THE BRITISH COLUMBIA HISTORICAL QUARTERLY

JULY, 1948

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The
BRITISH COLUMBIA HISTORICAL QUARTERLY

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

VOL. XII VICTORIA, B.C., JULY, 1948. No. 3

CONTENTS.

A mail stage starting from Yale on its long journey to Williams Creek in 1866.

STAGING AND STAGE HOLD-UPS IN THE CARIBOO.

When reports reached the outside world of the discovery in the early 'sixties of fabulously rich deposits of placer gold in the Cariboo country of British Columbia there was a rush not only of experienced placer-miners from California but of all classes of humanity from Eastern Canada and the United States, the United Kingdom, and many other points throughout the world. This rush of gold-seekers was into a primitive, mountainous country that was known at that time only to a few explorers, fur-traders, and to the Indians. The pioneer gold-seekers prospected their way up the Fraser River and its tributaries until they discovered the rich gold-bearing creeks. There were no roads or trails and very little was known about the topography of the country since the early explorers had made their journeys largely by following the waterways which were swift mountain streams navigable only for isolated stretches at certain seasons of the year.

The Cariboo country is, roughly, that part of the Interior of British Columbia which is at present bounded by the Canadian Pacific Railway on the south and the Canadian National Railway on the north and extends about 100 miles on either side of the Fraser River. As the horde of adventurers started to arrive there was a great need for transportation from the outside world to the remote creeks, for food-supplies as well as for the necessary miner's equipment. The establishment of a regular service for the carrying of passengers, express, and Her Majesty's mails was also greatly in demand to ensure the development of the new goldfields and the safe transport out of the country of the treasure in gold-dust which every eager gold-seeker expected to secure.

When the gold was discovered in northern Cariboo there were several ways of entering the gold-bearing areas. Eventually traffic was routed by river-steamer from the Pacific Coast up the Fraser to the head of navigation at Yale from whence it went first by trail and later by wagon-road some 380 miles north

to Williams Creek. It was on this creek that the town of Barkerville was later established and became the supply centre for the miners. It was not until over twenty years later, when the Canadian Pacific Railway was completed in the middle 'eighties that the town of Ashcroft, the most feasible point on the railway to connect with the Cariboo Road, came into prominence and soon developed into a centre of considerable importance and the gateway to the whole of the Northern Interior of British Columbia.

The historical old Cariboo Road will soon be converted into a modern highway along which tourists will ride in comfortable automobiles and be accommodated in luxurious hotels. It seems appropriate that early conditions along the road should be recalled and recorded. This article will deal with some of the lesser known details in the history of the first organized transportation company in Western Canada, renowned throughout British Columbia as the "B.X.," and will seek to describe how it operated its unique service and discuss some of the difficulties that it encountered in safely delivering the mails and in serving the public in the pioneer days of the Cariboo.

Before turning to the activities of Francis Jones Barnard, founder of the "B.X.," passing mention should be made of other pioneer express companies. The pioneer expressman in British Columbia was William J. Ballou, who, in June, 1858, organized the *Pioneer Fraser River Express,* the first advertisement[1] of which appeared in the Victoria *Gazette,* July 3, 1858. Ballou had had considerable experience in this field of activity in California and shortly after coming to British Columbia he entered into a partnership with H. F. Smith. This partnership was short-lived, being dissolved by mutual consent in February, 1859,[2] and Ballou continued alone until his retirement in October, 1862,[3] when his business was absorbed by Messrs. Dietz & Nelson.[4] Originally Ballou worked in conjunction with Freeman and Company's *Atlantic and European Express* south to California and after 1859 with Wells, Fargo & Company, which had taken over Freeman and Company's interests in British Columbia.

(1) Victoria *Gazette,* July 3, 1858.
(2) *Ibid.,* February 8, 1859.
(3) New Westminster *British Columbian,* October 18, 1862.
(4) Victoria *Colonist,* November 6, 1862.

The *Fraser and Thompson River Express* was another pioneer company organized by J. Horace Kent and H. F. Smith in July, 1858. The first advertisement for Kent & Smith's express[5] appeared in the August 6, 1858, issue of the Victoria *Gazette*, and continued until September 30, at which time the partnership was dissolved, although the business was carried on by H. F. Smith.[6] It is presumed that this was the organization with which Ballou entered into partnership. From its origin Kent & Smith's express worked in conjunction with Wells, Fargo & Company. Still another express company organized in 1858 was *Lindhart & Bernard's Express*, operating over the Douglas–Lillooet route.[7] The leading spirit in this venture was J. W. Lindhart, a merchant of Douglas, and evidently he soon became the sole proprietor.[8] In December, 1858, he sold out his express business to Messrs. Thompson & Fike,[9] about whom no further information is presently available.

William Jeffray was for some time in 1858 on the staff of the British Columbia Customs House department. Having severed his connection with this government office in August, 1859,[10] he became a "Travelling Agent for the merchants shipping goods . . . to Fraser river . . . paying duties on merchandise . . . and to see it forwarded to its proper destination."[11] Subsequently he entered into partnership with W. H. Thain to form *Jeffray & Co.'s Fraser River Express*[12] and operations commenced on April 1.[13] In December, 1861, this business was acquired by F. J. Barnard.[14]

All of these companies were, in effect, courier services, using canoes and pack-horses, and indeed often the proprietor himself carried the express on his back. Such was the experience of

(5) Victoria *Gazette*, August 6, 1858.
(6) *Ibid.*, October 1, 1858.
(7) *Ibid.*, September 11, 1858.
(8) *Ibid.*, November 13, 1858.
(9) *Ibid.*, December 21, 1858.
(10) *Ibid.*, August 18, 1859.
(11) *Ibid.*, August 16, 1859.
(12) Victoria *Colonist*, March 20, 1860. The co-partnership notice is printed in full.
(13) *Ibid.*, April 3, 1860.
(14) *Ibid.*, December 7, 1861.

Francis Jones Barnard, a native of Quebec, who early in the excitement over the discovery of gold, started " packing " letters and parcels to the miners.[15] In June, 1862, having some months previously acquired Jeffray's express, Barnard merged his company into the *British Columbia and Victoria Express Company*[16] and offered a weekly service. About the same time he entered into an arrangement with Messrs. Dietz & Nelson, operating between Victoria and Lillooet and Yale, beyond which points Barnard's Cariboo Express took over. He was successful in arranging a contract, dated July 19, 1862, with Governor Douglas to carry the mails into the Interior of British Columbia. This contract included arrangements for a service to northern Cariboo at monthly intervals during the winter period of December 1 to March 31 and at bi-monthly intervals during the rest of the year. The authorities also stipulated a postal rate of four shillings to convey a letter from Yale to Antler Creek, with an additional charge of two shillings from that point to Williams Creek.[17]

This service really marks the beginning of the famous "B.X." In the summer of 1863 Barnard put two-horse wagons on the run from Lillooet to Alexandria. These wagons carried two or three passengers every ten days and beginning May 1, 1864, four-horse coaches began to run regularly from Yale to Soda Creek,[18] from whence boats ran to Quesnelmouth. Still later coaches were also used out of Quesnel. Some idea of the scope of this venture is to be judged from the following extract from the *British Columbian:*—

> . . . it only remains to give a few figures, in order to afford the reader an idea of the present magnitude of the institution, and the success with which it has met under the able management of Mr. Barnard and Messrs. Dietz & Nelson. The number of miles traveled [*sic*] during the present year is 110,600. Number of men employed, exclusive of agents whose time is not

(15) For a biographical sketch of Barnard, *see* J. B. Kerr (*comp.*), *Biographical Dictionary of well-known British Columbians*, Vancouver, 1890, pp. 91–94.

(16) Victoria *Colonist*, June 24, 1862.

(17) A. S. Deaville, *The Colonial Postal Systems and Postage Stamps of Vancouver Island and British Columbia, 1849–1871* (Archives of B.C. Memoir No. VIII), Victoria, 1928, pp. 84–85. For other details regarding Barnard, *see ibid.*, pp. 52–53.

(18) New Westminster *British Columbian*, May 4, 1864.

entirely devoted to the Express, 38. Number of horses employed in the Express service, 160. Number of Expresses despatched from the head office in New Westminster during the present year, 450. Total amount of treasure and valuables, exclusive of merchandise, passing through the Express during the present year, $4,619,000.[19]

In 1867 Barnard acquired the interests of Messrs. Dietz & Nelson.[20] Later on, in 1878, Barnard and his associates[21] were incorporated as the *British Columbia Express Company* by special Act of the British Columbia Legislature and were empowered, among other privileges:—

To construct, hire, purchase and acquire horses, coaches, waggons, boats, steam vessels, and other conveyances, for the conveyance and transport of any passengers, goods, chattels, merchandise, money, gold dust, bullion, packages, letters, mail matter, or parcels that may be entrusted to them for conveyance from one place to another within the Province of British Columbia. . . .[22]

On December 2, 1878, the first meeting of the directors was held in the City of Victoria and a resolution was passed authorizing the taking-over of the assets of F. J. Barnard & Company.

In the first days of the gold-rush the Company, as has been pointed out, conducted its service with pack-horses, but as wagon-roads were built and extended the Company introduced Concord thorobrace stages from California and inaugurated a regular horse-stage service which continued to be performed by the "B.X." (under different owners) for fifty-odd years until at last the construction of railways and the arrival of the automobile brought to an inevitable end this primitive method of transportation.[23]

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(19) *Ibid.*, December 14, 1864.

(20) Victoria *Colonist*, December 6, 1867.

(21) George A. Sargison, Frank S. Barnard (son of F. J. Barnard), Stephen Tingley, and James Hamilton.

(22) *Statutes of the Province of British Columbia . . . 1878*, Victoria, 1878, p. 4, c. 2, "An Act to Incorporate the British Columbia Express Company."

(23) The story of the earlier development of this pioneer transportation company has been well told in E. O. S. Scholefield and F. W. Howay, *British Columbia from the earliest times to the present*, Vancouver, 1914, vol. II, pp. 127–131. *See also* H. C. Hitt and G. E. Wellburn, "Barnard's Cariboo Express in the Colony of British Columbia, 1860–1871 and later Expresses of F. J. Barnard," *The Stamp Specialist* [New York, 1945], pp. 3–32.

The years with which this article primarily deals are those following the transfer of the head office of the Express Company from Yale to Ashcroft after the completion of the Canadian Pacific Railway. It was during these later years that the present writer was employed by the "B.X." and can therefore write from personal acquaintance of the days when mining and other developments had been extensively stimulated by the construction of the railway, of which one of the first effects was a notable increase in the availability of necessary supplies at a greatly reduced cost. The "B.X." now reached its period of greatest activity. The day of the individual miner was passing and companies were being organized with the amount of capital necessary to bottom the deep diggings where gold was still to be found.

The first 100 miles of the Cariboo Road, built from Yale to Cache Creek, was a wonder of those pioneer days. Constructed under the supervision of the Royal Engineers, it followed along the canyon of the Fraser River, over Jackass Mountain and up the Thompson River to Cache Creek. In places where the road skirted along the high walls of the Fraser River canyon it was built on timbers. Thus, if a passenger looked down he could see that the stage was travelling directly over the swirling waters of the river some 200 or 300 feet below. World travelled passengers remarked that no other road on the continent appeared to be as hazardous or presented picturesque scenery to equal that of the first 100 miles of the Cariboo Road. Many portions of this first section were destroyed during the construction of the Canadian Pacific Railway along the route. As a result British Columbia was for over forty years without a highway leading from the Interior to the sea until the present motor-road was constructed.

Leaving the Thompson River near Cache Creek the road headed north across country until it met the Fraser River again at Soda Creek, which is 167 miles from Ashcroft. From Soda Creek it followed the river to Quesnel and then ran directly east 60 miles to Barkerville. The country the road traversed was rolling and uneven and at times the road reached an altitude of approximately 5,000 feet in crossing from valley to valley, so that it can be truthfully stated that there was hardly a mile of straight or level road in the whole distance between Ashcroft

and Barkerville. Since it was built by contractors[24] in haste and with a shortage of money there was a tendency in its construction to make progress at the expense of good grades and drainage. There was no paving of roads in those pioneer days and very little of the road was even gravelled; therefore in the spring after the winter break-up, or in a year of heavy rainfall, the whole length of the road would consist only of two deep ruts where the stage-wheels would sink to the hubs.

On the northern end of the road, the last 30 or 40 miles before reaching Barkerville, the snowfall was particularly heavy and towards the end of winter the mail-stage sleighs would be travelling 5 or 6 feet above the level of the summer road owing to the accumulation of snow. When the stage sleigh met another, neither could turn off to pass. If the horses had stepped off the narrow beaten track they would have sunk up to their ears in the loose snow and would then have had to be unhitched and a space shovelled before they could be brought back on to the road. When two sleighs met the lighter one would be unloaded and tilted on its side so that the other could pass. Everyone had to pitch in when these incidents occurred and assist in the snow-shovelling and unloading and loading of mail and express matter or freight. At Devil's Canyon, a fearsome place between Stanley and Barkerville, and subject to serious snowslides, the snow road might be 20 feet above the summer road. The Government maintained a road gang to keep this canyon open in order that the mail might go through, and on some occasions the driver and the passengers on a stage proceeding down the canyon would shovel snow some hours before meeting the road-gang working from the lower end. Specially trained horses accustomed to these snow conditions were used. If these intelligent animals became buried by the snow they would not struggle but would wait confidently until the driver shovelled a clear space and untangled their harness. In some years when the snowfall was particularly heavy, and, despite all efforts, the canyon could not be kept open for horses, a team of dogs would be used to carry the mails. Express and supplies had to wait until road conditions improved.

(24) Scholefield and Howay, *op. cit.*, Vol. II, pp. 98–108, has the history of the construction of the Cariboo Road.

On the first day of January, 1910, the Provincial Government brought into operation a "Broad Tire Act"[25] which greatly improved road conditions in Cariboo and made practicable the operation in later years of automobiles. The average load for a stage was about 750 lb. per horse; under the new regulations the width of tires had to be proportionate to the load carried. Strenuous objections were made by stage-drivers, freighters, and ranchers against the enforcement of the new regulations, but after the Act had been in effect for some time the benefits were so obvious that all objections ceased.

The main stage-line at this time extended from Ashcroft to Barkerville, the end of the road, a distance of 280 miles. Branch lines radiated from main-line points to various mining camps and settlements, from Ashcroft to Lillooet, Clinton to Alkali Lake, 150-Mile House to Alexis Creek in the Chilcotin country, 150-Mile House to Harper's Camp, and from 150-Mile House to Keithley Creek. Later after the projection of the Grand Trunk Pacific Railway through Northern British Columbia, the stage service was extended to Fort George at the junction of the Nechako and Fraser rivers. It was the longest stage-line in America, a fact which the Company was proud to advertise.

The mail stages were operated under a strict schedule set up by the Postmaster-General at Ottawa. A definite time was stipulated for the arrival and departure of mail from each post-office throughout the whole country north of the railway. The Company's stages travelled in excess of 2,000 miles a week in performing the regular mail schedule but this mileage did not take into account the numerous stages carrying extra mail, passengers, express matter, and fast freight.

This was the age when the horse was still regarded as king and the "B.X." made every effort, regardless of expense, to obtain the finest possible horses for its Cariboo service. The first horses were introduced from Oregon in the early 'sixties. In 1868 about 400 head of breeding stock was purchased in California and Mexico and driven north to Vernon, British Columbia. The importation of these horses was the start of the

(25) *Statutes of the Province of British Columbia . . . 1909*, Victoria, 1909, pp. 89–90, c. 23, "An Act to amend the 'Highway Traffic Regulation Act.'"

famous " B.X." horse-ranch which for many years provided the Company with a large part of their best stock. Still later the Company acquired many fine horses that had been bred in the Nicola and Kamloops districts of British Columbia. After the advent of the railway, horse-ranches of Alberta and Saskatchewan provided additional large numbers of splendid animals.

These half-bred range horses made very excellent stage stock, weighing on the average 1,150 lb. The " B.X." had a strict rule never to buy a " broke " horse, since such horses were regarded as spoiled. These range horses when acquired by the Company, at the approximate age of 5 years, had never " had a rope on them " except when they were caught and branded on the range when young. When finally purchased in the spring months they were quite wild, with long hair and tangled tails trailing along the ground. In about three months, given the proper handling and feeding, they would gain about 150 lb. (15 lb. of oats and 25 lb. of hay was the average daily allowance for each horse) and would develop into beautiful animals which the hostlers were more than proud to lead out for the admiration of the stage passengers. In the training of these horses, exclusively for staging, it was remarkable how rapidly they learned what was expected of them. One could almost say that the horses seemed as concerned as the driver in ensuring that the stage arrived safely at the end of its run. It was interesting to watch some of the wheelers, the heavier and older horses, on a dangerous hill, and to observe how they would hold back, determined to get the stage to the foot of the hill without mishap.

The driver carried a whip which he could use very expertly and could touch up a leader in a six-horse team without the other five horses being aware of the act. The whip was never used except for training a horse, or for disciplining him, or in an emergency. The use of the whip was completely unnecessary for compelling them to make good time to the next station, where a good feed and a comfortable stable awaited them.

These stage-horses were never really broken. They were trained for staging alone and had to be handled in a way they would understand. To illustrate this the custom observed in preparing a stage and its horses for leaving a station had to be carefully and expertly carried out to ensure a safe departure.

When the mail, express matter, and baggage had been loaded and securely lashed onto the stage, the passengers were requested to take their places. Then the driver with his treasure-bag took his seat and all was in readiness for the horses to be brought from their stable. First the wheel team was led out by the hostler who backed it into position on either side of the stage-pole and passed the lines to the driver. After this team was ready, with harness and rigging adjusted to the satisfaction of the driver, the swing team appeared and the same procedure was followed. Finally the two leaders, the freest and most spirited horses in the six-horse team, were brought out and after the horses had indulged in much restless prancing, the hostler would eventually succeed in completing the "hooking-up" of the team and would then quickly back out of the way. At this moment the driver released the brakes and the horses lunged forward starting the stage on its way to the next station. Some teams when leaving a station at the beginning of their drive would behave in a most alarming manner and fill timid passengers with fear. The horses would stand on their hind legs and would seem to be so wildly entangled that a serious accident appeared inevitable. They would continue these antics until they had travelled about 100 yards and then they would settle down to a brisk trot. In their natural health and vigour they could not refrain from these exuberant demonstrations. These horses had a naturally strong "homing instinct." In the event of a horse escaping from his corral he would head across country for his home range; for instance, if he had originally come from the Nicola country the Company would only have to send a full description of him and his brands and would very seldom fail to recover him.

Horses being the motive power of the Company it was essential that they receive very special care and attention. Each regular mail-driver had a certain number on his drive and was held responsible for their condition. No one else was permitted to drive them. At times when some fine animal caught the fancy of a passenger a very satisfactory sum would be offered for its purchase; but because a good horse was so highly valued and necessary in the stage service, no matter how tempting the price, the horse was seldom parted with. In any event the driver's

consent was always required before any of his horses would be sold. No horse would be of any value without good feet and therefore expert horse-shoers travelled along the routes and regularly visited each station. Their equipment included a forge so the shoes could be put on "hot."

