in buoyant spirits set sail for the New World, arriving in Nanaimo late in August, 1900.

More difficult was the problem of finding a site for the venture which would be inexpensive, isolated from the inquisitive yet not completely cut off from markets, and which would permit the practice of agriculture and related occupations. Maps were studied, public lands reconnoitred. By the spring of 1901 Kurikka and his followers had singled out Malcolm Island, in the southeasterly extremity of Queen Charlotte Sound, as best fitted for the experiment. Negotiations were immediately entered into with the Government of British Columbia, but it was not until November 27 that an agreement was consummated. By its terms the Government agreed to cede the 20,000-acre island to the Finnish immigrants, incorporated as the Kalevan Kansan Colonization Company,⁷ under the following conditions:—

1. The company must procure one settler for every 80 acres of land, or a total of 350 settlers.
2. It must perform \$2.50 worth of improvement work per acre.
3. It must construct its own bridges, roads, buildings, etc., under specifications furnished by the Government.
4. It would be exempt from the payment of all taxes save the head-tax, for a period of seven years.
5. The settlers must become British subjects, and their children attend schools in which the language of instruction was English.
6. Full title to the land would not be granted for seven years, and then only after all of the above conditions had been fulfilled.⁸

During the fifteen months which elapsed between Kurikka's arrival and the securing of a site, matters had progressed none too smoothly. For one thing, Kurikka, always restless and im-

(7) "'Kalevan Kansa' is an archaic name for the Finnish people, as the Hellenes is the name of the ancient Greeks." Oberg, *op. cit.*, p. 2. The company was organized under the British Columbia *Companies Act*, of 1897. The Memorandum and Articles of Association are given in full in English by Oberg, pp. 37-44.

(8) Neither the charter of the Kalevan Kansan Colonization Company nor the terms of the agreement signed with the Government suggests the Utopian socialist character of the venture. This was, however, clearly manifested in a later agreement between the colony and its members. The latter agreed not to bring the colony's affairs before Canadian Courts because "our outlook is very alien to the legal system of British Columbia and it is very difficult to explain our new principles to outsiders." Halminen, *Soin-tula*, p. 112.

patient, threatened early in 1901 to desert Canada in order to become editor of a paper printed in Oregon. He was persuaded to remain only after the Finns agreed to start a newspaper in British Columbia. *Aika-lehti* [*Time*], as the new organ was called, commenced publication on May 17, 1901, with Kurikka as its imperious editor and publisher.⁹ For over three years (until late 1904, when it ceased publication) it thundered out Kurikka's doctrines and protestations unrestrained by any such censorship as had stifled his earlier journalistic career in the Old Country.

Others likewise felt the effects of delay and red tape, with the result that incipient enthusiasm dampened into despondency and pessimism. Moreover, the results of a financial drive for the requisite sinews of war had been disappointing. The organizers had hoped to get \$200 in cash from every member. Not very many of them, despite Kurikka's appeals and exhortations, appeared willing to part with their hard-earned funds. They preferred to work off their membership fees, or at least to wait until the colony was a going concern. The inevitable outcome was indebtedness. Indeed, the first annual report showed a deficit of \$1,300 for building materials, tools, food, and clothing,¹⁰ and this total mounted rapidly. Many years later A. B. Mäkelä, Kurikka's associate, recalled: "Proudly though we turned our backs to the capitalistic world, we were nonetheless dependent upon it in every way. The first boat-load of goods brought to the island was bought on credit. We were always in the same predicament: purchases had to be made first, payments dragged ever farther and farther behind."¹¹

The first group of five settlers reached Malcolm Island on December 15, 1901. They named the spot at which they chose to settle *Sointula*—"The place of harmony." A second band followed in January, 1902, and by late winter there were fourteen men and women on the island. The figure rose to 127 with the advent of summer.

(9) The old plant of the *Nanaimo Review* was purchased to produce the *Aika-lehti*, "one or two letters belonging to the Finnish having been added to the fonts." *Vancouver Province*, April 9, 1901.

(10) Halminen, *Sointula*, p. 73.

(11) Mäkelä, "Muistosana," *loc. cit.*, p. 152.

The economic problems faced by the pioneers were these: to clear the land for agriculture; construct dwellings adequate for the needs of the rapidly growing population; produce commodities which, in the absence of money, might be exchanged in the outside world for tools, materials, and provisions. From the first these problems were made immeasurably more difficult of solution by two deficiencies. The community lacked sufficient money to cover initial expenses, and as a consequence was forced to go heavily into debt, as we have seen, at the very start. Secondly, it lacked workers who were skilled and experienced in the lumbering and fishing industries.

The clearing of the fields proceeded very slowly, for heavy timber had to be felled before the land could be made ready for crops. For most of its life the community, far from attaining self-sufficiency, was an importer of foodstuffs. Rough houses, including one or two larger structures, appeared here and there, but they were ugly, inadequate, and quite repellent to those accustomed to urban quarters.

At first glance there appeared to be several articles available for interchange in the capitalist marts: logs, finished lumber, and fish. The settlers began optimistically with logging. A few trees were felled and laboriously dragged to water. Before long the unskilled woodsmen realized that such logging would never pay. The prices paid for logs were low, the distance to markets great, the demand slight, and logs superior in quality to those found on Harmony Island were available nearer at hand. Moreover, it soon became evident that logging by ex-poets, scholars, grocers, machinists, watchmakers, silversmiths, tailors, miners, and dirt farmers resulted in gross inefficiency, waste, and prohibitive labour costs.¹²

Fishing likewise appeared unprofitable, although salmon abounded in the swirling waters around Harmony Island. The

(12) Mäkelä complained that "there congregated here for pioneering work persons experienced in urban occupations whose talents could have been utilized only much later. The skilled workers who were badly needed—those experienced in logging and lumbering—did not stray here in any numbers although there were hundreds of them in the near vicinity." See "Muistosana," *loc. cit.*, pp. 147–56. Kurikka was more critical of the occupational backgrounds of the colonists; see "Tervehdys," *loc. cit.*, pp. 150–53 and *Aika-lehti*, November 1, 1903.

current quotations for fish seemed ridiculously low and markets were miles away. The immigrants, in addition, were inexperienced in deep-sea fishing. The building of a cannery, which might have prospered, was out of the question in view of the colony's impoverished state. Although salmon frequently graced the communal board, fishing for export purposes was not attempted.¹³

Marketing finished lumber appeared more feasible, and early in 1902 a wheezing sawmill, thrown together from second-hand machinery and operated by awkward hands, began lazily to turn out its products. A small tug, the *Winetta*, was secured to assist in marketing logs and lumber and to transport equipment and supplies from Vancouver, 180 miles away.

The first month of 1903 was marred by a disastrous fire, which swept through the largest building on the island, with the loss of eleven lives. Nevertheless, it was in 1903 that the community saw its most promising days, and the following abridgment of the annual report of the company for that year reveals its character at the height of its activity:—¹⁴

The last year has been the most difficult in our history. Even as early as January 29th, a terrible fire had destroyed much of what had resulted from the great efforts of the preceding year. In addition to our very limited productive means, financial affairs were in a bad way. This coupled with the fire in which 11 people lost their lives and many were left without clothes and shelter, had indeed put us into a serious plight. The loss incurred by the fire amounted to about \$10,000, which is no small sum in a struggling young community like ours. The fire would have made the continuance of the community impossible had it not been for the aid of our own people abroad and of the government of British Columbia. In addition the books of the company were destroyed in the fire but from private note books and from memory most of the lost information has been collected again.

From the company's inventory we see some of the things which have been accomplished during the year.

In 1902 we were still living at the head of the inlet in log cabins but by January 1903 we were almost entirely moved to our new quarters at the entrance of the inlet. Since the disastrous fire a score of dwellings have risen on the new town site.

A pier has been built so that we no longer have to go to Alert Bay for mail and freight. Into the old saw mill we have installed a lath machine, a

(13) Halminen, *Sointula*, p. 104.

(14) Translated and abridged by Kalervo Oberg. Quoted from Oberg, *op. cit.*, pp. 22-24.

planer and a lathe. New barns and ware houses have been built as well as a new foundry and a blacksmith shop.

In November we established the printing press into its new quarters so that our publication, "The Time," has again begun to appear, in magazine form this time, after an absence of a year and a half. By the end of the year 1,500 copies were printed fortnightly.

By the end of the year a new meeting house has been built and also the foundation for a new saw mill has been laid.

The only profitable industry has been logging. The work itself has gone on very smoothly but the price of logs has fallen. With the increase of logging operations a new donkey engine was purchased for \$2,800, of which only a small amount remains yet to be paid. Very little lumber has been sold as the larger part of our saw mill output has been used for our own needs.

Agriculture has not advanced very far as yet. Potatoes are the only vegetable grown so far. Work on two future fields is, however, in progress.

Stock raising owing to the lack of pasture land has been carried on under difficulties. Lack of shelter also caused the death of many head of cattle during the winter. As the feeding of stock on purchased feed last winter became very costly we have undertaken to make hay in the heads of nearby inlets.

Success in fishing has been prevented by lack of nets and experience. During the summer and autumn we had, however, plenty of fresh fish and have been able to salt a large amount for the winter. Dog fish have been used for the production of oil for machinery and for lighting.

During the deer season, hunting has kept us in fresh meat. The hunters have also brought in waterfowl. Bears and wolves have been slain on the island making our live stock safer. The wild salal berry has also been extensively used.

The cobbler's and tailor's shops have been busy, but the lack of materials has caused some shortage in wearing apparel.

The manufacture of bricks has also been inaugurated.

Our future is dependent upon the new saw mill which is at present under construction. We hope to make lumber production our chief industry. We intend to cease the sale of logs as soon as possible.

We intend in the near future to set up a new general dining room and kitchen, a hospital, a children's home and a school. In spite of renewed applications the government has as yet not set to work to get us a school house and teacher of the English language.

By the end of 1903 the community comprised 100 men (47 married, 53 unmarried) 50 women (43 married, 7 unmarried) 88 children (53 boys, 35 girls). Of this number 117 were in the community for their first year, 108 for their second year and 3 for the third year. Ten children have already been born on the island.

The preceding figures do not exactly illustrate the number of settlers in Sointula. In 1902, 37 persons had left here after a short stay. In 1903,

85 persons had gone after a short stay.¹⁵ Only 2 members were forced to leave the island.

Cultural pursuits have also been followed as far as our economic conditions have permitted. On Sunday evenings discussions have been held, plays have been presented and a band and a choir have been inaugurated. Our library is still small and we sorely need a larger reading room. Classes in the English language, mechanics and other subjects are also under way.

AUSTIN MCKELA, K. K. C. Co., Sec'y, Feb. 15, 1904.

With production on the up-grade confidence and hope revived. Kurikka, indeed, was dazzled by the apparent progress, and in 1904 bid for and was awarded a North Vancouver bridge contract. By its terms the Finns undertook to build for \$3,000 two wooden bridges across the Seymour and Capilano Rivers, each being more than 180 feet long, not including approaches, and requiring strong trusses and supports. Kurikka admitted that his bid was too low, but urged its acceptance and performance for three reasons: (1) a deposit of \$150 had accompanied the bid, as evidence of good faith; (2) the colonists produced their own lumber; and (3) "if we perform this task satisfactorily, we may get other contracts worth tens of thousands of dollars from the town." Despite serious opposition, the harassed leader gained his point by explaining that "our financial condition is so critical that unless we accept the contract we will be unable to get either food or supplies."¹⁶ For the next four months every one in the settlement toiled assiduously in hewing trees, sawing logs, transporting materials to the construction sites, building the bridges and approaches. Soon the worst fears became reality; Kurikka's bid had truly been "too low." When the nightmare was over the colonists painfully counted their loss: eight to nine thousand hours of uncompensated labour for North Vancouver. Indeed, the \$3,000 awarded by the contract did not suffice to pay for the tools and equipment which had been purchased. Unutterable

(15) As these figures indicate, colonists came and went in considerable numbers. In all, probably more than 3,000 persons participated, for varying periods of time; the average membership was in the neighbourhood of 200. See *Aika-lehti*, February 15, 1904.