The stations were of an average 18 miles apart along the main line with fresh horses waiting at each. The regular mail stage took four days to make the 280-mile journey from Ashcroft to Barkerville. The stage travelled on the level at a brisk trot and the average speed, including walking the long hills and steep pitches, was 6 miles an hour. The hostlers in charge at the stage stations were usually old horsemen who loved horses and the care and feeding of them. They would vie with each other in seeing who could turn out his teams in the finest condition. One hostler even made it a practice to blacken and polish the hoofs of his horses in order to win the admiration of the passengers. Each horse had his own harness and it was a strict rule that this harness had to be cleaned every time it was removed from a horse.

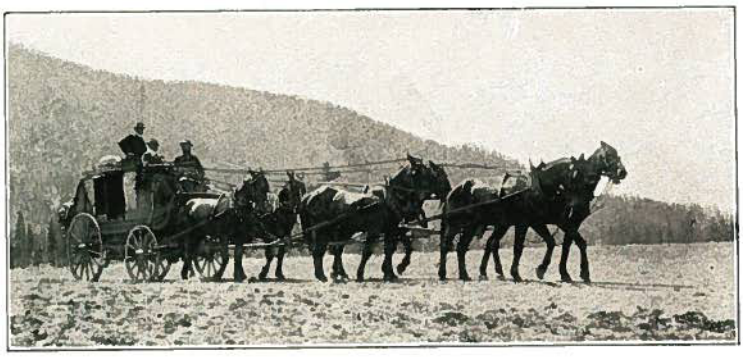
It is possible that the impression which some readers have of a stage-driver is, to some extent, taken from Hollywood movies, in which the driver is represented as an elderly long-haired bewhiskered "gent" who usually drives his six-horse team constantly at a full gallop. The Hollywood driver is not a stage-driver at all, he does not even know how properly to hold the lines. He is generally depicted as a hard-drinking man who steps up to the bar at every opportunity. How different is this romantic picture from the real driver of the early stages. In reality he was a conscientious young man who only after extensive training and by virtue of outstanding ability as a horseman and driver was entrusted with the responsible task of being a regular mail-driver for the "B.X." The Cariboo climate is rigorous and these men had to contend with the extremes of road and weather conditions, such as the break-up of the roads in the spring when the frost was coming out of the ground, the blinding alkali dust of the hot season, and the extreme cold of the northern Cariboo where the thermometer has been known to sink as low as 50° below zero each day for a month at a time. If you had been a passenger on top of a heavily loaded six-horse

stage in the spring and had watched the driver take the stage down a sideling icy mountain hill you would almost certainly have a more concrete appreciation of the skill and courage required by a driver of one of Her Majesty's mail stages in the early days of Cariboo.

For its operations the "B.X." required a large and varied assortment of conveyances, ranging from a two-horse thorobrace "jerky" to a six-horse regular mail coach. There were also numerous four-horse covered and open thorobrace stages and four-horse covered thorobrace freight cages for transporting straight loads of mail or express matter. For winter travel the wheeled vehicles were duplicated with sleighs of all sizes up to fifteen-passenger sleighs to which a back-action sleigh was attached for carrying mail and express. A Concord stage was built with thorobraces or what may be called "leather springs." These were many layers of leather, of a width and number to suit the type of stage, which extended on each side of the stage gear from front to rear. The body of the stage was built with rockers on each side which fitted on these leather springs, causing the stage to rock and sway over the rough road. This made riding very comfortable especially when the stage carried a good load.

In 1876 the "B.X." had a light four-horse thorobrace coach especially built in California in preparation for the coming visit in that year of the Governor-General and his wife, Lord and Lady Dufferin, who were driven in this coach from Yale to Kamloops and back.[26] This famous coach presented a very gay appearance with its bright red body and yellow gear. It was upholstered in green plush and had the Canadian coat of arms on the front panels. It was always known as the "Dufferin coach" and was reserved for special trips. When a German prince or an English lord went moose-hunting in the Blackwater or Fort George country he took the "Dufferin." The charge was $50 a day. This was not exhorbitant as it covered the cost of a change of horses at every station, which enabled them to make regular stage time.

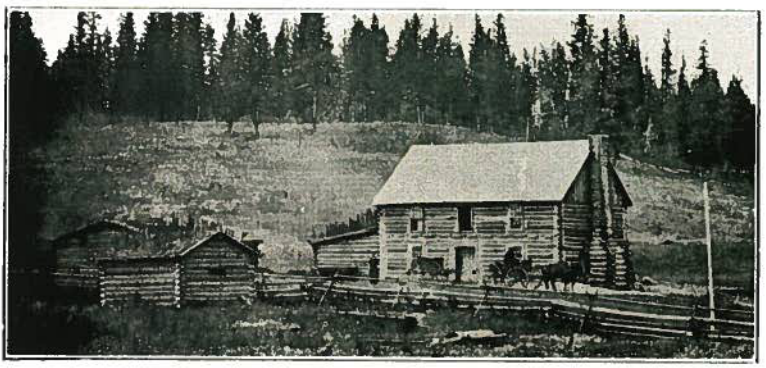
(26) Victoria *Colonist*, September 10, 1876. "Barnard's coaches and horses were in excellent condition and whirled the party over the road in good style." *Ibid.*, September 15, 1876.



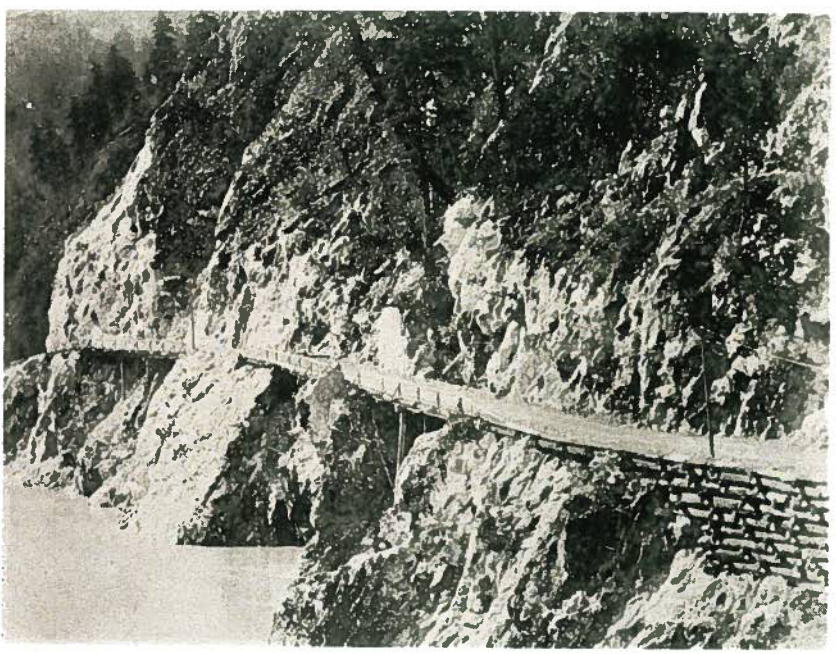
A " B.X." six-horse stage-coach, taken about 1890;
Emile Laforest driving.

A " B.X." stage-coach of the 1890's on the run between
Hat Creek and Clinton.

The stage-coach meeting a freight team on the Cariboo Road.



The 108-Mile House, built in the late 1860's by W. J. Roper,
a typical Cariboo stopping-place.



A scene on the Cariboo Road in the Fraser Canyon showing some of
the difficult terrain to be overcome.

In the early days the first Concord thorobrace stages were purchased in California. Later the "B.X." established its own shops where it built the needed conveyances of all kinds and carried out all necessary repair jobs. The California type of Concord stage was strengthened and improved to meet the difficult road conditions and heavy loads with which the Company had to cope. All the stages and other conveyances were painted in the Company's colours—the bodies of a bright red and the gears yellow—and presented a very fine appearance. The harness of the Company, which was all hand-made in the shops, was manufactured out of the finest oak-tanned leather originally imported from California and later obtained in Eastern Canada. The harness was of such excellent quality and was so well cared for that after the "B.X." finally ceased operations some back pads and hame tugs still in service were found with stamps indicating that they had been made at Yale fully forty years before.

The stage fare from Ashcroft to Barkerville was $42.50 in winter and $37.50 in summer, with an allowance of 40 lb. of baggage; the charge for excess baggage was 8 cents a pound and for express matter 12½ cents a pound. The regular mail stages carrying passengers left the railway at Ashcroft at 4 a.m. and under good road conditions would arrive at the 83-Mile House, the end of the first day's run, at 6 p.m. They departed at 4 a.m. the next morning, so that if a passenger went to bed immediately after dinner he could enjoy about eight hours' sleep. It was a different story, however, when heavy rains had made the road a sea of mud and the stage was perhaps five or more hours late. The mail invariably left on time every morning and passengers travelling when the road was in bad condition would get very little sleep on a journey through to Barkerville. It was a tradition in the country and the terms of the mail contract stipulated that the mail had to arrive on time notwithstanding vicissitudes of the weather or the state of the roads and therefore passengers who travelled on Her Majesty's mail stages, although they arrived on time with the mail, were often weary from lack of rest when they reached their destination. However, the management and the drivers gave all possible attention to the comfort, as well as the safety, of the passengers.

Stopping-houses along the route were provided where meals and beds could be procured. The stopping-houses were not operated by the "B.X." but were to some extent under its control as it could stop its passenger stages at whichever house it found most desirable.

The food in such establishments was generally excellent and the beds were clean, except in a few settlements where the saloon business was viewed as of supreme importance and the comfort of the travelling public was left to the Chinese cook. Every ranch-house in Cariboo represented a stopping-house where a traveller was welcome any time, day or night. These ranches were as a rule 15 or 20 miles apart even along the main road, and the lonely settlers were curious about any traveller from the outside. They were delighted to welcome him, and although they appreciated the payments received by them in return for food and sleeping accommodation, they showed by their hospitality and kindness the pleasure which it gave them to have him in their homes. At some of these ranch-houses where women were in charge of the cooking the quality of the food was so outstanding that travellers in special conveyances would arrange their schedules so as to take advantage of this good food on their journey up and down the road.

The ranches might be 50 miles from a store, but these Cariboo women did not need a "store around the corner" in order to provide appetizing cuisine. Nearly every dish which they served was produced on the ranch and that accounted for the low cost of meals. A meal or bed for one person was 50 cents each throughout the whole country until you got beyond Quesnel when the charge was increased to 75 cents. Breakfast, lunch, and dinner did not vary to any extent except that breakfast included a large dish of oatmeal porridge and a huge jug of thick yellow cream just as it had been skimmed from the pans in the milk-house. This was before the dairymen had developed the scientific marketing of milk. To-day, under Milk Board regulations, it would undoubtedly be illegal to serve cream of that nature, especially as the poor traveller had no knowledge of the butter-fat content of what he was consuming. The cream did not seem harmful, however, and was followed by a juicy steak, fried potatoes, two or three fried eggs or more if you could eat them.

This would be topped off with coffee and hot cakes swimming in syrup. Quite a number of cooks served pie at breakfast, which you could always have if you asked for it.

There was one particular road-house which always provided three kinds of hot meat for the mid-day meal; these were put on the table with vegetables, at least three kinds of pie, pudding, two kinds of cake, and other varieties of food such as relishes, cookies, and stewed fruit. When everything was ready and on the table the traveller was summoned and was expected to carve and help himself. The food was excellent and the charge only 50 cents. It was at this same road-house that the proprietor had five bouncing daughters who, when an extra stage arrived late on a winter's night with a load of half-frozen passengers, were aroused from sleep by their father to give their warmed beds to the travellers. This was not the only occasion when families in Cariboo suffered inconvenience in order to accommodate the travelling public.

Looking back, one marvels at what Cariboo women could accomplish under the pioneer conditions that prevailed for them. Their lives were made up of few pleasures and plenty of hard work. A Cariboo bachelor in selecting a mate would choose the girl with the best reputation as a worker and cook. One could hardly visualize one of these young pioneer women standing in a queue a city block long on a rainy day waiting for an opportunity to purchase at an extravagant price a pair of nylon hose that would likely start to disintegrate the first time they were worn. Nor could you imagine a Cariboo belle appearing before her friends or in public in a gown or even a bathing suit with a bare mid-riff. Theirs were the homely virtues. These kindly competent women of Cariboo did a great deal towards adding to the comfort of the stage traveller in the early days.

Women who were obliged to travel on the stages in Cariboo were shown every consideration. The fact that the traveller was a woman entitled her to the choice seat on the stage, to the best room in the stopping-house, the seat at the right of the driver at the table, and the courtesy of being served first. The driver always sat at the head of the table to carve and serve his passengers. That a woman might be "Irene," a prostitute from one of the settlements, made no difference; she was a woman

and when travelling on the Cariboo stage was treated with every respect.

Her Majesty's mail stages in Cariboo were responsible for carrying not only mail and express matter but also all the gold that was shipped out of the region. From the beginning the miners had great confidence in the "B.X." and never suffered a financial loss during all the years the Company performed this service. For as long as the old Company operated the Government would not permit gold-dust and bullion to be carried through the mails in Cariboo, although this was permitted in the Yukon as in the rest of Canada, since it was considered that such gold shipments placed too much responsibility on the postmasters handling them. Therefore when a miner wished to make a shipment of gold-dust he would take his poke or sack to the Company's agent who, in the miner's presence, would carefully seal it with wax and stamp it with his agency seal along all its seams so that none of the gold could possibly be extracted without detection. Every shipment was insured against loss by the Company through Lloyd's of London for the declared value so that the Company would suffer no financial loss in the event of a stage hold-up and robbery.

For many years the British Columbia Police provided a special guard to travel on the stage during the active gold-shipping season and to take charge of the stage safe. This guard was heavily armed and it is interesting to note that the stage was never held up during the years that the police provided this armed escort. When the Attorney-General, for reasons of economy, discontinued the service of an armed guard, the Company notified its drivers that since the gold and treasure were always insured it did not wish them to carry arms or to offer any resistance in the event of an armed hold-up. Was it not wiser to hand over the mails and treasure rather than to have one of their favourite horses or, worse still, a passenger shot? It was the responsibility of the police to protect the mails and the gold and in withdrawing the guard they gave the impression that they did not feel there was much danger of hold-ups at this late date.

Some extremely large shipments of gold-dust were made in the early days when the richest creeks were first mined. It is on record that on one trip down from the creeks the driver had in

his charge three stage safes full of gold. A stage safe would hold gold-dust to the value of about $200,000. The largest shipment of bullion was made in the early fall of 1901 from the Cariboo Hydraulic Mining Company's placer-mine at Bullion. This mine was owned at that time by Canadian Pacific Railway directors and was reputed to be the largest placer operation in existence. In order to create publicity for the mine the gold-dust from one big clean-up was melted into the form of a large naval gun shell. Before the bullion was shipped from the mine a cradle with handles was made so that four men could carry it and lift it on and off the stage. It was shipped east from Ashcroft and was on display for a short time at Toronto, in the lobby of the Bank of Montreal at the corner of Yonge and Front streets. Customers could feel and examine it closely and it did not appear to be guarded. The bank officials did not seem to think a customer might walk away with it for, valued at $178,000, it weighed a mere 650 lb.

It is remarkable, considering the value of the gold carried each season, how seldom the Cariboo stage was held up and robbed during the half century it operated, and for this there are two main reasons: first, the manner in which law and order were administered in Cariboo, and, second, the difficulty of escaping capture and making a safe get-away after the hold-up. In those pioneer days there was no delay and no red tape to speak of in punishing a criminal. When a man committed murder he was given a fair trial and hanged with dispatch. Other crimes were dealt with in the same forthright manner. The British Columbia Police in Cariboo were the real heroes of the country. They had a large district in which to uphold the law and the only equipment a gun, a saddle-horse, and plenty of courage. They were supposed to out-fight and out-shoot every drunken Indian or miner that might start raising a disturbance. Lots of " bad men " came to Cariboo but they behaved themselves for the most part. They seemed to hold in great respect the alacrity with which Canadians administered justice and punished wrong-doers. It is only in comparatively recent years that some parts of the Cariboo have been thoroughly explored. At the time of which this article concerns itself the country was so sparsely settled and the pioneer settlers so lonely and inquisitive that a stranger

could not hope to escape attention. The only known route out of the country was by way of Ashcroft to the railway, making it virtually impossible for a stranger to rob the stage and hope to get away safely.

The story has been told many times of Bill Miner,[27] the notorious Western American outlaw, who, with accomplices, over forty years ago escaped after successfully holding up the trans-continental passenger train near Mission, British Columbia. A short time later he, with companions, again held up a Canadian Pacific Railway train near Monte Creek, east of Kamloops, British Columbia. It is also well-known that he was captured and convicted at the Assize Court at Kamloops of the second robbery and sentenced to a long term in the New Westminster penitentiary.

However, it is not generally known that this notorious outlaw primarily came to rob the Cariboo stage. He proceeded directly to Ashcroft seeking information regarding the operation of the stages and the nature of the country in which he was planning his robbery. A stranger visited the "B.X." office in Ashcroft one late August afternoon in 1894. He stated that he was a placer-miner specializing in a small way in mining dry ground and inquired about stage transport to Barkerville. He was given a folder showing the times of departure and arrival of all stages. This stranger was Bill Miner, but the "B.X." agent did not discover his identity until some time later. Miner had a long chat with the agent and in the course of deceiving him regarding his intentions, went to considerable detail in explaining his peculiar method of mining, involving the use of a pump and fire-hose for saving gold in workings where very little water was available. At the time the bandit was chatting and slyly extracting information there was an illustrated reward notice from Pinkerton's Detective Agency, Chicago, in prominent view on the wall of the office. It offered a reward of $2,500 for the capture of Bill Miner dead or alive. The poster displayed a picture of a tough-looking bearded Westerner with long hair and dressed in a rough shirt, overalls, and high boots. No one would have

(27) "Bill Miner—Outlaw and Stage Coach Bandit," British Columbia Provincial Police *The Shoulder Strap*, 10th edition [1943], pp. 41–45; "The 'Bill Miner' Case," *Scarlet and Gold*, December, 1919, pp. 65–67.

associated this picture of the wanted criminal with the neat-looking dry-ground miner who was so industriously acquiring knowledge of travelling conditions in the Cariboo.

At that time Ashcroft was a lively town, even for the West, and had three saloons which never closed, even on Sunday, when one simply entered by the side door. There was always a poker or black-jack game running and after Miner left the "B.X." office he got into a poker game and lost a couple of hundred dollars before quitting. It was through one of the poker players later being in Kamloops when Miner was up for preliminary hearing that his presence in Ashcroft before the hold-up was verified.

On Tuesday evening, September 7, 1904, the Cariboo stage arrived at Ashcroft from the north on time and carried a full load of passengers, largely miners from Bullion. Some of these men mentioned they were being laid off as the hydraulic mining season was over and they casually remarked that the big gold shipment would be down on the next stage. Bill Miner must have had one of his gang waiting around Ashcroft for rumours of this sort. The main line stage from Barkerville arrived as usual Thursday night, September 9, and Miner and his gang held up the transcontinental train early the next morning near Mission. The train was in charge of conductor William Abbott, who reported that the robbers got $6,000 of Cariboo gold which had been transferred from Thursday night's stage and was picked up by the train when it passed through Ashcroft during the night.