(16) See Halminen, *Sointula*, pp. 117-120. In 1903, the income of the colony had amounted to \$20,794.78 and expenses to \$20,762.40; but its indebtedness at the end of the year amounted to no less than \$60,960.39. Oberg, *op. cit.*, p. 25.

was the anger and disillusionment that followed this tragic fiasco in bridge-building.

The internal disaffection wrought by this calamity was not the first manifestation of discord on Harmony Island. From the very moment of its birth the experiment had been shaken and battered by storms. Truly it had, as A. B. Mäkelä later recalled, "been born a-dying."¹⁷

This disharmony had many causes. The membership, to begin with, was heterogeneous, "united in scarcely anything but language."¹⁸ Coming from all walks of life, predominantly urban in occupational background, they were, for the most part, unfitted for the formidable task of breaking a wilderness. Not many, moreover, were really converted to the cause of co-operation, or motivated by a genuine desire to work and sacrifice their personal interests for the good of the new commonwealth. The colony became a loadstone which drew to its uneasy bosom all kinds of cranks, pseudo-philosophers, spiritualists, theosophists, advocates of perpetual motion, and free love—"windbags and fanatics aggressive enough in spouting the principles of utopian socialism but who preferred to leave the task of their realization to others."¹⁹ The original intention of the venture's organizers, to be sure, had been to select the membership very carefully. But to enforce the selective procedure was no easy matter. "Without waiting for a summons, often without warning, people streamed into the colony—single men, families with children. They came from hundreds, thousands of miles, from the shores of the Atlantic, many directly from Finland. What could one do except bid them welcome, accept them as members, accommodations or no accommodations."²⁰

Some had come to Harmony Island expecting to discover an Utopia in full flower. The shock of finding instead an untamed wilderness caused them either to depart unceremoniously or to linger on with constant criticism on their lips. Much there was, of course, to be censured. The few rough dwellings on the island were not adequate for the needs of the entire population, and many were forced to face the angry blasts of winter and summer

(17) Mäkelä, "Muistosana," p. 151.

(18) *Ibid.*, p. 153. See also *Aika-lehti*, November 1, 1903.

(19.) Mäkelä, "Muistosana," p. 153. Halminen, *Sointula*, pp. 93-99.

(20) Mäkelä, "Muistosana," p. 152.

squalls in tents. There was a deplorable shortage of foodstuffs, fresh vegetables, and milk, which, in view of the very limited domestic production, had to be imported from the outside world. It was a hard, unpleasant life demanding stamina, courage, patience, and sacrifice. Not many, especially those accustomed to urban comforts, desired to make it their permanent mode of living.

The personality of Matti Kurikka aggravated rather than mitigated the situation. It is true that he was a gifted leader, possessing remarkable powers of persuasion, and a keen intellect. But overbalancing these attributes were serious shortcomings. Kurikka was obstinate and headstrong, impatient and restless. He loved to write, speculate, and argue, but he was sadly lacking in practical ability to translate his ideas into action. He was inept and clumsy as an organizer and administrator. It was easy for Kurikka to make enemies, difficult for him to hold friends. Irreconcilable differences of opinion over questions of policy, the constitution of the colony, the status of private property, the position of women, the education of children, and other questions divided the leader from many in his flock.

The schism was widened by the tragic fire of January, 1903, in which three adults and eight children lost their lives. The blaze apparently had started in a defective chimney at one end of the building and spread rapidly through the wooden structure, trapping its victims in a second-story hall where they were attending a meeting. Ugly rumours began immediately to spread through the horror-stricken colony insinuating that Kurikka had known that the building was a fire-trap, yet had done nothing about it. The books of the company had been burned, and it was said that Kurikka had set the blaze in order to destroy the documentary evidence of his alleged mismanagement of the venture's affairs. These rumours refused to die, although a number of the worst gossips were forced out of the colony by the threat of legal action for slander.²¹

The bitter opposition of the outside world likewise shattered the morale of the islanders. Finnish religious groups, on the one hand, denounced Harmony Island as the home of paganism and

(21) Kurikka's version of the conflagration is in *Aika-lehti*, November 1, 1903.

free love, and branded Kurikka as the devil's vicar on earth. On the other side, the organized Marxian socialist movement damned the venture as a hopeless experiment in utopianism, and called upon its members to rally around the true banner of class conflict. Repercussions of this external hostility were felt on Harmony Island; eager listeners and willing saboteurs appeared within the colony.

The financial morass in which the company found itself tended to make these internal wranglings more irritating and disruptive. The experiment had been launched on credit. Throughout its life it never attained the stature and dignity of financial independence. Food, clothing, and shelter were procured on credit; borrowed funds purchased the sawmill, planer, boats, and other equipment. Overshadowing every thought and deed of the settlers was the fear that the sources of credit might run dry, the mortgages be called in, and the venture pushed into insolvency.²²

Schism became inevitable after the unfortunate bridge episode. On October 10, 1904, Kurikka resigned as leader of Harmony Island, and soon left for Vancouver, accompanied by at least half of the colonists. In the following year the secessionists attempted a new Utopia, by name *Sammon Takojat*, which proved to be short-lived. Kurikka then returned to Finland, where he played a valiant part in the successful struggle of the Finns to retain their national integrity, then threatened by Russia. In 1909 he returned to the United States, and found peace and comfort in the editorial chair of the New York *Utiset*, from which vantage-point he dreamed, wrote, and perhaps reflected occasionally on the rise and fall of his Utopia. He died in 1915.

The group of Finns remaining on Malcolm Island elected A. B. Mäkelä as their new leader and tried to salvage something out of the ruins, but their efforts were in vain. The death knell of the colony was sounded when a load of lumber, their last hope, was attached by creditors in Vancouver and sold for a fraction of its value. The thirty-six remaining members sadly dissolved their organization on May 27, 1905. Many, completely disillusioned

(22) Matters were complicated by the fact that the colony owed money to many of its members. At one time these debts totalled almost \$22,000. See Oberg, *op. cit.*, p. 30.

sioned, abandoned the island and British Columbia; others preferred to remain amid the shattered dreams of a just and harmonious social order.²³ They faced the future dependent for their security upon their own hands, but reassured perhaps by the old Finnish saying, "a cat always finds its claws when it is time to climb a tree."

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(23) Over a period of years a substantial number of the colonists seem to have purchased or pre-empted land on Malcolm Island. Thus in 1914 the population consisted of "about 250 people, chiefly members of the original Finnish colony." F. E. Leach to the Surveyor-General, November 16, 1914; in *Report of the Minister of Lands* . . . 1914, Victoria, 1915, p. D 168.

MEMOIRS AND DOCUMENTS RELATING TO JUDGE BEGBIE.

Few figures stand out more prominently in the early history of British Columbia than that of Sir Matthew Baillie Begbie, whose name is usually linked in the popular imagination with the overly harsh epithet, "the hanging judge." Yet there is reason to fear that in the years to come Begbie's name may slip into ill-deserved obscurity. At present his fame rests to a dangerous degree upon legend and anecdote; and as the pioneers who knew him pass on, Begbie himself tends to fade from the scene. Many of the stories about him have never been recorded, let alone printed, and the number of documents relating to his long career is surprisingly small. It is true that most of his Court note-books have survived, but it would be difficult to paint a full-length portrait of the man without a great deal of help from other sources. Under these circumstances it seems worthwhile to reprint the personal reminiscences of Begbie which follow. To them has been added a number of documents bearing upon the interesting question of his status and jurisdiction after the union of the colonies of Vancouver Island and British Columbia, in 1866.

The earlier of the two articles, published only a few months after Begbie's death, was signed "A. B." The initials are almost certainly those of the Rev. Arthur Beanlands, who at the time was canon and rector of Christ Church Cathedral, Victoria. The second article was written in 1925 by the late A. E. Beck, K.C., who was for many years Registrar of the Supreme Court in Vancouver. They are reprinted by kind permission of Mr. Marshall Beck, son of the late Registrar, and of the Vancouver *Province*, in which both articles originally appeared.

The almost mellow impression of Begbie given by Canon Beanlands (if he it was) stresses a side of Sir Matthew's character that was little known to the public. His charitable acts were many, but he kept them hidden from the light of day. Even D. W. Higgins, one of his harshest critics, stresses this point: "He gave by stealth. No deserving person who appealed to him for aid was denied. He supported more than one needy

relative and gave generously to strangers.”¹ Similar evidence was given by the late Oscar Bass, formerly Deputy Attorney-General, who was an official reporter when Begbie was on the bench. In that capacity he was in close touch with the Chief Justice, and in later years he recalled how Begbie arranged frequently to have him distribute his anonymous and almost surreptitious charities. Nor was this a trait developed late in life. In 1859, in the course of one of his first visits to Fort Langley, Begbie was called upon to consider the case of a boat and cargo which had been seized because the owners had failed to secure the proper clearances. He arranged to release the craft with the smallest possible penalty, reported the matter to Governor Douglas, explained to him that the maximum loss to the Treasury, due to his leniency, would be \$15, and added that “if you think I am doing very wrong, you may make me repay.”²

Matthew Baillie Begbie was born in 1819, the eldest son of Colonel T. S. Begbie. He graduated from Cambridge University, and was granted the degree of M.A. in 1844, at the age of 25. The same year he was called to the bar at Lincoln's Inn. It is assumed that he practised his profession for a time, but he was employed chiefly as a law reporter. D. W. Higgins tells the story as follows:—

He was admitted to the Bar early in life, but matters were not prosperous and he found it difficult to obtain a footing in the profession. In his college days he had acquired a knowledge of shorthand, and amused himself on court days by taking down evidence and the judge's words. He was next employed on the *Law Times* as a reporter. The Lord Chancellor of the day was in need of a skilled shorthand writer. A sad mess had been made in taking down and transcribing court proceedings by the only available talent, and it was evident that the time had come for a change. In the dilemma Mr. Begbie, whose excellence as a reporter was well known to the government, was appealed to and undertook the work. His reports gave every satisfaction.³

(1) D. W. Higgins, “The Giant Judge,” *Victoria Colonist*, November 8, 1908.

(2) F. W. Howay, *The Early History of the Fraser River Mines* (Memoir VI., Archives of B.C.), Victoria, 1926, p. 45. The documents printed by Judge Howay include (pp. 23–53) a group of Begbie's letters, covering the period January–March, 1859.

(3) Higgins, *loc. cit.* It may be as well to warn the reader that Higgins had a lively imagination, and that little or no foundation in fact has been discovered for the principal episode described in “The Giant Judge.”

In September, 1858, he was appointed "Judge in Our Colony of British Columbia" upon the recommendation of Sir Hugh M. C. (later Lord) Cairns. As the appended notes and documents indicate, he became Chief Justice of the Mainland of British Columbia in 1869, and Chief Justice of British Columbia in 1870. He was knighted in 1874, and died in Victoria on June 11, 1894.

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I. SOME RECOLLECTIONS OF SIR MATTHEW BAILLIE BEGBIE, LATE CHIEF JUSTICE OF BRITISH COLUMBIA.

[Reprinted from *The Province*, Victoria, B.C., December 22, 1894.]