If Miner had studied the "B.X." time-table more carefully he would have learned that when the miners from Bullion stated the big shipment would be down from the mine on the next stage they meant it would arrive not on Thursday but the following Tuesday, since there was only one trip a week on the branch line from Bullion. If the bandits had waited and had held up the train on Wednesday they would have secured over $60,000 of gold from Bullion alone. At all events this experienced bandit who specialized in stage robberies all his life had come to the conclusion that there was less risk in holding up the train than in robbing the Cariboo mail-stage. As it happened, Tuesday night's stage carrying the Bullion gold was overloaded with

passengers, nearly all of them miners from Bullion. Every man was heavily armed as the management of the mine had learned of the train robbery and were taking precautions. As they came off the stage they deposited their rifles, sawed-off shotguns, and ivory-handled pistols with holsters, and cartridge belts around the office. It looked as though they had brought everything they had at Bullion in the way of offensive weapons. The agent spent some time unloading all the weapons to make them safe to send next stage O.C.S. (On Company Service) back to the mine. It would be interesting to know what would have happened if Miner and his gang had held up that stage.

In the original *Minute-book* of the Company which I have before me as I write there appears the following entry in the minutes of a shareholders' meeting held at Ashcroft on September 16, 1890: "Regarding the robbery of the stage on the 14th July last near the 99 Mile Post the shareholders present regret to be unable to report any substantial clue to the identity of the perpetrator." At the next annual meeting of the shareholders held September 14, 1891, the following entry appears in the minutes: "Satisfaction was expressed at the result of the trial of M. V. B. Rowland, for the robbery of the stage near Bridge Creek in July 1890, who was convicted and sentenced by Judge Walkem at the June Assize at Clinton to a term in the Provincial penitentiary at New Westminster."

Martin Van Buren Rowland had been working in the mines around Barkerville and was on a trip "outside" travelling by saddle-horse and leading a pack-horse when he conceived the idea of robbing the stage. After his conviction he wrote a confession describing how he left his camp and circled back in the timber, coming out to the road at the foot of Bridge Creek hill while it was still dark. Stages are without exception held up on hills or on steep pitches so that the driver cannot suddenly whip up his horses in the hope of getting away. Rowland waited for the stage near the 99-mile post where it usually stopped on this 4-mile-long hill to breathe the horses. In his confession he went on to describe how he covered the driver, William Parker, with his rifle and demanded he turn over the stage safe and treasure-bag. As it happened there were no passengers on this trip and as Parker was unarmed he was obliged to throw out the treasure-

bag and get the gold-safe from its compartment under the back seat. Parker was able to talk Rowland into letting him retain the treasure-bag by telling him that it contained only waybills and other documents which might get the bandit into trouble if they were found in his possession. Parker had difficulty in getting the bag back on the stage without the bandit noticing its weight. It contained $2,500 worth of gold-dust. Rowland also related that after he had ordered the stage to drive on he loaded the gold-safe on his pack-horse and rode some distance up Bridge Creek before dismounting to chop open the back of the safe with his axe and thus extract the gold which was valued at $4,500. Hiding the safe in the heavy brush under a fallen tree he departed with the $4,500 in gold which it had contained. The "B.X." obtained the confession from Rowland in an effort to locate the safe and recover the valuable papers which had been locked in it, but their search was in vain.

Rowland was successful in returning undetected up the road to his camp. He then proceeded at a leisurely rate back down the road past the scene of the robbery and on to the railway at Ashcroft. If he had been wise, he would have then taken the train out of the country and enjoyed his spoils without even being suspected of the stage robbery. As it was he was too clever for his own good, for, after going on a good spree, he bought a stock of grub and let it be known that he was journeying back up the road about 20 miles to Scottie Creek to do some prospecting. There had been several stampedes or excitements over Scottie Creek when a little coarse gold had been found there at different times. Some good prospectors, however, had thoroughly tried out the ground and located nothing worth while, so it was then abandoned. Some time later Rowland went back to Ashcroft and went on another spree, stating he had found some rich ground. He bought more supplies and returned to his camp. The "B.X." became a little suspicious and when they later found he had spent some gold-dust in the saloons they asked the bar-tenders to save any gold Rowland might tender in payment for whisky in the event of his coming into town again.

It may not be generally known that the gold mined in the many creeks of the Cariboo varies greatly in colour, feel, size, value, and so forth, and that any experienced miner or banker

could, upon examining any pan of gold-dust, tell immediately from which creek it had been mined. As Rowland did not again visit Ashcroft a sample of the gold he was spending could not be checked to see if it was the stolen gold. He remained at Scottie Creek some weeks and then one day startled the driver of the regular mail stage by tendering a shipment of gold, a little over $4,000 in value, which he claimed he had mined at Scottie Creek and wished to have delivered to the Gold Commissioner at Barkerville with the request it be melted down to bullion. Upon delivery it was identified by the Gold Commissioner as the gold stolen in the Bridge Creek hill robbery and Rowland was immediately arrested, convicted and sentenced. He was not convicted of the robbery—since it took place in the dark and he could not be positively identified—but for having in his possession stolen gold for which he could not account.[28]

Many years later, during the construction of the Pacific Great Eastern Railway along the route of the Cariboo Road, the police turned over to the "B.X." a stage safe that had a hole chopped in the back. This was the safe stolen by Rowland and had been found by railway-workers clearing the right-of-way along the bottom of Bridge Creek hill. As the Tingley family owned the "B.X." at the time of the robbery the safe is now in the possession of Mr. F. C. Tingley, Vancouver, who is keeping it as a souvenir of his boyhood days in the Cariboo.

On June 25, 1894, the stage leaving 150-Mile House early in the morning was held up, but on this occasion the robbery was a minor one. The bandit was picked up on the Dog Creek road the next day and when searched was found to have only $45 worth of gold-dust on him, which was the amount of treasure in the gold-safe on that particular trip. He was tried before Judge Clement F. Cornwall at 150-Mile House on July 4, convicted and sentenced to ten years in the penitentiary.[29] The only points of particular interest that are brought to mind by this robbery

(28) News of this hold-up first appeared in the Kamloops *Inland Sentinel*, July 19, 1890. Rowland was not arrested until November 15, *ibid.*, November 22, 1890; and was tried at the Clinton Assize, June 8, 1891, *ibid.*, June 13, 1891.

(29) This robbery was reported in the Kamloops *Inland Sentinel*, June 29, 1894, and the trial is recorded in *ibid.*, July 6, 1894. The robber was identified only as Blankly.

concern the driver, Ed. Owens, who was rather out of the ordinary as drivers went. He had arrived at Ashcroft without anything being known of his previous whereabouts and had eventually obtained a job driving the stage. He was a quiet, reserved young man, of athletic build, weighing over 200 lb., who never talked about himself. His fellow employees noticed that he had some peculiarities and after becoming fairly well acquainted with him asked him why he always carried a heavy calibre gun in the waistband of his trousers and never let the gun be far away when he was sleeping. They were also curious as to why he never would sit with his back to a door or window and why he seemed so diffident about meeting strangers until he had an opportunity of observing them closely. The only answer he made was, " There's a fellow after me and I want to see him first." Owens was reputed to be a wizard in drawing and shooting his big gun and would sometimes demonstrate to passengers by knocking over grouse as the stage travelled along. At the time he was held up with his stage containing only two passengers, he calmly waited until the bandit's attention could be diverted and he could safely draw and shoot. The bandit ordered him to get the gold-safe out of its compartment. In compliance with this order Owens got in the stage and started to draw his gun but the only inside passenger put a restraining hand on him as he was afraid of being hurt if any shooting started. Owens stated afterwards he could easily have killed the bandit but, when restrained, hesitated and decided to let him live as he knew he would get very little out of the hold-up. In addition to being an expert with firearms, Owens was the slowest stage-driver known in Cariboo. Passengers used to say he starved his horses, it took so long to reach the next station. He was also the fastest foot-runner in the country—he could run away from anyone else in a 100-yard dash.

The last time the Cariboo stage was held up was on November 1, 1909, at a point between 141-Mile House and 144-Mile House. This robbery was perpetrated by a man and his female accomplice. The regular mail stage with a full load of passengers left the 150-Mile House early that morning on time. It was still dark when the stage approached a point on the road where there is a big tree on one side and a big boulder directly opposite. The

woman, dressed like a man, waited behind the tree and the man behind the boulder; when the stage reached them, they both stepped out and covered the driver with their rifles. The man then demanded all the registered mail sacks from 150-Mile House and points north. Apparently they knew it was too late in the season for gold shipments. Charles Westoby, the driver, who was known to be quite deaf, pretended he could not understand their instructions and in the confusion managed to keep back some of the registered sacks and substitute " empties " that were being returned to the railway. No attempt was made to rob or molest the passengers. Westoby was ordered to drive on and the stage made good time to the 134-Mile House, the nearest telegraph office, where word was sent to all telegraph stations up and down the road notifying the police. A posse was formed of " B.X." employees and ranchers and proceeded to the scene of the hold-up. The police had already arrived to discover that the bandits had taken the mail-sacks a short distance into the brush, coolly cut them open, and abstracted any currency from the letters, but left bank cheques and money-orders. The posse and the police tracked the bandits' barefooted horses for some miles until they encountered the tracks of a band of wild horses, obliging them to turn back and abandon the pursuit. When the stage that had been robbed arrived with its passengers at Ashcroft the next night they seemed to regard the hold-up as something of a joke, since they had not been robbed or injured in any way. There was one exception, however, a newspaper writer from the Coast, who came storming into the office and demanded to know what efforts were being made to capture the " dastardly scoundrels who had robbed His Majesty's mail." He was still pale and nervous from the shock of being in a stage hold-up. We of the " B.X." were somewhat taken aback. Secretly we had felt rather pleased, since the Company was not responsible for loss of the mails in the event of an armed hold-up, no one had been hurt, and we had made the front pages of the newspapers across Canada.

The police, however, were making every effort to discover and arrest the bandits. The country around 150-Mile House was at that time very sparsely settled and by careful checking and a process of elimination the authorities finally decided that the

culprits were a certain woman and a man whom she called her brother-in-law that had been in the district only a few weeks. The pair were arrested and their cabin searched but the only evidence found was two freshly shod saddle-horses. After consultations with police headquarters in Victoria, the prisoners were brought down to Ashcroft, put on the train and told to get out and stay out of Canada. They were undoubtedly guilty and were obviously relieved to get off so lightly. It was estimated that they only got about $2,000. They missed one package of $5,000 in currency from the bank in Quesnel owing to driver Westoby's initiative in withholding some of the registered sacks.[30]

Passengers who later travelled on stages past the scene of the hold-up were very interested and the driver would have to stop and explain to them in detail just what had occurred. On one particular trip a passenger, with a camera, remarked how unusual it would be to have a picture of a stage hold-up. The driver on the trip, Al. Young, was an accommodating chap and offered to arrange for a photograph. He stopped his stage and with the co-operation of the passengers took the picture of a hold-up. Although it was posed it shows the actual stage and the horses that were in the last hold-up of the Cariboo stage. Al. Young was born along the route of the overland stage to California. His father kept a stage station, so early in life Al. learned about horses, guns, and bad men. He was not only a great stage-driver but an expert in handling a big Luger gun that he always carried when driving stage. He would have been a dangerous man for any bandit to have accosted. Wonderful are the tales of bad men and their gun-fighting he could relate—not restricted as is this writer to a strictly factual account of " Staging and Stage Hold-ups in the Cariboo."

WILLIS JAS. WEST.

VANCOUVER, B.C.

(30) For an account of the robbery *see* Quesnel *Cariboo Observer*, November 6, 1909; the arrest of Clark and Mrs. Reider is given in *ibid.*, November 20, 1909.

McCREIGHT AND THE BENCH.*

The Act of Union of 1866 did not provide for the amalgamation of the Supreme Court of Vancouver Island and the Supreme Court of British Columbia. Confusion arose as to the jurisdiction of the two Chief Justices, Joseph Needham and Matthew Baillie Begbie.[1] In 1868 provision was made for the continuance of both Courts[2] and the following year a final decision was reached which provided that on the death or resignation of either of the two Chief Justices there was to come into being a Supreme Court of British Columbia presided over by the remaining Chief Justice and assisted by a new Puisne Judge to be appointed.[3] In 1870 Chief Justice Needham resigned to become the Chief Justice of Trinidad and at that same time H. P. P. Crease was appointed the first Puisne Judge. On July 3, 1872, John Hamilton Gray was named second Puisne Judge under an enabling Act passed by the British Columbia Legislature that year. For some years these three Judges formed the Supreme Court.

In 1878 legislation was passed providing for the appointment of two additional Judges. It was also laid down that " not less than three of the Judges of the Supreme Court shall reside on the Mainland of British Columbia." Provision was also made that Judges of the Supreme Court should preside over the County Courts.[4] The following year a Judicial District Act set up four judicial districts with the further provision " that one of the three Judges assigned to the Mainland shall reside in the City of New Westminster; one in the town of Clinton; and one in the town of Barkerville; or in the neighbourhood of these respective places.[5] Accordingly on November 26, 1880, two new Puisne

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* The third in a series of four articles dealing with aspects of the career of John Foster McCreight.

(1) *See* W. K. Lamb (*ed.*), " Documents relating to the effect of the Act of Union of 1866 upon Judge Begbie's Status and Jurisdiction," *British Columbia Historical Quarterly V* (1941), pp. 134–147.

(2) *Courts Declaratory Ordinance*, May 1, 1868.

(3) *Supreme Courts Ordinance*, March 1, 1869.

(4) British Columbia, *Statutes, 1878*, c. 20, "An Act to make provision for the better administration of Justice in British Columbia."

(5) British Columbia, *Statutes, 1879*, c. 13, "Judicial District Act, 1879."

Judges were appointed—Alexander Rocke Robertson and John Foster McCreight. It was decided that Begbie and Crease should reside in Victoria, Gray at New Westminster,[6] Robertson at Clinton, and McCreight at Richfield.

It is important to note that the Judges of the Supreme Court, although referred to as Puisne Judges, all possessed full powers. The term " puisne " is simply a survival of an English statutory term meaning " newly created." In the Supreme Court there were (and are) no grades of Judges. The Chief Justice had precedence and the direction as to which Judge should preside at a certain place at a certain time, but he had no superiority. When the Supreme Court sat in " Full Court " all the Supreme Court Judges were usually present. As the Province was divided up into judicial districts, County Courts were set up, but at the same time no County Court Judges were created.[7] This meant that the Supreme Court Judges had to sit in the County Courts and usually they travelled from one Court to another on circuit when the Assizes were held. The policy of having a resident Judge in each of the four districts did lead to some confusion. McCreight protested bitterly about being expected to reside in the Cariboo, while as a Supreme Court Judge he was to visit Victoria for Full Court occasions, so naturally he kept his Chambers there.[8] As time went on, more Judges were appointed and County Court Judges were added to those already attached to the Supreme Court. In this way the two groups could be kept

(6) This he refused to do, so there was no resident Judge in New Westminster until McCreight went there in 1883.

(7) Authorization had been given to the Governor in 1867 to appoint existing Stipendiary Magistrates to County Court judgeships and by the time of Confederation six appointments had been made. All of these appointees were, in effect, lay judges, for none had professional training. The " County Court Judges Appointment Act," c. 22, British Columbia, *Statutes, 1872*, was permissive in nature but no appointments were made. On January 14, 1881, all remaining lay County Court Judges were retired on pension and their duties were performed by Supreme Court Judges. The appointment of Eli Harrison in April, 1884, as County Court Judge for Cariboo marked the beginning of a professional County Court Bench.

(8) J. F. McCreight to H. P. P. Crease, December 2, 1881, written at Richfield, *MS.*, Archives of B.C.

separate and Supreme Court Judges could give most of their time to Supreme Court cases.[9]

The first mention of McCreight's elevation to the Bench came on November 30, 1880, when the Victoria *Colonist* reported:—

We understand that Messrs. J. F. McCreight and A. R. Robertson, Q. C.'s have been appointed judges of the Supreme Court of this province, the headquarters of one to be at Clinton, and of the other at Kamloops. It is further stated that both the positions have been accepted. The salaries are $4000 each.[10]

On December 17, McCreight resigned from the position of Treasurer of the Law Society,[11] which Society, in turn, gave a dinner in honour of the new Judges at the Driard House where an evening of "song and sentiment" was enjoyed.[12]

On January 4, 1881, the two new judges were sworn in[13] and received the congratulations of the Law Society. Each wrote a letter of thanks to the Society and these letters were published in the newspapers. They are an interesting contrast. That of Robertson is an elaborate document, flowery in phrasing and cordial in tone. That of McCreight is a simple, reserved expression, probably very sincere, but certainly not expansive. Robertson wrote:—

Victoria, Feb. 17, 1881.

Dear Sir,

I had the pleasure last week of receiving your letter conveying to me the congratulations of the Law Society of British Columbia on my recent appointment to the Bench of the Supreme Court.

I beg to express through you to the members of the Society my grateful appreciation of their kindness and the compliments conveyed by your letter.

It is a source of great satisfaction to me to feel that my relations with the members of our profession have always been so cordial and I feel assured that the same good feeling will always exist.

If I should be so happy as to succeed in discharging my duties efficiently I feel assured my success will be largely due to the assistance I shall receive from the Bar.

With renewed expression of thanks I am, dear sir, Yours sincerely,

A. ROCKE ROBERTSON.[14]

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(9) For this sketch of the duties of Judges the writer is indebted to C. G. White, District Registrar, Supreme Court of British Columbia, Victoria, B.C.

(10) Victoria *Colonist*, November 30, 1880.

(11) *Ibid.*, December 17, 1880.

(12) *Ibid.*, December 30, 1880.

(13) *Ibid.*, January 5, 1881.

(14) *Ibid.*, February 19, 1881.

With this, contrast McCreight's letter:—

Victoria, Feb. 10, 1881.

Dear Sir,

I have had sincere pleasure in receiving the very kind communication of the Law Society of British Columbia.

My anxious wish is that relations with its members may continue to be of the same pleasant character as heretofore; and that I may have their cordial assistance in the discharge of my duties; and that under the guidance of Providence I may be enabled to perform them as I ought.

Believe me, yours faithfully,

J. F. MCCREIGHT.[15]

On February 23, 1881, McCreight appeared at a Supreme Court sitting for the first time.[16] This was the occasion of a Full Court, with Begbie, Crease, and Robertson also present. In May he was still in Victoria at the Assizes. By June, 1881, he had moved to the Cariboo and although his cases[17] were not numerous, they were varied and reflected the life of the region. A case on August 12, 1881, dealt with the estate of Peter Brown who died intestate. A naturalization case followed. Then the case of *Houseman v. Peebles* regarding a contract for supplies,[18] followed by *Regina v. Moses* for sale of liquor to an Indian. A further case concerned a horse "working for its keep," then a contract for mules owned by a Chinese who required an interpreter. In October, McCreight presided over the County Court at Kamloops (Judge Robertson was at the time ill in Victoria), at Soda Creek, and at Quesnel, and then returned to Richfield for the winter.[19] No more cases are recorded until the following May.

(15) *Ibid.*, February 19, 1881.