Sir Matthew Baillie Begbie, the most conspicuous figure among those old-timers whose deaths we have had this year to deplore, was born while the present century was still in its teens, the son of a captain in the Royal Engineers, and of the daughter of General Baillie, a gallant general officer in the great European wars. He was brought up in the barracks, and "followed the drum," as he used to say, from his cradle. In common with so many others who have shown marked powers of mind, he exhibited very considerable aptitude for acquiring knowledge in his earliest years. His mother used to describe how at the age of three rather than play with his few toys he would sit in a corner poring over the pages of "Sandford and Merton,"¹ a book over which I have often laughed with him in his old age. His schooling he first got from the sergeant who acted as regimental instructor of the barrack-bred children; but such was his mathematical ability that very soon that functionary reported that he could teach young Master Begbie nothing more. Fortunately at this time his father inherited from a maternal relative a comfortable estate in Berkshire which enabled him to settle his wife and children in Guernsey while his own duties kept him with his regiment. Here he became the pupil of an eccentric and irregular but very talented man who had been senior wrangler at Cambridge, but whose unfortunate habits had prevented him from making the success of life which his powers ought to have achieved. With him his progress was so rapid that when not fifteen he competed for and gained a senior scholarship at Elizabeth College, which however he was debarred from holding as *under* the qualifying age. This was the first

(1) The reference is to Thomas Day, *The History of Sandford and Merton*, a historical miscellany for children, in story form. First issued about 1780, it enjoyed long popularity and was reprinted as late as 1875.

of many disappointments which from time to time crossed his otherwise prosperous career. In due course he left Guernsey College for Cambridge, gaining a scholarship at Peterhouse. Here his talents were at once recognized and he was marked out by his mathematical tutors for the highest honours of the University. In the athletic world his powerful frame, sound constitution and great activity soon placed him in the first rank both as an oarsman and in the fives' court. Whether it was through the counter attractions of such pursuits, or as I should rather suspect from the extraordinary versatility of his mental powers, which would not suffer him to devote his entire attention to the academic routine of subjects, he did not take the high degree that was expected of him. In mathematics he came out as a wrangler indeed, but not within the charmed circle of the first few; in classics he just missed his second, two of the examiners being for and three against conferring upon him that honour. This meant a very serious reverse, for it deprived him of the life fellowship which he had expected to obtain, and which would have been worth a small fortune.

However, his loss was certainly British Columbia's gain, as had he received the coveted distinction he would have almost certainly become a college don and we should never have heard of him on this side of the Atlantic. The following fifteen years of his life, full of episode as a London barrister of the socially successful type, and diversified by long rambles on the Continent, when continental rambling meant real adventure, would be as full of interest to us had we but the materials to trace them.² Shortly before his death he said to me, "Some fellows can't cross the street without an adventure. I never had one in all my journeyings," a too modest statement which well accorded with his general contempt of vulgar boasting, for his friends have heard him tell stories worth chronicling of his travels in Spain, Italy and Turkey, to say nothing of France and the Rhineland. Behind the few that he did tell in the mere course of conversation there must have been many that never recurred to his mind at the moment, but which would have had an equal interest for us in these times of "old customs changed, old manners flown." It was the same reserve, or carelessness of mere literary reputation which has closed to the public his experiences of early days in the colony. "My official position," he used to say to me, "prevented me from knowing many things which were going on." He was no diarist, and the only original MSS. I ever saw of his were the elaborate annotations which he made on the margins of his *Times* and in the books that were lent to him. He used to apologize for this latter habit, which in his case certainly needed no apology, for his notes were always lucid, sensible and to the point, and added to the pleasure one felt in lending him the work. Sometimes he broke out into very amusing and sarcastic reflections upon the writer if he did not agree with his

(2) As noted in the introduction, *supra*, there is good reason to believe that Begbie practised only very briefly, and that he was employed chiefly as a law reporter.

conclusions, or thought him weak or gushing, faults he particularly detested. He was always open to conviction, but rather intolerant, at least in his later years, of opposition in argument until the point was reached at which his reason was converted, when he at once and frankly adopted the new view. Few ever had an idea of his artistic powers, yet they were by no means inconsiderable. He had many interesting pencil sketches of out-of-the-way places, but the best work of his that was ever shown to me, consisted of a volume of admirable drawings of judges, eminent counsel, witnesses and court officials done while in the London Law Courts some forty or fifty years ago. Of these, old Vice-Chancellor Bacon's was said to be one of the best portraits existing. I have not seen this sketch book for some years, but understand it is now in the hands of his surviving brother, and I trust it may some day see the light in a *fac-simile* edition.

For many years he had been in the habit of entertaining every Saturday the clergy of the Church of England. This kindly office he never permitted anything to interfere with, short of his enforced absence on duty, and used to be quite hurt when they were unable from any cause to avail themselves of his hospitality. Punctually at the hour of six the dinner was on the table, and at half-past eight, after due time had been allowed for coffee and digestion, his visitors left, making way for a whist party of his old friends, which was then held with as unswerving regularity. Of these quiet dinners, among the pleasantest recollections of my life, much might be told could only the innumerable topics of conversation be recounted. Always ready for discussion, bringing apt quotations from his favourite authors to illustrate his subjects, passing from lighter vein to serious and solemn thoughts, again narrating personal anecdotes and old legal stories, kindly in his judgment of other men's infirmities, youthful in his sympathies with much younger companions, it was here that he showed every side in turn of his many sided mind. But others who enjoyed that privilege longer are more worthy to speak of all this. For myself I can only say that he was one of the easiest men to know I have ever met, and one of the best worth knowing. It would extend this slight sketch beyond its proper limits were I here to attempt to repeat some of his excellent stories; and indeed they would suffer cruelly in the repetition. Like Sir Roger's "Grouse in the Gun-room," they must remain an untold tale to the reader, or at least oral traditions uncommunicable in print.

Of his delight in his garden I would speak, but here again I am conscious that there is one, an older and more sympathetic friend who could better describe these joys. I knew next to nothing of the official side of his life. I never but once asked his opinion on a matter of law and on that occasion after, as was his wont, upbraiding me for trying to shirk my responsibilities by throwing them upon him, he gave me the soundest advice which, unlike most other advice, had the additional merit of not being too late to act upon.

He had acquired the reputation of having been a hanging judge from the severity which he showed in the lawless days of the early gold excitement; but he himself assured me it was unfounded and that he had very rarely condemned men to suffer the extreme penalty of the law. He had a far more than usual horror of taking human life; and I remember on one occasion, when the subject of justifiable homicide was broached, that he declared he would never have a loaded firearm in his house, for that no harm which a burglar could inflict could equal the remorse he should feel if in self-defence he killed him.

Among his favourite authors Shakespere, Milton and Horace were the first. From these he quoted freely and was never at fault. Sir Henry Taylor's "Philip Van Artevelt" was also a great favourite, and so were some of Tennyson's poems, especially that verse which I have written below; but for most modern poetry he cared little or nothing. His knowledge of history was extensive and accurate, while in fiction he had read widely amongst the best authors. He never could appreciate Dickens, of whose democratic partialities he used to complain. It was not, as has been alleged, that he despised the people or mocked at their aspirations. He was, on the other hand, a strong constitutionalist and a keen lover of the principles of both civil and religious liberty; but he hated with an honest hatred the tricks of the demagogue, and loathed with genuine disgust the false pretensions of those who, to serve their own ends, posed as the friends of the poor. He had indeed much in common with the very author he disliked; and as we frequently find in honest and outspoken men, perhaps it was these very resemblances which had the effect of so far separating them.

How can I speak of his last days, when like a wounded lion he lay in the grim solitude of the shadow of death, his faithful servant and loving friends present indeed, but far away across the great gulf fixed between the sound and the stricken. The dear remembrance of his dying Lord alone sustained him through torments which he himself said were greater than all the pleasures of his past life. Of the dull pageant of his state funeral and its official solemnity he is indeed to be congratulated that he knew nothing. "Bury me," he had said, "early in the morning, that only my friends may take the trouble to get up in time to follow me to my grave." The gratitude of his country was too deep to grant the request.

Ah, sad and strange as in dark summer dawns
The earliest pipe of half-awaken'd birds
To dying ears, when unto dying eyes
The casement slowly grows a glimmering square;
So sad, so strange, the days that are no more.

A. B.³

(3) Presumably Arthur Beanlands; see introduction, *supra*.

II. SIR MATTHEW BEGBIE: TERROR OF LAWBREAKERS OF B.C. FIFTY YEARS AGO.

BY A. E. BECK, K.C.

[Reprinted from the *Vancouver Sunday Province*, July 5, 1925.]

Among my recollections as a registrar in Vancouver of the Supreme and County Courts for many years, I recall that outstanding historic character, Sir Matthew Baillie Begbie, fearless dispenser of British law and justice in the mining regions in the early days of British Columbia.

The discovery of gold in the interior followed close upon the slowing up of the California gold rush and many human parasites fastened upon the miners in the stampede for the new Eldorado of the North. Sir Matthew, an English barrister, was appointed a judge by the colonial office and was sent to British Columbia in 1858, where he performed continuously his judicial duties for thirty-six years.

I first met Sir Matthew in 1892 and, having heard many anecdotes of his treatment of the lawless characters which infested this province in the early days of gold mining in the Cariboo, I was curious to obtain a first-hand account of his experiences. One morning, while acting as his clerk, I asked him, a most affable man, if the stories I had heard of him were really true. He replied that some were, but many were greatly exaggerated.

He told me that many years after his experiences with the law-breakers in Cariboo and when he was enjoying one of his few vacations in the South, a man approached him at Salt Lake City with his hand extended and said, "How do you do, Judge."

"At first I thought he was one of those bunco men," explained the chief justice, "and replied with some suspicion, 'Excuse me, sir, but I have not had the pleasure of your acquaintance.'"

"Oh, yes, Judge, I know you. I was one of your jury-men up in Cariboo. Don't you remember the man you hanged at Clinton,"—giving details of the trial.

This the judge recalled and then the man went on to say that he often wondered how the influence of one man could hold in check the lawless gunmen from the South, where the law-abiding citizens of that time had to resort to vigilance committees and lynching to enforce respect for law and order, concluding with the remark: "You certainly did some hanging, Judge."

"Excuse me, my friend, I never hanged any man. I simply swore in good American citizens, like yourself, as jury-men, and it was you that hanged your own fellow-countrymen."

The judge at this time was the court of last resort, there being then no court of appeal, either for civil or criminal matters.

Our law then permitted foreigners to serve on juries. British subjects were in the minority and it would have been difficult to obtain a panel without Americans. From what I later gathered, from the late

Mr. Justice Walkem and others who had practiced before Sir Matthew, he was very forceful in charging a jury in criminal cases and would express his resentment on a miscarriage of justice whenever a perverse verdict was returned. On one such occasion where the gallows was cheated he discharged a jury with the curt remark that hanging was too good for any man who was afraid to convict a murderer.

On the acquittal of a holdup man he thus addressed the prisoner: "The jurymen say you are not guilty, but with which I don't agree. It is now my duty to set you free and I warn you not to pursue your evil ways, but if you ever again should be so inclined, I hope you select your victim from the men who have acquitted you."

While he was the inveterate enemy of the criminal classes, to the lesser offenders he was more lenient. He once imposed a penalty on a disorderly klootchman that she must have her hair cut. This was, at that day, a mark of degradation.

British law is very jealous of the liberty of the subject and in preserving all safeguards and rights of an accused person. The crown must prove its case beyond a reasonable doubt. This brings to mind one of the many Begbie stories. A prisoner appeared before him at Victoria, charged with the crime of burglary. Coming from across the line, where it was and still is, customary for some of the states to provide the accused with a counsellor, the accused made a request for a lawyer to Sir Matthew, who said: "It is not the British custom to assign counsel for the defense in such cases, but I will see that you get a fair trial. The crown must prove its case. You keep your mouth shut."

Burglary is a felony which must be committed wholly in the night, which according to law commences at 9 o'clock in the evening and concludes at 6 o'clock next morning. As the trial proceeded it was noted that the court was giving every protection to the accused, who appeared to be gratified with the proceedings. The policeman who made the arrest, having testified that on passing an alley he observed the accused breaking and entering a dwelling. Sir Matthew interrupted.

"What time was this—about 9 o'clock?"

The prisoner blurted out, "No, it wasn't, judge. It was 10 o'clock."

"Didn't I tell you to keep your mouth shut," exclaimed the court.

When Sir Matthew was on circuit in the Upper Country it is related that once while seated on the upper floor of the verandah of a hotel he overheard a number of lawless members of the community discussing ways and means of getting rid of him. He listened until their plot had fairly developed and then went back to his room. Returning shortly afterwards with a vessel of dirty water, he promptly emptied it upon the crowd below as a mark of his contempt for them.