(16) The first trial recorded by McCreight in his Case-books took place in Victoria, on February 12, 1881, that of *Meyer v. Grant.* The notes on the case are extensive but strictly technical and in such appalling handwriting that little can be deciphered.

(17) The Case-books of Judge McCreight are preserved in the Archives of B.C.

(18) "Houseman sold Boyd 24th May, 1880, 580 lbs. of hams at 35 cents half hams, half shoulders, hams worth more in May than September, 2½ cents higher in May than Sept." is a note on the side of the page on which this case is recorded in Case-book of Judge McCreight, 1881–82, *MS.*, Archives of B.C.

(19) J. F. McCreight to H. P. P. Crease, November 26, 1881, written from Richfield, *MS.*, Archives of B.C.

During the summer of 1881 Bishop A. W. Sillitoe, the Anglican Bishop from New Westminster, made a visit to the Cariboo. Mrs. Sillitoe described the places which she visited with her husband in August. After remarking that they had reached the residence of Judge McCreight at Richfield, she continued:—

We had just one week to stay in Cariboo, and we began our visit very lazily, for our first evening was spent sitting over a fire and talking with our host. Although it was August, there were sharp frosts every night, and there seemed little prospect for the strawberry crop in the garden outside, for the plants were only just coming into blossom, while the first radishes of the season had that day been pulled for us.[20]

Of McCreight's friends in the Cariboo, the directory is the only guide. The District Registrar for the Supreme Court was S. F. Wootton; the Sheriff, George Byrnes; and the Government Agent and Gold Commissioner at nearby Barkerville was John Bowron. Richfield had a Roman Catholic Church whose priest was the Rev. Father J. McGuckin, of St. Joseph's Mission, 150-Mile House. The Anglican Church, under Rev. Charles Blanchard, and the Wesleyan Church were at Barkerville.[21]

During the winters time must have passed slowly. McCreight wrote several letters to Crease regarding the lack of cases. Five letters have been preserved in the Crease collection of the Provincial Archives and prove most revealing, both of McCreight's difficulties and of his character. He had apparently been anxious to go to Victoria, but could not do so without an assignment from the Chief Justice. He wrote:—

It would not be precedent for me to leave this place now! There is a general election in the Spring!! I know you feel at the same time that the useless nature of my life is very disagreeable to me. However I read law all day & I never was in a better climate, or as good for study, and I can wait till the time comes, if ever, when the Assembly may think it proper that I should sometimes act as a S[upreme] C[ourt] Judge.[22]

He went on to suggest that the Government was trying to cause his resignation.

As to your point about districting the S[upreme] C[our]t Judges I cannot see now consistently with the provisions that a S. C. Judge can only be

(20) H. H. Gowen (*comp.*), *Church Work in British Columbia, being a memoir of the episcopate of Acton Windemeyer Sillitoe, D.D., D.C.L., first Bishop of New Westminster*, London, 1899, p. 66.

(21) R. T. Williams (*comp.*), *The British Columbia Directory for the years 1882–83*, Victoria, 1882, pp. 321–335.

removed on address of both Houses, the Govr. G[eneral] & Leg[islative] Assembly can leave to the S. C. Judge the choice of death or resignation. They may freeze him out in more senses than one.[22]

He felt, too, that the problem was not entirely personal. He was a Supreme Court Judge, yet he had to reside in his specified district—there was an anomaly here. "I can't but think that that [*sic*] law is in its infancy in Canada,"[23] and he suggested that the Law Society should examine American constitutional law for parallel situations. He made the point that the three senior Judges—Begbie, Crease, and Gray—were doing too much County Court work, while Judges like himself and Robertson, in isolated areas, had far too little to occupy their time. Writing a few days later, he said:—

Robertson and myself are of course materially interested. If you are districted for Victoria, I become nearly an intruder when I go to my chambers there, if on the other hand it is held that a Supreme Court Judge of the Province is to discharge the duties that fall to the Supreme Court of the Province, our local residence I think, will come to an end.[24]

Judge Robertson's death occurred at this point and after expressing regret for his passing[25] McCreight went on to urge that the matter of "districting" a Judge might be taken up at Ottawa.

The complaint of too little work had apparently not been overlooked by the authorities. It was suggested that McCreight could issue mining licences and see to revenue and debt collections. This he apparently refused to do, wondering whether "the Government could tax my salary, they *might* do it in view of my refractory disposition."[26] Although McCreight blamed the

(22) J. F. McCreight to H. P. P. Crease, November 26, 1881, written from Richfield, *MS.*, Archives of B.C.

(23) *Ibid.* The whole matter of control of the Judges of the Supreme Court by the Provincial or Dominion authorities was being argued at this time in connection with the celebrated Thrasher Case. F. W. Howay claims that McCreight took no part in this (*see* E. O. S. Scholefield and F. W. Howay, *British Columbia*, Vancouver, 1914, vol. II, p. 680), but these letters show that he provided Crease with many suggestions. The authority of the Provincial Government was confirmed in 1883.

(24) J. F. McCreight to H. P. P. Crease, December 2, 1881, *MS.*, Archives of B.C.

(25) Robertson died December 1, 1881, *see* New Westminster *Mainland Guardian*, December 3, 1881.

(26) J. F. McCreight to H. P. P. Crease, December 10, 1881, *MS.*, Archives of B.C.

Government, it is possible that he meant partly his old enemy, Begbie. This personal bitterness, a feeling that he had been slighted and pushed out of the way, continued. In referring to Robertson's death, he wrote:—

I suppose they will be thinking of filling up poor A. R. R.'s place. It was offered to me, and indeed accepted before, by arrangement with me, he took it, and I this place. I knew or guessed they would send some person to this place, who might be as well away, if I did not take it, and I thought in letting A. R. R. have the other, I was acting for the best.[27]

In the same letter, he continued:—

There is no debt collecting even to be done here now in the C[ounty] Court. I shall if I live have a pretty strong case in the shape of statistics for going down next winter—after all I am a Judge of the S[upreme] C[ourt] of B[ritish] C[olumbia] not a C[ounty] C[ourt] Judge for Cariboo District.[28]

The same feeling is clear in the next letter:—

I should be glad to be somewhere where I can be of use. There has been no C[ounty] Court here for 2 months and nobody seems to want one. One thing I don't think even a politician could suggest my staying here another winter. The other day an attempt was made to show there were less than 50 people here!

I somehow think they will be slow to fill up the vacant judgeship. They must see they are in a fix. Gray refusing to go to N[ew] W[estminste]r, & they can't tell what I may do, nor more can I.[29]

Apparently many other people realized McCreight's impatience. Crease must have encouraged his views and a *Colonist* article of January, 1882, seemed to suggest that the time had come for a change. McCreight wrote:—

I see Higgins [editor of the Victoria *Colonist*] suggests that some people say "I seriously think of retiring from the Bench & *returning* to Politics." Well as Blanchard says the weather is frosty & pumps *won't draw here.* I think I am pretty well retired from the Bench up here, but still I never wish myself in politics.[30]

After the winter was over things probably improved. In May and June, 1882, McCreight was on circuit again, visiting Quesnel on June 7. A murder trial involving a Chinaman on a gold claim occupied the late summer and the *Case-book* records

(27) J. F. McCreight to H. P. P. Crease, December 23, 1881, *MS.*, Archives of B.C.

(28) *Ibid.*

(29) J. F. McCreight to H. P. P. Crease, January 21, 1882, *MS.*, Archives of B.C.

(30) *Ibid.*

numerous remarks such as "Greer—going at a Chinaman or vice versa" and "a man going to fight wouldn't keep both pick and shovel on left shoulder."[31] In September, 1882, occurred a mining claim trial—the Cascade Mining Case—which along with the *Dulton v. Ah Hing* case at Kamloops, and the *Aurora v. Gulch Mining Company* cases at Cariboo form a series of famous mining cases. The *Case-books* contain detailed copies of these trials, apparently in the handwriting of Paulus Æ. Irving (who succeeded McCreight as Puisne Judge). The fact that some small child has used the book to draw and scribble in makes it all the more interesting.

In November, 1882, McCreight apparently got his wish and went to Victoria. In the County Court there he presided at a naturalization case and other cases as well on November 2.[32] Then he presided over the Supreme Court for a few sessions, then at a lengthy session of the Assizes and then back to the Supreme Court again.[33] If he were to be in Victoria he would have to work hard there.

He apparently returned to the Cariboo for a short time during the winter, as a case concerning theft by a Chinaman from a hotel there is listed. By February, 1883, he was back in Victoria again for a case between the Hudson's Bay Company and the Enterprise Company.[34] In April he was at Clinton, then back to Victoria by May.[35] In June he conducted the Nanaimo Assizes,[36] and in August the Victoria Assizes,[37] as well as serving in the Supreme Court. His life was strenuous with its constant journeyings and the route from Victoria to the Cariboo by way of the Fraser River and the Cariboo Highway long and tiring. But at least he could not feel that he was useless. By the next

(31) J. F. McCreight, *Case-books, 1881–82, MS.*, Archives of B.C.

(32) Victoria *Colonist*, November 3, 1882.

(33) For County Court cases *see ibid.*, November 7, 1882; for Supreme Court cases, *ibid.*, November 17, December 20, 24, 1882; and for the Assize Court *ibid.*, December 5 to 20, 1882.

(34) *Ibid.*, February 21, 24, and March 7, 1883.

(35) *Ibid.*, May 22, 30, 1883.

(36) *Ibid.*, June 10, 1883.

(37) *Ibid.*, August 21, 1883. *See also* entries for June 12, July 7, 11, August 9, 10, September 25, 28, and November 3, 1883.

winter he had been appointed resident Judge in New Westminster, so there was no longer any fear of isolation or lack of work.

From a study of these cases it seems evident that McCreight resided permanently in Cariboo only from June, 1881, to October, 1882, a matter of about sixteen months. After that time his visits would be short, interspersed with returns to his permanent home in Victoria. This may account for the fact that he is little remembered in the Cariboo. When he did live there he resented the isolation; when he could get away, he did so as much as possible. In that way he was never really part of the place and left no permanent mark upon it.

The people of New Westminster desired to have a resident Judge and, in 1881, had petitioned for one.[38] This request was not granted and various Judges continued to visit the city to hold Court from time to time. However, by November, 1883, McCreight had received his appointment to New Westminster,[39] to the mutual satisfaction of all concerned, judging by the following item in the *British Columbian*:—

> Complimentary Dinner.—On Saturday evening the members of the local bar entertained the Hon. Mr. Justice McCreight at dinner at the Colonial Hotel. The dinner was intended as a sort of welcome to his lordship on taking up his residence permanently in this city. We understand that his lordship expressed satisfaction at the arrangement by which he has been assigned to this district, and that a very pleasant evening was spent.[40]

He presided at the County Court on November 7, hearing several cases. In *Knox v. Woodward*, where a carter had been sued for payment due on a load of potatoes, "His honor, in rendering judgment, said he looked upon the def[endan]t, as a common carrier simply, and that he could not be held responsible for the debts due to the pl[ain]t[i]ff for goods carried and delivered by him."[41] At the Assizes the following week, in charging the Grand Jury, McCreight stated ". . . the cases, although involving serious charges, must be left in a great measure to the

(38) New Westminster *Mainland Guardian*, January 15, 1881.

(39) "Hon. Mr. Justice McCreight came up from Victoria yesterday, and we understand he will now become a permanent resident of this city." New Westminster *British Columbian*, November 7, 1883.

(40) *Ibid.*, November 14, 1883. The issue of November 10, 1883, contained a letter to the editor expressing satisfaction at the arrival of a resident Judge.

(41) New Westminster *Mainland Guardian*, November 10, 1883.

juries, who would be judges of the facts,"[42]—a very different attitude from that of Begbie to his juries. At the close of the Assizes the Grand Jury Presentment concluded with this statement:—

> The Grand Jury cannot meet Your Lordship for the first time, as resident Judge for their Judicial District, without expressing to Your Lordship their gratification at the settlement of a long-vexed question that has been a source of much trouble and loss to us; and our pleasure that a gentleman of your high standing and legal ability has been selected for the position of Supreme Court Judge in this District. We trust that your residence amongst us will be pleasant to your lordship and advantageous to the community.[43]

Throughout the winter McCreight was busy in the New Westminster Court. There were County Court sittings in December,[44] Supreme Court sessions in February,[45] and then County Court again in March.[46] In May, the Judge paid a visit to San Francisco and experienced a serious illness while away.[47] Possibly this was the reason for a curious news item which appeared in the Victoria *Colonist* during the summer:—

> It is understood that this gentleman [Mr. Justice McCreight] has been retired on a pension of $3000, that Mr. Justice Walkem will be transferred to New Westminster, that two county court judges will be appointed, and that the fifth seat on the Supreme Court bench will not be filled.[48]

The rumour apparently was unfounded, for on August 22 McCreight was back in the Supreme Court in Victoria.[49] His residence in New Westminster continued, as he was reported arriving in Victoria from that city in September.[50]

During the winter he was again active in the New Westminster Court, presiding at the Assizes in the murder trial of Charles Rodgers. The case was controversial:—

> His Lordship read copious extracts from the law, to show why or why not an adjournment should be granted. He then said the articles read from the newspapers and the affidavits made by the prisoner himself, and by others,

(42) *Ibid.*, November 17, 1883.
(43) *Ibid.*, November 24, 1883.
(44) *Ibid.*, December 8, 1883.
(45) *Ibid.*, February 6, 1884.
(46) *Ibid.*, March 8, 1884.
(47) Victoria *Colonist*, May 8, 10, 11, 1884.
(48) *Ibid.*, August 30, 1884.
(49) *Ibid.*, August 23, 1884.
(50) *Ibid.*, September 21, 1884.

appeared to be good evidence to show that it was expedient that the case should be tried elsewhere.[51]

In the end the case was removed to the next Assize in Victoria—as there was too much local prejudice.[52] The next month McCreight held County Court at Chilliwack[53] and then returned to New Westminster where the usual sessions started in 1885.

The *Case-books* record a variety of trials for 1885 and 1886, some in New Westminster, some for the Supreme Court in Victoria. They note as a special event, the first County Court held in Vancouver on April 7, 1887.[54] Vancouver was regarded as part of the Westminster District until 1891 when a new judicial district was created.[55] During this period there were few outstanding cases. The *Case-books* for the years 1887–93 are missing, and the newspaper reports contain only routine matters in the Supreme Court and the Assizes. County Court cases at New Westminster were now being handled by Judge W. N. Bole. McCreight maintained his ability to make clear speeches and masterly summaries, while his exactness of expression is well illustrated in the following remarks made when passing sentence on a man accused of perjury:—

The jury have considered your case carefully, and found a verdict of guilty. The offence of perjury is a very serious one, and I think you must be sent to the penitentiary for three years, though I could have sent you for fourteen. There are some points, however, reserved in your case which may come up in a new trial.[56]

The use of the expression "I think" was apparently typical of McCreight's judgments and his extreme regard for the truth. Mr. W. C. Moresby mentioned that a favourite expression of the Judge's, especially when presiding at criminal trials, was "my conscience is troubling me,"[57] while Mr. A. D. Crease stressed the point that "on the Bench he displayed a certain amount of diffidence. It was characteristic of him and his reverence for the saying '*stare decisis*' that he hesitated to express himself

(51) New Westminster *Mainland Guardian*, November 15, 1884.
(52) *Ibid.*, November 19, 1884.
(53) *Ibid.*, December 13, 1884.
(54) J. F. McCreight, *Case-books, 1886–87, M.S.*, Archives of B.C.
(55) New Westminster *British Columbian*, January 24, 1891.
(56) *Ibid.*, November 23, 1891.
(57) W. C. Moresby in a letter to the author, dated October 22, 1946.

with any certainty until he had studied all legal decisions."[58] Yet another example of this comes from Mr. J. H. Bowes, a former member of the British Columbia Bar:—

> His knowledge of case law was deep, his desire to do justice was almost excessive, but for the law of the chief justice [Sir Matthew Begbie], he had profound distrust, a distrust which led him to fear for the fate of the chief in a future state. A wrong decision was an actual sin he told me. . . . His eccentricities increased with age, and at last he retired leaving behind him the memory of a learned and kindly man, whose wish to be absolutely correct led sometimes to strange and irritating vacillations, but those were really due to his anxiety to do right. . . . The manager of the old Bank of British Columbia told me amusing stories of the doings of Judge McCreight before he went on the bench, and was counsel for the bank. The learned counsel would—after much consideration, give an opinion; then he would ring up the manager telling him not to act on it until he, as counsel, had considered it further. Then he would get another opinion more or less confirming the first—then further notice to delay action, and so on, until at last a final opinion in nearly all cases confirmed the first.[59]

The point is often made that McCreight had a remarkable memory for cases, and "could cite off-hand, with the report reference, any one or more of them, applicable to the issues before the court."[60] This aptitude for reference quotations and exactness of opinion is well illustrated in a case that came up in New Westminster in 1892. A smallpox epidemic was raging in Victoria, and a certain George Bowack, held in quarantine by the Vancouver Health Authorities had applied for release on the ground of a writ of *habeas corpus*. In refusing the writ, McCreight wrote the following explanation:—

> Maxwell on Statutes, 1st Ed. Page 157, a general late law, does not abridge an earlier special one. And 3 App. Ca., 952, 953, 966, and 969, containing the observations of the Law Lords. I was told that the decision of Crease, J., [Judge H. P. P. Crease] in Victoria, covered the question as to the Provincial Regulations governing the present case. I am by no means sure that the case before him is the same as the present, which is Bowack's alone, and relating to his detention on land. No report of his decision was produced, and I must repeat what the late Master of the Rolls said, that "he could not act on a case unless a report of it was produced." Crease, J., may

(58) A. D. Crease in a letter to the author, dated September, 1946.

(59) J. H. Bowes, "Notables of 'Just and Noble' Judges of whom B.C. Lawyers Tell Tales," Vancouver *Province*, January 8, 1938 (magazine section).

(60) Denis Murphy, "Judges of Ye Olden Time," *The Advocate*, Vancouver Bar Association, vol. IV, part 3 (June, 1946), p. 86.

have thought that, on the evidence, he could not dissolve the injunction he had granted and I may observe that, in *habeas corpus* applications, each judge or court is free to act, subject, of course, to the decision of a Court of Appeal.

As an illustration of this in the Canadian prisoner's case in the Court of Exchequer, 4, Meesor Wills *vs.* Wilsby, p. 32 and in Q. B., 9 Add. & Ell., when the same case is reported as Leonard Watson's case.

The writ is, therefore, refused.[61]

During 1893 McCreight was absent from duties for seven months, with much of his work in New Westminster being taken by Judge Bole. On his return, it is interesting to find him engaged in cases involving neighbouring municipalities. The technicalities of such constitutional questions must have delighted him, and a case concerning tax collection and surcharge between the Municipality of Surrey and the Provincial Auditor gained particular prominence.[62] A great deal of McCreight's work consisted of Chamber cases[63] and there are mention of those dealing with orders for costs, probate, and payments out of Court. Liens, liquidations, and wills are also frequently alluded to in the *Case-books*.