In a civil action tried at Kamloops he delivered a truly Solomonic judgment. It was what is known as a partition action. Two brothers had invoked the law to determine their respective rights to inheritance. After the trial had proceeded some length Sir Matthew said:—

"Plaintiff, you go and divide the land into two parts and you, defendant, then take your choice."

One can readily understand that there was an equal division of the property.

I recall a visit on one occasion to the Court House at Victoria, when a Vancouver case was being heard before Sir Matthew, in which Pat Carey was the defendant. Pat was a well-known character in the early days of Vancouver, and proprietor of the Brunswick Hotel, one of the leading hostelryes. He had the peculiar business idea that the sheriff's receipt on a writ of execution was the safest and best evidences of payment of a debt. On entering the Court House I observed Pat walking up and down the corridor apparently in distress. I asked him what the trouble was, to which he replied that he had just got into court when "Old Begbie" threatened to fine him or send him to jail for contempt of court, and he had just stepped outside. He had only sent the judge a telegram. It appeared that Pat's departure from Vancouver had been delayed and he had sent the following message.

"Judge Begbie, Victoria. I have missed one boat. Hold the court down till I come. Pat Carey."

The morning following Sir Matthew's death at Victoria, on the 11th June, 1894, I had occasion to enter the law library at the Court House and there met Mr. Justice McCreight, a most devout man, excessively conscientious and a sound lawyer. On advising him of the death of the Chief Justice he expressed his regret and further said:—

"Sir Matthew was an arbitrary and obstinate man, but honest and impartial. His strong fearless individuality no doubt exercised a restraining influence over the lawless element of the early days of this province. He was not without natural ability, but had little regard for present day text books and law reports," and with a sweeping gesture toward the book shelves, "What are these books given to us for but to guide us from precedent to precedent. Sir Matthew rarely consulted any of them, but was content with the legal notes of the *Times* newspaper and his own conception of what was right and wrong."

Sir Matthew was aged 75 at the time of his death, which was caused I think by pneumonia. He was active up to his last illness. He was a man of commanding presence, over six feet in height, manly, handsome, with a musical high tenor voice, which he occasionally exercised in Anglican church choirs. He never married. His affections seemed to be devoted to the collections of works of art and he told me that his outdoor hobbies were walking and gardening, the latter of which he was very fond. In the late spring of the year of his death he wrote about his garden and after remarking that the season was advancing, at all events on the calendar, requested me to obtain a quantity of bone meal, which had been recommended to him as a fertilizer by the Lieutenant-Governor. This I forwarded, but he never lived to gather the flowers from his garden.

His name will ever be identified with the early growth of this province. The service he rendered to his country was recognized by his

Queen, who conferred upon him the honour of knighthood in 1874. He was one of those Britishers who, although born in England, would never refer to Canada as the land of his adoption, but as his country, without any qualification. He regarded himself as one of Her Majesty Queen Victoria's ambassadors sent to this outpost of her dominions to see that her laws were strictly obeyed and no servant of the crown more conscientiously or successfully discharged his duty. His decisions may have been arbitrary and some possibly erroneous. In the days when his special mission was accomplished there was no Court of Appeal to set him right. Possibly his mistakes were present in his mind when he made his will, for after disposing of his worldly possessions he concluded with the pious invocation, "Lord have mercy upon me a miserable sinner."

III. DOCUMENTS RELATING TO THE EFFECT OF THE ACT OF UNION OF 1866 UPON JUDGE BEGBIE'S STATUS AND JURISDICTION.

No provision was made in the Act of Union for the merging of the Supreme Court of Vancouver Island and the Supreme Court of British Columbia. As a consequence great uncertainty arose as to the future status and jurisdiction both of Chief Justice Needham, of Vancouver Island, and of Judge Begbie, Judge of the Supreme Court of British Columbia. Begbie took the view that the old colony of Vancouver Island and all its institutions, including the Supreme Court, had ceased to exist, while Needham contended that, as the abolition of the Court was not specifically provided for in the Act, its existence and authority were in no way impaired. Governor Seymour endeavoured to work out some compromise arrangement, but neither Needham nor Begbie would concede an inch. The documents which follow throw much light upon the resulting *impasse*, as it existed in the winter of 1866-67.

More than seventeen months passed before the problem was solved partially by the passing of the *Courts Declaratory Ordinance* of May 1, 1868, which continued the powers and jurisdiction of both Courts. A final settlement was not arrived at until March 1 of the following year, when assent was given to the *Supreme Courts Ordinance, 1869*. Under its provisions Begbie, hitherto known only as "judge," was named "The Chief Justice of the Mainland of British Columbia," while Needham became "The Chief Justice of Vancouver Island." Each was to take

precedence over the other in his own jurisdiction. It was recognized that it was not desirable that this complicated arrangement should continue indefinitely, and the Act provided for the merging of the Courts when a vacancy occurred "by the death, resignation, or otherwise, of either of the present two Chief Justices." In March, 1870, Chief Justice Needham resigned to become Chief Justice of Trinidad, the Courts were merged, and Begbie became "The Chief Justice of British Columbia"—the position he continued to hold until his death in 1894.

The picture of law and order in British Columbia which Begbie gave in his memorandum to the Earl of Carnarvon was substantially a true one, but in one respect it would have aroused the indignation of many of his contemporaries. It was all very well for Begbie to write that there had "never been a single appeal from any decision" of his; but the fact of the matter was that there was no superior Court in the colony to which an appeal could be carried. In theory a case could be taken to the Privy Council, but actually the costs which would have been involved made such a course quite impracticable. Furthermore, if Begbie meant to imply that his judgments had met with universal approval, his statement was quite contrary to fact. John Robson, editor of the New Westminster *British Columbian*, the most important journal in the mainland colony, had for years been criticizing him in no uncertain terms. As early as November 26, 1862, a letter appeared in the *Columbian* which charged Begbie with having received 20 acres of land as a bribe to overrule a local magistrate who had refused to issue a certificate of improvement on land held by one Dud Moreland. The charge was denied, but was never satisfactorily disposed of. Less than a month later Begbie aroused a perfect storm of protest when, after a long and expensive trial, he dismissed the jury in the famous case of *Cranford vs. Wright*, instead of endeavouring to advise or assist them when they failed to agree. The dismissal left the plaintiff saddled with ruinous costs amounting to £1,810, and the conduct of the case was attacked strenuously by Robson. In one of several outspoken editorials he wrote:—

We are, as a Colony, disgraced; our dearest rights are at stake and our property imperilled, because we cannot rely for protection upon a righteously administered law. There is not one of our citizens to-day who, if a difference arose between him and his neighbour upon any matter which

required to be taken into our superior court for settlement, would not prefer to waive a large portion of what he considered his just and legal right rather than encounter, what it is only truth to call, the absurd, illegal and unjust decisions and charges of Judge Begbie.¹

Decisions in later cases were regarded as equally unsatisfactory, and as late as June 13, 1866, only six months before Begbie drew up his memorandum, Robson printed a biting leader entitled "The judiciary falling into contempt." Robson was by no means alone in feeling that the existing state of affairs was far from satisfactory, and it is significant that in 1867 the Gold Mining Ordinance was amended so as to limit appeals to the Supreme Court (in other words, to Judge Begbie) from the decision of a Gold Commissioner to questions of law. The decision of the Commissioner or a jury "upon all matters of fact" was in future to be "final and conclusive."

The manuscripts (a), (b), and (c) printed herewith are in draft form in a letter-book of Begbie preserved in the Archives of British Columbia. In order to simplify their reproduction the many abbreviations have been expanded.

(a.) *Draft of memorandum prepared by Judge Begbie for submission to the Earl of Carnarvon, Colonial Secretary.*

New Westminster. 28 December 1866.

Memorandum for the Right Honourable the Earl of Carnarvon one of Her Majesty's principal Secretaries of State respecting the Chief Justiceship in the Supreme Court of British Columbia. Submitted by Matthew Baillie Begbie judge in this Court.

On the 2nd September 1858 I received Her Majesty's Commission appointing me to be during Her Majesty's pleasure a Judge in the colony of British Columbia. I left England on the 11th September 1858 and arrived in Vancouver Island on the 16th November and assisted on the 19th November 1858 at the proclamation of the colony of British Columbia at Fort Langley being myself sworn in to the office of judge on that occasion. I have ever since that time been the only person, and therefore of course the chief person exercising judicial authority in the supreme Court of this Colony. A copy of my commission is annexed.

2. On the 14 August 1858 previous to the date of my commission, but after the appointment had been arranged, the Right Honourable

(1) New Westminster *British Columbian*, March 11, 1863.

Sir Edward Lytton, then Secretary of State for the Colonies addressed a despatch to the Governor of British Columbia of which the following is an extract "I . . . shall send you also at the earliest moment an officer authorized to act as Judge & who I trust as the Colony increases in importance may be found competent to fill with credit & weight the situation of Chief Justice." The officer alluded to in this paragraph was myself. I was not aware of the existence of this despatch until I read it in the Blue Book for British Columbia (p. 47, par. 4) published 18 February 1859: received by me probably in April or May 1859. But the prospect of promotion of this description, so as to place me on an equal designation with Mr. Cameron, the sole judge & Chief justice of the supreme Court in the neighbouring Colony of Vancouver Island had been held out to me verbally before leaving England. I forget whether this conversation occurred with Sir Edward Lytton or with some of the gentlemen in the office to whom he referred me. But finding the intention thus early announced to the Governor and published openly, I have never made any application concerning the matter save in one letter to His Excellency Mr. Seymour inquiring whether any steps were likely to be taken for carrying it out: in which letter was indicated the probability of the present difficulty arising.

I do not know why; but when the Colony of Vancouver Island was in 1856 furnished with a Supreme Court of Civil justice,—though the whole colony was a mere Hudson's Bay Company trading settlement, the white population to be reckoned by scores, the salary for the whole judiciary £100 per annum, and the whole bench represented by a single judge—(not [Chief Justice Needham] the present incumbent)—he received the designation of chief Justice. While in British Columbia, of far greater extent & varied interests, & which sprung at once into existence in 1858 with many thousands of inhabitants,—the sole judge of the supreme court has never received a higher designation than simply that of "a Judge."

On the 19th November ultimo [1866] the Act of Union of the Imperial Parliament (29 & 30 Vict^e c. 67) was simultaneously proclaimed in both Colonies. By the express terms of that Act, the separate Executive and separate Legislature of the then colony of Vancouver Island were to cease from the date of the proclamation: & the Executive and Legislature of British Columbia (the latter numerically increased) were to extend and exercise authority over the whole territory theretofore forming the colony of Vancouver Island, which was thenceforth to be included in & form part of the colony of British Columbia. It may be observed that the limits of the colony of British Columbia as originally defined by the Imperial Act of 1858 have already been twice enlarged in 1862 & 1863.

There does not appear to be in the Act of Union any express declaration concerning the Supreme Court of Vancouver Island. And I believe the opinion is held by some persons that that court is not abrogated, and that the Chief Justice of that court is still one of Her Majesty's judges. I have not heard the arguments on which this opinion is

based; except that I have heard it suggested that such a result is the necessary consequence of certain enactments of the local legislature in that colony: and that by the Act of Union itself, although Vancouver Island is to form part of the Colony of British Columbia, yet the former local laws of each geographical division of the new colony are to continue to be in force until changed by the new legislature. The two local acts however to which I have been referred in support of this view do not seem when taken together to support this construction, but rather the reverse. And, if they did support it, that circumstance would only shew that they were no longer in force at all. The Act of Union, when it declares that local laws shall continue in force, must certainly be understood to speak only of such local laws as are not inconsistent with itself. Every law, constitution, or custom, inconsistent with the Union Act, must be deemed to be abrogated by it: else the Union itself would never take effect at all. I do not wish to enter upon any constitutional argument upon this point, which can be perfectly considered at home; but merely to state shortly the view I take; which is this:—The judiciary is merely the mouthpiece of the Executive, the organ by which & by which alone, the executive can constitutionally declare judgments for the decision of all rights, whether of the Executive itself, or of private individuals. When the whole Executive is abrogated, the judiciary must surely expire with it: and when the executive is extended into a new dominion, it carries its own courts of justice along with it. So that in 1866 the writs out of the Supreme Court of British Columbia run for the first time into Vancouver Island as in 1864 for the first time into Stekin &c. when that addition of territory was made. The commission of the Chief Justice of the colony of Vancouver Island was by the terms of the order in Council under which it issued () expressly declared to be only during Her Majesty's pleasure: & since the consent of the Crown must be taken to have been given to all the natural & logical consequences of the Act of Union, and the Royal pleasure signified thereon, when the Royal Assent was given to the Act itself, the assent to the Act of Union must have determined the commission of the chief Justice of the Supreme Court of Vancouver Island.

According to my view therefore I have still the honor to be, as I have been ever since the 2nd September 1858 or at least since the 19 November 1858 the sole & therefore necessarily the chief judge of the Supreme court in British Columbia,—a jurisdiction which has always included the larger portion and now includes nearly the whole of Her Majesty's dominions in North America West of the Rocky Mountains. It is now I believe contemplated to appoint an additional judge in this Court;—and to give the new judge precedence over me, within some portions at all events of the Colony. And before this is carried into effect I should wish, with all submission, to be informed of the reasons why, after a delay of 8 years & upwards in reliance on the representations made by the Secretary of State, I am at length to find myself, not promoted, but superseded.

Eight years silence can sufficiently attest my unwillingness to urge what follows: or to seem to plead, as for a favor, or that which I think I might challenge as my right. Yet since I seem put on my defence—since after 8 years of service as Chief Justice in fact, with the published anticipation of being made so in name, the question seems now to be mooted whether I shall not see another placed over me in my own Court. I shall venture to say 1° that no English judge has perhaps ever been placed so utterly & entirely alone, with so many circumstances of physical and moral difficulty and irritation around him, for such a length of time, in the wildest vicissitudes of excitement and ruin. Secondly that the criminal statistics of the colony appear highly favorable when placed beside those of any other gold producing country. Crimes of violence are extremely rare; highway robberies almost unknown; I think only 4 or 5 cases by white men since my first circuit in 1859. The express has for years travelled constantly over 500 miles of road, chiefly through mountainous or forest country. It carries from \$50,000 to \$200,000—protected I believe by 2 armed men—I don't think it has ever once been attacked. Stabbing & pistoling, so common in the adjacent territories are almost unheard of on the British side of the line: although the population is composed of the same ingredients. I should be sorry to have it supposed that I am vain enough to attribute this most fortunate state of things purely to my self. I know what is due to the executive, in all its branches—particularly to the excellent & invaluable magistrates who, scattered at great intervals, generally with only 2 or 3 constables apiece, enforce the observance of the laws almost entirely by their moral influence. All I claim is, that the criminal statistics of the colony shew no unfitness in me to be a judge here. And I am unfit to be a judge at all, if I am now fit only to be superseded. Thirdly, As to the civil side of the court, I shall only say, that though many cases of very great value have passed through my hands, there has never been a single appeal from any decision of mine. I have not indeed heard of one case in which any counsel has even given an opinion that an appeal could be successful and I therefore claim that the results on the civil side of the court are as favorable as on the criminal side.

[Precedence in Victoria would be virtually precedence in the Colony. Victoria is in every particular—in excellence of harbour, facility of approach, central situation, amenity of climate, beauty of scenery, fertility of environs—so far beyond comparison with any other point in Her Majesty's dominions on the Pacific coast for convenience of trade, residence, & agriculture that she would speedily take the lead as a settlement, even if she had it not already. But in point of fact Victoria is the only settled part of the colony: in population about equal to all the rest. It may be said that outside of Victoria and its neighbourhood there is not a trader of any importance, not a family in tolerably easy circumstances (unless an official)—not six houses either of brick or stone. And if Victoria fall, it can only be accompanied by a universal collapse. I therefore regard with very little satisfaction the

right of precedence in other parts of British Columbia if I am to be superseded by another judge when sitting there.]¹

I regard the partial superseding, I mean the proposal of superseding, me in a part only of the Colony, (viz) in Vancouver Island (including of course Victoria) with very little satisfaction. Whatever is to be the future of Victoria there is no doubt but that it will always be one of the most important points on the North Pacific Coast, both for commerce & population. I conceive that I alone have now jurisdiction there, & have had sole jurisdiction ever since the 19 November last. I will not say one word to disparage the Gentleman [Chief Justice Needham] whom it is proposed to place over me: but on the other hand I certainly admit no disqualifying inferiority on my part, as I believe he would himself claim no preeminence over me, except in the accident of nomenclature.²

It scarcely seems probable that there was originally in 1858 any intention to mark, by this difference of designation, a superiority of importance in the Vancouver Island Court—especially when it is considered that the Chief Justice in that Court was then Mr. Cameron.³ Still less probable does it seem that that difference of designation was intended to mark a perpetual superiority, even after Vancouver Island should have become extinct as a separate Colony, and in all other respects annexed to British Columbia. I venture to submit that if I had been before the union designated a "Chief Justice"—or if the sole Judge in Vancouver Island had never been termed "chief justice" but simply a "judge," (as in this colony)—no question would ever have been raised by the judge of that Court⁴—but precedence would have been accorded me as a matter of course. I therefore venture further to hope that this accident of designation will not be deemed by Her Majesty's government an irrefragable reason for now subordinating my office, and mine alone of all the continuing officials of British Columbia to the analogous office in the late Colony of Vancouver Island, by appointing a new Judge in this Court over me—no unfitness being shewn in me but on the contrary, the results of 8 years administration challenging comparison with the results in any other of Her Majesty's Colonies—and the gentleman whom it is now proposed to appoint for the first time to this Court (whose fitness in himself for such office I do not dispute) being my junior at the English bar, and by many years also on the Colonial Bench.⁵

(1) This paragraph was subsequently struck out.

(2) As noted above, Begbie was only designated a "judge" whereas Needham was "chief justice."

(3) Cameron had had no legal training.

(4) This statement is interesting, as it implies that Needham had claimed precedence over Begbie.

(5) Begbie was appointed in 1858; Needham in 1865.

I suppose the documentary evidence is easily accessible in the office at Downing Street. The documents & authorities so far as I know (I am very ill supplied with these) are

- 1°. Imperial Act 21 & 22 Vic. c. 99
(the act creating the Colony of British Columbia.)
- 2°. My own Commission (copy sent herewith)
- 3°. British Columbia boundary Act A.D. 1863
(26 & 27 Vic. c. 83)
- 4°. Union Act 1866 29 & 30, Vic. c. 67.

and so far as I know in relation to the late supreme court of Vancouver Island

- 5°. Act 1849 (12 & 13 Vic. c. 48) concerning the Court in Vancouver Island
- 6°. Order in Council 4 April 1856 in the same matter.
- 7°. Commissions of Mr Cameron & Mr. Needham (neither of these documents I have ever seen)
- 8°. Two local Acts Vancouver Island regulating the salary of the Chief Justice in that Colony.
- 9°. Chalmers's colonial opinions (Burlington Edition 1858) p. 433—on the Jamaica Acts 1751.

M B B
J.S.C.

(b.) *Paragraph from undated and incomplete draft memorandum by Judge Begbie, presumably intended for submission to Governor Seymour.*

Because the jurisdiction of this Court is extended over Vancouver Island—& there cannot be 2 supreme courts in one place, I claim jurisdiction by virtue of my commission, which appoints me a judge in British Columbia. I look from year to year to see what British Columbia means: taking for my guide legislative declarations, & judicial declarations made by a Competent Court. In 1858 1862 1866, I have found different parliamentary boundaries & have acted accordingly. I take the Geographical limits of the executive to be those of the judicial jurisdiction—and I find no other person appointed to be either Chief Justice or Judge in the Supreme Court of British Columbia. It would surely be an unexampled inconvenience to have 2 collateral Supreme Courts without any authority (like the House of Lords in England) to keep both to one uniform line.

(c.) *Draft of memorandum prepared by Judge Begbie for submission to Governor Seymour.*

New Westminster 22 ^d /3/66. ⁶ To His Excellency the Governor.	}	Memorandum as to the jurisdiction of the Court (Vancouver Island) in a letter to His Excellency (private & confidential)
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The circumstances which seem to embarrass [*sic*] the nomination of any puisne or other Judge to the Supreme Court—Vancouver Island or the recognition of that Court as an existing Court are as follows:

On the 19th November 1866 (the day of the proclamation of the Union Act) there was in the then Colony of Vancouver Island a Supreme Court under the Order in Council 1856, "The Supreme Court of the Colony of Vancouver Island"—by the same order directed to be held before a Chief Justice to be called "the Chief Justice of the Colony of Vancouver Island"—who was by the same order directed to be nominated by letters patent under the public seal of the said (late) Colony in pursuance of a warrant or warrants from time to time granted in that behalf under the Sign Manual: the office to be holden during Her Majesty's pleasure. On the mainland there was at the same date (19/11/66) a Supreme Court intituled according to the British Columbia local proclamation with force of law (8 June 1859) "The Supreme Court of Civil Justice of British Columbia" and on its seal "The seal of the Supreme Court of Civil Justice of British Columbia" & holden before a judge appointed in that behalf by a communication addressed to him (the judge) under the Sign Manual & privy signet.

By the Union Act, on the proclamation thereof "the form of Government existing in Vancouver Island as a separate Colony shall cease; and the power & authority of the executive government . . . existing in British Columbia shall extend to & over Vancouver Island."

The Union Act further provides that until the proclamation of such act "British Columbia" shall mean——after
 the proclamation, "British Columbia" shall mean—

There is not in the Union Act any express nor so far as can be seen any implied ratification or continuation of the said Supreme Court of the (late) Colony of Vancouver Island beyond the date of the proclamation of the Act here.

Under the circumstances above stated, it is the opinion of yourself & of both your constitutional advisers that the Supreme Court of the late Colony of Vancouver Island is, since the proclamation, practically extinct. I am not aware that any person, either on the mainland or Island, presumably capable of forming an opinion, is of any other mind: although I believe some persons have expressed doubts whether the jurisdiction of the Supreme Court of British Columbia extends over the Island as it formerly did & still undoubtedly does extend over the

(6) This date is obviously incorrect. Its position in the letter-book would suggest that the year should have been 1867.

mainland. The Solicitor General repeatedly informed me (during his residence at New Westminster in attendance on the late session of the legislature) that Mr. Needham had very clearly expressed his opinion that his court (Supreme Court of Colony of Vancouver Island) was gone—and that he sat & held court merely as a sort of arbitrator, & so long only as his jurisdiction was not objected to. And this is on various grounds (as I have already had the honor of intimating) is my own opinion so far as I may form an opinion upon a point likely to be disputed, without having heard any argument except such as I have been able to supply myself. But after the most careful consideration, on constitutional grounds, by direct proofs, & by indirect (ie by arguing *ex absurdo* and *ab inconvenienti*) it seems clear that the “Supreme Court of the Colony of Vancouver Island” practically ceased to exist on the 19 November 1866. Whatever authority it now, since that date, possesses, must be derived purely & solely from the Order in Council 1856 and the consequent local Acts (of Vancouver Island) for carrying that order into effect—and in no degree from the existing executive or legislature, or from any executive or legislature by or through which the existing powers derive their right or title. The Supreme Court of Vancouver Island must surely exist, if at all, independent of any authorization, & probably of any control, by any existing legislative or executive in the world. (Under such circumstances, who is to pay the Judge—whose Sheriff is to execute his judgments?)