Towards the end of 1893 a famous murder trial was held at the New Westminster Assizes. Albert Stroebel and Frank Eyerly were accused of murdering John Marshall, of Huntingdon, in the Fraser Valley, with the Attorney-General, Theodore Davie, prosecuting. Also concerned in the case were Elizabeth Bartlett, engaged to marry Stroebel, and her mother, both of whom turned out to be hostile and adverse witnesses. A great deal of conflicting evidence was presented by the various members of the families concerned and McCreight laid it down " that it was an old point in law that any statement made by the prisoner against himself was admissible as evidence, but any statement made by him or any relative in his favor could not be admitted."[64] Some confusion existed as to the location of the crime and " His Lordship read the section of the act upon the point of juries going to view the locality. He remarked the spot

(61) New Westminster *British Columbian*, July 23, 1892.

(62) *Ibid.*, July 4, 1893.

(63) Non-jury cases, where only a Judge's decision is required, held in the Judge's Chambers and not in the Court.

(64) New Westminster *British Columbian*, November 17, 1893.

would very likely be very wet at this time of the year."[65] Arrangements were made for the jury to visit the scene of the crime the following day, travelling by train. When the prosecuting attorney asked if the Judge would accompany them he replied: "I have no objection. I shall be as well there as here, I suppose."[66] The Sheriff was then directed to provide the necessary accommodation for the party—including gum boots for all. At this point, McCreight's well-known propensity for fresh air[67] asserted itself:—

> The heat in the room during the afternoon was frequently very great, and His Lordship several times ordered the windows to be opened. This caused a current of cold air to descend on the jury, who wrapped themselves up in their overcoats.[68]

The last-mentioned garments were probably very much in evidence the following day when the party assembled for the trip to Huntingdon. An amusing description is given of the procession to the station, with special mention of the gum boots: "His Lordship and the Attorney-General wore those useful articles."[69]

The trial lasted for seven days but the jury reached no agreement, so was discharged. The case went to Victoria and after a twelve-day trial Stroebel was found guilty and sentenced to hang by Judge Walkem. It was most unusual for Judge McCreight to allow any lighter note to creep into the solemnity of his Court, but on the discharge of the New Westminster jury, an amusing incident occurred. The foreman asked that the jurymen be granted double time for the Sunday on which they had been sitting and the following conversation ensued:—

> His Lordship.—"Well, gentlemen, I will do all I can, but really I have nothing to say in the matter. I am only a machine to carry out the law, you know."
>
> Foreman Ross.—"Then we will have to depend on the liberality of the Attorney-General."
>
> His Lordship.—"I am afraid he, also, is only a machine." (Great laughter.)

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(65) *Ibid.*

(66) *Ibid.*

(67) According to Mr. W. C. Moresby in a letter to the author: "He always insisted on plenty of fresh air and in the winter months insisted upon the windows in the Court House being raised."

(68) New Westminster *British Columbian*, November 17, 1893.

(69) *Ibid.*, November 18, 1893.

Sheriff's Officer.—" Order in the Court! "

Mr. Davie.—" I have been looking into the matter and find the jury is not entitled to pay on Sunday, but I have arranged you will get one day's pay."

Foreman Ross.—" If that is the case the jury will be satisfied with the gum boots." (Renewed laughter.)

Sheriff's Officer.—" Order in the Court."

His Lordship (smilingly).—" Well, you ought to get them."

Mr. Davie.—" The Government has no use for gum boots, so you had better keep them."[70]

With that they had to be content.

The year 1894 was a busy one for McCreight with two notable cases. The first of these took place in October in County Court in the appeal of *Kitchen v. Paisley*. The defendant who was Returning Officer for Chilliwack riding was charged with " wilfully and wrongfully " inserting in the voters list the names of unqualified persons—the term " wilfully " being interpreted by McCreight to signify " corruptly."[71] The indiscretion could not be proved, but His Lordship commented upon the somewhat unorthodox behaviour of the Returning Officer, as follows:—

. . . he could not understand Mr. Paisley committing so many irregularities, such as letting his clerk sit for him at the court of revision as he (Mr. Justice McCreight) might as well ask Mr. Falding or Mr. Cambridge [clerks of the court] to sit on the bench as his substitute.[72]

The conviction was quashed but Paisley had to pay costs because of the irregular factors mentioned.

The other case was of quite a different character, but interesting because of the light it throws upon the varied troubles of the times. At the Fall Assizes there came up the case of Johnny the Boss, Francis William Fish, Andrew, Jim Colson, Willie, Charlie, Big William, Mary, John, Johnson, Charlie Hyack, Ahoyset, Jack, Togche, Frank, Ten Quart Jim, Ten Quart Don, Jack, Mouhtie, Joseph, Polly, and Susan—all Indians, charged with piracy. Most of them were from the West Coast of Vancouver Island and had apparently been hired as crew of a sealing schooner, *C. D. Rand*, bound for the Kodiak Islands, but when the trip had been somewhat prolonged they had insisted on returning home, and when this was not done had revolted and tried piratically to

(70) *Ibid.*, November 21, 1893.

(71) *Ibid.*, October 31, 1894.

(72) *Ibid.*

run away with the schooner.[73] Throughout the case, McCreight strove to guarantee a fair trial to the Indians and to understand their mentality. The defence counsel pointed out that technically a number of the Indians were passengers rather than crew, and, as such, could not be charged with piracy. With this McCreight agreed, remarking that "Susan could certainly not be regarded as a seaman,"[74] and, as a result, charges against fifteen of the Indians were dropped. McCreight seemed to think that much of the blame lay with the drunken master of the schooner, and finally remarked—"Witnesses may lie, circumstances cannot."[75] As a result of his summary only six light sentences were given.

The cases recorded for 1895, 1896, and 1897 followed the usual pattern. More and more of McCreight's work concerned Chamber cases dealing with such problems as land titles, bank matters, and rent recovery. Times were changing; Begbie was dead (June 11, 1894) and Crease had retired (January 20, 1896). McCreight was the "grand old man" of the Bench, exact, eccentric, hard of hearing, and approaching his seventieth year. He still journeyed to Victoria for sittings of the Full Court,[76] accompanied often by Mr. Justice Angus John McColl,[77] the new Supreme Court Judge. By November, 1897, it became generally known that McCreight was planning to retire.

> It is understood that the last time Mr. Justice McCreight will occupy the bench will be at the next sitting of the Full Court, which is to be held on November 17. For some time past the venerable judge has been closing up the business which has been before him, and it is now a number of months since he has heard any cases. Now everything being in good order, he will retire to the well earned rest to which his long and honorable career has entitled him.[78]

The last case that McCreight recorded in his *Case-book* was on November 17, 1897, when "self, Drake, and McColl"[79] sat as Full Court in the case of the *Canadian Pacific Railway v. Parkes*

(73) *Ibid.*, November 19, 1894.

(74) *Ibid.*, November 21, 1894.

(75) *Ibid.*, November 23, 1894.

(76) *Ibid.*, February 1, 1897.

(77) McColl had been appointed Puisne Judge, October 13, 1896, and became Chief Justice on August 23, 1898.

(78) Victoria *Colonist*, November 11, 1897.

(79) J. F. McCreight, *Case-book, August–November, 1897, MS.*, Archives of B.C.

and Painchaud, in which the plaintiffs were granted the right of appeal to the Privy Council.[80]

His retirement came into effect that day[81] and he was succeeded by Paulus Æmilius Irving as Puisne Judge residing at New Westminster.[82] A letter to the editor of the *British Columbian,* half humorously commented on the change:—

I see by the telegraphic despatches Mr. P. Æ. Irving, of Victoria, has been selected to fill the boots vacated by Hon. Mr. Justice McCreight. What a tremendous amount of vacant space there will be in those boots, if such is the case![83]

Many tributes were paid to the retiring Judge. The Victoria *Colonist* published a lengthy summary of his career and in connection with his judicial duties commented:—

From that date [his appointment to the Supreme Court] to the present time he has administered the duties of the County court, the Supreme court and the Court of Appeal. His judgments have ever won respect and attention, and he has rendered to every judge who applied for his assistance the valuable aid of that marvellous knowledge of leading cases in all divisions of law and equity, and all cases under old and recent laws, as has made him the pride and boast of all his legal brethren; while his disinterested communication of the knowledge he possessed to all his legal brethren, young and old, has secured him the lasting love and respect of all the judges, barristers and students with whom he has been brought into close contact.[84]

Apart from his judicial activities and his preoccupation with his law books, much of McCreight's time in New Westminster was taken up with his beloved horse, Tally. For many years he rode every day, sometimes alone, sometimes in company with his friends. Among the latter was Mrs. William Moresby, whose husband was connected with the New Westminster Court and whose son was articled to a law firm in New Westminster at this

(80) Victoria *Colonist,* November 18, 1897.

(81) "Mr. Justice McCreight retires to private life with the kindest regards of the people of British Columbia, who will join with us in the hope that he may long be spared to enjoy his well-earned rest." *Ibid.,* November 18, 1897.

(82) Irving's appointment was dated December 18, 1897. Owing to the illness of two of the Judges of the Supreme Court it had been necessary to adjourn the Full Court after the meeting of November 17, and as a result the Law Society had pressed for the immediate replacement of Judge McCreight. *Ibid.,* November 18, 1897.

(83) New Westminster *British Columbian,* November 29, 1897.

(84) Victoria *Colonist,* November 19, 1897.

time.[85] Later, when the horse became somewhat decrepit, McCreight led it out each day for exercise. Some people claimed that he had no real friend except the horse, and there is a well-known legend that he grazed it illegally on the Penitentiary grounds, and paid a man to keep him from turning it in.

It is well known that McCreight was getting deaf before his retirement but he was apparently very active when he reached his seventieth year. Upon retirement he received a pension from the Federal Government and this continued until his death. Some confusion exists about his activities immediately after retirement. R. E. Gosnell stated that McCreight "went to Ireland whither his wife had preceded him;"[86] but this has never been authenticated. It is known definitely that he visited Rome and spent some time there. By 1909 he was residing at Hastings, in England, closely associated with the Society of Pious Missions, who directed a hostel run by priests of the Roman Catholic church for elderly men, many of them priests. It is believed that McCreight was not in the hostel itself but in the house of a Mrs. Mary Jane Fisher who lived nearby. That Mrs. Fisher and her daughters must have been very kind to an elderly man is evident from the bequests they received in McCreight's will. Mrs. Fisher herself received £50[87] and a similar amount went to each of her daughters, Elizabeth "otherwise Lizzie," Harriett "otherwise Hattie," Ellen "otherwise Nellie Wilson," and Jane "otherwise Jannie."[88] Elizabeth must have been the favourite, or possibly looked after McCreight personally. She was appointed one of the executors of the will and later was left an additional £50,[89] then a further £250 that would have gone to McCreight's sister, Anna, had she not died.[90] Another record of

(85) W. C. Moresby in a letter to the author, dated October 22, 1946.

(86) R. E. Gosnell, "Prime Ministers of British Columbia: 1. Hon. J. F. McCreight," Vancouver *Daily Province*, February 5, 1921.

(87) Codicil to the Last Will and Testament of John Foster McCreight, April 20, 1911.

(88) Last Will and Testament of John Foster McCreight, dated August 20, 1909.

(89) Codicil to the Last Will and Testament of John Foster McCreight, dated June 19, 1911.

(90) Codicil to the Last Will and Testament of John Foster McCreight, dated May 2, 1912.

Elizabeth Fisher was in a communication received from the law firm that drew up the will. The firm of Young, Coles and Langdon, of Hastings, stated:—

We confirm that we acted for the above named Deceased [J. F. McCreight], and also for the Executors of his Will. One of the Executors has since died, and we have not heard of the other Executor for many years.[91]

A letter received from the Rector of the Catholic Church at Hastings confirmed (1947) that Miss Fisher was still alive.[92]

McCreight had apparently become somewhat eccentric in his last days. His will shows the mind of a man constantly changing his ideas and desiring in his own small way to make his wishes felt. The terms are set out in great detail, new names and revocations of former bequests constantly occur, and there are four codicils. It is reported that McCreight became well known for extravagant gifts to the children of the neighbourhood, again considered a sign of eccentricity rather than of good-heartedness. Mr. A. deB. McPhillips makes this point:—

From some information given me by the Reverend Father O'Connor, P.S.M., who knew the late Judge well in Hastings, England, it would seem that in his later years he became something of a philanthropist, taking great interest in under-privileged children of the town and spending considerable sums of money on their behalf. Father O'Connor informed me that it was not at all out of the way for the Judge to round up a goodly number of children from poor houses and have these outfitted with clothing and shoes, the total cost of which often ran to a somewhat staggering amount.[93]

McCreight died on November 18, 1913, at the age of eighty-six, and was buried under the auspices of the Pious Society of Missions. His estate amounted to approximately £3,619.

PATRICIA M. JOHNSON.

LADNER, B.C.

(91) Young, Coles and Langdon, to the author, dated January 4, 1944.

(92) Rev. H. Treacy, P.S.M., in a letter to the author, dated February 20, 1947.

(93) A. deB. McPhillips in a letter to the author, dated September 27, 1946.

GOLD-RUSH DAYS IN VICTORIA, 1858–1859.

First-hand accounts of the early gold-rush days in British Columbia and Vancouver Island are few and far between, and for this reason the letter written by James Bell at San Francisco late in February, 1859, upon his return from a seven months' sojourn in Victoria, is of considerable interest. The letter itself was presented to the Provincial Archives some years ago through the courtesy of Mr. E. O. Cornish, of Vancouver, B.C., who had received it from Mr. David Thomson, a business associate of Liverpool, England, and nephew of the original recipient, John Thomson, of Annan, Scotland. It came complete with its linen-lined envelope and bore no postage stamps. It was post-marked at San Francisco on March 8, 1859, and again at Liverpool on April 10, indicating that it had been thirty-three days in transit, a comparatively speedy delivery considering transportation facilities in those days.

Only fragmentary information is available concerning James Bell. Since he addressed John Thomson, who was a draper in Annan, as " brother," the assumption is that Bell's mother had married again and that there had been some disagreement within the family, which explains to a degree the rather odd commencement of the letter. His reference to " life in California during her early golden days " suggests that he may have been a California " 'forty-niner," and the claim has been made that he came by way of Panama, walking across the Isthmus. By 1858 he was well established in business in San Francisco, and he is listed in *The San Francisco Directory* as " wholesale and retail hardware," with his store at 26 California Street and his dwelling on " Howard bet[ween] Third and Fourth."[1] From his letter it is apparent that he arrived in Victoria early in July, 1858, with the intention of establishing himself in the hardware business. This was the month of the great influx of population, and it has been impossible to establish the exact date of his arrival or the name of the ship in which he came.

(1) H. G. Langley (comp.), *The San Francisco Directory for the year 1858 . . .* , San Francisco, 1858, p. 64.

That he found conditions satisfactory to his purposes is evidenced by the fact that he soon acquired property and opened a store on Johnson Street near Wharf Street. His first advertisement appeared in the Victoria *Gazette* of September 16, 1858, and continued for a month.

Hardware.

The Undersigned keeps constantly on hand a full assortment of Hardware, consisting of

BUILDERS' HARDWARE—Door, sash and window locks of every description, with fancy and plain trimmings, iron and brass bolts, blind and shutter mountings, wrought, cast and finishing nails, wrought and cut spikes, cast steel, car and sheet iron, carpenters' tools, &c., cross cut, pit and mill saws.

SHIPS' HARDWARE—Composition hinges, hasps and staples, brass locks, bolts and cabin hooks, brass screws, copper nails and tacks, copper and brass wire.

DOMESTIC HARDWARE—Table cutlery, table and tea spoons, butcher and sheath knives, scissors, &c., cordage, and a full assortment of general Hardware.

JAMES BELL
Johnson st., near Wharf, Victoria.

N.B.—Special orders to San Francisco will be prosecuted with the utmost dispatch.

J.B.[2]

No reference is to be found in either the Victoria *Gazette* or *Colonist* of his return to San Francisco in February, 1859. In all probability this was only a business visit to oversee his California establishment, for Victoria continued to be his home for several years. The *First Victoria Directory*, issued in March, 1860, listed his store and carried an advertisement for "Builders' Agricultural and General Hardware."[3] In April, 1861, he served as foreman of the Grand Jury of the Assizes. No doubt as foreman he had a great deal to do with the preparation of their report, which was characterized by the same forthrightness to be found in this letter. Chief Justice David Cameron, in charging the Grand Jury, had specifically requested them to confine their activity to the matters laid before them. Heretofore Grand Juries, he believed, had "entered into matters foreign to their

(2) Victoria *Gazette*, September 16, 1858.

(3) Edward Mallandaine (comp.), *First Victoria Directory* . . . , Victoria, 1860, p. 26; the advertisement is on p. 23.

duty. They had taken on themselves to visit jails, schools, and hospitals, and in doing so they exceeded their duty."[4] Not the least deterred by these instructions, the Grand Jury reported on conditions generally in Victoria and in particular on "the disgraceful state of the Esquimalt road" which they branded as a nuisance and declared that "the person or persons, whoever they may be, that are answerable for its existing condition as deserving of public prosecution."[5] The Victoria *Colonist* in thanking the jury editorially for their report rather gleefully pointed out that although the Legislative Assembly had appropriated $1,800 for this project, Governor Douglas had never taken action.

James Bell died of tuberculosis in San Francisco on June 24, 1862. It is not known when he withdrew permanently from Victoria, but some idea of the esteem in which he was held is to be gathered from the announcement of his death.

Death of a Pioneer.—We are pained to record the demise, at San Francisco, of our late esteemed fellow-townsman, James Bell, who expired of consumption on the 24th inst. Mr. Bell was a Scotchman by birth, and was widely known and esteemed throughout California and these Colonies. He came hither in 1858 and established himself in the hardware business which he continued until failing health caused him to dispose of his stock and return to San Francisco, where his family reside.[6]

As the letter is a straightforward narrative, it has required little editing. It is interesting to note in passing the obvious satisfaction with which Bell compared the administration of government in the colonies with that of California during its gold-rush days, and in this connection the pride of a Scot in finding a fellow Scot at the head of the colonial administration is understandable. His analysis of business prospects is equally interesting, and his foresight in urging the completion of a transcontinental railroad is a commentary on his competence as an observer.

The spelling and punctuation of the original letter has been retained throughout.

WILLARD E. IRELAND.

PROVINCIAL ARCHIVES,
VICTORIA, B.C.

(4) Victoria *Colonist*, April 9, 1861.
(5) *Ibid.*, April 12, 1861.
(6) *Ibid.*, June 30, 1862.

Sanfrancisco February 27, 1859

Mr John Thomson
Annan
Scotland

Dear Brother

To call up despondency, with all its gloomy associations, I have only to sit down with the intention of writing my relations; Why I should experience such feelings on calling to memory, those, above all others, excep my two dear children, I most love and esteem, may appear unaccountable; But with whys, and wherefores, my dear Brother I will not this time tax your patience; I sit down determined to write a long Letter, declaring war against all impediments; and it *must be done.*

I feel however, that to do the heart justice, there must be a little said in the way of apology for the above remarks.

Though we cannot hope forgiveness, still would we plead sympathy.

"When shadowes of things that have long since fled,
Flit over the brain like ghosts of the dead;
Day dreams that departed ere manhood's noon,
Bright visions of happiness, vanished too soon;
Attachments, by fate, by falsehood, reft;
Companions of early days, lost, or left;
All—all now forsaken, forgotten, forgone;
And I a lone exile remembered of none;
My high aims abandoned, my good acts undone;
A weary of all that is under the sun;
With that sadness of heart, which no stranger can scan,
Would I fly to the desert, afar from man."