I understand that by the recent despatches (received last mail) the Governor of British Columbia is instructed to consider the Supreme Court of the (late) Colony of Vancouver Island to be still subsisting as Constituted by the Order in Council 1856, and Mr. Needham, the Chief Justice of the said (late) Colony, to be still in possession, unimpaired, of all the powers & authorities which he possessed before the Union—and is further instructed to appoint (in substance) Mr Needham to be a puisne Judge on the mainland, & myself a puisne Judge on the island (ought to be “of the Court in which Mr Needham is Chief Justice” ie of the Supreme Court of Civil Justice of Vancouver Island)

In carrying out the last line of these instructions, a difficulty arises. I suppose no difficulty would arise in appointing any gentleman to be a puisne Judge in an existing Court of an existing Colony—and therefore Mr. Needham may well be appointed to be a Judge in the Supreme Court of British Columbia. As to the particular form or method of appointment, however, there may be some question. Perhaps the instructions meet the point—perhaps, again, simple instructions are not a sufficient warrant for such an appointment. Evidently the new Judge cannot be invested with the authority I hold, (*viz*) a commission under the Sign Manual & Privy Signet. And I am not aware of any authority on the present occasion similar to that mentioned in the order in Council 1856 in relation to the appointment of a Chief Justice in Vancouver Island (*viz*) to appoint from time to time by letters patent under the public seal of the Colony pursuant to a warrant or

warrants in that behalf from time to time granted under the Sign Manual and Privy Signet.

But as to the latter clause of the instructions, (*viz*) concerning the appointment of myself to be a puisne Judge in Vancouver Island—In what Courts under what form & seal is the appointment to be made? and what seal is the new puisne Judge in Vancouver Island to use?—or why am I to be authorized afresh?—I am already commissioned under Her Majesty's Sign Manual & Privy Signet "*to be a judge in British Columbia*" and I conceive that in all British Columbia territory I require no further or other authority for my exercise of such jurisdiction. It may even be said that by my oath of office, being sworn to act according to my capacity & understanding, I am bound to act, if called on:—Every man in British Columbia has a right to call on me to act, and I have no right to refuse. I have to exercise my own conscientious judgment as to what is or is not British Columbia territory. For that purpose I have to look to Acts of Parliament or other legislative measures binding on this court: and to judicial decisions duly made in Courts which have authority to bind my judgment. But the question of territorial jurisdiction is one upon which a Judge may be called on to form his own opinion in the first instance and this point (of territorial extent of jurisdiction) has already, long before the Union, been mooted before me. In a case otherwise unimportant I had to consider whether one of the small islands adjacent to the mainland belonged to the then Colony of Vancouver Island, or whether it was or was not included in the territorial boundaries of the Colony of British Columbia as defined by the original Act of 1858 (which is rather vague as to islands)—and it appeared to me to be so included, and the jurisdiction over persons settled there was asserted accordingly. Today, I certainly see Vancouver Island included in the Parliamentary limits of British Columbia. For I take the Geographical limits of the Executive authority to be (in the absence of express words restraining me) the limits also of my jurisdiction. Wherever the executive can send a writ, or a Sheriff, or seize an alleged offender, its own Supreme Court must surely *teste [sic]* the writ, and superintend execution, & keep due watch over the liberty of the subject (as by *habeas Corpus*, certificate! &c)

But if this be doubtful, and if I require additional authority to act as a judge within the geographical limits of that part of British Columbia which was formerly the Colony of Vancouver Island—How are you to grant it to me?—I mean, so as to be in conformity with the recent instructions, & with the order in Council 1856, & in face of the existing facts, & of the Union proclaimed? The order in Council has already fixed that there shall be a Supreme Court in Vancouver Island, to be styled by a given name, to be holden before one judge, also with a given name & style, and such judge is to [be] appointed in a fixed manner, (*viz*) by Letters patent under the public Seal of the late colony. Can this Seal be still used? It would surely be an anachronism to do so, now that the colony has ceased to exist. But how are you to interfere without using it? To use any other Seal, or to use this

without a proper warrant, would be to act in direct contravention of the Order in Council—But if the Supreme Court of Vancouver Island is still intact, unimpaired, & unaffected by the recent changes, this order in Council must be also still in full force:—each clause of it as binding as ever—least of all in your present conjuncture can those clauses be disregarded which direct and regulate the very creation of the Court & of the office of the Judge. In point of fact, the Order does nothing except create and formalize the Court. The Court has no basis or foundation of authority, except the order in Council, & matters founded on it. The order & the Court must stand or fall together: separately, they have no living existence. If the Court be abolished, the order in Council becomes an obsolete state paper, interesting only as a precedent. If the order has become insensible, or non obligatory, the Supreme Court of Vancouver Island is a historical reminiscence.

I understand that it appears to yourself, and to the Attorney general, that these instructions and the order in Council of 1856 are logically irreconcilable with the Union Act. I would suggest that it is improper to attempt to carry out instructions according to the advice of anybody who deems them illogical or impracticable. There is another course, of some delicacy, but which seems the only reasonable plan—(viz) to find out (if possible) some person who agrees with the views taken by the instructions: & obtain his suggestions as to the method of putting them in force. Try Mr. Needham himself—he may have changed the opinion he expressed to the Solicitor General. It is possible indeed that the Solicitor General may have misunderstood expressions simply of doubt, or fears that the Supreme Court of Vancouver Island was swept away, for the expression of a definite opinion.

If Mr Needham's opinion be taken, it would of course be proper to place before him *all* the facts and arguments which have influenced or embarrassed [*sic*] yourself in arriving at a result.

It would not of course be necessary to adopt any course so suggested, unless it recommended itself to your own judgment. But if anybody thinks that the instructions can be carried out, I think you have a right to ask him to propose a plan. If nobody suggests what appears a reasonable plan, you have an easy answer to the Secretary of State.

Lest you should think I have relied too much in the latter part of this memorandum upon difficulties of mere form, I would observe 1°. the difficulties primarily arising under the instructions are on forms merely, and on the very forms here noticed. 2°. Matters of form very often include and depend upon questions of substance: and the difficulty of clothing a proposition in proper words & shape may often be occasioned (and in this instance I think is occasioned) by an error in the proposition itself. In all legal proceedings, the forms adopted are often pregnant with the principles on which they are founded.

M. B. B.

*(d.) Dispatch from Governor Seymour to the Colonial Secretary,
January 11, 1867.*

New Westminster
11 Jan 1867.

No. 24

My Lord,

At the request of Mr. Joseph Needham I have the honor to forward a letter which he has addressed to your Lordship respecting the effect which the Union of the two Western Colonies may have had upon the situation of Chief Justice of the Colony of Vancouver Island to which he was appointed by Governor Kennedy on the requisition of a Royal Warrant. Mr. Needham encloses several letters which have passed between him and me on the subject.

2. In connexion with Mr. Needham's communication I have the honor to forward a memorandum prepared by Mr. Begbie, Judge of the Supreme Court, for your Lordship's consideration, as to his own position under the altered circumstances.

3. I enclose further, copy of a petition very numerously signed, presented to me in Victoria and of my reply.

4. These papers will shew first that Mr. Needham is of opinion that the proclamation of the Imperial Act of Parliament has not in any way affected his position—which position I would observe is defined in the Order in Council, two local Acts, H. M.'s Warrant, and Governor Kennedy's commission "as Chief Justice of the Colony of Vancouver Island." I need not point out to Your Lordship that no such Colony now exists.

5. In the second place will be seen the opinion of Mr. Begbie that the Union proclamation abolished Mr. Needham's situation. That he, Mr. Begbie, is now sole Judge of British Columbia and best entitled to be created Chief Justice of the Amalgamated Colony.

6. Thirdly you will observe that I am of opinion, with Mr. Begbie, that the effect of the proclamation of union was, with the Colony of Vancouver to abolish its Chief Justice. Your Lordship will find however that I endeavoured to deal justly with both these Gentlemen. I proposed to appoint Mr. Needham a Judge of the Supreme Court of British Columbia, with precedence in the Courts of the Island of Vancouver. Mr. Begbie's position to be unchanged with the precedence secured to him on the Main Land. I regret to say that this proposal does not satisfy either of these Gentlemen.

7. Mr. Needham, at the time he wrote to Your Lordship, imagined that he had a grievance against me as to the manner in which I communicated to him my opinion as to the effect of the Act of Parliament. I believe now that he is satisfied with my conduct to him throughout. I would however explain that as it was not in any way proposed to interfere with Mr. Needham's duties or emoluments, I wrote to him in a friendly manner to ask assistance in arranging matters so as to carry on the public offices in Victoria until the end of the year notwithstanding

ing that Vancouver Island had been absorbed into British Columbia. I perhaps wrote a little hurriedly in a press of business while very unwell. If I did so I regret it; but subsequent intercourse has quite undone any feeling of dissatisfaction caused by early communications. There is one point I regret and that is to see that the commission addressed to Mr. Needham was not drafted according to my instructions. I proposed to appoint him a Judge of the Supreme Court of British Columbia having precedence in the courts held in that portion of the Colony called Vancouver Island.

8. The arrangement I proposed to make appeared to me to be just to the two officers concerned as well as advantageous to the Colony and I ventured to submit it for your Lordship's consideration when I was in England. The distaste with which it is received by both Mr. Needham and Mr. Begbie would have rendered it necessary for me to apply formally to your Lordship for instructions had they not taken the initiative in the appeals I enclose.

9. Mr. Needham proceeds quite free from interference to hold his civil courts. Should he however continue to refuse to accept any commission from me either as a Judge or a Justice of the Peace, it will not be without the utmost hesitation that I shall issue to him a commission of Oyez and Terminer. There are three cases of Murder for trial in Victoria.

I have the honor
&c. &c.
(Signed) F. Seymour

NOTES AND COMMENTS.

THE NARVAEZ SESQUICENTENNIAL, 1791-1941.

The year 1941 is of particular significance to the mainland of British Columbia, for it marks the 150th anniversary of the arrival of the first white man off the shores of the present city of Vancouver. The honour for this occasion goes to José Maria Narvaez, a Spanish explorer who first arrived on the Northwest Coast as pilot to Lopez de Haro on board the *San Carlos* in the famous expedition of Estéban José Martínez in 1788.

In 1790 Juan Francisco Bodega y Quadra, commandant of the department of San Blas, appointed Lieutenant Francisco Eliza as commandant of Nootka with strict instructions to begin the work of exploration in the vicinity of the Strait of Juan de Fuca. In fulfilment of these instructions an expedition was fitted out in May, 1790, under Manuel Quimper in the *Princesa Real*. All that resulted from this exploration was the discovery and charting of both coasts of the strait as far as the San Juan Archipelago.

The following year more elaborate plans were laid for the exploration of the coast. On May 4, 1791, Eliza, in command of the *San Carlos*, with Juan Pantoja y Arriaga as first pilot and José Antonio Verdia as second pilot, and the schooner *Santa Saturnina* under the command of Narvaez with Juan Carrasco as pilot, set sail from Nootka. The *San Carlos* arrived at Cordova (Esquimalt) late in May, where it was joined by the *Santa Saturnina* in mid-June. A preliminary exploration of the strait was undertaken by Pantoja which demonstrated that what had been hitherto called San Juan Island was actually an archipelago. Eliza then shifted his base to Puerto de Quadra (Port Discovery), on the south side of the Strait of Juan de Fuca.

From this port the expedition under the command of Narvaez, accompanied by Carrasco, set sail on July 1, 1791. The outgoing route has been admirably traced by Henry R. Wagner in his *Spanish Explorations in the Strait of Juan de Fuca*. The schooner passed through Rosario Strait into Padilla Bay and Bellingham Bay. From that point Wagner describes the route in the following manner:—

Passing out of Bellingham Bay through Hale Passage, the channel east of Lummi Island, which he named "Pacheco," he anchored a few miles north of that island. Still sailing north and passing Sandy Point to which or to Lummi Bay he gave the name "Loera," he reached Birch Bay where he again anchored. This he named, no doubt, the "Puerto del Garzon," although it appears on Eliza's map as a *punta*. A body of water just inside of this on Eliza's map is named the "Laguna del Garzon," probably Lake Terrell. Still sailing north his next anchorage seems to have been off the entrance to what is now known as Drayton Harbor, named by him "San José." Just how far he proceeded up Boundary Bay cannot be determined, but obviously he went far enough to see Quo Mais Point, which he named "San Rafael." What appeared to be an inlet at the end of Boundary Bay was named the "Boca de Bodega" (changed on the Eliza map to "Florida-banca"). The southern part of the peninsula west of Boundary Bay was supposed to be an island and named "Zepeda."

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No further anchorage is shown until we reach the Rio de la Aguada, west of Howe Sound, but we know that Narvaez anchored somewhere near the mouth of the Fraser River. Burrard Inlet appears on the map without any name, but the north point at the entrance, now called "Atkinson," was obviously named "Bodega," as it so appears on Eliza's map. Land to the south of the inlet was supposed to be island and named "Langara." Indian settlements are shown both at Pt. Atkinson and Pt. Grey. Howe Sound was visited and named the "Bocas de Carmelo," Bowen Island and the small one to the west of it being named "Apodaca." The watering place, Rio de la Aguada, seems to be near the end of Sechelt Arm. The next place of anchorage was on the west side of Thormanby Island named "San Ignacio" on the Eliza map. Narvaez then sailed up between Texada Island and the mainland, naming the island "San Felix" while he applied the name "Texada" to the one now known as Lasqueti.

The most northerly point reached was probably a little short of the north end of Texada Island. From thence Narvaez crossed to the west side of the Gulf of Georgia and followed the coast of Vancouver Island southward, exploring various passages *en route*, including the present Nanaimo. On July 21, the expedition was safely back at Puerto de Quadra.

Narvaez was the first navigator to explore the intricacies of the Gulf of Georgia. His anchorage in the environs of Point Grey in July, 1791, antedates by many months the more celebrated meeting of Captain George Vancouver with Dionisio Alcalá Galiano and Cayetano Valdés y Bazan, in June, 1792.

BRITISH COLUMBIA HISTORICAL ASSOCIATION.

VICTORIA SECTION.

There was a large attendance at the meeting of the Section held in the Provincial Library on January 22. The speaker of the evening was the Honourable Mr. Justice Robertson, his subject being *The Honourable Alexander Roche Robertson: The Story of My Father's Life*. The late Mr. Justice Robertson was born in Chatham, Ontario, in 1841, and was educated in the schools of that city, Caradoc Academy, and Upper Canada College. A man of versatile tastes and abilities, he was a student and reader, an accomplished violinist and singer, fond of riding, and an ardent fisherman. He was called to the Bar of British Columbia in New Westminster, in November, 1864. Prior to this, while endeavouring to secure admission, Mr. Robertson lived in Victoria, where he was for a short time editor of the *Victoria Chronicle*. In May, 1869, he was appointed Crown Prosecutor at the Yale Assizes, and in 1870 was elected Mayor of Victoria. He was a prominent and active citizen, and played a part in many important events in the early history of the Province. He was a strong supporter of the plan to build the Canadian Pacific Railway, and shared this advocacy with such associates as John Robson, Arthur Bunster, and J. A. Mara. In the first Provincial Government, formed in 1871, he was Colonial (later Provincial) Secretary, and while in office he introduced the first School Act of the Province. He was offered, but declined, the office of Attorney-General. In November, 1880, he was appointed to the Supreme Court, but unfortunately only lived to enjoy the honour for a little more than a year. His death occurred on December 1, 1881, at the early age of 40.

The Victoria Section has for some years been gathering a series of memoirs of distinguished pioneers contributed by their descendants, and Mr. Justice Robertson's most interesting account of his father's life and work is a most valuable addition to the number.

The Military History of British Columbia was the subject of an interesting lecture given before the Section on February 26 by Brigadier J. Sutherland Brown, D.S.O., C.M.G., a former D.O.C. of Military District No. 11. Unlike Eastern Canada, British Columbia has pursued a comparatively peaceful existence. The sailors and marines of Her Majesty's Navy were the first evidence of military activity on the Coast. The Oregon Boundary dispute created tension between Great Britain and the United States, and a military reconnaissance was undertaken by Lieutenants Warre and Vavasour in 1845-46, but their reports arrived in England too late to affect the final settlement. Repercussions of the Crimean War resulted in the requisitioning of the Hudson's Bay Company steamer *Otter*, but British Columbia was never in any real danger. The San Juan incident also aroused considerable local feeling. The major military event of the colonial period was the peaceful arrival of Colonel Moody and his celebrated detachment of Royal Engineers in 1858-59. Brigadier Brown next traced the history of the local militia; mention being made, amongst others, of the negro Victoria Pioneer Rifles, organized in 1860, and the New Westminster Home Guards, raised in 1866 when there were rumours of an impending Fenian raid on the colony. The Military District was gazetted on October 16, 1871, and the Adjutant-General, Colonel Ross Robertson, recommended a reorganization, which was put into effect. In the opinion of the speaker, British Columbia played a creditable rôle in the last Great War. Indeed, too many regiments were raised, and as it became impossible to reinforce them all, certain ones were of necessity broken up.

The personal reminiscences of military men and events with which the Brigadier was able to supplement the narrative of historical events were of special interest.

Members of the Section will long remember the delightful reception held at the home of the Misses Galt, St. Charles Street, on the evening of Tuesday, March 11, the ninety-first anniversary of the landing of Richard Blanshard, first Governor of the Crown Colony of Vancouver Island. More than a hundred members and guests attended. Mrs. Curtis Sampson, President of the Section, opened the programme with warmly expressed thanks to the Misses Galt for providing such a beautiful setting for the celebration, and a letter from the Lieutenant-Governor and Mrs. Hamber, regretting their inability to be present, was read by the Secretary. Mrs. Sampson next introduced Dr. Kaye Lamb, who spoke briefly on *The Real Governor of Vancouver Island*. The reference was to James Douglas, and Dr. Lamb was able to throw new and amusing light upon his transfer from Fort Vancouver to Fort Victoria, in 1849. Miss Honor Benson, dressed in an old-fashioned costume, next contributed a group of vocal solos, accompanied at the piano by Miss Dumbleton. The principal address of the evening was given by Mr. Willard Ireland, Provincial Archivist, who

reviewed the career of Richard Blanshard. Mr. Ireland was able to throw much new light upon many aspects of the Governor's life and work, thanks to documents which he discovered in the Archives of the Hudson's Bay Company, the Public Record Office, and other manuscript collections. This new material will be incorporated in an article which Mr. Ireland and Dr. Lamb are preparing for publication at an early date in this *Quarterly*.

Some weeks before the meeting, the Misses Galt had presented to the Historical Association an autographed portrait of the Baroness Burdett-Coutts, and Mrs. Curtis Sampson seized upon the occasion both to announce the gift and to present it formally to the Archives. The picture was accepted with grateful thanks by Mr. Ireland, after which Mrs. M. R. Cree read a most interesting paper upon the life and manifold activities and benefactions of the Baroness. The audience was particularly interested in the story of the famous "Iron Church," the site of which is now occupied by the Victoria store of the Hudson's Bay Company, and the equally interesting episode of the "Bride Ship" of 1862.

VANCOUVER SECTION.

A meeting of the Section was held in the small dining-room of the Hotel Grosvenor, on the evening of Monday, January 27. About seventy-five members and friends attended. In the absence of the President, the Vice-President, Dr. M. Y. Williams, presided. The speaker of the evening was Mrs. Constance Cox, of North Vancouver, whose address was entitled *Early Days in Northern British Columbia*. Mrs. Cox was born in Hazelton, has lived most of her life there, and has acquired an extraordinary knowledge of the district and its people. This applies to the Indians as well as the whites, and the first part of her address was devoted to a number of native legends, which were illustrated by coloured film slides specially prepared for the occasion. The pictures were most interesting, and enabled Mrs. Cox to tell the stories in a most effective and graphic manner. These slides were followed by others made from photographs, in which many of the famous "characters" of the district—both Indian and white—appeared. Mrs. Cox knew them all, and told their stories most amusingly. The speaker was introduced by Bishop Rix, of Prince Rupert, who happened to be visiting the city at the time of the meeting, and the thanks of the Association were expressed by Mr. E. G. Baynes. In response to questions, Mrs. Cox told something of the history of early medical and hospital service in the Hazelton region, and recalled incidents which illustrated the extremely primitive equipment which was available in early days. She paid a glowing tribute to the work of the late Dr. Wrinch, who was chiefly responsible for the improvement of medical service in the area, and who had the satisfaction of seeing the present fully-equipped hospital at Hazelton completed before his lamented death, which occurred some few years ago.

SIMILKAMEEN HISTORICAL ASSOCIATION.

The first quarterly meeting for 1941 was held on Friday, January 31. Fitting reference was made to the passing of two old-timers—E. E. Hardwick, who came to British Columbia in 1893, and to the Similkameen Valley

in 1899; and Andrew Wooler, better known as "Salvation Jim." Robert Service had Jim in mind when he created one of his characters, for among Jim's papers was a letter dated "Dawson, Y.T., 15 Mar. '12," in which Service acknowledges his debt to Jim. "Yes, I used just a little bit of you in my character of Jim. . . . Your story seemed just to fit in. . . ."

The address of the evening was delivered by C. R. Mattice. It dealt with *The Geographical and Geological Features of the Similkameen Valley*, and was illustrated by large-scale maps. Mr. Mattice had drawn his material from many sources, and with the help of the maps succeeded in giving an interesting and detailed survey of a large area.

GRADUATE HISTORICAL SOCIETY.

The annual banquet of the Graduate Historical Society of the University of British Columbia was held in the Brock Memorial Building, at the University, on Tuesday, March 4. Some forty persons attended.

Members and friends were welcomed by the President, Mr. Robert Boroughs, who called upon Dr. W. N. Sage, Head of the Department of History, to call the roll of honour students from 1915 to the class of 1942. This roll-call proved to be an interesting way of showing the varied fields into which the study of history has led its followers.

The guest speaker was Mr. Stewart Knight, who resided for many years in Oslo, and told the story of his dramatic escape from Norway, following the Nazi invasion. In graphic and simple language Mr. Knight gave a striking account of Nazi methods of conquest, and of the reactions of conquered peoples.

Among the guests in attendance, in addition to Dr. Sage, were Professor and Mrs. F. H. Soward, Professor A. C. Cooke, Dr. Sylvia Thrupp, Mr. E. C. Thrupp, and Dr. Kaye Lamb.

CONTRIBUTORS TO THIS ISSUE.

John Ilmari Kolehmainen, Ph.D. (Western Reserve), is Assistant Professor of History and Government at Heidelberg College, Tiffin, Ohio. He has written many articles dealing with various aspects of Finnish immigrant life in the New World.

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T. A. Rickard, D.Sc., A.R.S.M., has had a distinguished career as a mining engineer, editor, and writer. The best-known of his many books is probably *Man and Metals*. He was for many years editor of the *Mining and Scientific Press* (San Francisco). At present he is at work upon a history of mining in Canada.

Miss Madge Wolfenden is Assistant Provincial Archivist of British Columbia.

THE NORTHWEST BOOKSHELF.

The Journal of Captain James Colnett aboard the *Argonaut*, from April 26, 1789, to November 3, 1791. Edited with introduction and notes by His Honour Judge F. W. Howay, LL.D. Toronto: The Champlain Society, 1940. Pp. xxxi., 328, xii. Pl.

Captain James Colnett of the *Argonaut*, who was seized with his vessel at Nootka in 1789 by Don Estéban José Martínez, the Spanish commander who had been sent north to vindicate Spain's claims to the Northwest Coast, is one of the colourful figures in our history. Since the discovery over twenty years ago of Martínez's diary, one side of the controversy has been known. Meares's Memorial had for a century and a half told his side of the story, but we have had long to wait for Colnett's full account. A fortunate discovery in the Public Record Office, London, in 1935, by Mr. Donald Angus of Honolulu, has led to this publication of Colnett's Journal by the Champlain Society.

In his paper on Colnett, delivered before the Royal Society of Canada in 1939, His Honour Judge Howay told Colnett's story in brief. He even allowed himself to draw certain conclusions, such as the more than probable intoxication of both Martínez and Colnett on the occasion of their quarrel at Nootka, which are lacking in his introduction to the present volume. As usual, Judge Howay has rigidly maintained that high standard of objectivity which marks his editorial work.