As you are already aware, I have again been "out on the path of Empire" I returned a few weeks ago, after an absence of seven months.

I left Sanfrancisco in the beginning of July last, with the intention of establishing a permanent business in the New Colony, *that was to be;* Being the pioneer in my peculiar line, I found many difficulties to contend with, still so far, I have had no reason to regret the step.

I joined the exodus to her Majestie's domenions at a time of unprecedented excitement, even in the exciting history of Gold digging, when it threatened to depopulate California;[7] There was nothing in the

(7) "There is no disguising the fact that the excitement throughout the State in regard to the newly discovered gold region on Fraser's river and its tributaries, has increased to such an extent within the past few weeks, as to almost give room for the belief that the state is about to become heavily lessened of its working population during the next few months. . . . At the present time, the boats from the interior come down every night, loaded down with miners and others, all bound for Frazer's river.

representations of the new Gold Fields to warrant such multitudes leaving their occupations, and Families, at one time, consequently, as was to be expected, the rush north, was immediately succeeded, by as unwarranted a rush south.

Looking, myself, entirely over the transitory Gold excitement, to the certain rapid development of what must prove to be, one of the most successful, and important, of British Colonies; I could not resist the temptation the new field offered; besides, I longed for a change; To one who had enjoyed a mountain life in California during her early golden days, a prospect of fresh adventure has irresistable charms; I found my constitution being undermined by a sedentary life, existence was becoming "stale flat and unprofitable;" If in nothing else, I have at least profited in health, not having felt so well in that respect for many years.

Whether or not, such a distant part of the world is attracting much attention in your neighborhood, I have had no means of ascertaining. I assure you, it was with no little gratification of national pride, I learned that the progress of the country heretofore has been almost entirely indebted to Scotch enterprise, and as I consider the future development of its many great natural resources, as holding out inducements peculiarly to the hardy, industrious, scientific Scotchman, even a limited description of the county, and a few reflections on its future destiny, from one who has resolved to share its fortunes, may not only be interesting to yourself but may serve to induce some of your many worthy acquaintances to secure for themselves, and Families, an independent and prosperous future; The certain reward of all who may bring with them, to the new colony, habits of industry and frugality.

I will begin with a few words on Vancouver Island. In regard to climate, it has been very much misrepresented, as has also British Columbia, the two, so far as yet explored, differing very little in this respect. The present winter, which is already over, has been considered by the old residents quite a severe one, Though upon the whole, much milder then you experience in the south of Scotland; Up to the beginning of December, except heavy rains occasionally, we had nothing to call winter, then for about ten days, we had a succession of sharp frosts, and snow storms, the snow however never reaching ten inches in depth, which disappeared in a few hours after a change of wind to the south.

The hotels in this city are fairly crammed with people, waiting for an opportunity to leave; while reports reach us from various points of the interior, that parties are setting out overland for the same locality. Throughout the entire length and breadth of the State the 'Frazer river fever' seems to have seized hold of the people, and threatens to break up, or at least, seriously disarrange for the time being the entire mining business of the State." San Francisco *Alta California*, June 5, 1858.

Frazer River was frozen over, so as to impede navigation, about eight days;[8] I am in receipt of Letters from Victoria dated February 11th, which represent the weather as being mild and beautiful, so much so, that numbers of Boats, and Canoes, were again starting on their long and perilous journey to the upper Gold Mines;[9] The winter preceding, was much more mild, there not being any Frost till the beginning of Februrary; Old Farmers tell me that they rarely find it necessary to house their cattle in Winter; or is all this to be wondered at, when we take into consideration that the whole Island, is in a more southerly latitude then that of England.

Then the summer nothing can be imagined more beautiful, in the way of weather, a constant even temperature without any unpleasant heat; for this equality no doubt we are indebted to the magnificent, ever snow clad, range of Cascade Mountains, to the north and east of us; our summer air is refined while passing their frozen tops, as it generally does during that season, not only is every particle of moisture extracted, preventing rain, but what would otherwise be a hot land breeze, is cooled and made pleasant.

The Island is 300 miles long, with an average width of 60 miles; Its outline is very irregular; almost the entire coast being broken into bays and Inlets, in many places thickly studded with small Islands; affording numerous sheltered harbours; The shores being rocky, and precipitous with little rise and fall of water, vessels of the heaviest draught may approach with safety on every side.

These bays and Inlets, apart from their harbour facilities, contribute principally to the support of the Indian population, and in fact, so far, produce the Island's greatest available staple, being swarming with Fish in endless variety.

This apperantly inexhaustable product alone, is suffecient to warrant commercial prosperity; Indeed the same may be said of the whole of Puget's Sound, withe Island or Main Land; At certain seasons salmon literally swarm along the coasts, especially near the mouths of fresh water streams, Indians have no difficulty in taking them simply with a hand net.[10]

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(8) "The steamer Beaver arrived from Langley on Tuesday evening [December 7], with eighty passengers. She reported the river frozen over to the depth of an inch and a half from Langley down to its mouth, and the weather as exceedingly severe." Victoria *Gazette*, December 9, 1858. "There is little or no doubt that the river is open again to navigation." *Ibid.*, December 16, 1858.

(9) "Latest from Fraser— . . . Some sixty boats left Fort Yale in one day bound upward." Victoria *Colonist*, March 5, 1859.

(10) "Beecher Bay is situated about 14 miles in a westerly direction from Victoria. . . . It is one of the best salmon stations on Vancouver Island, as from four to six hundred barrels of that fish are taken here every year, wholly by the Indians." *Ibid.*, August 12, 1858.

With the exception of the H. B. Co. salmon curing has been carried on to a very limited extent, even the Co. since the Gold excitement seem to have abandoned it, their time and capital being employed so extremely profitabley otherwise.[11]

The Indians, subsisting almost entirely on Fish, are rarely to be found any distance inland; Their villages are always located close to the coast, or else, on the banks of a River, apparantly caring little about the products of the soil, they seem to feel most at home on the water; With the whole family in the light though graceful canoe; they are to be met paddeling among the Islands, in all weathers; Devided into small tribes, they are numerous on all sides of the Island, in every respect they are much superior to the Indians of California, though little has yet been done to ameliorate their miserable, savage, condition; In appearance many of them differ little from Europeans, being equally white in the skin, with fair, and frequently even red, hair; At Victoria, two months ago, hundreds of them were to be seen wading through the snow with their bare feet; Among the Females there is a *painful* and *provoking* scarcity of petticoats, whilst amongst the males there is a disgusting lack of continuations; They depend on the Blanket almost entirely for covering; The Blanket is also their circulating medium, every thing is valued by the numbers of Blankets.

In its agricultural resources, I must say, the Island presents nothing very attractive, especially to one who has, like the writer, witnessed the wonderful productiveness of a California; Probably nine tenths of the whole Island is covered by dense Forrest; The interior, so far, has been very imperfectly explored; The few open patches as yet discovered are of inconsiderable extent, and To clear Timber Land for the purpose of Agriculture, at the present price of labour, is out of the question, *may it long continue so.*

The small portion under cultivation, is confined to a few Farms on the southern end, near Victoria; These are principally occupied by old servants of H. B. Co. who, according to agreement, have been granted small portions of Land on being dismissed from the service; These people being originally from the north and west end of Scotland, of the poorest class, As might be expected, their ideas of Farming are very primitive; Much of their Land, owing to the proximity to Town became suddenly very valuable during the Gold excitement; Many "Awoke one morning to find themselves rich."

The most extensive agriculturists on the Island as well as other points in Puget's Sound, are a joint stock co. known as the Pugets Sound Agricultural Co. composed principally of Members and Officers

(11) "No sign of preparation is made to develop our Salmon fishing. Why is this? Is everybody so intent on gold digging, trading, and land speculation, that the existence of this gigantic source of wealth is entirely ignored. . . . No country ever had better or more valuable Salmon fisheries, no more easily developed, than our own." Victoria *Colonist*, February 5, 1859.

of the H. B. Co. They own extensive tracts of Land and have some well conducted Farms, also in the neighborhood of Victoria,[12] which are worked by Tenants on shares; I have seen nothing for many years that reminded me so much of home as those substantial, comfortable Farm Houses, with their thrifty looking appendages in the way of—neatly thatched Ricks, Barns, Thrashing Mills &c. some of them having even Flour, and Saw Mills attached;[13] Cattle and sheep are generally of fine quality but getting scarce, and high in price, owing to the increased population; Horses are also scarce, and a miserable poor bread. I took one up with me and sold him at about three times Sanfrancisco price.

For years every thing seems to have gone on with these People in the same easy old country style, till the sudden rush of Gold-seekers awoke them from their lethargy; Land stock and produce of every description went up at once to prices they never before dreamt of.

Altogether Farming is conducted pretty much the same as in Scotland, Oats, Wheat, Barley, Peas, Beans &c came to great perfection; Also every description of vegetables, especially potatoes which I never saw equalled.

Seed time and Harvest also conform very nearly to those in Scotland.

Government price of Land is £1. per acre, five shillings paid at time of purchase, and the balance, in three, two year's installments; ninety per cent of the purchase money has to be expended, by the Government, in improvements;[14] so that virtually, I may say, Land costs nothing.

The open Lands in the interior, are rapidly being located skirted by dense Forrest on one side, and penetrated by a Tongue of the sea, on another, some of these fertile Plains, under such a mild climate, are

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(12) In all the Puget Sound Agricultural Company operated four farms in the vicinity of Victoria: Viewfield Farm, established in 1850, under Donald Macaulay, a Scot from the Hebrides; Colwood or Esquimalt Farm, established in 1851, under Captain E. E. Langford from Sussex, England; Constance Cove Farm, established in 1853, under Thomas J. Skinner, an Englishman; and Craigflower Farm, established in 1853 by Kenneth Mackenzie, a native of Rosshire, Scotland. For a detailed history of each of these farms, *see* Leigh Burpee Robinson, *Esquimalt "Place of Shoaling Waters,"* Victoria, 1948, pp. 49–83.

(13) Probably Craigflower, the most extensively developed of the four farms.

(14) Under the terms of the Royal Grant of Vancouver Island to the Hudson's Bay Company, dated January 13, 1849, a maximum of 10 per cent. profit from the sale of land was allowed the company, and the balance was to be "applied towards the colonization and improvement of the island." The Grant is reprinted in E. O. S. Scholefield and F. W. Howay, *British Columbia, from the earliest times to the present*, Vancouver, 1914, Vol. I, pp. 676–680.

extremely lovely but their quiet acadian beauty is doomed, The indolent, contented, savage, must give place to the busteling sons of civilization and Toil, The class privilaged to fulfil the devine fiat, who " eat their bread, with the sweat on their brow," Near the coasts, there may be found passable Indian Trails and from Victoria a few wagon roads have been constructed by the H.B. Co. the longest of which extending to the Saanach district a distance of twenty five miles.

Woe to the way farer, who strays beyond these roads, or openings, he may, it is true, for a time be rewarded by the grandest, and most varied of scenery, from the pleasant fertile vale, to the sterile snow clad mountain, but he must inevitably be brought to a stand amongst the impenetrable undergrowth of the Forrest; where the crowded tops of the giant Pines almost exclude the light of day, causing a deep silent gloom, through which the dank, tangled, jungle, is rarely gladdened by a stray sun-beam, or even shaken by the slightest breath from the passing Hurricane.

Some of the Timber, especially for Spar purposes, is unsurpassed by any in the world; vessels from foreign ports, find in this always a profitable return cargo.[15]

There are also several valuable coal mines on the Island, one of which, is producing more than any other on the western coast of America.[16]

In Victoria we are indebted to the Indians for a supply of every thing in season of native production at very reasonable rates; They collect great quantities of Berries, most of which are new to me; For a back load of Potatoes they charge one shilling; these they cultivate by simply burring the seed under the green turf; A fine salmon can also be purchased for one shilling; Other Fish such as Cod, Herrings, Flounders &c are always to be had equally cheap; A large Basket of Oysters one shilling; The market is also supplied with plenty of venison, Deer are quite plentiful, until the arrival of the American Hunters, the old residents seemed unaware of this fact There are abundance of Water Fowel, Ducks, Geese, and even Swans, but with the exception of Grouse, there is little feathered game inland; Occasionly a Hunter brings in a black Bear but they are not plentiful.

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(15) For retails in connection with the early lumber industry, *see* W. Kaye Lamb, " Early Lumbering on Vancouver Island, 1844–1866," *British Columbia Historical Quarterly*, II (1938), pp. 31–53, 95–121.

(16) The existence of coal at Beaver Harbour, near the north end of Vancouver Island, had been known since 1835, but no attempt at exploitation was made until 1849, when Fort Rupert was established. *See* J. H. Kemble, " Coal from the Northwest Coast, 1848–1850," *British Columbia Historical Quarterly*, II (1938), pp. 123–130. This deposit did not prove commercially satisfactory, and then interest shifted to Nanaimo, where development began in 1852. *See* B. A. McKelvie, " The Founding of Nanaimo," *British Columbia Historical Quarterly*, VIII (1944), pp. 164–188.

Of the settlements on the Island except Victoria there is little worth mentioning; The H.B. Co. have an establishment on the extreme north, Fort rupart,[17] where within a palisaded fort, a few cautious Traders offer their wares to the treacherous savage in exchange for Furs. It is no doubt a center from which must soon radiate the light of civilization, a light that so far seems to have remained under the bushel, there being no evidence of one single ray having ever fallen on the darkness of heathenism with which it is surrounded.

Ten years ago the Fort at Victoria was in the same condition, even one year ago, the place scarce deserved the name of village; only since April last has it atall been looked upon as a commercial Town; When I landed in the middle of July, it presented something the appearance of Sanfrancisco in 1849, though of course not so extensive the suburbs, white with Tents, while the few streets were alive with a heterogeneous crowd of adventurers, in which every country of the world seemed to be represented.

The site for a large Town, is an excellent one, it may expand to any extent, having always a convenient natural grade, with just sufficient elevation. The Harbour is small, and scarcely suitable for large ships, though with care they run little risk, by blasting a few submerged rocks, it may be vastly improved;[18] I noticed one strange peculiarity in this Harbour, in regard to Tides, which completely upsets my philosophy, There is a rise of about eight feet perpendicular, and only once in twenty four hours, besides it is high water always near the same time, eleven-oclock fore-noon.

Within four miles of Victoria is the harbour of Esqumault, where heavy vessels discharge, being chosen as the naval depot for the Pacific, it is probably near enough Town. A finer, or more convenient Harbour then this, it is impossible to imagine ships of the largest class may enter it at any time of the tide, in a gale of wind, and drop anchor in a smooth pond, though a pond miles in width, it is sheltered from all winds by the high lands with which it is surrounded; It is aproachable from Victoria both by Land and Water; When I left it presented quite a busy scene, the Government had a great many men at work erecting Barracks, Hospitals &c.[19] Besides numerous small craft and

(17) This post, Fort Rupert, was established in the spring of 1848, the Hudson's Bay Company hoping to be able to supply coal to the Pacific Mail Steamship Company from the adjacent deposits.

(18) The Vancouver Island House of Assembly on January 25, 1859, set up a Select Committee to report on conditions of Victoria harbour [Victoria *Gazette*, January 27, 1859]; and early in April they recommended extensive dredging [*ibid.*, April 5, 1859]. For years thereafter the dredging of the harbour was the subject of continuous agitation.

(19) *See* Madge Wolfenden, "Esquimalt Dockyard's First Buildings," *British Columbia Historical Quarterly*, X (1946), pp. 235–240.

steamers, there lay at anchor, the line of battle ship Ganges,[20] eighty four Guns; the Steam Frigate, Satelite;[21] and the Steam Sloop of War, Plumper;[22] In all a compliment of about two thousand men. This Harbour must inevitably be a place of great importance, a fact with which I was very forcibly impressed on my last trip down the coast. There is not another harbour on the whole line of coast to Sanfrancisco, a distance of nearly one thousand miles, that a ship can approach with safety in stormy weather; The steamer[23] on which I was a passanger was hove-too, off Columbia River, three days, having on board, two hundred and fifty tons of freight, and a number of Passangers, for Oregon; the whole had to be brought on to Sanfrancisco, finding it impossible to cross the bar at the mouth of the River.

To return to Victoria, It continues to Florish beyond expectation; Building during the winter was never stopped, though, owing to the rush south when the winter set in, the population was small.

The few Gentlemen composing the government, certainly deserve credit, without being atall prepaired for such an emergency, they found themselves at once surrounded with the most clamerous, and politically speaking the most unreasonable People in the world; Still every thing was managed with a dexterity, cheapness, and satisfaction, pleasing to witness Many of my American acquaintances were astonished at the simplecity, promptness and honesty with which government business was managed; such a change from what they had been accustomed to in Sanfrancisco; There elevation to Office, in place of being associated with honor, was looked upon as a license, whereby the idle politician, was authorized, during his short term, to rob his more industrious Bretheren. About the time the cold weather was setting in Government employed some four hundred men in street making, so that already several of the principal streets are substantially macadamized, without cost to the property holder;

It was thought, in July last, real estate was held at a figure that could not be sustained, yet there has been little depreciation; I paid for the lot on which I built my store, twenty feet Front by seventy feet deep—two thousand dollars, which is still an average price in the best

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(20) H.M.S. *Ganges*, Captain John Fulford, was the flagship of Rear-Admiral Robert L. Baynes when on the Pacific Station, 1857–1860. She was the last sailing line-of-battle ship in active commission on foreign service.

(21) H.M. steam corvette *Satellite*, Captain J. C. Prevost, twenty-one guns, was also on the Pacific Station, 1857–1860. *See* F. V. Longstaff, *Esquimalt Naval Base*, Victoria, 1941, pp. 175, 176.

(22) H.M.S. *Plumper*, Captain G. H. Richards, was an auxiliary steam sloop. She was used as a survey ship on this coast from November, 1857, until relieved by H.M.S. *Hecate* in January, 1861.

(23) Presumably the steamer *Pacific*, which cleared for San Francisco on February 10, 1859, *see* Victoria *Gazette*, February 12, 1859.

business localities; Farther back Town lots, sixty feet front, by one hundred and twenty deep, may be bought all the way from one hundred, to one thousand dollars, according to location. Victoria is a free port to goods of every description, from every part of the world; No where is business so little trammeled; I have a business going on there successfully, which has been established now over seven months, yet I have never been asked for one penny, either towards town improvements, or Government expenses.

There were two fine steamers built in Victoria last fall and another on the stocks at present.[24]

But I am dwelling on the Island too long;[25] I will now ask you to accompany me on a short trip to Frazer River; On leaving the Harbour, we turn abruptly arround the south east point of the Island, when in a north west course we immediately find ourselves in the midst of a group of Islands; On a fine summer day, this is a perfect fairy-scene. You can imagine some fifty Islands, many of them quite small, rising boldly from the smooth sea, all of them covered with green trees to the water's edge; sweeping past them on a magnificent steam Boat, often within stone throw; They are mostly uninhabited; Except occassionly "The Indians light Canoe" shooting from some shadowey retreat, there is nothing to disturb the quietude of the Silvan panorama.

Leaving the Islands and steering in a north east course in a few hours we have crossed the Gulf of Georgia and find ourselves on the bar at the mouth of the Frazer; This bar is going to be a great impediment to navigation, should the port of Entry, for the Colony, be established on the Frazer as no doubt it will be; The bar extends four miles into the gulf, the channel through it is narrow and intricate; To enter the River vessels of four hundred tons and upwards will always have to engage a steam tug; The difficulty is over so soon as the River is reached, there being then plenty of water.

The Land on each side of the River, till we reach Langley[26]—a distance of thirty five miles, is low and in many places swampy, with very

(24) The sidewheeler *Caledonia* or *Caledonian*, launched September 8, 1858, was the first steamboat to be built in the colonies [Victoria *Gazette*, September 8, 1858]. She was followed by the sternwheeler *Governor Douglas* on October 30, 1858 [*ibid.*, November 2, 1858], and her sister ship the *Colonel Moody* was launched May 14, 1859 [*ibid.*, May 17, 1859]. For further details *see* Norman Hacking, "Steamboating on the Fraser in the 'Sixties," *British Columbia Historical Quarterly*, X (1946), pp. 1–8.

(25) Oddly enough Bell makes no mention of Nanaimo, then a flourishing coal-mining town on Vancouver Island.

(26) Fort Langley, as originally established in 1827, was situated on the Fraser River, but in 1839 this site was abandoned in favour of one adjacent to good farming lands some 2 miles distant. *See* R. L. Reid, "Early Days at Old Fort Langley," *British Columbia Historical Quarterly*, I (1937), pp. 71–78.

little open country; In appearance it differs materially from the everlasting Pines on the Island; Along the River is to be found many kinds of Timber, which gives a pleasing variety to the foliage; It is a fine broad River, and has altogether, a magnificent appearance.

In November last the Government laid off a new Town at Langley, the head of Ocean Navigation;[27] It is certainly the best spot on the River for a Commercial Town, although Col. Moody,[28] who arrived lately, looking at it in a military point of view, is not pleased with the site; This is very much retarding its progress; His principal objections are, its being on the wrong side of the River, and only fifteen miles from the American frontier.[29] Town Lots measuring sixty five feet front, by one hundred and twenty feet deep, were put up at auction, they brought from one hundred to seven hundred dollars each; I bought two choice front Lots for which I paid four hundred dollars each; Some eighty thousand dollars was realized in three days all payable in one month.[30] This we expect to be the seat of Government

(27) On November 19, 1858, the colony of British Columbia was formally inaugurated at a ceremony held at Old Fort Langley, or Derby as it was called. Prior to this time plans were laid for the sale of town lots, *see* Victoria *Gazette*, October 1 and 23, 1858.

(28) Richard Clement Moody, who was in charge of the detachment of the Royal Engineers sent to British Columbia, arrived in Victoria in the steamer *Panama* on December 25, 1858 [*ibid.*, December 28, 1858]. He held a dormant commission as Lieutenant-Governor and became the Chief Commissioner of Lands and Works.

(29) Moody favoured a site 10 miles down-stream on the north bank of the river. *See* R. C. Moody to Governor Douglas, January 28, 1859, *MS.*, Archives of B.C. The confused state of affairs drew the following comment from the editor of the Victoria *Colonist*: "Is there to be a new town laid out at Pitt river, called Queensboro, which will place Langley in a secondary position? Or, is the site of Langley to be changed for another? These are questions which have been agitating the public mind for some time,—and since the late arrival of Lieut. Gov. Moody, have taken a more substantial shape than before, and produced a high state of excitement among lot owners at Langley, in fact completely unsettling the purposes of those who were prepared to make improvements in that locality. On apparently good authority it is said that Lieut. Gov. Moody—whom everybody agrees should be a good judge of location—is favorable to change, while His Excellency Gov. Douglas is not disposed to do so. . . . That a town must be built some where near the mouth of Fraser's river, is a matter beyond doubt, but two towns would injure both. As business is unsettled by the uncertain policy of the government of British Columbia, the only way it can be re-established on a secure basis, is to announce a Port of Entry at Langley, or somewhere else in British Columbia." Victoria *Colonist*, February 5, 1859.

(30) The sale of town lots at Langley was held on November 25, 26, and 29, 1858. According to a published list of purchases, Bell acquired lots

for British Columbia,[31] being a seperate Government from Vancouver Island, there is here a Tariff on imports; The next settlement on the River is some fifty miles higher up, Fort Hope, a short distance above which commences the Gold Mines; Fort Yale, above fort Hope, fifteen miles, is the highest point that has been reached by steam Boats, and the place around which most Gold digging has been done; This was a very busy camp during last summer, and is now considerable of a Town, and at last accounts both Miners and Traders were doing a very profitable business.

Close above Yale, the river cuts its way through the Cascade Mountains, causing deep foaming chasms, inaccessible either by water, or Land, thus have the body of miners been shut off from the Upper Country; Many found their way over the mountains, but the road was too ruggad to pack provisions,

Last summer, there accumulated around Yale, an immense crowd of people; This was the focus to which rushed the Gold-fever afflicted multitude; The River at the time was swelled to its greatest hight, caused by the melting of snow on the mountains; The best diggings were all under water, provisions were scarce, consequently high in price; The snow covered, Cascade Mountains frowned above, forbidding farther approach.

For the fevered crowd these difficulties proved ready and effectual medecine; It soon turned out, however, that the curing of one disease, only gave place to another of equally malignant type; All at once the *home* fever broke out, causing as unreasonable a rush from the country, as only two months previous there had been to it; It has been discovered since, that the very ground on which many of them were incamped, will pay in Gold dust from three, to six dollars per day to the hand; This stampede home, did the country great injury; People, to save their own credit, spread all kinds of false reports, which were taken up by the news-papers, and cerculated over the world; for a time completely checking emigration, though a check that will not last long, as will soon be proven.[32]

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6 and 13 of Block 4 at $410 and $375 respectively [Victoria *Gazette*, November 30, 1858]. The sales reported for the three days totalled $66,089.50.

(31) Actually Douglas acceded to Moody's advice and Queensborough became the capital. Its name was changed to New Westminster at the request of the Queen, and this decision was proclaimed in the colony. *Ibid.*, July 21, 1859.

(32) It was partially to refute this state of affairs that the first book to be published in Victoria made its appearance. This was Alfred Waddington's *The Fraser Mines Vindicated, or the history of four months*, Victoria, 1858. A detailed history, complete with supporting documents, is to be found in F. W. Howay, *The Early History of the Fraser River Mines* (B.C. Archives Memoir No. VI), Victoria, 1926.

It was during the summer discovered, that by ascending the Harrison River, which joins the Frazer below Fort Hope, and taking advantage of several Lakes that lay in the way, a Road might be cut through the woods, by which the upper country could be reached, without having to cross the mountains; The Government with that admirable promptness, and liberality, that have characterized all their movement for the public benefit, went into this undertaking at once; With five hundred men the road was completed in about four months, but too late to be made use of last season, this spring it will no doubt be a great thoroughfare, as it opens up an immense country, in which Gold has been found in all directions.[33]

The two extremes, at which Gold has been discovered on the Frazer alone, are four hundred miles apart. All the intervening Branches have also been found to contain Gold.

The Upper Country has, as yet, been very imperfectly explored; during next summer there will no doubt be great developments; I have seen numbers who have been a great distance up. All have the same tale to tell, they were making plenty of money but had to leave on account of the cold weather, and scarcity of provisions. Ten dollars they considered a moderate days work often doubeling that amount.

I will here make an assertion, based, not only on reliable information I have had such a good opportunity of obtaining; but also from my own personal experience;

I was on Frazer River in December, since then I have made a tour of the Southern Mines in California, a distance of two hundred miles from Sanfrancisco; These mysterious Frazer River mines, are by far the most profitable for *individual enterprise*, of any at the present time known; I include in this the latest accounts from Australia;

It is represented as a much superior country in every respect, above, to what it is near the coast, having plenty of cleared Farming Land.

I am happy to notice, that the home Goverment is alive to the importance of the new Colony; As yet it is only the commencement, of the development, of a country the magnitude, and destiny, of which baffles the imagination.

Take for instance, the eastern Hemisphere, north of the forty ninth parallel of latitude, and you will find almost the whole of Europe; These British possessions occupying a relative position, in the Western Hemisphere, are about equal [in] extent of territory, and it may be, equal, if not superior, in natural advantages.

There is one work ought to be undertaken quickly, not only to consolidate such an extensive country, bringing it all at once under the

(33) This reference to the building of the Douglas–Lillooet trail is essentially correct. *See* Victoria *Gazette*, July 29, August 6 and 11, September 7, 1858. The route chosen passed from Douglas at the head of Harrison Lake to Lillooet by way of Seton, Anderson, and Lillooet lakes. For a brief account of this and other routes to the mines, *see* Scholefield and Howay, *op. cit.*, II, pp. 87–92.

liberal colonial laws; but also to secure the trade of the Pacific, making the country not only the highway for travel, but also for Asiatic commerse. The British goverment ought now to take the precedence, since the American senate have abandoned their rail road scheme, and at once commense the projected Road, between Puget's Sound and Canada.

In regard to the healthiness of the country, it is certainly far a-head of California; There is no degeneracy of European constitutions in British Columbia, like to what is witnessed in all parts of the United States; The extremes of climate in California, tells very quickly amongst the working population; It was curious to witness how those old worn-out Californians gained flesh, and strength, while north, even those in the mountains who had scarely the means of sustaining life, came down ruddy and healthy.

Should the Goverment still adhere to their liberal, and wise policy, in keeping Victoria a free port, its many peculiar advantages, as a depot for British manufactures must quickly secure an extensive Trade; California, Oregon, Washington Territory &c now contain a large and rapidly increasing population; Not producing any domestic manufactures worth mentioning, they have all to be supplied by importation; Here-to-fore, except what little was done by the H.B. Co British Manufactures before reaching those countries have been burthened with enormous expenses, which to a great extent has made it impossible to compete with the American; Being in the first place shipped to New York, paying a duty of some thirty per cent and a liberal profit to the merchant then shipped to Sanfrancisco, subject to all the expenses of this extravagent Town, before being carried to the consumer, by the country merchant; In Victoria goods from England can be laid down at a small expense, there being always ready for the ship, a return cargo of Timber, for this cargo British ships, discharging in Sanfrancisco often have to go up to the sound in Ballast,

Should the Sanfrancisco merchant have a connection in Victoria and have his Goods shipped there, they can at once be exposed for sale without expense, thus having the whole in market, and only paying duties on such as are in demand in California, Oregon &c besides where there is such an extensive frontier there will no doubt be an extensive illegitimate trade carried on.

But I must now close, I had no idea when I set out on writing such a long Letter. I fear I have dwelt too long on a subject in which you may be little interested, It is my home however, and in what ever country that is, I trust my relations will still feel an interest, if only for my sake; Excuse this *long hurried* Epistle and believe me

Yours truly

James Bell.

NOTES AND COMMENTS.

A NOTE ON ARCHIBALD MENZIES AND DAVID DOUGLAS, BOTANISTS.

The recent publication of A. G. Harvey's *Douglas of the Fir* has suggested the following note on certain matters which adversely affected the permanent record of the work of both Archibald Menzies and David Douglas.

The Rules of Botanical Nomenclature are a dry and thorny jungle even to many botanists, but without unduly entangling the non-botanical reader it may be possible to explain how the state of botanical affairs in Great Britain at that period robbed both of these botanists, to some extent, if not of their discoveries, at least of priority of publication. In the long run, indeed, these amount to much the same thing. The more comprehensive *Floras* usually give the name of the collector of the " type " specimen from which the species was first described and named; other collectors are forgotten.

The period was one of very active exploration, and Great Britain sent out many expeditions. Most of these were accompanied by naturalists, who brought home large collections of plants. In addition, the administrations of the recently acquired Empire countries, including the vast and varied territories of India, were taking stock of their plant assets, especially from an economic standpoint, and most of this material was also referred to Great Britain, which was at that time the leading centre of botanical research. The number of first-rate systematists was, as always, few, and they were overwhelmed with work. It is estimated that the number of known species of plants increased from 20,000 in 1789 to 92,000 in 1830.[1] Robert Brown, in 1805, brought back 3,900 species, three-fourths of them new to science; David Douglas sent home 7,000 species, a large proportion new.

Archibald Menzies returned to England with Captain Vancouver in 1795, but it was not until sixty years later that the last of his plants had been worked over and the results published. In the meantime many species had been named elsewhere from other collections, some from the Lewis and Clark expedition, others from the Russian voyage of the *Rurick* and elsewhere. Menzies was a naval surgeon and, by the terms of his commission, turned over his collection to the Government on his return to be worked over by such botanists as they appointed, while he resumed his duties as a naval surgeon. Whether,

(1) J. Reynolds Green, *A History of Botany in the United Kingdom from the earliest times to the end of the 19th century*, London and Toronto, 1914, p. 340.

given the opportunity, he would have been able to undertake the description and naming of the collection himself, we do not know. Although he maintained his herbarium until his death, he published very few species. Douglas, a more fully developed botanist, with no learned profession to attract him and maintained, however inadequately, in the employment of the Horticultural Society, was able to describe and name a large number of his plants. By so doing he obtained earlier publication and also established his reputation as a botanist and not merely as a collector.

How much of his collections had been worked over when Douglas sailed on his last voyage is not known, but the work was certainly not completed. *Acer Douglasii* was collected in 1826, but the species was published by Hooker only in 1847. One instance of how the congestion in botanical work affected both Menzies and Douglas is perhaps of sufficient general interest to mention, since it concerns our well-known and justly admired dogwood tree, the glory of the woods and gardens of the Pacific Coast in spring. In bloom it could hardly escape the notice of the most casual observer, much less of a botanist. Menzies collected it on his voyage with Vancouver and probably on his earlier one with Colnett. It was one of the first plants collected by Douglas (April, 1825), and he added a note in his *Journal* ". . . the wood is hard and very tough, and much used by the Canadian voyageurs for masts and spars for their canoes . . . very abundant in the pine-forests; its great profusion of large white flowers makes it one of the most ornamental trees of the forest. . . ."[2] Yet it was not named from either of these collections. In 1840 Audubon, the naturalist, described, named, and published the species in honour of his friend Thomas Nuttall, and since the validity of a species name is determined by the date of its publication and not by the date of the discovery of the plant that bears it, *Cornus Nuttallii* it remains to this day.

Such were the uncertain rewards of the botanical collector.

J. W. EASTHAM.

VANCOUVER, B.C.

WILLIAM AND MARGARET THOMSON: SAANICH PIONEERS—A TRIBUTE.

It is only right that homage should be paid to the pioneering spirit of our forefathers, as exemplified ninety years ago when William Thomson brought his young wife, Margaret, and their infant son, David, over the old Indian trail from Victoria to settle at "Bannockburn," on the slope of Mount Newton in Saanich. True enough, William Thomson had been preceded by Angus MacPhail in selecting the rolling hills of Saanich as his home-site, but it is fitting that the residents of Saanich should commemorate April 8, for that day in

(2) *Journal kept by David Douglas during his travels in North America, 1823–1827*, London, 1914, p. 109.

1858 witnessed the establishment of the first home in the district. It is difficult to imagine that young wife's thoughts as she toiled over the summit of Little Saanich Mountain and perhaps caught a distant glimpse of the clearing in the forest with its tiny cabin which was to be her new home. But were William and Margaret Thomson to-day to stand upon that same mountain, it is easy to imagine how thrilled and proud they would be, for before them would be the proof that they had pioneered well and laid the foundations of a prosperous farming community.

The story behind the founding of "Bannockburn" is a thrilling one—for this pioneer adventure of 1858 was no haphazard arrangement. It was the result of much careful planning, for the Thomsons were, in effect, even at that early date, old-time residents of Vancouver Island—Margaret having arrived over five years previously and her husband over four.

Margaret Dyer, a native of Haddingtonshire, Scotland, was born in 1841. Following the death of her father, for some time she lived with her grandparents but rejoined her mother after her remarriage to Duncan Lidgate. Margaret was only a young girl of 12 when, in August, 1852, the family joined the barque *Norman Morison* and set out on the long journey to Vancouver Island. Her stepfather was one of the group of labourers forming the party of Kenneth Mackenzie. The voyage lasted for over five months.[1] The *Norman Morison* was only a small ship—not quite as long as two Pullman cars—and she carried a large complement of settlers. No doubt Margaret was kept busy, for she had two younger stepsisters, and there were in all thirty-six children on board. From the diary of Robert Melrose we can read the highlights of the voyage[2]—joy and sorrow often walked hand in hand. To the weary travellers the sight of Vancouver Island on January 10, 1853, must have been welcome, but for seven days they were buffeted about by storms at the entrance to the Straits of Juan de Fuca and several times narrowly escaped disaster. Finally, on January 16, they came to anchor in Royal Roads and five days later entered Victoria harbour. Shortly thereafter the Mackenzie party disembarked and immediately began the establishment of Craigflower farm.[3] These were busy days for everyone—children included. We know that Margaret frequently acted as nursemaid in the homes of the Skinners and Captain Cooper and that she attended Craigflower school when it was opened in March, 1855. But other plans were soon afoot, for on November 30, 1856, Melrose noted in his diary: "William Thomson and Margret Lidgate proclaimed for marriage fi[rst]. time."[4]

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(1) *See* A. N. Mouat, "Notes on the 'Norman Morison,'" *British Columbia Historical Quarterly*, III (1939), pp. 203–214.

(2) W. K. Lamb (ed.), "The Diary of Robert Melrose," *British Columbia Historical Quarterly*, VII (1943), pp. 119–134, 199–218, 283–295.

(3) *Ibid.*, pp. 124, 125.

(4) *Ibid.*, p. 291.

Margaret Dyer was then not 16, and her fiancé was then ten years her senior. William Thomson was also a Scot, born in Tannadice, on the River Esk, in Forfarshire, in 1830. With his brother, Alexander, he was apprenticed in ship-building and learned the trade of carpentry, which was later to stand him in good stead in his new home. Eventually, however, he decided to settle on Vancouver Island, and late in 1853 he arrived in San Francisco. There he boarded the British brig *William* under the command of Captain John McIntosh, and on December 5 cleared for Vancouver Island.[5] The ship's captain was a drunkard, and as they approached the island on January 1 the ship drove ashore about 1 mile north of Nitinat.[6] All the crew and passengers, except the captain, got safely ashore, but all their possessions were lost and they were thrown on the mercy of the Indians. Actually Thomson did manage to salvage one small plane from his carpenter's outfit. Writing of this incident, Governor Douglas noted:—

> . . . the fact but too evidently appeared that the Master was a person of intemperate habits and that the ship had been lost entirely through his misconduct. The evidence proves that he was often unconscious from intoxication—that he was in that state when the vessel ran ashore, on Vancouvers Island, and his death in attempting to land from the wreck, appears to have been the effect of the same cause. . . . On the wreck of the Brig "William" the crew travelled under the direction of the natives towards this place and after much privation and hardship arrived here in a state of great distress.[7]

The Governor relieved their immediate wants and attempted unsuccessfully to obtain for the crew a settlement from the ship's agent, Robert Swanston. In the end a full-scale inquiry in the Court of Vice-Admiralty was held, with Chief Justice David Cameron and Captains W. H. McNeill and Charles Dodd presiding.