James Colnett was a very curious character. It seems probable that his sufferings at the hands of the Spaniards caused him to lose his reason for a time. All through his narrative there are signs of his lack of balance. His first mate Robert Duffin, for example, could do nothing which was right in his captain's eyes, and Colnett misses no opportunity of casting aspersions on his loyalty and his honesty.

Judge Howay has contributed a valuable introduction in which he tells the story of Colnett's life and discusses the problems raised by the controversial accounts of the events at Nootka. But the Judge's unique knowledge of the maritime history of our coast is best to be found in his scholarly foot-notes.

Colnett's narrative begins at Canton and sets forth valuable documents indicating that he was sent to the Northwest Coast with proper papers from his employers, the brothers Etches, John Henry Cox, and Daniel Beale & Company. When he arrived at Nootka he was at first received cordially enough by Martínez, but the Spaniard learned that Colnett was charged with the task of establishing a British settlement at Nootka and the controversy began. Colnett with the *Argonaut* and the *Princess Royal* was seized and sent to Mexico as prisoner. Martínez seems to have considered Colnett a pirate and this accounts in large measure for the treatment he received. It was horrible enough, but Colnett's story loses nothing in the telling.

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While in Mexico he kept up an acrimonious correspondence with the Viceroy of New Spain, all of which is duly set forth in the journal.

At length after an imprisonment of one year and five days Colnett was freed, his vessel restored and he was allowed to return to Nootka. He claimed that the Spaniards had plundered his ship and robbed him, and accordingly he rendered a lengthy account which he lists as the "Spanish Balance." As Judge Howay points out, this "Spanish Balance" has an authentic ring about it and is a document of some importance.

After having traded on the Northwest Coast and having obtained 1,120 sea-otter skins, the *Argonaut* proceeded to Hawaii and then returned to China. Colnett found, to his disgust, that it was now impossible to market his furs in Canton because of a prohibition imposed by the Chinese authorities. He then attempted to sell his furs in Japan, but was neither allowed to land nor to trade. Next he visited Korea, where he was cordially received, and then visited Chusan on the China coast, near the site of Shanghai, where he had the usual difficulties with the hong merchants. The furs were finally shipped to England in an East Indiaman.

On the whole, Colnett lost money on his venture and returned to England on the East India Company's vessel, the *General Coote*. He re-entered the Royal Navy and served in the French Revolutionary and Napoleonic wars. He retired from service in 1805, before the battle of Trafalgar, and died about the end of August, 1806.

The Champlain Society is to be congratulated on the publication of this valuable volume and especially for its wisdom in securing Judge Howay as its editor. Colnett's Journal is a real addition to the historical literature of the Northwest Coast.

W. N. SAGE.

THE UNIVERSITY OF BRITISH COLUMBIA,
VANCOUVER, B.C.

Building a State; Washington, 1889-1939. [Seattle] Washington State Historical Society [1940]. Pp. 609. Ill.

Building a State, a compilation on the progress of the State of Washington from territorial days to 1939, which emanates from the Washington State Historical Society, is the joint effort of no less than fifty different authors. Washington's 50th anniversary of union, two years ago, was the motive for this 600-page survey of the political, social, and economic development of the "Evergreen State"; and to the late N. B. Coffman is due the foresight and forethought that have made the volume a reality.

While of much interest to the historian because of the pioneer reminiscences and reprinted diaries interspersed throughout, the book is primarily written for the average reader and the general public, and owing to the limitations of time and space does not pretend to be more than a survey. But it should prove to be a very useful survey, especially to members of the teaching profession.

A chronology of important dates and events from 1579 to 1889, covering thirteen pages; and the chapter of Donation Land Claims, with its invaluable

able alphabetical index of claimants, both represent an infinite amount of exacting research-work and will be invaluable to students.

Part II., dealing with the State Historical Society, contains material that has not formerly been written about and should stimulate interest in the activities of the Society and serve to make the residents of Washington more familiar with the early history of their state.

British Columbia readers will welcome the publication for the sections it devotes to the early history which Vancouver Island shares with that part of Old Oregon now incorporated in our neighbouring State of Washington, and for the many references to the rule of the Hudson's Bay Company at Ports Vancouver and Nisqually. The glories of Captain George Vancouver's explorations and the vexed question of San Juan Island are also shared with our neighbours across the Straits.

Reproductions of photographs of scenes of pioneer days add to the attractiveness of the volume and the editors, Charles Miles and O. B. Sperlin, are to be congratulated on the success of their undertaking.

PROVINCIAL ARCHIVES,
VICTORIA, B.C.

MADGE WOLFENDEN.

The Pacific Ocean. By Felix Riesenber. New York: McGraw-Hill Book Company, Ltd., 1940. Pp. 322. Ill. \$4.

This book was meant, we may suppose, for popular reading. It is written in a breezy style and is an excellent compilation of the stories of naval adventure that first made known the islands of the Pacific to Europeans. The author is a well-trained engineer and a sailor too, in consequence of which he uses nautical terms with familiarity, and, in some of his paragraphs, with needless exuberance. The style, being meant to be popular, is, unfortunately, occasionally too colloquial.

Nevertheless, even those versed in the history of Pacific "navigations, traffiques, and discoveries," to use Hakluyt's phrase, will find pleasure in reading the book, partly from the inherent charm of the subject and partly because our author's version of the story will reawaken their own memory of historic incidents.

In describing Magellan's exploration, the author says nothing about the difficulties of sailing through the Strait of Magellan in consequence of a tortuous passage and contrary winds. This gateway to the Pacific from the Atlantic was detestable to seamen, and therefore the discovery of a way around Cape Horn was an event even more important than Magellan's.

Most of us know that Magellan never completed his intended voyage around the world, because he was killed by the natives on a little island of the Philippine group. Usually Ceba is the island mentioned in this context, but the author makes it clear that it was a smaller island, Mactan, close to Ceba. Only one of Magellan's five ships, the *Vittoria*, reached home, under the command of a Basque sailor, Sebastián del Cano. The first sailor to go around the world was a brown man, a Malay, brought to Spain from the Moluccas and taken back by Magellan to his own people. Here we may

quote our author in saying that the first woman to encircle the world was Mlle. Baré, a French girl, that was a servant to the botanist Commerçon on board Bougainville's ship, the *Étoile*, during the voyage to Tahiti in 1768.

At this time when the island of Guam is mentioned often in the daily press as an American outpost, we may recall that it was the first landfall of Magellan in the western Pacific and that it was one of the group of small islands named the Ladrões because the natives were such arrant thieves. This archipelago is now named the Marian Islands, and is important strategically at this time when the Pacific is associated with thoughts of naval warfare, as in the old days when the Manila galleons offered enticing loot to the English freebooters, such as Drake, Cavendish, and Anson.

The author dwells properly on the curious fact that the Hawaiian Islands escaped discovery so long. It is possible that Juan Gaetano may have seen them in 1555, but it is a fact that the Spaniards appear not to have known of them, for they would have been of immense help to the ship engaged in trade between Manila and Mexico. The voyage to Acapulco and Navidad by the northern route was difficult and dangerous. A port of call, for provisions, would have mitigated the hardships faced by the Spaniards and served to overcome the curse of life at sea—scurvy. It was left for Captain James Cook, 223 years after Gaetano, to discover the Hawaiian Islands, which he named Sandwich, after the Earl of that name, then First Lord of the Admiralty. There, too, a year later the best of all the sea captains of the Pacific died in a skirmish with the natives.

Captain Cook was instructed to find the Strait of Anian, and found no passage that answered to the traditional description of that fabulous passage, but when he passed through Bering Strait he fulfilled his mission without being aware of it. Another myth that he dissipated was the supposed existence of a large continent in the South Pacific. Mendaña and Sarmiento had seen such a continent through the eyes of their imagination, as our author tells us. It stretched from Tierra del Fuego to within 15 degrees of the equinoctial. Cook sailed below the Antarctic Circle, and missed seeing Wilkes' Land, which later enticed many expeditions to the South Pole. Cook proved that no continental body of land existed in the temperate portion of the South Pacific. He did something much more important; he mitigated the horrors of scurvy by introducing proper diet; he did more for the health and well-being of sailors than any other navigator of his day and thereby greatly diminished the difficulties of maritime exploration. Our author stresses the fact appropriately.

Anson's and Cavendish's buccaneering expeditions and fights with the Spaniards are well described. Indeed there are many lively passages in this book. It is well worth reading.

T. A. RICKARD.

VICTORIA, B.C.

Panchromatic Photographic Reproductions of Twenty Charts prepared for use in the Indian Schools of B.C., by direction of the Indian Affairs Office, Ottawa.

Early in January, 1940, a small committee was formed concerned with the revival of Indian tribal arts in British Columbia as a contribution to Canadian culture. The publication of *The Tale of the Nativity* (reviewed in the January issue of this *Quarterly*), was one of the accomplishments of this industrious committee.

A commission was received by the Secretary of the committee, Miss Alice Ravenhill, Victoria, B.C., from the Head of the Indian Affairs Office at Ottawa, to prepare twenty large charts in colour, of fine examples of the various tribal forms of carvings, paintings, weaving, basketry, and beadwork. The charts were primarily intended for circulation in the Indian Schools of the Province in order to show the children the accomplishments of their forebears. In addition, the commission also included the compilation of a *Handbook*, giving the origin, significance, legendary associations, and tribes from which the numerous illustrations are drawn, which is now in course of preparation. The scope of the undertaking is indicated by the following list of the topics dealt with.

- (1.) Paintings..... Haida and Tsimshian.
- (2.) Paintings..... Haida and Kwakiutl.
- (3.) Paintings—Housefront Crests..... Haida, Tsimshian, Kwakiutl, Bella Coola.
- (4.) Heraldic Poles..... Haida and Kwakiutl.
- (5.) Masks—Dance and Ceremonial..... Haida, Tsimshian, Kwakiutl, Bella Coola.
- (6.) Masks—Dance and Ceremonial..... Haida, Tsimshian, Kwakiutl.
- (7.) Crayon Drawings on Cloak Borders..... Haida.
- (8.) Tattoo Marks..... Haida.
- (9.) Feast Dishes—Ladle, Shamans, Charms..... Haida, Tsimshian, Kwakiutl.
- (10.) Dishes, Spoons, Rattles, Drum..... Haida, Tsimshian, Kwakiutl.
- (11.) Carved Slate Boxes..... Haida.
- Engraved Silver Bracelets..... Haida.
- (12.) Carved Maplewood Spinning-whorls..... Salish.
- (13.) Beadwork..... Kootenay, Thompson, Shuswap, Sekani, Tsimshian.
- (14.) Quill and Beadwork..... Sekani, Dene, Okanagan, Kootenay.
- (15.) Nootkan Art—Weaving, Carving, Painting.
- (16.) Basketry—Coiled and Imbricated..... Chilcotin, Thompson, Lillooet.
- (17.) Woven Headbands and Blankets..... Interior Salish and Chilcot.

- (18.) Woven Mats and Rugs.....Interior Salish and
Haida.
- (19.) Rock Paintings.....Interior Salish, Thomp-
son, Kootenay.
- (20.) Primitive Art.....Coast and Interior
Tribes.

In all, over 150 items have been faithfully reproduced. For the general design of the charts and the painstaking selection of the subject-matter, Miss Ravenhill is deserving of the highest commendation. Miss Betty Newton, of Victoria, B.C., very ably assisted in the artistic and accurate preparation of the charts. As an illustration of the range of the former arts and crafts of our native tribes this series of charts is unmatched. Fortunately panchromatic photographs, coloured and uncoloured, have been prepared for the entire series. Libraries, museums, and institutions of higher education desirous of securing copies should communicate directly with Miss Alice Ravenhill, Windermere Hotel, Victoria, B.C. The uncoloured set is offered at \$10, the coloured at \$25.

WILLARD E. IRELAND.

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