Thus, at the outset, young Thomson found himself in debt to the Hudson's Bay Company. For a time he worked at Craigflower building the grist-mill to pay off his debt, for he was determined to become an independent settler and already had been attracted to the Saanich District. At that time no surveys had been made, but prospective settlers were allowed to stake out their claims and hold them until the surveys could be completed.[8] The original grant involved 200 acres at the going price of £1 per acre.

Probably it was while working at Craigflower that William Thomson first met Margaret Dyer. They were married on December 19,

(5) San Francisco *Daily Alta California*, December 6, 1853. "British Brig William, McIntosh, Vancouver's Island; McKenzie, Thompson & Co. Dec. 5."

(6) *Ibid.*, February 15, 1854. "We learn from Capt. Knowles, of the brig Consort, that he was informed by Cape Mafeet Indians that an English brig had been lost on Vancouver's Island, and that the Captain was drowned and the crew saved."

(7) James Douglas to the Duke of Newcastle, March 13, 1854, *MS.*, Archives of B.C.

(8) Victoria *Gazette*, March 5, 1859.

1856,[9] by Rev. Edward Cridge at Christ Church—the third wedding to be performed in the new church. Their first home was just outside the old fort, and it was there that their first child, David, was born. In the meantime work on the farm was progressing. The first stock—ten pigs—had been safely transported by canoe in a trip taking four days. By the spring of 1858 a small cabin was ready to welcome the first white woman to settle in Saanich.

Within a few months "Bannockburn" had established its reputation for hospitality. In August, 1858, a wandering reporter for the Victoria *Gazette* visited Saanich:—

> Having crossed to the south side of the Mountain [Mt. Newton] we arrived at the place of a settler named Thompson [*sic*], and a little further on at that of another named Macphal [*sic*]. At both these places, I saw several fine fields of grain, the wheat crop being especially good. We found these people, though poor and surrounded with but few of the comforts of life, exceedingly hospitable and obliging, and quite ready to impart such information as they were possessed of in regard to the country. . . . They have each secured, by purchase, or some understanding with the Government, a portion of these desirable lands, which when they come to be improved, will secure them valuable farms and comfortable homesteads.[10]

Admittedly conditions in the small cabin were primitive, but of courage and determination there was plenty, and before long a four-room timber house replaced the cabin, and there it was on March 14, 1859, that Alexander was born—the first white child born in Saanich. Life was difficult, for "Bannockburn" was only a clearing in the forest and roads were non-existent. The first voters list for the District of Saanich, published on December 3, 1859, included twenty-one voters, but of these only eight or nine could be considered *bona-fide* settlers.[11] However, the Fraser River gold-rush was on, and it provided an ample market for farm produce, even though it did have to go by sea to Victoria.[12] More settlers came in and gradually the roads were improved. By September, 1861, a visitor reported:—

> About six miles from Victoria is the only house of refreshment on the road, kept by Mr. Stevens. About eight miles further on we came to Mr. Thompson's [*sic*] farm, where, as the settlers are hospitable, refreshments might also be obtained. This farm forms part of the Saanich valley, and I should say; judging from the appearance of it, and from the very heavy crop of oats he has recently cut, that he has a capital piece of land.[13]

One of the factors contributing to the success of the Thomsons was the friendly relations they established with the neighbouring Indians. Family tradition has it that this was partially due, at least, to the

(9) W. K. Lamb (ed.), *op. cit., loc. cit.*, p. 291.

(10) Victoria *Gazette*, August 18, 1858.

(11) Victoria *Colonist*, December 3, 1859. William Thomson of "Bonne Bon" is listed as owner of 200 acres freehold. Duncan Lidgate is also listed as residing in Saanich.

(12) "The roads through this district [Saanich], in many places, are mere sloughs, and a disgrace to the government. . . . Some talk is heard in the District of cutting roads to the water side and freighting goods to Victoria by means of small craft." *Ibid.*, June 7, 1861.

(13) *Ibid.*, September 27, 1861.

fact that Seultenut, daughter of the Chief of the near-by Tsartlap village, once visited Esquimalt and there was greatly impressed at seeing a young white girl her own age at Constance Cove. This was Margaret with the Skinner children. Some years later, Seultenut visited the new settlers near her home village and, to her delight, recognized in Mrs. Thomson the little girl of her previous experience. Thus a friendship was formed that endured even the tragedy when Seultenut's husband was burned to death clearing land for William Thomson.

In due course, to this couple fifteen children were born—ten sons and five daughters. The growing family made necessary a new house, and in 1869 the present home was occupied. Most of the lumber was brought by canoe from Sayward's mill at Mill Bay, and William himself made the window and door frames. Into this house were built two cobblestones which he had brought as luggage from the River Esk after a trip to his old home the year previous. It should also be noted that he returned this time complete with kilt. Tragedy, too, struck the family, for one son was killed when a farm cart overturned and another was drowned in a well.

The management of a large farm, to say nothing of the demands of a growing family, must have kept William Thomson busy, but still he found time for other duties. In 1862 he accepted a contract for bridging and corduroy work on the old road to Cowichan by Goldstream and Sooke Lake.[14] In 1864 he did $200 worth of work on Mount Newton Cross-road. In addition, he was always active in any agitation for local improvements. When, in 1865, efforts were made to get $10,000 for road-work in Saanich, it was William Thomson who chaired the public meeting and headed the delegation to the Governor.[15]

It was fortunate for Saanich that she had pioneers of the ilk of William and Margaret Thomson. Their hopes and aspirations were not confined only to the development of their own homesteads, but were paralleled by a willingness to assist the advance of the community in which they lived. Of their community spirit, there are many evidences to-day, three of which only will be detailed.

St. Stephen's Church, the pioneer church in Saanich, was built on land given by William Thomson. A goodly number of citizens from Victoria drove out to witness the consecration of this church on June 3, 1862, by the Bishop of Columbia. The first incumbent was Rev. Richard L. Lowe.[16] An interesting incident in connection with this

(14) *See* J. D. Pemberton to William Thomson, September 8, 1862, *MS.*, Archives of B.C.

(15) Victoria *Colonist*, August 8, 1865.

(16) "New Church for Saanich District.—This building, which has been erected near the residence of Mr. Thompson [*sic*], about 12 miles from town, will be consecrated this morning by the Bishop of Columbia. The Rev. Mr. Lowe is to be the resident minister. A large number of the members of the Church of England will leave this morning in vans and on horseback to witness the ceremony. Mr. Lowe has issued cards for a tea

consecration reported in the Victoria *Press* throws into pleasant contrast the ease with which "Bannockburn" is now reached.

> On Monday, the Rev. Mr. Lowe, his lady and others, started for Saanich, in a light wagon, conveying considerable freight in the way of provisions, for the next day's celebrations. When about six miles from their destination, the vehicle broke down, and no help being at hand, the travelers concluded to encamp for the night. Fortunately, they had two tents with them, which were erected for their accomodation. After cooking their supper, they received a visit from some black bears and panthers, who were doubtless attracted by the savory smell of the good things preparing. These unexpected visitors remained around the camp all night, affording their listeners vast entertainment by their vocal performances, but made no attempt to molest the travelers. . . . The provisions were subsequently transported to the end of the journey by some of the visitors' conveyances, the bears having taken no advantage of their opportunity to come in for "pot-luck."[17]

It was only natural, too, that William Thomson should be active in the establishment of a school. Prior to 1864, when the first school was built, evidently the church was also used as a school-room. Alfred Waddington, the first Superintendent of Education on Vancouver Island, writing on July 1, 1865, has left an interesting account of South Saanich School, as it was called:—

> The school room and dwelling house were built not quite a year ago and cost the government $750. There are 4 acres of ground which were bought or rather taken back from Mr. Thomson; they are fenced in by the neighbours, and about 2 acres cultivated by the teacher. The School room is 20 ft. by 30. The school is situated on rising ground on the north side of the road half way between the Eastern and Western roads.
>
> The teacher, Mr. C[harles]. N[ewton]. Young, was professor of English for 18 months in Holland, at a school in connection with the university. He began to teach 6 months ago. Salary $500 with $5 a year fee from each child and the use of the glebe.[18]

The first school must have been a rude affair, for the estimates for 1866 included the sum of $120 for adding "a boarded ceiling to school room (there is none) boarding in basement and digging a well" to the South Saanich School.[19] Of this pioneer teacher, Charles Newton Young, it is recorded that he considered "grammar as useless for farmer's children" but had the Bible "read before leaving every afternoon."[20] He was succeeded by Captain George Steven Butler and his wife, Fanny Catherine, who jointly drew the salary of $500 and taught

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party, to come off during the afternoon." *Ibid.*, June 3, 1862. See also *ibid.*, June 4, 1862. Later, in 1868, the churchyard was consecrated on land given by Thomson. *Ibid.*, October 20, 1868.

(17) Victoria *Press*, June 4, 1862.

(18) Alfred Waddington, Board of Education Notebook, *MS.*, Archives of B.C. *See also* A. Waddington to W. A. G. Young, July 12, 1865, *MS.*, Archives of B.C., which lists school property as follows: "Four acres at South Saanich with buildings and fences. The ground belonged to a Mr. Thompson [*sic*] under the pre-emption Act, but I believe was not paid for."

(19) *Ibid.*

(20) Board of Education Notebook, *MS.*, Archives of B.C., under date October 3, 1865.

school after July, 1869. By this time William Thomson was serving on the School Board.[21]

Still another community venture was the organization in August, 1869, of the Saanich Agricultural Association and its sponsorship of a fall fair.[22] The first fair was held on September 25 on Mr. Brown's farm, and it is to be noted that Thomson won no less than eight first prizes.[23] Some weeks later, on November 2, the association sponsored the first ploughing match, holding it at "Bannockburn." About this event the Victoria *Colonist* reported:—

> For the youthful prize the only entrant was Alexander Thompson [*sic*], whose energy in the performance of his task elicited universal praise. . . . After the conclusion the judges, with the committee, the competitors and others were properly entertained by Mr. Thompson.[24]

In 1871 Thomson succeeded A. C. Anderson as president of the Saanich Agricultural Association,[25] and for several years thereafter the fair was also held at "Bannockburn."[26]

Thus the Thomsons made their contribution to the growing community life of Saanich. Through it all William Thomson found time to undertake public works farther afield. For example, he contracted for and constructed the dike road across Cowichan flats. Still later he contracted to build a similar dike road in Surrey, south of New Westminster. This was a large undertaking and, when almost complete, was totally destroyed by a freshet. The financial loss entailed, for Thomson received no compensation, was a severe blow, and thereafter he devoted himself to farming to recoup his fortune. The farm prospered, as the following extract from the Victoria *Colonist* in June, 1887, witnesses:—

> On Saturday and Monday last many of the farmers on North and South Saanich with their sons, assembled on the farm of Mr. William Thompson [*sic*], one of the oldest and most respected pioneers of Saanich, to assist in raising a barn, which, when completed will, it is believed, be the largest structure of the kind on the island, the dimensions being 100 feet long, 40 feet wide and 45 feet high. The timber was all cut on the extensive wood forest forming part of the ranch, and was cut and prepared mainly by Mr. Thompson and his son, Mr. Alex. Thompson, who is one of the most able amateur carpenters in the neighborhood. The hay crop on this farm is looking splendidly and bids fair to be very heavy.[27]

Courage, fortitude, and industry William and Margaret Thomson had in abundance, and full well they knew the meaning of hard physical labour. But withal they were kindly and hospitable; their sense of neighbourliness and of community spirit set the tone for the district that has endured to this day. It is right that their memory should

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(21) William Thomson *et al.* to the Officer Administering the Government, July 10, 1869, *MS.*, Archives of B.C.
(22) Victoria *Colonist*, August 4, 1869.
(23) *Ibid.*, September 21, 1869.
(24) *Ibid.*, November 3, 1869.
(25) *Ibid.*, April 7, 1871.
(26) *Ibid.*, September 26, 1871; October 4, 1871.
(27) *Ibid.*, June 17, 1887.

be honoured, for down through the years "Bannockburn" has witnessed many gatherings together of old friends. The highest tribute that can and must be paid to the pioneers—to men and women like William and Margaret Thomson—is the assurance that what we build on the foundations they have laid be worthy of their pioneering.

WILLARD E. IRELAND.

VICTORIA, B.C.

BRITISH COLUMBIA HISTORICAL ASSOCIATION.

VICTORIA SECTION.

The April general meeting of this Section took the form of a joint session with Post No. 1 of the Native Sons of British Columbia and was held in their club-rooms in the Sweeney-McConnell Building on Tuesday evening, April 27. The speaker of the evening was Mr. S. C. Ells, for many years associated with the Canadian Geological Surveys in the Northwest Territories. He chose as his subject *Pioneer Days in the Canadian North* and delivered a lecture of unusual interest, dealing with the activities of the pioneers in the opening of the North. This included, amongst other items, the reading of excerpts from poems that he had written and published. From his long association with the North, Mr. Ells was able to give a great deal of first-hand information, and the opportunity for questions was appreciated by the audience. Through the kindness of the Native Sons a social time was enjoyed by the members at the conclusion of the meeting, and the appreciation of all was tendered to the speaker and to the Native Sons by the Chairman, Mr. G. H. Stevens.

The ninetieth anniversary of the arrival of the first white woman in Saanich, Margaret Dyer Thomson, was commemorated on Sunday, April 11, jointly by members of the Saanich Pioneer Society and the Victoria Section at a ceremony and reception held at "Bannockburn," the original home-site of 1858, on the slopes of Mount Newton. Mrs. H. S. Hughes, a daughter of William and Margaret Thomson, acted as hostess and welcomed over 150 guests. During the course of the afternoon, Mr. Willard E. Ireland, Provincial Librarian and Archivist, read a paper in tribute to the Thomsons, which is reproduced in this issue.

This Section was particularly fortunate to have Mr. Norman Hacking of the staff of the Vancouver *Daily Province* as its guest speaker at a meeting held in the Provincial Library on Monday, May 17, when he spoke on *The Romance of Two Rivers: the Columbia and the Kootenay*, an address given previously before the Vancouver Section. In a delightfully informal manner, Mr. Hacking sketched out the terrain of the East Kootenay Valley from Golden to the International Boundary and spoke of its early history, with particular attention to the developments of the later 1880's. The reclamation and land scheme of W. A. Baillie-Grohman, of which the building of a canal between the Columbia and Kootenay Rivers was a most spectacular part, was retold with rare good humour, and the association of Captain Frank Armstrong and his two steamers, the *Gwendolen* and the

North Star, was the amusing highlight of the address. The vote of appreciation tendered by Dr. E. H. W. Elkington was enthusiastically endorsed by all members present.

The June meeting of the Section, held in the Provincial Library, on Wednesday evening, June 16, took the form of a joint session with the Canadian Historical Association and is reported elsewhere in this issue.

VANCOUVER SECTION.

A regular meeting of this Section was held in the Hotel Grosvenor on Tuesday evening, April 13, when Mr. C. W. McBain delivered an interesting address on *Vancouver's Early Days*. Mr. McBain, the land agent for the Canadian Pacific Railway, had access to many of the company's earlier records, including many letters, maps, and other documents kept by L. A. Hamilton, the first land commissioner. In consequence, many interesting details regarding the railroad company's early activity in Vancouver, as well as the general development of the new city, were recounted for the edification of the audience.

CANADIAN HISTORICAL ASSOCIATION.

For years it has been the dream of British Columbia historians and others that the various Canadian learned societies should visit this Province. During the late Judge F. W. Howay's presidency of the Royal Society of Canada arrangements were well in hand for sessions of that society, the Canadian Historical and Canadian Political Science Associations, and allied bodies to meet in Vancouver, but the outbreak of the war in September, 1939, made it impracticable to carry through the arrangements. In June of this year, despite the complications resulting from the Fraser River flood, the plan was carried through to a successful conclusion.

Sessions of the Royal Society of Canada were held in Vancouver at the University of British Columbia, June 14 to 16, and in Victoria on June 17. The first general session of the Canadian Historical Association was held in Victoria on Wednesday evening, June 16, in the Provincial Library. Professor F. W. Soward presided over the gathering, which was a joint session with the Victoria Section of the British Columbia Historical Association, and over 125 persons were in attendance. A trilogy of short papers dealing with aspects of British Columbia's historical heritage was presented, which in due course will appear in the *Annual Report* of the Canadian Historical Association. Dr. Margaret Ormsby, of the Department of History of the University of British Columbia, chose as her subject *Canada and the New British Columbia* and dealt with the influence of Canadian settlers on the economic, political, and social developments of the new Province. Mr. Willard E. Ireland, Provincial Librarian and Archivist, in his paper, *British Columbia's American Heritage*, dealt specifically with the problem of American sentiment, particularly as it sought expression in annexationist sentiment. Dr. W. Kaye Lamb, librarian of the University of British Columbia, was unfortunately unable to attend the sessions, but his paper, *A Bent Twig in British Columbia*, was read by Professor A. C.

Cooke. This dealt with the influence of the older settlers that had come direct from the Mother Country and the continuation of Crown Colony sentiment into the post-Confederation period.

At the conclusion of this meeting, members present were given the opportunity to visit the Provincial Archives, where special exhibits displaying many of its priceless treasures had been prepared. A similar opportunity was afforded on Thursday. A meeting of the council of the Canadian Historical Association was held in the Provincial Archives on Thursday, June 17, and also a conference on local history under the chairmanship of Dr. George W. Spragge, of the Department of Education of Ontario. This latter was a well-attended meeting, with wide geographical representation, and a splendid opportunity was afforded for the mutual exchange of ideas relating to the writing and publication of local historical material.

Local hospitality was arranged by a committee headed by Mr. W. C. Mainwaring and included a scenic drive through Victoria and a complimentary banquet on Thursday evening, June 17, in the Empress Hotel, honouring all three learned societies. For British Columbia it was a privilege thus to be able to act as host for these gatherings, and it is the earnest hope that before too many years pass, the stimulus derived from such meetings may once again be enjoyed.

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Willis J. West, of Vancouver, B.C., has for many years been engaged in business in British Columbia. He was associated for a considerable period of time with B.C. Express Company and came to know intimately its operations in the Cariboo.

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J. W. Eastham, recently retired botanist and plant pathologist of the British Columbia Department of Agriculture, is an authority on the history of botany and botanists in British Columbia. Recently the Provincial Museum published a supplement he had prepared to J. K. Henry's *Flora of Southern British Columbia and Vancouver Island.*

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The BRITISH COLUMBIA HISTORICAL ASSOCIATION

Organized October 31st, 1922.

PATRON.

His Honour CHARLES A. BANKS, *Lieutenant-Governor of British Columbia.*

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OBJECTS.

To encourage historical research and stimulate public interest in history; to promote the preservation and marking of historic sites, buildings, relics, natural features, and other objects and places of historical interest, and to publish historical sketches, studies, and documents.

MEMBERSHIP.

Ordinary members pay a fee of $2 annually in advance. The fiscal year commences on the first day of January. All members in good standing receive the *British Columbia Historical Quarterly* without further charge.

Correspondence and fees may be addressed to the Provincial Archives, Parliament Buildings, Victoria, B.C.